

Newcastle Local Environmental Plan 2003

[2003-536]



New South Wales

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New South Wales

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Newcastle Local Environmental Plan 2003



New South Wales

Part 1 Strategic direction and application of plan

1 Name of plan

This plan is *Newcastle Local Environmental Plan 2003*.

2 Land to which plan applies

- (1) This plan applies to all land within the City of Newcastle, except as provided by subclause (2).
- (2) This plan does not apply to land to which *Newcastle City Centre Local Environmental Plan 2008* applies.

3 Explanatory notes

Notes which appear in this plan are explanatory only and do not form part of the plan.

4 Context and relationship to other environmental planning instruments

- (1) This plan sets a planning framework to help achieve the objects of the Act in the City of Newcastle.
- (2) This plan provides a basis for the preparation of development control plans to guide and assist the preparation, assessment and determination of development applications.
- (3) This plan:
 - (a) (Repealed)
 - (b) repeals clause 2 (3) and Part 10 of, and Schedule 3 to, *Hunter Regional Environmental Plan 1989*.

5 Aims and general objectives

This plan has the following aims and general objectives:

Aim 1

To respect, protect and complement the natural and cultural heritage, the identity and image, and the sense of place of the City of Newcastle.

Objectives

The objectives are to:

- (a) respect and build upon positive aspects of local character and amenity, and
- (b) contribute positively to the public domain, namely its urban streetscapes and open spaces, or its rural and natural landscapes, and
- (c) conserve the environmental heritage of the City of Newcastle, and
- (d) conserve the heritage significance of the existing built fabric, relics, settings and views associated with identified heritage items and heritage conservation areas, and
- (e) ensure that archaeological sites and places of Aboriginal heritage significance are conserved, and
- (f) protect places and structures which have the potential to have heritage significance but have not been identified as heritage items, and
- (g) ensure that nominated heritage conservation areas retain their heritage significance.

Aim 2

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 (ESD) in the City of Newcastle.

Objectives

The objectives are to:

- (a) protect and enhance biodiversity, and
- (b) minimise the use of non-renewable resources and optimise the use of renewable resources, and
- (c) minimise, and where possible eliminate, waste and pollution, and
- (d) rehabilitate soil, water and vegetation, where damaged by past activities, and
- (e) address natural hazards and other risks such as flooding, bushfire, mine subsidence, landslip, coastal inundation, soil and groundwater contamination, acid sulphate soils and the like, and
- (f) ensure buildings are designed to be capable of being readily adapted for reuse for one or more purposes.

Aim 3

To contribute to the economic well being of the community in a socially and environmentally responsible manner.

Objectives

The objectives are to:

- (a) where possible create sustainable employment opportunities, and
- (b) contribute to a greater degree of economic and employment self-sufficiency in the City of Newcastle, its urban centres and its neighbourhoods, as well as in the Hunter Region, and
- (c) not jeopardise the ongoing operation and potential of the port of Newcastle, the adjacent industrial lands and the associated significant freight transport undertakings, and
- (d) reinforce the roles of established urban centres in their present hierarchy, comprising the city centre, the district centres and the local centres, as generally described in the *Newcastle Urban Strategy*, and
- (e) contribute positively to urban centres being focal points for employment, particularly in the service sectors of the economy, and
- (f) provide for home based businesses that are compatible with the character and amenity of the neighbourhood in which they are to be located, and
- (g) take advantage of and contribute to those locations not in urban centres, which are valuable to the economy of the City of Newcastle and the Hunter Region.

Aim 4

To improve the quality of life and well being of the people of the City of Newcastle.

Objectives

The objectives are to:

- (a) maximise positive social impacts and eliminate or minimise potentially detrimental social impacts, and
- (b) optimise safety and security, both for the development and for the public realm, and
- (c) promote inclusiveness in the provision of access to accommodation, facilities or services, and
- (d) contribute positively to the functional efficiency, accessibility and urban quality of the City of Newcastle, and

- (e) ensure adequate provision of utility services.

Aim 5

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.

Objectives

The objectives are to:

- (a) contribute to the diversity of and synergies between activities in and around urban centres, including housing, employment, service delivery and community activity, and
- (b) contribute positively to urban centres being places that are and will become more highly desirable places in which to reside as well as work, and
- (c) optimise the shared use of streets and parking facilities, while improving or creating a safe, attractive, friendly and efficient pedestrian and cycling environment.

Aim 6

To encourage a diversity of housing types in locations that improve access to employment opportunities, public transport, community facilities and services, retail and commercial services, and the like.

Objectives

The objectives are to:

- (a) facilitate improved housing choice for the people of the City of Newcastle, and
- (b) add to the stock of urban housing in and within a reasonable walking distance of local centres, district centres, the city centre, and other public transport nodes, and
- (c) ensure that urban housing is constructed in a manner that can accommodate or be adapted to the needs of a variety of household types.

6 Method

This plan sets the framework for the achievement of its aims and objectives by:

- (a) defining zones and identifying those zones on a set of maps called the zoning map, and
- (b) providing guidance for the assessment and determination of development applications having consideration for the environmental, economic and social impact of proposed development and its contribution to the achievement of the aims and objectives of the plan as well as the specific zone objectives nominated for the various

zones under the plan, and

- (c) identifying Central Honeysuckle, Freeway North Business Park, Steel River and the Dan Land as areas that have specific planning objectives, procedures and criteria applying to them, and
- (d) identifying items of environmental heritage and heritage conservation areas and providing for their protection, and
- (e) providing for the use of land for temporary purposes and the acquisition of land reserved for public purposes, and
- (f) requiring that certain environmental matters, such as the presence of bush fire prone land, acid sulphate soils or the impact of Hunter River flooding are adequately considered in the assessment of development applications, and
- (g) providing for vegetation management and the protection of trees, and
- (h) providing for the public advertisement and appropriate referral of certain development proposed under the plan, and
- (i) providing for the suspension of those parts of covenants and other private agreements that hinder the implementation of the plan.

7 Consent authority

- (1) The Council is the consent authority for the purposes of this plan, except where otherwise specified under the Act.
- (2) (Repealed)

8 Requirements for development

In addition to the other heads of consideration set out in section 79C (1) of the Act, the consent authority must have regard to the following particular matters before granting consent to proposed development:

- (a) the relevant aims and general objectives of this plan,
- (b) the relevant zone objectives nominated by this plan for the particular zone in which the land concerned is situated, as shown on the zoning map,
- (c) any other relevant provision of this plan.

9 Transitional provision

Despite clause 4 (3), *Newcastle Local Environmental Plan 1987*, as in force immediately before the commencement of this plan, continues to apply to a development application relating to land to which this plan applies, if:

- (a) the application was made but not finally determined before the commencement of this plan, and
- (b) the development which is the subject of the application is prohibited under the provisions of this plan, but was permissible with consent under that plan.

Part 2 General controls for development

10 Exempt development

Development specified in Schedule 1 is exempt development if:

- (a) it is development that is of a kind that can be carried out with consent on the land on which it is proposed, and
- (b) it complies with the relevant development standards and any other requirements specified in that Schedule for the particular form of development proposed, and
- (c) it does not contravene any condition of development consent applying to the subject land, and
- (d) it is not carried out on land identified as an Aboriginal place or on which there is a known Aboriginal relic, or that has been dedicated or reserved under the *National Parks and Wildlife Act 1974*, and
- (e) it is not carried out on community land the subject of a resolution of the Council:
 - (i) under section 36C of the *Local Government Act 1993* (relating to areas containing significant natural features), or
 - (ii) under section 36D of the *Local Government Act 1993* (relating to areas of cultural significance), and
- (f) it is not carried out on flood prone land unless otherwise stated in Schedule 1, and
- (g) it is not carried out on land that is critical habitat or the subject of a recovery plan or threat abatement plan that specifies measures to be taken in respect of the land under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*, and
- (h) it is not carried out on land that is, or is likely to be, affected by elevated concentrations of soil or groundwater contaminants unless a site audit statement certifies that the land is suitable for the proposed development, and
- (i) it complies with any deemed-to-satisfy provisions of the *Building Code of Australia* relevant to the development, and
- (j) it does not restrict any approved car parking facility or vehicular or pedestrian access to or from the site, and

- (k) it does not obstruct the drainage of the site on which it is carried out or the drainage of adjacent lands.

11 Complying development

Development specified in Part 1 of Schedule 2 is complying development if:

- (a) it is development that is of a kind that can be carried out with consent on the land on which it is proposed, and
- (b) it complies with any requirements specified in Part 1 of that Schedule for the particular form of development proposed, and
- (c) it does not contravene any condition of development consent applying to the subject land, and
- (d) it is not carried out on land identified as an Aboriginal place or on which there is a known Aboriginal relic, or that has been dedicated or reserved under the *National Parks and Wildlife Act 1974*, and
- (e) it is not carried out on community land the subject of a resolution of the Council:
 - (i) under section 36C of the *Local Government Act 1993* (relating to areas containing significant natural features), or
 - (ii) under section 36D of the *Local Government Act 1993* (relating to areas of cultural significance), and
- (f) it is not carried out on flood prone land unless otherwise stated in Schedule 2, and
- (g) it is not carried out on land that is critical habitat or the subject of a recovery plan or threat abatement plan that specifies measures to be taken in respect of the land under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*, and
- (h) it is not carried out on land that is, or is likely to be, affected by elevated concentrations of soil or groundwater contaminants unless a site audit statement certifies that the land is suitable for the proposed development, and
- (i) a certificate of compliance has been obtained for the development, if required from the Hunter Water Corporation, and
- (j) it complies with any deemed-to-satisfy provisions of the *Building Code of Australia* relevant to the development, and
- (k) it does not restrict any approved car parking facility or vehicular or pedestrian access to or from the site.

12 Conditions for complying development

A complying development certificate issued for complying development under this plan is subject to the standard conditions for complying development specified in Part 2 of Schedule 2.

13 Development that does not require consent

Except as otherwise provided by this plan, the following do not require consent:

- (a) exempt development identified in clause 10,
- (b) utility undertakings described in Schedule 4 when carried out by a public authority,
- (c) anything specified in section 4B (3) of the Act,
- (d) development below high water mark for purposes related to the operation of the Port of Newcastle by the Newcastle Port Authority,
- (e) environmental protection works,
- (f) emergency bush fire hazard reduction work or fire fighting acts,
- (g) managed bush fire hazard reduction work on land other than excluded land.

14 Development that requires consent

Except as otherwise provided by this plan, the following may be carried out only with development consent:

- (a) a use of land,
- (b) the subdivision of land,
- (c) the erection of a building,
- (d) the carrying out of a work, including:
 - (i) the excavation, filling or dredging of land, and
 - (ii) the disposal of waste,
- (e) the removal or pruning of a tree or the clearing of native vegetation,
- (f) the injuring or poisoning of a tree,
- (g) the demolition or removal of a building, work, relic or place in whole or in part,
- (h) works involving a heritage item or within a heritage conservation area involving the alteration of a building, work or relic by making structural or non-structural changes to the detail, fabric, finish or appearance of its exterior, except changes resulting from

any maintenance necessary for its ongoing protective care which would not adversely affect any heritage significance it may have,

- (i) altering a heritage item by making structural or non-structural changes to the detail, fabric, finish or appearance of its interior, except changes resulting from any maintenance necessary for its ongoing protective care which would not adversely affect any heritage significance it may have,
- (j) disturbing or excavating a place of Aboriginal heritage significance or 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 or destroyed,
- (k) the moving to another location of a building or relic,
- (l) the display of an advertising sign,
- (m) the carrying out of a utility undertaking described in Schedule 4 otherwise than by a public authority.

15 Development that is prohibited

Except as otherwise provided by this plan, the following development is prohibited:

- (a) development for the purpose of hazardous industries, hazardous storage establishments, offensive industries or offensive storage establishments,
- (b) the carrying out of particular land uses within a zone if nominated as prohibited development in the zone.

16 Zonings

- (1) For the purposes of this plan, land within the City of Newcastle is within a zone if so indicated on the zoning map in accordance with the Table to this clause.
- (2) Except as otherwise provided by this plan, the development that may be carried out without consent, only with the consent of the consent authority, and that is prohibited, is specified in the Table to this clause under the headings “Development without consent”, “Development only with consent” and “Prohibited development”, respectively, for each of the zones under this plan.

Table

Zone 1 (a) Rural Residential Zone

1 Manner shown on zoning map

Land in this zone is edged heavy black and marked “1 (a)” or coloured beige on the zoning map.

2 Zone objectives

- (a) To accommodate rural and semi-residential development that is compatible with surrounding land uses, sensitive to the environment and sympathetic to rural and natural landscapes.
- (b) To respect the biodiversity, habitat, landscape and cultural values of the rural and semi-rural parts of the City of Newcastle.
- (c) To require the disposal of generated waste on site, where practicable, and the implementation of soil and water management systems that minimise the environmental impact of development.
- (d) To respect the cultural, historic and landscape values of the site and the locality.

3 Development without consent

Any development identified in clause 13.

4 Development only with consent

Development for the purpose of:

- agriculture
- animal establishments
- bed and breakfast accommodation
- camping grounds or caravan parks
- childcare centres
- clearing
- community facilities
- convenience shops
- dwellings
- dwelling-houses
- educational establishments
- environmental facilities

home employment

home workplaces

mines

plant nurseries

recreation areas

roadside stalls

tree removal

utility undertakings

Demolition.

Subdivision.

5 Prohibited development

Any development not identified in item 3 or 4.

Zone 2 (a) Residential Zone

1 Manner shown on zoning map

Land in this zone is edged heavy black and marked "2 (a)" or coloured yellow on the zoning map.

2 Zone objectives

- (a) To accommodate a diversity of housing forms that respect the amenity, heritage and character of surrounding development and the quality of the environment.
- (b) To accommodate home-based business and community facilities that do not unreasonably or significantly detract from the amenity or character of the neighbourhood and the quality of the environment.
- (c) To require the retention of existing housing stock where appropriate, having regard to ESD principles.

3 Development without consent

Any development identified in clause 13.

4 Development only with consent

Any development not identified in item 3 or 5.

5 Prohibited development

Development for the purpose of:

- advertising signs
- advertising structures
- aerodromes
- airstrips
- animal establishments
- automotive services
- boarding houses
- brothels
- bulky goods retail outlets
- camping grounds or caravan parks
- car repair stations
- cemeteries
- clubs
- commercial offices
- commercial premises
- crematoriums
- eco-generating works
- eco-tourism facilities
- electronic communication centres
- extractive industries
- generating works

goods terminals
hazardous industries
hazardous storage establishments
helipads
heliports
home workplaces
hospitals
hotels
industries
institutions
intensive agriculture
light industries
liquid fuel depots
local shops
marinas
mines
motor showrooms
natural water-based aquaculture
offensive industries
offensive storage establishments
passenger terminals
places of assembly
places of worship
plant nurseries
pond-based aquaculture

ports

recreation areas

recreation facilities

restaurants

roadside stalls

serviced apartments

sex aid establishments

sexual entertainment establishments

shops

tank-based aquaculture

transport depots

warehouses

waste management facilities or works

Zone 2 (b) Urban Core Zone

1 Manner shown on zoning map

Land in this zone is edged heavy black and marked “2 (b)” or coloured orange on the zoning map.

2 Zone objectives

- (a) To provide for a diversity of housing types that respect the amenity, heritage and character of surrounding development and the quality of the environment.
- (b) To accommodate a mix of home-based employment-generating activities that are compatible in scale and character with a predominantly residential environment.
- (c) To accommodate a limited range of non-residential development of a scale and intensity compatible with a predominantly residential environment which does not unreasonably detract from the amenity or character of the neighbourhood or the quality of the environment.

(d) To require the retention of existing housing stock where appropriate, having regard to ESD principles.

3 Development without consent

Any development identified in clause 13.

4 Development only with consent

Any development not identified in item 3 or 5.

5 Prohibited development

Development for the purpose of:

- advertising signs
- advertising structures
- aerodromes
- airstrips
- animal establishments
- automotive services
- brothels
- bulky goods retail outlets
- camping grounds or caravan parks
- car repair stations
- cemeteries
- clubs
- commercial offices
- commercial premises
- crematoriums
- eco-generating works
- eco-tourism facilities

electronic communication centres
extractive industries
generating works
goods terminals
hazardous industries
hazardous storage establishments
helipads
heliports
hotels
industries
intensive agriculture
light industries
liquid fuel depots
local shops
marinas
mines
motor showrooms
natural water-based aquaculture
offensive industries
offensive storage establishments
passenger terminals
plant nurseries
pond-based aquaculture
ports
recreation areas

recreation facilities

restaurants

roadside stalls

sex aid establishments

sexual entertainment establishments

shops

tank-based aquaculture

transport depots

warehouses

waste management facilities or works

Zone 3 (a) Local Centre Zone

1 Manner shown on zoning map

Land in this zone is edged heavy black and marked “3 (a)” or coloured bright red on the zoning map.

2 Zone objectives

- (a) To provide for a compatible mix of business and housing in accessible locations, that could reasonably be expected to serve a local community with a population in the order of 5,000 people, which will maintain the hierarchy of urban centres throughout the City of Newcastle and will not prejudice the viability of the District Centre or the City Centre zone.
- (b) To conserve and enhance the built character and cultural heritage of local centres and to reinforce their vitality and viability.
- (c) To accommodate activities that serve the social, cultural and recreational needs of the local community.
- (d) To encourage residential development to be designed and located above or adjacent to core retail frontages in order to contribute to a safe, attractive, friendly, accessible and efficient pedestrian environment.
- (e) To ensure that new development has regard to the character and

amenity of adjacent residential areas.

3 Development without consent

Any development identified in clause 13.

4 Development only with consent

Any development not identified in item 3 or 5.

5 Prohibited development

Development for the purpose of:

- aerodromes
- agriculture
- airstrips
- animal establishments
- brothels
- bulky goods retail outlets
- camping grounds or caravan parks
- cemeteries
- crematoriums
- eco-generating works
- eco-tourism facilities
- electronic communication centres
- exhibition villages
- extractive industries
- generating works
- goods terminals
- hazardous industries
- hazardous storage establishments

helipads
heliports
industries other than light industries
intensive agriculture
liquid fuel depots
marinas
mines
natural water-based aquaculture
offensive industries
offensive storage establishments
passenger terminals
pond-based aquaculture
ports
roadside stalls
sex aid establishments
sexual entertainment establishments
shops
tank-based aquaculture
transport depots
warehouses
waste management facilities or works

Zone 3 (b) District Centre Zone

1 Manner shown on zoning map

Land in this zone is edged heavy black and marked “3 (b)” or coloured red on the zoning map.

2 Zone objectives

- (a) To provide for a compatible mix of retail, commercial, recreational and other compatible employment activities that could reasonably be expected to service a district with a population in the order of 20,000–30,000 people and maintain the hierarchy of urban centres throughout the City of Newcastle.
- (b) To recognise and not prejudice the viability of the Newcastle City Centre as the pre-eminent retail, commercial, administrative, social, cultural and recreational centre of the City of Newcastle and the Hunter Region.
- (c) To encourage a compatible and balanced mix of residential and commercial development above or adjacent to core retail frontages that contributes to a safe, attractive, friendly, accessible and efficient pedestrian environment.
- (d) To conserve and enhance the built character and cultural heritage of district centres to reinforce their character and improve their vitality and viability.
- (e) To ensure that new development has regard to the character and amenity of adjacent residential areas.

3 Development without consent

Any development identified in clause 13.

4 Development only with consent

Any development not identified in item 3 or 5.

5 Prohibited development

Development for the purpose of:

- aerodromes
- agriculture
- airstrips
- animal establishments
- camping grounds or caravan parks

cemeteries
crematoriums
eco-generating works
eco-tourism facilities
exhibition villages
extractive industries
generating works
goods terminals
hazardous industries
hazardous storage establishments
helipads
heliports
industries other than light industries
intensive agriculture
liquid fuel depots
marinas
mines
natural water-based aquaculture
offensive industries
offensive storage establishments
pond-based aquaculture
ports
roadside stalls
tank-based aquaculture
transport depots

warehouses

waste management facilities or works

Zone 3 (c) City Centre Zone

1 Manner shown on zoning map

Land in this zone is edged heavy black and marked “3 (c)” or coloured light red on the zoning map.

2 Zone objectives

- (a) To promote the Newcastle City Centre as the pre-eminent regional centre of the Hunter providing for activities of a higher functional order and development intensity than is provided for in District Centre and Local Centre zones under this plan.
- (b) To accommodate a diverse and compatible range of uses and activities within the City Centre, within its street blocks and within individual buildings and sites, including high density residential development and a wide range of employment generating activities, such as:
 - (i) commercial and retail development, and
 - (ii) cultural and entertainment facilities, and
 - (iii) tourism, leisure and recreation functions, and
 - (iv) social, education and health services, and
 - (v) small scale light industries and service industries.
- (c) To accommodate compatible mixed use development above or adjacent to core retail and commercial street frontages that contributes to a safe, attractive and efficient pedestrian environment.
- (d) To conserve and enhance the rich cultural and built heritage of the City Centre to reinforce its unique character and improve its vitality and viability.
- (e) To enable development of waterfront sites to take advantage of the harbour while avoiding a continuous built edge along the waterfront, and not compromising or devaluing the scale and operations of the Port of Newcastle.

- (f) To provide for the creation and maintenance of easily located public access and view corridors.
- (g) To provide for development that is consistent in scale and character with:
 - (i) other development in the locality and the City Centre generally, and
 - (ii) the landscape and streetscape context of the City Centre including, but not limited to, the city skyline, the foreshore, the coast and the Port of Newcastle.

3 Development without consent

Any development identified in clause 13.

4 Development only with consent

Any development not identified in item 3 or 5.

5 Prohibited development

Development for the purpose of:

- aerodromes
- agriculture
- airstrips
- animal establishments
- camping grounds or caravan parks
- cemeteries
- crematoriums
- eco-generating works
- eco-tourism facilities
- exhibition villages
- extractive industries
- generating works

goods terminals
hazardous industries
hazardous storage establishments
heliports
industries other than light industries
intensive agriculture
liquid fuel depots
mines
natural water-based aquaculture
offensive industries
offensive storage establishments
pond-based aquaculture
roadside stalls
tank-based aquaculture
waste management facilities or works

Zone 3 (d) Mixed Use Zone

1 Manner shown on zoning map

Land in this zone is edged heavy black and marked “3 (d)” or coloured light purple on the zoning map.

2 Zone objectives

- (a) To provide for a range of compatible land uses, such as residential accommodation and appropriate employment-generating development including low intensity retailing, commercial and light industrial development within close proximity to key transport routes.
- (b) To promote and facilitate opportunities to live and conduct business on a mixed use basis.
- (c) To ensure that the scale, design and nature of development contributes

positively to the visual quality of key transport corridors.

- (d) To ensure that appropriate employment-generating development including low intensity retailing, commercial or light industrial development respects the residential amenity of the neighbourhood.

3 Development without consent

Any development identified in clause 13.

4 Development only with consent

Any development not identified in item 3 or 5.

5 Prohibited development

Development for the purpose of:

- aerodromes
- agriculture
- airstrips
- animal establishments
- camping grounds or caravan parks
- cemeteries
- crematoriums
- eco-generating works
- eco-tourism facilities
- exhibition villages
- extractive industries
- generating works
- goods terminals
- hazardous industries
- hazardous storage establishments

helipads
heliports
industries other than light industries
intensive agriculture
liquid fuel depots
marinas
mines
natural water-based aquaculture
offensive industries
offensive storage establishments
pond-based aquaculture
ports
roadside stalls
tank-based aquaculture
waste management facilities or works

Zone 4 (a) Urban Services Zone

1 Manner shown on zoning map

Land in this zone is edged heavy black and marked “4 (a)” or coloured purple on the zoning map.

2 Zone objectives

- (a) To accommodate a wide range of light industrial, transport and storage activities which do not adversely affect the amenity of the neighbourhood.
- (b) To accommodate a wide range of employment-generating uses and associated support facilities with good access to the arterial road network for freight movement.
- (c) To accommodate sales and storage operations requiring extensive space

such as bulky goods retail outlets, which will not prejudice the viability of local centres, district centres or the Newcastle City Centre.

3 Development without consent

Any development identified in clause 13.

4 Development only with consent

Any development not identified in item 3 or 5.

5 Prohibited development

Development for the purpose of:

aerodromes

agriculture

airstrips

bed and breakfast accommodation

boarding houses

camping grounds or caravan parks

cemeteries

clubs

commercial offices

dwellings or dwelling-houses (other than those used in conjunction with industry and situated on the same land as the industry)

eco-tourism facilities

educational establishments

exhibition homes

exhibition villages

extractive industries

generating works

hazardous industries
hazardous storage establishments
heliports
hospitals
hotels
industries other than light industries
institutions
intensive agriculture
liquid fuel depots
local shops
mines
motels
natural water-based aquaculture
offensive industries
offensive storage establishments
pond-based aquaculture
ports
restaurants
roadside stalls
serviced apartments
shops
urban housing
waste management facilities or works

Zone 4 (b) Port and Industry Zone

1 Manner shown on zoning map

Land in this zone is edged heavy black and marked “4 (b)” or coloured brown on the zoning map.

2 Zone objectives

- (a) To accommodate port, industrial, maritime industrial, and bulk storage activities which by their nature or the scale of their operations require separation from residential areas and other sensitive land uses.
- (b) To require that development of land within 750 metres from the high-water mark of the shores of the Port of Newcastle, capable of docking ocean-going vessels, is used for purposes that:
 - (i) require a waterfront location that provides direct access to deep water, or
 - (ii) depend upon water-borne transport of raw materials or finished products, or
 - (iii) have a functional relationship that necessitates proximity to the activities described above.
- (c) To facilitate sustainable development through the application of industrial ecology.
- (d) To provide for other development which will not significantly detract from the operation of large scale industries or port-related activities, that is primarily intended to provide services to persons employed in such industries and activities.

3 Development without consent

Any development identified in clause 13.

4 Development only with consent

Any development not identified in item 3 or 5.

5 Prohibited development

Development for the purpose of:

agriculture

bed and breakfast accommodation

boarding houses

bulky goods retail outlets

camping grounds or caravan parks

cemeteries

child care centres

commercial offices

dwellings or dwelling-houses (other than those used in conjunction with industry and situated on the same land as the industry)

eco-tourism facilities

educational establishments

exhibition homes

exhibition villages

hazardous industries

hazardous storage establishments

hospitals

hotels

institutions

intensive agriculture

local shops

motels

natural water-based aquaculture

offensive industries

offensive storage establishments

places of assembly

places of worship
pond-based aquaculture
recreation areas
roadside stalls
serviced apartments
shops
urban housing

Zone 4 (c) Steel River Zone

1 Manner shown on zoning map

Land in this zone is edged heavy black and marked “4 (c)” or coloured with light brown spots on the zoning map.

2 Zone objectives

- (a) To facilitate the development of employment-generating industrial, research, service or storage activities.
- (b) To allow commercial, retail or other development only where it is:
 - (i) ancillary to the use of land within this zone for industrial, research, service or storage purposes, or
 - (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.
- (c) 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.

3 Development without consent

Any development identified in clause 13.

4 Development only with consent

Any development not identified in item 3 or 5.

5 Prohibited development

Development for the purpose of:

advertising structures

aerodromes

agriculture

airstrips

bed and breakfast accommodation

boarding houses

camping grounds or caravan parks

cemeteries

commercial offices

dwelling or dwelling-houses (other than those used in conjunction with industry or commercial premises and situated on the same land as the industry or commercial premises)

exhibition homes

exhibition villages

extractive industries

hazardous industries

hazardous storage establishments

heliports

hospitals

hotels

institutions

local shops

mines

motels

natural water-based aquaculture

offensive industries

offensive storage establishments

pond-based aquaculture

roadside stalls

serviced apartments

shops

urban housing

Zone 5 (a) Special Uses Zone

1 Manner shown on zoning map

Land in this zone is edged heavy black and marked “5 (a)” or coloured dark blue on the zoning map, followed by a particular land use nominated in respect of the site.

2 Zone objectives

- (a) To accommodate major transport networks and facilities.
- (b) To accommodate large scale facilities and services, together with ancillary activities.
- (c) To accommodate large scale community establishments, together with ancillary activities.
- (d) To require development to be integrated and reasonably consistent in scale and character with surrounding natural, rural or urban environments.

3 Development without consent

Any development identified in clause 13.

4 Development only with consent

Any development not identified in item 3 or 5.

5 Prohibited development

Development for the purpose of:

- advertising structures
- aerodromes
- airstrips
- animal establishments
- automotive services
- brothels
- bulky goods retail outlets
- camping grounds or caravan parks
- car repair stations
- clubs
- commercial premises
- exhibition villages
- extractive industries
- hazardous industries
- hazardous storage establishments
- heliports
- hotels
- industries other than light industries
- intensive agriculture
- liquid fuel depots
- marinas

mines

motor showrooms

natural water-based aquaculture

offensive industries

offensive storage establishments

places of assembly

pond-based aquaculture

ports

roadside stalls

sex aid establishments

sexual entertainment establishments

shops

tank-based aquaculture

transport depots

warehouses

Zone 5 (b) Special Uses Reservation Zone

1 Manner shown on zoning map

Land in this zone is edged heavy black and marked “5 (b)” or coloured light blue on the zoning map, followed by a particular land use nominated in respect of the site.

2 Zone objectives

- (a) To reserve land for future essential services including roads, railways, open space and community purposes.
- (b) To reserve for open space purposes land possessing special recreational, aesthetic, ecological or conservation value.
- (c) To protect land that is to be acquired for a public purpose from inappropriate development.

- (d) To allow the development of land within this zone for an interim purpose where it is not immediately required, provided that such development does not affect the usefulness of the land for the nominated purpose for which it is required.

3 Development without consent

Any development identified in clause 13.

4 Development only with consent

Any development not identified in item 3 or 5.

5 Prohibited development

Development for the purpose of:

- advertising structures
- aerodromes
- airstrips
- animal establishments
- automotive services
- boarding houses
- brothels
- bulky goods retail outlets
- camping grounds or caravan parks
- car repair stations
- clubs
- commercial offices
- commercial premises
- dwelling-houses
- eco-tourism facilities
- electronic communication centres

exhibition villages
extractive industries
goods terminals
hazardous industries
hazardous storage establishments
heliports
home workplaces
hotels
industries
intensive agriculture
light industries
liquid fuel depots
local shops
marinas
mines
motels
motor showrooms
natural water-based aquaculture
offensive industries
offensive storage establishments
places of assembly
plant nurseries
pond-based aquaculture
ports
recreation areas

recreation facilities

restaurants

roadside stalls

serviced apartments

sex aid establishments

sexual entertainment establishments

shops

tank-based aquaculture

transport depots

urban housing

warehouses

waste management facilities or works

Zone 6 (a) Open Space and Recreation Zone

1 Manner shown on zoning map

Land in this zone is edged heavy black and marked “6 (a)” or coloured bright green on the zoning map.

2 Zone objectives

- (a) To accommodate leisure, recreation and sports facilities in parks, gardens, plazas and other open spaces, for the general use of the community, where consistent with an adopted plan of management under the *Local Government Act 1993* or the *Crown Lands Act 1989*.
- (b) To provide for the conservation of urban bushland where associated with parks and other open spaces.
- (c) To accommodate other facilities for the benefit of the community that are compatible and consistent with the heritage and character of the open space and with the character and amenity of the neighbourhood.

3 Development without consent

Any development identified in clause 13.

4 Development only with consent

Development for the purpose of:

camping grounds or caravan parks

childcare centres

clearing

clubs

community facilities

convenience shops

dwelling

dwelling-houses

eco-generating works

eco-tourism facilities

environmental facilities

flood works

helipads

home employment

marinas

passenger terminals

places of assembly

recreation areas

recreation facilities

restaurants

tree removal

utility undertakings

Any development allowed by a plan of management under the *Local Government Act 1993* or *Crown Lands Act 1989*.

Demolition.

Subdivision.

5 Prohibited development

Any development not identified in item 3 or 4.

Zone 7 (a) Conservation Zone

1 Manner shown on zoning map

Land in this zone is edged heavy black and marked “7 (a)” or coloured light green on the zoning map.

2 Zone objectives

- (a) 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.
- (b) To provide for the conservation, enhancement and protection of environmentally sensitive land, such as remnant bushland, in both urban and rural localities.

3 Development without consent

Any development identified in clause 13.

4 Development only with consent

Development for the purpose of:

airstrips

agriculture

animal establishments

bed and breakfast accommodation

camping grounds or caravan parks

cemeteries
child care centres
clearing
community facilities
convenience shops
dwellings
dwelling-houses
eco-generating works
eco-tourism facilities
educational establishments
environmental facilities
flood works
helipads
home employment
home workplaces
institutions
natural water-based aquaculture
plant nurseries
pond-based aquaculture
recreation areas
roadside stalls
tank-based aquaculture
tree removal
utility undertakings

Any development allowed by a plan of management under the *Local*

Government Act 1993 or *Crown Lands Act 1989*.

Demolition.

Subdivision.

5 Prohibited development

Any development not identified in item 3 or 4.

Zone 7 (b) Environmental Protection Zone

1 Manner shown on zoning map

Land in this zone is edged heavy black and marked "7 (b)" or coloured dark green on the zoning map.

2 Zone objectives

- (a) To provide for the conservation, enhancement and protection of environmentally sensitive land, particularly wetlands.
- (b) To allow limited development where it is unlikely to have a significant detrimental effect on the growth of natural communities, the survival of native wildlife populations, the provision and quality of habitats for indigenous and migratory species and the surface and ground water characteristics of the site.
- (c) To provide for the management of the majority of the Hunter River flood plain by restricting the type and scale of development to that compatible with the anticipated risk to life and property.

3 Development without consent

Any development identified in clause 13.

4 Development only with consent

Development for the purpose of:

agriculture

clearing

dwellings

dwelling-houses

eco-generating works
environmental facilities
flood works
recreation areas
tree removal
utility undertakings

Any development allowed by a plan of management under the *Local Government Act 1993* or *Crown Lands Act 1989*.

Demolition.

Subdivision.

5 Prohibited development

Any development not identified in item 3 or 4.

Zone 7 (c) Environmental Investigation Zone

1 Manner shown on zoning map

Land in this zone is edged heavy black and marked "7 (c)" or coloured pale pink on the zoning map.

2 Zone objectives

- (a) To provide for the development of land for purposes which will not, or will be unlikely to, prejudice its possible future development for urban purposes or its environmental conservation.
- (b) To conserve the rural or bushland character, and the biodiversity values or other conservation values, of the land.

3 Development without consent

Any development identified in clause 13.

4 Development only with consent

Development for the purpose of:

agriculture

airstrips
animal establishments
bed and breakfast accommodation
clearing
dwellings
dwelling-houses
eco-generating works
environmental facilities
flood works
helipads
home employment
home workplaces
intensive agriculture
mines
plant nurseries
recreation areas
roadside stalls
tree removal
utility undertakings

Demolition.

Subdivision.

5 Prohibited development

Any development not identified in item 3 or 4.

Zone 8 (a) National Parks Zone

1 Manner shown on zoning map

Land in this zone is edged heavy black and marked “8 (a)” or coloured khaki on the zoning map.

2 Zone objectives

To provide for the management and appropriate development of land which is reserved or dedicated under the *National Parks and Wildlife Act 1974*.

3 Development without consent

Any development authorised by or under the *National Parks and Wildlife Act 1974* and any development incidental or ancillary to such development.

4 Development only with consent

Nil.

5 Prohibited development

Any development not identified in item 3.

Part 3 Special provisions

17 Subdivision

- (1) **Subdivision of land in more than one zone** A subdivision is prohibited if it would create a lot comprised of land within more than one zone, except as provided subclause (2).
- (2) Despite subclause (1), the consent authority may consent to a subdivision that creates such a lot if at least 90% of the land in the lot is within the same zone.
- (3) Any lot created under the exception provided by subclause (2) is taken to be wholly within the zone in which the largest part of the land in the lot is included.
- (4) **Subdivision of land within Zones 1 (a), 6 (a), 7 (a), 7 (b) and 7 (c)** Consent must not be granted to subdivision of land in Zone 1 (a), 6 (a), 7 (a), 7 (b) or 7 (c) unless the subdivision is complying development.

18 Covenants

- (1) Any covenant, agreement or like instrument, which is contrary to development that is permitted and for which consent has been granted under this plan, does not apply to the extent to which the covenant, agreement or instrument would prevent or restrict the development from being undertaken in accordance with the consent.
- (2) Subclause (1) does not apply to a registered instrument that confers a benefit on a

public authority.

- (3) The Governor approved of subclauses (1) and (2) pursuant to section 28 of the Act prior to the making of this plan.

19 Classification and reclassification of public land as operational land

- (1) The public land referred to in Schedule 5 is classified or reclassified as operational land for the purposes of the *Local Government Act 1993*, subject to this clause.
- (2) In accordance with section 30 of the *Local Government Act 1993*, a parcel of land described in Part 2 of Schedule 5, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from any trusts, estates, interests, dedications, conditions, restrictions or covenants affecting the land or any part of the land, except for:
- (a1) those (if any) specified in relation to the land in Part 2 of Schedule 5, and
- (a) any reservations that except land out of a Crown grant relating to the land, and
- (b) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).
- (3) Before the relevant amending plan inserted a description of land in Part 2 of Schedule 5, the Governor approved of subclause (2) applying to the land.
- (4) In this clause, **the relevant amending plan**, in relation to land described in Part 2 of Schedule 5, means this plan or, if the description of the land is inserted into that Part by another local environmental plan, that plan.
- (4A) Land described in Part 3 of Schedule 5:
- (a) to the extent (if any) that the land is a public reserve, does not cease to be a public reserve, and
- (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants by which it was affected before its classification, or reclassification, as the case requires, as operational land.
- (5) Land described in Part 1 of Schedule 5 is not affected by the amendments to section 30 of the *Local Government Act 1993* made by the *Local Government Amendment (Community Land Management) Act 1998*.

20 Use of land for temporary purposes

Despite any other provision of this plan, a person may, with development consent, use land for a temporary purpose for a period of not more than 72 hours, whether consecutive or not, if:

- (a) in the opinion of the consent authority, the use would have no significant adverse impacts on the environment or the amenity of the neighbourhood, and
- (b) the use would not involve the erection of or alteration to any structure being a structure or alteration intended to be permanent, and
- (c) the use consists of an activity that has been approved by the Council.

21 Reservation of land for public purposes, its interim use and its acquisition

Note—

Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

- (1) In this clause:

the RTA means the Roads and Traffic Authority constituted under the *Transport Administration Act 1988*.

the SRA means the State Rail Authority.

vacant land means land on which, immediately before the day on which a notice under subclause (2) is given, there were no buildings other than fences, greenhouses, conservatories, garages, summer houses, private boat houses, fuel sheds, tool houses, cycle sheds, aviaries, milking bails, hay sheds, stables, fowl houses, pig sties, barns or the like.

- (2) The owner of any land within Zone 5 (b) may, by notice in writing, require:
- (a) the RTA to acquire that land if it is marked “Arterial Road” on the zoning map, or
 - (b) the SRA to acquire that land if it is marked “Rail” on the zoning map, or
 - (c) the Council to acquire other land nominated for another purpose on the zoning map.
- (3) On receipt of a notice under subclause (2), the public authority concerned shall acquire the land if:
- (a) in the case of land marked “Arterial Road” or “Rail” on the zoning map, the land is included in the 5-year works program of the RTA or the SRA, respectively, current at the time of the notice, or
 - (b) in the case of land referred to in subclause (2) (c), the land is included in a section 94 contributions plan or a Council adopted works program current at the time of the notice, or
 - (c) in the case of land marked “Arterial Road” or “Rail” on the zoning map, the RTA or the SRA, respectively, has decided not to give its concurrence under subclause (5)

- (a) to an application to carry out development on the land, or
 - (d) the Council has decided not to grant consent to develop the land on the basis of the matters specified in subclause (6), or
 - (e) the public authority required to acquire the land is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable timeframe.
- (4) Despite subclause (3), the public authority concerned need not acquire the land if it might reasonably be required to be dedicated for the purpose for which it has been reserved, as marked on the zoning map.
- (5) Despite any other provision of this plan, land marked “Arterial Road” or “Rail” may be developed with the consent of the Council for any purpose that may be carried out in an adjacent zone.
- (6) In deciding whether to grant consent to proposed development, the Council must take the following matters into consideration:
- (a) the need to carry out development on the land for the purpose nominated on the zoning map,
 - (b) the imminence of acquisition,
 - (c) the likely additional cost to the authority concerned resulting from the carrying out of the proposed development.

22 Certain industrial land at Hexham

- (1) This clause applies to land in Zone 4 (b) shown by diagonal cross-hatching on the zoning map.
- (2) The consent authority shall not consent to development that involves filling of land to which this clause applies unless:
- (a) a comprehensive filling and stormwater drainage master plan for the site has been prepared by a practising engineer experienced in flood management which confirms that the land is able to be filled without adverse impacts on adjoining lands or on the overall flood environment, and
 - (b) an emergency response plan has been prepared to the satisfaction of the State Emergency Services area controller providing for the position of warnings and the safe evacuation of persons in the event of inundation of the site by floodwaters and the proposed development complies with the provisions of that plan.

23 Access to arterial roads

- (1) Unless subclause (2) has been complied with, a person shall not carry out

development on land which adjoins an arterial road unless direct vehicular access to the land is made by way of a road that is not an arterial road.

- (2) Consent may be granted to development that involves direct vehicular access from a development site to an arterial road if alternative access to that development site is provided by a road that is not an arterial road or by a proposed road identified as an access road in a development control plan or, in the opinion of the consent authority, alternative access is not practicable.
- (3) (Repealed)

24 Development of land below high water mark

A person shall not carry out development on any land:

- (a) below high water mark, or
- (b) forming part of the bed of a river, creek, bay, lagoon or other natural watercourse, or
- (c) which has been reclaimed,

except with development consent.

25 Acid sulfate soils

- (1) In this clause:

works means any disturbance of more than one tonne of soils, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins), the construction of footings or erection of foundations, flood works, or any other works that are likely to lower the water-table.

- (2) A person shall not, without the consent of the consent authority, carry out works on land to which this plan applies, being Class 1, 2, 3, 4, or 5 land as indicated on the "Potential Acid Sulphate Soils Planning Map", being works specified for the respective class of land in the following Table, except as otherwise provided by this clause:

Acid sulphate soils table

Class of land	Works to which this clause applies
1	Any works.
2	Works below the ground surface. Works by which the water table is likely to be lowered.
3	Works more than 1 metre below the natural ground level. Works by which the water table is likely to be lowered beyond 1 metre below natural ground surface.

4 Works more than 2 metres below the natural ground level.
Works by which the water table is likely to be lowered more than 2 metres below natural ground surface.

5 Works within 500 metres of adjacent Class 1, 2, 3, or 4 land which are likely to lower the water table more than 1 metre on that adjacent Class 1, 2, 3, or 4 land.

(3) The consent authority shall not grant consent required by subclause (2) unless it has considered:

- (a) the adequacy of an acid sulphate soils management plan prepared for the proposed development in accordance with the *Acid Sulphate Soils Manual*, and
- (b) the likelihood of the proposed development resulting in the discharge of acid into ground or surface water, and

(c) (Repealed)

(4) Despite subclause (2), consent is not required for the carrying out of the works specified in that subclause, if:

- (a) a copy of a preliminary assessment of the proposed works, undertaken in accordance with the *Acid Sulphate Soils Manual*, has been provided to the consent authority, and
- (b) the consent authority has provided written advice to the person proposing to carry out the works, confirming that, on the basis of the preliminary assessment, the proposed works will not require the preparation of an acid sulphate soils management plan in accordance with the *Acid Sulphate Soils Manual*.

(5) Despite subclause (2), development may be carried out by the Council, the Hunter Water Corporation or the Hunter Catchment Management Trust, without consent, being:

- (a) development consisting of emergency works, or
- (b) development consisting of routine maintenance, or
- (c) development consisting of minor works,

except that development referred to in paragraph (c) on premises that are a heritage item may be carried out only with the consent of the consent authority.

(6) Where the Council, the Hunter Water Corporation or the Hunter Catchment Management Trust carries out development referred to in subclause (5) and encounters, or is likely to encounter acid sulphate soils, the authority concerned shall properly deal with those soils in accordance with the *Acid Sulphate Soils Manual* so as

to minimise the actual or potential impact to the environment arising from their disturbance.

26 Bush fire prone land

The consent authority shall not grant consent to development on bush fire prone land unless the consent authority is satisfied with the measures proposed to be taken with respect to the development to protect persons, property and the environment from danger that may arise from a bush fire.

26A Development for certain additional purposes

- (1) Nothing in this plan prevents a person, with the consent of the consent authority, from carrying out development on land referred to in Schedule 8 for a purpose specified in relation to that land in that Schedule, subject to such conditions (if any) as are so specified.
- (2) Subclause (1) does not affect the application to or in respect of development to which this clause applies of such of the provisions of this plan as are not inconsistent with that subclause or with a consent granted by the consent authority in respect of the development.

26B 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 without consent under the [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.

Part 4 Environmental heritage conservation

27 Heritage assessment

- (1) In assessing a development application to carry out work, including demolition work, on a heritage item or within a heritage conservation area, the consent authority shall have regard to the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or the heritage conservation area.
- (2) Where the consent authority is satisfied that the carrying out of the proposed development is likely to, or may, affect the heritage significance of the heritage item or the heritage conservation area, the assessment shall include consideration of a heritage impact statement that addresses at least the following issues (but is not to be limited to the assessment of these issues if the heritage significance of the

particular item or area involves other issues):

- (a) for development that involves a heritage item:
 - (i) the heritage significance of the item as part of the environmental heritage of the City of Newcastle, and
 - (ii) the impact the proposed development will have on the heritage significance of the item and its setting, including any landscape or horticultural features, and
 - (iii) the measures proposed to conserve the heritage significance of the item and its setting,
- (b) for development that is proposed to be carried out within a heritage conservation area:
 - (i) the heritage significance of the heritage conservation area and the contribution which any building, work, relic, tree or place affected by the proposed development makes to the heritage significance of the area, and
 - (ii) the impact the proposed development would have on the heritage significance of the heritage conservation area, and
 - (iii) the compatibility of any proposed development with nearby original buildings and the character of the heritage conservation area, taking into account the scale, form, orientation, setbacks, materials and detailing of the proposed development, and
 - (iv) the measures proposed to protect the significance of the heritage conservation area and its setting, and
 - (v) whether any landscape or horticultural features which contribute to the heritage significance of the area would be affected by the proposed development.

Note—

The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

28 Conservation management

In assessing a development application to carry out work on a heritage item, the consent authority may, if it considers it to be appropriate, require the submission of a conservation management plan and have regard to the plan's recommendations.

29 Advertised development

- (1) The following development is identified as advertised development for the purposes

of the definition of **advertised development** in section 4 (1) of the Act:

(a) the demolition of a heritage item or a building, work, relic, tree or place in a heritage conservation area,

(b) development referred to in clause 34.

(2) This clause does not apply to the demolition or partial demolition of a building or work within a heritage conservation area which, in the opinion of the consent authority, is of a minor nature and would not adversely affect the heritage significance of the heritage conservation area.

30 (Repealed)

31 Development affecting places or sites of Aboriginal heritage significance

Before granting consent for development that is likely to have an impact on a place of Aboriginal heritage significance or that will be carried out on an archaeological site of a relic that has Aboriginal heritage significance, the consent authority shall:

(a) consider a heritage impact statement, which addresses the heritage impact of the proposed development, and

(b) notify local Aboriginal communities of the proposed development and take into consideration any comments received in response within 21 days from the date of notification.

32 Development affecting archaeological sites or relics of non-Aboriginal heritage significance

(1) Before granting consent for development that will be carried out on an archaeological site of a relic that has non-Aboriginal heritage significance, the consent authority shall consider a heritage impact statement which addresses the heritage impact of the proposed development.

(2) This clause does not apply if the proposed development does not involve disturbance of below-ground deposits and the consent authority is of the opinion that the heritage significance of any above-ground relics would not be adversely affected by the proposed development.

33 Development in the vicinity of a heritage item or heritage conservation area

Before granting consent to development in the immediate vicinity of a heritage item or a heritage conservation area, the consent authority shall assess the impact of the proposed development on the heritage significance of the heritage item or the heritage conservation area and, in this regard, the consent authority may require the submission of a heritage impact statement.

34 Conservation incentives

Despite any other provisions of this plan, the consent authority may grant consent to the use for any purpose of a building that is a heritage item, or of the land on which a heritage item is erected, if:

- (a) it is satisfied, on the basis of a heritage impact statement that the proposed use would not adversely affect the heritage significance of the heritage item or its setting and the conservation of the heritage item would be promoted or encouraged by the granting of the consent, and
- (b) the proposed use is not contrary to the provisions of any conservation management plan applicable to the site which has been endorsed by the consent authority, and
- (c) the granting of the consent to the proposed use would ensure that necessary conservation work identified in the conservation management plan is carried out, and
- (d) the proposed use would not adversely affect the amenity of the surrounding area otherwise than to an insignificant extent.

Part 5 Honeysuckle, Freeway North Business Park, Steel River and the Dan Land

35 Central Honeysuckle and Linwood

- (1) **Central Honeysuckle** In this clause, **Central Honeysuckle** means land at Honeysuckle shown edged heavy black on the map in Schedule 7 (the Central Honeysuckle public domain concept plan).
- (2) When granting consent to development on land in Central Honeysuckle, the consent authority shall ensure that:
 - (a) not less than 6.5 hectares or 25% of the total land area of Central Honeysuckle will be available as public open space or public domain, located approximately as shown on the map in Schedule 7, and
 - (b) a continuous public promenade at least 6 metres wide is provided along the harbour foreshore, which may divert away from the water's edge only because of reasonable operational requirements made by adjoining land uses.
- (3) Despite any other provision of this plan, land in Central Honeysuckle within either Zone 3 (c) or 6 (a) may, with consent, be developed for any purpose for which land in the other zone may be developed, but only if the consent authority is satisfied that carrying out the proposed development:
 - (a) will achieve better urban design outcomes than would be achieved if it were not carried out, and

(b) will not reduce the total amount of land in Central Honeysuckle that is available for public open space purposes below the amount specified in subclause (2) (a) and shown as public domain on the map in Schedule 7.

(4) Despite any other provision of this plan, consent may be granted for the carrying out on any land in Central Honeysuckle of development that is prohibited in Zone 3 (c) if the consent authority is satisfied that the development is compatible with other lawful development that is being or may be carried out on land in Central Honeysuckle.

(5) **Linwood** Despite any other provision of this plan, consent may be granted for the carrying out of development for the purpose of a restaurant at Linwood within Lot 1 SP 68299 and for development for the purpose of alfresco dining in conjunction with that development on land within 10 metres of that lot.

36 Land in Zone 4 (c) at Mayfield West

(1) This clause applies to land at Mayfield West, shown edged heavy black and marked “4 (c)” or shown with light brown spots on the zoning map.

(2) In this clause:

environmental envelope means all the requirements set out in Part D of the *Strategic Impact Assessment Study*, and includes (without limitation) the requirements relating to the following:

- (a) air quality, noise emissions and water quality,
- (b) industrial ecology and ecologically sustainable development,
- (c) the social and economic welfare of residents and workers in Newcastle,
- (d) urban design and landscaping,
- (e) the cultural, historic and landscape significance of the land.

qualified person means a person:

- (a) who holds qualifications in a relevant field (such as town planning, engineering, architecture or environmental sciences) that are recognised by a professional association and the Council, and
- (b) who has been registered with the Council as a qualified person for the relevant purpose of preparing the study requested under subclause (5).

Strategic Impact Assessment Study means the study titled *Strategic Impact Assessment Study* concerning land at Tourle Street and Industrial Drive, Mayfield—the Steel River Project, approved by the Council and dated February 1998, a copy of which is available at the office of the Council.

- (3) **Public notification** On receipt of a development application with respect to land to which this clause applies, the consent authority shall:
- (a) give public notice of the receipt of the application, within 7 days of its receipt, in a newspaper circulating in the City of Newcastle, and
 - (b) invite the public to inspect the proposal, at a place and at a time specified in the notice.
- (4) **Permissible development** The consent authority shall not grant consent to the carrying out of development on land to which this clause applies unless:
- (a) the development is allowed with consent within Zone 4 (c) and complies with the environmental envelope, and
 - (b) the environmental effects of any aspect of the development relating to air quality, noise emissions or water quality that have not been addressed in the *Strategic Impact Assessment Study*, meet any relevant standards determined by the Department of Environment and Climate Change.
- (5) **Granting consent** The consent authority should, within 28 days of receipt of a development application relating to land to which this clause applies, grant consent to the carrying out of the development, if it is satisfied that:
- (a) a study prepared by a qualified person demonstrates that the provisions of subclause (4) have been met, and
 - (b) the consent authority has met its obligations under Part 4 of the Act with respect to the assessment of the development application and, in particular, the matters required to be taken into consideration under section 79C (1) of the Act.
- (6) **Review of standards** The Council shall undertake a full review of the environmental envelope at regular intervals from the commencement of this plan and shall, at least annually, make public a copy of the monitoring reports furnished under the environmental envelope.
- (7) In carrying out any such review, the Council shall consult with the Department of Environment and Climate Change and any other groups it considers appropriate and give the public an opportunity to comment on the draft review.
- (8) Any such review is to include recommendations for changes to the *Strategic Impact Assessment Study* that are appropriate to ensure that a high standard of environmental protection is maintained.
- (9) **Liaison Committee** The Council and the owners of the land to which this clause applies are to establish a Liaison Committee to meet regularly with representatives of the Community Association (referred to in the *Strategic Impact Assessment Study*) and members of the public to share and obtain information on environmental monitoring

and the performance of individual developments on the land as well as the aggregate environmental performance of development on the land.

- (10) **Relationship to other instruments** The provisions of any development control plans approved by the Council prior to the commencement of this plan do not apply to the land to which this clause applies.

36A The Dan Land

- (1) In this clause, **the Dan Land** means land at 290 and 302 Minmi Road, Fletcher (Lot 11, DP 1044935 and Lot 2, DP 534168) in the local government area of Newcastle, as shown edged heavy black on the zoning map.
- (2) Despite any other provision of this plan, development for any of the following purposes is prohibited on any part of the Dan Land that is within Zone 7 (b):
- (a) agriculture,
 - (b) dwelling-houses,
 - (c) dwellings.

Note—

The Dan Land is identified as a State significant site in Schedule 3 to *State Environmental Planning Policy (Major Projects) 2005*.

36B Freeway North Business Park

- (1) In this clause, **Freeway North Business Park** means Lot 17, DP 226431, Lots 11-16, DP 1091199, Lots 7 and 8, DP 396036, Lot D, DP 388733, Lot 9, DP 509255, Lot 10, DP 416248, Lot 11, DP 508747, Lot 12, DP 416248, Lot 13, DP 203406, Lots 225 and 226, DP 1054242, Lot 14, DP 207961, Lot E, DP 388733, Lots 15 and 16, DP 510628 and Lot 22, DP 532814.
- (2) Despite any other provision of this plan, development for any of the following purposes is prohibited on any part of the Freeway North Business Park that is within Zone 7 (b) Environmental Protection Zone:
- (a) agriculture,
 - (b) dwelling-houses,
 - (c) dwellings.

Part 6 Definitions

37 Definitions

- (1) In this plan the following terms have the meanings indicated:

1% annual exceedance probability flood level means a flood level that has a 1 in 100 chance of being reached in any one given year.

acid sulphate soils means actual acid sulphate soils or potential acid sulphate soils.

Acid Sulphate Soils Manual means the *Acid Sulphate Soils Manual* as published by the Acid Sulphate Soils Management Advisory Committee and for the time being adopted by the Director-General of the Department.

act of prostitution has the same meaning as in section 20 of the [Summary Offences Act 1988](#).

actual acid sulphate soils means acid sulphate soils containing highly acidic soil horizons or layers resulting from the aeration of soil materials that are rich in iron sulphides, primarily pyrite, where the soil material has a pH of less than 4.0 when measured in dry season conditions, overlying potential acid sulphate soils or soils containing more than 0.05% oxidisable sulphur.

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 sign means a sign, notice, device or representation in the nature of an advertisement, whether illuminated or not, which:

- (a) is visible from any public place or public reserve, or from any navigable waterway, and
- (b) is not a road traffic signal or sign.

advertising structure has the same meaning as in the Act.

aerodrome means a landing field for aeroplanes, which includes permanent landing equipment, terminal buildings, hangars and other ancillary facilities.

agriculture means:

- (a) the production of crops or fodder, or
- (b) the keeping or breeding of livestock, bees, poultry or other birds, or
- (c) horticulture, including fruit, vegetable and flower crop production, and wholesale plant nurseries, or
- (d) the grazing of livestock,

but does not include the clearing of land or anything elsewhere defined in this plan.

airstrip means a single runway forming a landing ground for aeroplanes, but does not include permanent terminal buildings, hangars or the like.

animal establishment means a building or place used for the breeding, boarding, training, keeping of, or caring for, animals on a commercial basis but does not include a building or place elsewhere defined in this plan.

archaeological site means the site of one or more known relics.

arterial road means a road that is the responsibility of the State government to construct and maintain.

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.

automotive services means a building or place used for the fuelling or servicing of motor vehicles involving the sale by retail of petrol and other petroleum products, whether or not the place is also used for any one or more of the following:

- (a) the sale by retail of spare parts and accessories for motor vehicles,
- (b) washing and greasing of motor vehicles,
- (c) installation of accessories,
- (d) the sale by retail of general merchandise, provided the gross floor area so used does not exceed 150 square metres.

BCA means the *Building Code of Australia* as defined in section 4 (1) of the Act.

bed and breakfast accommodation means an establishment operated by the permanent residents of a dwelling-house which:

- (a) provides temporary accommodation for travellers, and
- (b) offers meals for guests only, and
- (c) does not accommodate more than 12 persons, and
- (d) does not have a floor area greater than 300 square metres, and
- (e) does not contain cooking facilities within guests' rooms for the preparation of meals, and
- (f) is not used in whole or in part for the permanent or long term accommodation of any person other than the person or persons who normally reside in the dwelling-house, and

(g) is contained wholly within the curtilage of the dwelling-house.

boarding house means a building let as lodgings or a hostel, but does not include a motel.

brothel means premises used for carrying out an act or acts of prostitution or any other organised sexual activity, irrespective of whether or not other services are provided such as massage, relaxation therapy, photography or the like.

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 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 retail outlet means a building or place used for the sale by retail or auction, or the hire or display, of items (whether goods or materials) which are of such a size, shape or weight as to require:

- (a) a large area for handling, storage or display, and
- (b) direct vehicular access to and loading facilities at the building or place for use by members of the public, for the purpose of loading items into their vehicles after purchase,

but does not include use of a building or place for the sale of foodstuffs or clothing or a building or place elsewhere defined in this plan.

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

bush fire prone land map has the same meaning as in the 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 include any advertising relating to a person who does not carry on business at the premises or place.

camping ground or caravan park means a place used for placing tents, other temporary accommodation, or movable dwellings for permanent accommodation or for temporary accommodation by tourists.

car repair station means a building or place used for the purpose of carrying out repairs to motor vehicles or agricultural machinery, not being:

- (a) body building, or
(b) panel beating which involves dismantling, or
(c) spray painting other than of a touching-up character.

cemetery means a building or place for the burying of deceased people or animals, or both, and may include a chapel, temple or other place of worship used for conducting funeral services.

child care centre means a building or place used or intended for use for the purpose of educating, minding or caring (without provision of residential care) for 6 or more children under 6 years of age, not related to the person so using the building or place, but does not include an educational establishment.

circumference breast height means the girth of the supporting stem of a tree at a height of 1.4 metres above ground level (existing) measured at the trunk centre, and so as to contain the outermost projection of any flanges or buttresses.

clearing means cutting down, thinning, killing, poisoning, burning, slashing, uprooting or removing, or substantially damaging, native vegetation.

club means a building or place used by persons associated, or a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes whether of the same or a different kind and whether or not the whole or a part of the building or place is the premises of a club registered under the [Registered Clubs Act 1976](#).

commercial office means a building used as an office for commercial purposes otherwise than in association with an industrial or other commercial or recreational activity on the same site.

commercial premises means a building or place used for general business or commercial purposes, but does not include a building or place elsewhere defined in

this plan.

community facility means a building or place owned or controlled by a public authority or a community group which provides for the physical, social, cultural or intellectual development, safety or welfare of the community, but does not include a building or place elsewhere defined in this plan.

community group means a body of persons having articles of association or a constitution which provides that the group operates on a “not for profit” basis and where the services and facilities of the group are available to the community.

community land has the same meaning as in the [Local Government Act 1993](#).

conservation management plan means a document prepared in accordance with the requirements of the NSW Heritage Office that establishes the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management measures that are appropriate to enable that significance to be retained.

convenience shop means a shop which:

- (a) is situated on a single allotment or parcel of land in the same ownership, and
- (b) has a gross floor area not exceeding 150 square metres, and
- (c) provides convenience goods or services to the local area.

crematorium means a furnace for cremating human corpses and includes a building containing such a furnace and any ancillary chapel or building.

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.

demolition, in relation to a building, work, archaeological site, relic or place means the damaging, defacing, destruction, pulling down or removal of that building, work, archaeological site, relic or place in whole or in part.

development has the same meaning as in the Act.

Note—

At the commencement of this plan, development included the following:

- (a) the use of land,
- (b) the subdivision of land,
- (c) the erection of a building,
- (d) the carrying out of a work,
- (e) the demolition of a building or work.

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.

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

dwelling-house means a building or buildings containing one but not more than one dwelling.

eco-generating works means a building, work or place used for the generation of energy using:

- (a) renewable resources, such as solar, wind or tidal energy and the like, or
- (b) resources such as methane gas produced from land-fill operations.

eco-tourism facility means any nature-based tourism facility that involves education and interpretation of the natural or cultural environment and that is managed so as to be ecologically sustainable. It may include staff quarters or minimal impact, low scale tourist accommodation that is compatible with the environment.

educational establishment means a building used as a school, college, technical college, university, academy, lecture hall, gallery or museum, but does not include a building used wholly or principally as an institution or a child care centre.

electronic communication centre means a building or place used exclusively for the conduct or management of electronic or telephone communications (or both), such as a call centre.

emergency bush fire hazard reduction work means bush fire hazard reduction work carried out to protect persons, property or the environment from an existing or imminent danger arising out of a fire.

emergency fire fighting act means anything done or authorised to be done by a fire fighting authority, during the course of bush fire fighting operations.

emergency response plan means a plan including strategies for flood warning

(including the dissemination of information to occupants) and the evacuation of persons, equipment and stock. The plan should be structured to be a parent plan to individual site plans for affected individual sites.

environmental facility means a building, work or place which provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

environmental protection works means any work 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 rehabilitation works, erosion protection works, dune restoration works, dune protection works and the like.

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 used on a temporary basis for display purposes associated with the sale of the dwelling and similar dwellings, and may include areas within the dwelling that are used for ancillary purposes, such as a sales office, materials display and the like.

exhibition village means a group of exhibition homes and includes other associated places such as places used for car parking, a sales office, a display centre and the like, and may include ancillary buildings.

existing ground level means the ground level in existence immediately prior to the commencement of proposed building or site works.

exotic tree means a tree that is not locally indigenous.

extractive industry means:

- (a) the winning of extractive material from the site, or
- (b) an undertaking, not being a mine, that depends on the winning of extractive material from the land upon which it is carried on, and includes any washing, crushing, grinding, milling or separating into different sizes of that extractive material on that land,

but does not include the winning of extractive material that is required for, ancillary to or associated with the operation of a waste management facility or works.

extractive material means clay, coal, gravel, rock, sand, soil, stone or similar substance, but does not include turf and any sand, soil or other material remaining

attached to turf after turf extraction is carried out.

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) a waste disposal land fill operation.

flood prone land means land that is at or below 0.5 metre above the 1% annual exceedance probability flood level.

flood work has the same meaning as in the [Water Management Act 2000](#).

generating works means a building or place used for the purpose of making or generating gas, electricity, or other forms of energy, but does not include eco-generating works.

goods terminal means a building or place used for the principal purpose of the bulk handling of goods for transport by air, rail, road or waterborne vessels, and includes facilities for the loading and unloading of vehicles and vessels used to transport those goods and for the parking, servicing and repair of those vehicles or vessels.

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

height means the height of a building or structure measured from existing ground level to the uppermost point of the building or structure (excluding antennae, satellite dishes, masts, flagpoles and the like).

helipad means a place used for the occasional landing and taking off of helicopters, and which does not provide for commercial aviation or other facilities such as a terminal.

heliport means a place, whether open to the public or not, used for the taking off and landing of helicopters on a commercial basis, whether or not it includes a terminal building or facilities for the parking, storage or repair of helicopters.

heritage conservation area means an area of land that is shown edged with a heavy black broken line on the zoning map and described in Part 2 of Schedule 6.

heritage impact statement means a document prepared by a suitably qualified person consisting of:

- (a) a statement addressing the heritage significance of a particular heritage item or heritage conservation area, or of a building, work, archaeological site, relic, tree or

place within a heritage conservation area, and

- (b) an assessment of the impact that the proposed development will have on that heritage significance, and
- (c) recommendations for appropriate measures to minimise that impact.

heritage item means:

- (a) a building, work, archaeological site, tree or place specified in the inventory of heritage items included in Part 1 of Schedule 6, or
- (b) a place described in the National Parks and Wildlife Service Sites Register as a place of Aboriginal heritage significance.

heritage significance means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value to the community of the City of Newcastle.

home employment means an occupation which is carried out in a dwelling, or within the curtilage of a dwelling, by the permanent residents of the dwelling, and which does not involve:

- (a) the employment of more than one additional person who does not permanently reside in the dwelling, or
- (b) the exposure to view from any adjacent premises or from any public place of any unsightly matter, or
- (c) 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, or otherwise, or
- (d) the display of goods, whether in a window or otherwise, or
- (e) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on the dwelling, or within the curtilage of the dwelling, to indicate the name and occupation of the resident), or
- (f) the use of the premises for the carrying out of an act or acts of prostitution.

home workplace means an activity carried out within a dwelling or within the curtilage of a dwelling, occupied by at least one of the people carrying out the activity or on land adjoining the land on which the dwelling is situated which is in the same ownership, and which does not involve:

- (a) the employment of more than three additional persons that do not permanently reside in the dwelling, or
- (b) the exposure to view from any adjacent premises or from any public place of any

unsightly matter, or

- (c) the offering for sale of any goods other than goods which have been either produced on the site of the activity or relate directly to the activities taking place on the site, or
- (d) 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, or otherwise, or
- (e) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on the dwelling, or within the curtilage of the dwelling, to indicate the name and occupation of the resident), or
- (f) the use of more than one third of the area of the building or buildings on the land or 50 square metres for the activity, whichever is the lesser, or
- (g) the use of the premises for carrying out an act or acts of prostitution.

hospital means a building or place used for the purpose of providing professional health services (including preventative care, diagnosis, medical or surgical treatment or counselling) to people admitted as in-patients, whether or not out-patients are also cared for or treated, and may include:

- (a) a nursing home, or
- (b) offices for administration, or
- (c) accommodation for staff and visitors, or
- (d) associated education or research facilities.

hotel means the premises to which a hotelier's licence granted under the [Liquor Act 1982](#) applies.

industrial ecology means interactive relationships between industries aimed at optimising the use of energy and resources and minimising pollution and waste in such a manner that the raw materials used and the waste products produced by industries and other development progressively achieve a closed cycle.

industry means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing or adapting, or the research and development of any goods, chemical substances, food, agricultural or beverage products, or articles for commercial purposes, but does not include extractive industry or a mine.

injuring, in relation to a tree, means:

- (a) lopping and topping, or
- (b) poisoning, including applying herbicides and other plant toxic chemicals to a tree or spilling (including washing off or directing water contaminated by) oil, petroleum, paint, cement, mortar and the like onto the root zone, or
- (c) cutting and tearing of branches and roots that is not carried out in accordance with arboricultural practices that are generally accepted to promote the health of the tree, and does not qualify as pruning, or
- (d) ringbarking, scarring the bark when operating machinery, fixing objects (eg signs) by nails, staples or wire, using tree climbing spikes on healthy trees marked for retention (except for access to an injured tree worker) or fastening materials that circle and significantly restrict the normal vascular function of the trunk or branches, or
- (e) damaging the tree's root zone by compaction, excavation or asphyxiation (including filling or stockpiling of materials), or
- (f) underscrubbing, unless carried out by hand tools, such as brushcutters and the like.

institution means:

- (a) a residential centre for persons who are within the target group, within the meaning of the *Disability Services Act 1993*, or
- (b) a hospital within the meaning of the *Mental Health Act 1990*, or
- (c) a correctional centre within the meaning of the *Crimes (Administration of Sentences) Act 1999*, or
- (d) a detention centre within the meaning of the *Children (Detention Centres) Act 1987*.

intensive agriculture means a form of agriculture, comprising intensive livestock, horticultural or aquaculture enterprises such as turf farms, hydroponics greenhouses, piggeries, cattle feed lots, poultry farms or the like, which require particular treatment or practices for the management of wastes (including faeces or other by-products).

light industry means an industry, not being an offensive or hazardous industry, in which the processes carried on, the transportation involved or the machinery or materials used do not unreasonably interfere 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, or otherwise.

liquid fuel depot means a depot or place used for the bulk storage or wholesale distribution of petrol, oil, petroleum or other inflammable liquid.

local shop means a shop that:

- (a) is of a nature and size that is suitable to serve a surrounding population of approximately 5,000 people, and
- (b) is not a bulky goods retail outlet, convenience shop or sex aid establishment.

locally indigenous, in relation to a tree or other vegetation, means being of a species that existed in, or on land in the vicinity of, the lower Hunter Region before European settlement.

lower Hunter Region means land within the cities of Greater Cessnock, Lake Macquarie, Maitland and Newcastle and the local government area of Port Stephens.

low impact facility means telecommunication devices declared to be low impact facilities under the [Telecommunications \(Low Impact Facilities\) Determination 1997](#) of the Commonwealth.

maintenance means minor works involving a heritage item or a building within a heritage conservation area. It includes the ongoing protective care of a heritage item or a building, work, archaeological site, relic, tree or place within a heritage conservation area, and minor works not likely to detract from heritage significance. It does not include alterations involving the introduction of new materials or technology or alterations which would significantly change the appearance of the heritage item, building or work.

managed bush fire hazard reduction work means bush fire hazard reduction work that is carried out in accordance with a bush fire risk management plan.

marina means a permanent multiple boat storage facility located on a waterway with support facilities on an adjoining area of land or the waterway, and includes any multiple mooring managed in association with the facility and in its vicinity, and any associated boat sales, storage, dry boat storage or servicing facilities.

mezzanine means an intermediate floor within a room.

mine means any place, open cut, shaft, tunnel, pit, drive, level or other excavation, drift, gutter, lead, vein, lode or reef on which, in which or by use of which any operation is carried on for or in connection with the purpose of obtaining any metal or mineral by any mode or method and any place on which any product of the mine is stacked, stored, crushed or otherwise treated.

motel means a building or buildings (other than a hotel, brothel, boarding-house or urban housing) substantially used for the overnight accommodation of travellers and the vehicles used by them, whether or not the building or buildings are also used in the provision of meals to those travellers or the general public.

motor showroom means a building or place used for the display or sale of motor vehicles, caravans or boats, whether or not motor vehicle accessories, caravan accessories or boat accessories are sold or also displayed there.

native vegetation means all plant species indigenous to the lower Hunter Region.

natural water-based aquaculture means aquaculture undertaken in natural waterbodies (including any part of the aquaculture undertaken in tanks, ponds or other facilities such as during the hatchery or depuration phases).

Newcastle Development Control Plan 2005 means *Newcastle Development Control Plan 2005* adopted by the Council, as in force on the commencement of [Newcastle Local Environmental Plan 2003 \(Amendment No 4\)](#).

Newcastle Urban Strategy means the publication so titled, published by Newcastle City Council in 1998, in two volumes, *The Strategy*, ISBN 0-909115-67-2 and *Background Report*, ISBN 0-909115-68-0.

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 terminal means any building or place used for the assembly and dispersal of passengers, whether conveyed by road, rail or water-borne vessels, but does not include a bus stop on a public road.

place of Aboriginal heritage significance means:

- (a) a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people (it may 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 groves), or
- (b) a natural Aboriginal sacred site or other sacred feature (may include 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 and specified in the National Parks and Wildlife Service Sites Register).

place of assembly means a public hall, theatre, cinema, music hall, concert hall, dance hall, open-air theatre, drive-in theatre, music bowl or any other building or place of a like character used as such and whether used for the purpose of gain or not, but does not include a place of worship, an institution or an educational establishment.

place of worship means a building or place used predominantly for the purpose of

religious worship, whether or not the building or place is also used for ancillary administration, youth clubs, counselling, social events or religious training by a congregation or religious group.

planning flood level means the free water surface level of a flood with a nominated probability of occurrence or annual exceedance probability (**AEP**) adopted for the purposes of allowing particular forms of land use or other development above that level.

plant nursery means a building or place used for both the growing and retail selling of plants, whether or not ancillary products are also sold there.

pond-based aquaculture means intensive aquaculture undertaken predominantly in ponds, raceways, or dams (including any part of the aquaculture undertaken in tanks such as during the hatchery or depuration phases), but does not include natural water-based aquaculture.

port means a building or place used for:

- (a) the loading of goods or materials onto ships and the unloading of goods or materials from ships, or
- (b) the storage of goods that are mainly to be loaded onto ships in its immediate vicinity or that have mainly been unloaded from ships.

potential acid sulphate soils means soil material which is waterlogged and contains oxidisable sulphur compounds and that has a field pH of 4.0 or more but will become acidic when oxidised.

Potential Acid Sulphate Soils Planning Map means a map in the series of maps marked "*Potential Acid Sulphate Soils*" kept in the offices of the Department.

pruning means cutting branches from a tree in a planned and systematic manner that is carried out in accordance with Australian Standard AS 4373—2007, *Pruning of amenity trees*.

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*.

quality of life means individuals' perceptions of their position in life, in the context of cultural and value systems in which they live and in relation to their goals, expectations, standards and concerns.

recreation area means:

- (a) a children's playground, or
- (b) an area used for sporting activities and sporting facilities, or
- (c) an area used by the Council to provide facilities for the physical, cultural or intellectual welfare of the community, or
- (d) an area used by a body of persons associated for the purpose of the physical, cultural or intellectual welfare of the community to provide recreational facilities for those persons,

and includes any associated buildings or structures used for spectator accommodation, change rooms, meeting rooms, refreshment facilities and the like.

recreation facility means a building or place used for indoor recreation, a billiard saloon, table tennis centre, squash court, swimming pool, gymnasium, health studio, bowling alley, fun parlour or any other building of a like character used for recreation and whether used for the purpose of gain or not, but does not include a place of assembly.

relic means:

- (a) any deposit, object or material evidence (which may consist of human remains) that is more than 50 years old relating to the use or settlement, not being Aboriginal habitation, of the City of Newcastle, and that is a fixture or is wholly or partly within the ground, or
- (b) any deposit, object or material evidence (which may consist of human remains) of any age relating to Aboriginal habitation for the locality now identified as the City of Newcastle.

remove, in relation to a tree, means cut down, fell, destroy, kill, transplant or uproot a

tree.

restaurant means a building or place the principal purpose of which is the provision of meals for consumption on or off the premises.

roadside stall means a building or place not exceeding 20 square metres in floor space or area where only primary products produced on the property on which the building or place is situated are exposed or offered for sale or sold by retail.

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

sex aid establishment means any premises used solely or principally for the purpose of offering or exposing for sale by wholesale, mail order or retail, all or any of the following items:

- (a) publications that are classified Category 1 Restricted, Category 2 Restricted or RC (Refused Classification) under the [Classification \(Publications, Films and Computer Games\) Act 1995](#) of the Commonwealth,
- (b) materials, compounds, preparations or devices which are used or intended to be used in or in connection with sexual activity,

and includes sex shops, sex aid shops, adult bookshops and the like.

sexual entertainment establishment means any premises used solely or principally for the purpose of presenting entertainment of an overtly erotic nature, including peep shows, strip tease shows, live sex shows, pornographic movies and the like.

shop means a building or place that is used for the purpose of the selling by retail, or hiring or displaying for the purpose of selling or hiring, of items (whether goods or materials) but does not include a convenience shop, bulky goods retail outlet, local shop or a sex aid establishment.

site audit statement has the same meaning as in Part 4 of the [Contaminated Land Management Act 1997](#).

State significance, in relation to a heritage item, means a heritage item which is identified as being of State significance in Schedule 6.

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.

subdivision has the same meaning as in the Act.

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.

tank-based aquaculture means intensive aquaculture undertaken exclusively in tanks, but does not include natural water-based aquaculture.

telecommunications carrier means the holder of a carrier licence under the [Telecommunications Act 1997](#) of the Commonwealth.

telecommunications facility has the same meaning as **facility** in the [Telecommunications Act 1997](#) of the Commonwealth.

telecommunications network has the same meaning as in the [Telecommunications Act 1997](#) of the Commonwealth.

the Act means the [Environmental Planning and Assessment Act 1979](#).

the Council means the Council of the City of Newcastle.

transport depot means a building or place used for the storage, servicing, maintenance and fuelling of trucks, tow trucks, buses, aircraft and the like.

tree worker means a trades person who holds the Australian Qualifications Framework Certificate III Horticulture (Arboriculture) or an international qualification considered equivalent by the Council.

urban centre means a commercial or business activity centre and includes the Newcastle City Centre, district centres and local centres as described in the [Newcastle Urban Strategy](#).

urban housing means a building or buildings comprising two or more dwellings.

utility undertaking means:

- (a) any of the following undertakings carried on or permitted or suffered 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:
 - (i) railway, road transport, water transport, air transport, wharf or river undertakings,
 - (ii) undertakings for the supply of water, hydraulic power, electricity or gas or the provisions of sewerage or drainage,
 - (iii) the provision of a telecommunications network or facility by a telecommunications carrier,
- (b) a private undertaking of a kind similar to any of those described in paragraph (a) (ii), carried on by a person other than a public authority,

and a reference to a person carrying on a utility undertaking includes a reference to a council, county council, or government department, corporation, firm or authority carrying on the undertaking.

warehouse means a building or place used for the storage of goods, merchandise or materials pending their sale or distribution to persons engaged in the retail trade.

waste management facility or works means a facility used for the storage, treatment, purifying or disposal of waste, whether or not it is also used for the sorting, processing, recycling, recovering, use or reuse of material from that waste, and whether or not any such operations are carried out on a commercial basis. It includes but is not limited to:

- (a) an extractive industry ancillary to, required for or associated with the preparation or remediation of the site for such storage, treatment, purifying or disposal, and
- (b) eco-generating works ancillary to or associated with such storage, treatment, purifying or disposal.

wetland means any shallow body of water (such as a marsh, billabong, swamp or sedgeland) that is:

- (a) inundated cyclically, intermittently or permanently with water, and
- (b) vegetated with wetland plant communities.

zoning map means the set of maps identified as “*Newcastle Local Environmental Plan 2003—Zoning Map*”, as amended by the maps marked as follows:

Editorial note—

The amending maps are not necessarily listed in the order of gazettal or publication on the NSW legislation website. Information about the order of gazettal or publication can be determined by referring to the Historical notes at the end of the plan.

Newcastle Local Environmental Plan 2003 (Amendment No 4)—Sheets 1-14 and 16

Newcastle Local Environmental Plan 2003 (Amendment No 6)—Sheets 1-3

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 11)—The Dan Land—Zoning Map

State Environmental Planning Policy (Major Projects) Amendment (Freeway North) 2008

- (2) The terms **hazardous industry**, **hazardous storage establishment**, **offensive industry** and **offensive storage establishment** have the same meanings as in [State Environmental Planning Policy No 33—Hazardous and Offensive Development](#).
- (3) In this plan, a reference to a map is to a map held at the office of the Council.

Schedule 1 Exempt development

(Clause 10)

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 applies to other exempt development.

Note 2—

The removal of trees to enable the carrying out of any other development listed in this Schedule may be exempt development under clause 28 of this Schedule or complying development under clause 5 of Schedule 2 or may require a development consent under clause 14 of this plan.

1 Building alterations

Note—

This development, if carried out on a dwelling, is exempt development under [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#). From 27 February 2009 only that Policy applies in relation to building alterations to dwellings.

- (1) **Premises** The alterations must not be carried out on any of the following premises:
 - (a) premises used as a hairdressing or beauty salon,
 - (b) premises on which skin penetration procedures (within the meaning of section 51 of the [Public Health Act 1991](#)) are carried out,
 - (c) premises used for the sale of food, or the storage or handling of food for sale.
- (2) **General** May only be minor non-structural alterations, such as the following:
 - (a) plastering or cement rendering,

- (b) attachment of fittings,
 - (c) replacement of doors or windows,
 - (d) replacement of ceiling, wall or floor linings or decorative work,
 - (e) replacement of bathroom,
 - (f) installation of kitchen or laundry fixtures,
 - (g) carrying out of decorative work.
- (3) **Impact on structure** Wall, door or window openings must not be enlarged or reduced.
- (4) Alterations must not affect the load bearing capacity of any load bearing component of the building.
- (5) **Safety** Any work involving asbestos cement must comply with the following WorkCover Authority guidelines:
- (a) *Working with asbestos: Guide 2008* (ISBN 0 7310 5159 9),
 - (b) *Guide to licence applicants for friable or bonded asbestos* (January 2008).
- (6) If paint removal is carried out in conjunction with the alterations, it must be carried out in a manner that prevents possible contamination of air or ground by lead or other toxic compounds.
- (7) **Heritage and bush fire prone land** Must not be carried out on land that comprises or on which there is a heritage item.
- (8) Alterations must not be to the exterior of a building in a heritage conservation area or on bush fire prone land.
- (9) **Flood prone land** May be carried out on flood prone land if relevant provisions of *Newcastle Development Control Plan 2005* are complied with.

2 Cemeteries and burial grounds

- (1) 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.
- (2) **Heritage** Must not involve disturbance to human remains, to relics in the form of grave goods or to a place of Aboriginal heritage significance.

3 Change of use—local shops, shops, commercial premises and commercial offices

- (1) **General** The development is the different use of a building resulting from a change:
 - (a) from one type of local shop to another type of local shop, or
 - (b) from one type of shop to another type of shop, or
 - (c) from one type of commercial premises to another type of commercial premises, or
 - (d) from commercial premises to commercial offices, or
 - (e) from one type of commercial offices to another type of commercial offices, or
 - (f) from commercial offices to commercial premises.
- (2) **Current use** The current use of the building must be lawful and must not be an existing use (within the meaning of section 106 of the Act).
- (3) **Proposed use** The proposed use of the premises must not comprise any of the following:
 - (a) premises for the sale of food or the storage or handling of food for sale,
 - (b) hairdressing or beauty salons,
 - (c) premises on which ear piercing, tattooing or other skin penetration procedures (within the meaning of section 51 of the *Public Health Act 1991*) are carried out,
 - (d) premises used for the sale or display of publications or objects primarily concerned with sexual activity.
- (4) **Floor area** The proposed use must not involve any increase in floor area.
- (5) **Operation** Hours of operation must not extend beyond any existing approved hours.

Note—

A current development consent applying to the premises may contain conditions on the permitted hours of operation.

- (6) If the proposed use is as a shop or as commercial offices, the curtilage of the premises must not be used for storage or display purposes.
- (7) The new use must be carried out in accordance with any conditions of a current development consent relating to the premises, including car parking, loading, vehicular movement, traffic generation, waste management, noise and site landscaping.

4 Maintenance of heritage items or buildings, works, archaeological sites, relics, trees or

places within heritage conservation areas

Note—

See the definition of ***maintenance*** in clause 37 (1) of this plan.

- (1) **General** The applicant has advised the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that is satisfied that the proposed development:
 - (a) is of a minor nature, or is for the maintenance of the heritage item, archaeological site, or a building, work, relic, tree or place within a heritage conservation area, and
 - (b) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area.
- (2) **Flood prone land** May be carried out on flood prone land if relevant provisions of *Newcastle Development Control Plan 2005* are complied with.
- (3) **Replacement or repair of cladding** If the maintenance involves the replacement or repair of wall cladding or roof cladding, must comply with the requirements set out in this Schedule for that kind of development.

5 Native vegetation—clearing

- (1) Does not apply to the clearing of native trees.
- (2) May only be undertaken with the written agreement of the owner of the land on which the native vegetation is located.
- (3) May only involve native vegetation that was previously planted for agriculture, agroforestry, forestry, horticulture or woodlot purposes.
- (4) **Threatened species** 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*.

Note 1—

The terms ***clearing*** and ***native vegetation*** are defined in clause 37 of this plan.

Note 2—

Clearing of native vegetation is also provided for under other legislation, including the *Rural Fires Act 1997*.

6 Public roads—construction of footpaths, footpath crossings, kerb crossings or

stormwater drainage connections

Note—

The carrying out of works on a public road requires consent of the appropriate roads authority (usually the Council) under the *Roads Act 1993*.

- (1) **Damage** Any damage caused to kerb, 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*.
- (2) **Storage of construction materials on roads or public reserves** No part of a public road is to be used for storage of construction materials without the authorisation of the appropriate roads authority under the *Roads Act 1993*.
- (3) No part of a public reserve is to be used for storage of construction materials without the authorisation of the Council.
- (4) **Flood prone land** May be carried out on flood prone land if relevant provisions of *Newcastle Development Control Plan 2005* are complied with.
- (5) **Water pollution** Adequate measures must be carried out to prevent sediment or other pollutants from entering drains or watercourses.
- (6) **Stormwater** Works must not restrict flow of stormwater.
- (7) Overland stormwater flow must not be diverted as a result of the works over land to buildings (such as garages and dwellings).
- (8) Works must not restrict access to stormwater pipelines.

7 Signs—business identification

- (1) **Number** Maximum of one business identification sign per premises.
- (2) **Siting** No freestanding signs on a public road (including the footway of a public road).
- (3) Signs may be suspended from a building over the footway of a public road and, in that case, must be located no closer than 3.6 metres from the edge of the kerb and at least 2.6 metres above ground level (existing).
- (4) **Dimensions** Maximum area—1 square metre.
- (5) **Heritage** Must not be located on land that comprises or on which there is a heritage item.

8 Tree pruning

- (1) Includes pruning of trees located on flood prone land.

- (2) Pruning must be undertaken in accordance with:
 - (a) the tree management provisions contained in Element 4.10 of *Newcastle Development Control Plan 2005*, and
 - (b) Australian Standard AS 4373—2007, *Pruning of amenity trees*.
- (3) **Heritage Tree** must not be a heritage item that is listed in Schedule 6.
- (4) **Threatened species Tree** 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*.

Note 1—

The term **pruning** is defined in clause 37 (1) of this plan.

Note 2—

Removal and pruning of trees is also provided for under other legislation, including the *Electricity Supply Act 1995*, the *Local Government Act 1993* (in relation to trees on council land), the *Roads Act 1993*, the *Rural Fires Act 1997* and the *Trees (Disputes Between Neighbours) Act 2006*.

Note 3—

Removal or interference with a tree on a public road requires the consent of the appropriate roads authority under the *Roads Act 1993*.

9 Tree removal

- (1) Includes removal of trees located on flood prone land.
- (2) Removal of a tree may only be undertaken, with the written agreement of the owner of the land on which the tree is located, if any of the following circumstances apply to the tree:
 - (a) must be of a species that is a noxious weed under the *Noxious Weeds Act 1993*,
 - (b) must have a circumference breast height not greater than 450 millimetres for a single trunk tree or not greater than 300 millimetres for each trunk of a multi-trunk tree,
 - (c) must be dead and not provide a habitat for hollow-dependent fauna,
 - (d) must be located within 3 metres of the wall of the principal building (excluding carports, pergolas, fences, retaining walls and the like) on the land on which it is situated or on adjacent land, measured from the closest point of the trunk to the footings of the building.

- (3) Removal must be completed in one operation and any remaining stump must be no higher than 1.4 metres.
- (4) Retention of the tree must not have been a condition of a development consent.
- (5) **Heritage Tree** must not be a heritage item that is listed in Schedule 6.
- (6) **Threatened species Tree** 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*.

Note 1—

The terms **circumference breast height** and **remove** are defined in clause 37 (1) of this plan.

Note 2—

Removal and pruning of trees is also provided for under other legislation, including the *Electricity Supply Act 1995*, the *Local Government Act 1993* (in relation to trees on council land), the *Roads Act 1993*, the *Rural Fires Act 1997* and the *Trees (Disputes Between Neighbours) Act 2006*.

Note 3—

Removal or interference with a tree on a public road requires the consent of the appropriate roads authority under the *Roads Act 1993*.

10 Use of public land or a public road for an exhibition, meeting or community event

Note—

In the case of Crown land or land vested in or under the control of the council, permission must be sought from the council or other authority responsible for managing the land concerned before any development (including exempt development) is carried out on the land. Where the land is a public road, permission must be sought from the appropriate roads authority under the *Roads Act 1993* (usually the council).

Under section 68 of the *Local Government Act 1993*, certain activities carried out on community land require approval from the council.

- (1) **Definition** In this clause:

community event has the same meaning as in *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007*.

- (2) **Plans of management** Must be consistent with any plan of management under the *Local Government Act 1993* or the *Crown Lands Act 1989* that applies to the land.
- (3) **Temporary structures** The erection and use of any temporary structure for the purposes of the exhibition, meeting or community event must be exempt development or complying development under *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007*.

(4) **Bush fire prone land** The exhibition, meeting or community event must not be carried out on bush fire prone land.

(5) **Flood prone land** May be carried out on flood prone land if the relevant provisions of *Newcastle Development Control Plan 2005* are complied with.

Schedule 2 Complying development

(Clause 11)

Note—

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies complying development under that Policy. The Policy has State-wide application.

Part 1 Types of development

1 Change of use—from shops and warehouses

(1) **General** The development is the different use of a building resulting from a change:

(a) from one type of shop to another type of shop or to commercial offices or commercial premises, or

(b) from one type of warehouse to another type of warehouse.

(2) **Current use** The current use of the building must be lawful and must not be an existing use (as defined in section 106 of the Act).

(3) **Proposed development or use** The proposed development may include structural alterations, but only to the interior of the premises concerned.

(4) The proposed premises must not comprise premises for the sale of food or the storage or handling of food for sale.

(5) **Floor area** The proposed use must not involve any increase in floor area.

(6) **Operation** Hours of operation must not extend beyond any existing approved hours.

Note—

A current development consent applying to the premises may contain conditions on the permitted hours of operation.

(7) If the proposed use is as commercial offices, the curtilage of the premises must not be used for storage or display purposes.

(8) **Flood prone land** May be carried out on flood prone land if relevant provisions of *Newcastle Development Control Plan 2005* are complied with.

2 Dwelling-houses and associated outbuildings

Note—

Works ancillary to the development allowed by this clause, such as landscaping, the installation of driveways, paving, drainage, filling, excavation and the laying of underground services may be carried out as exempt development. See the entry for ancillary works external to a building in Schedule 1.

Works on public roads, such as footpath crossings, kerb crossings or stormwater drainage connections for dwelling-houses may also be carried out as exempt development. See the entry for public roads in Schedule 1.

(1) **General** The development involves one of the following:

- (a) the erection of a new dwelling-house,
- (b) the alteration of or addition to an existing dwelling-house,
- (c) the erection of a carport or garage ancillary to an existing dwelling-house,
- (d) the erection of any other kind of outbuilding (other than a swimming pool) ancillary to an existing dwelling-house,
- (e) demolition of a building of a kind referred to in paragraphs (a)–(d) prior to the carrying out of development referred to in any of those paragraphs.

(2) **Site area** The development does not result in more than one dwelling on the relevant lot.

(3) May only be carried out on land in Zone 2 (a) or 2 (b) that has gravity drainage to a public drainage system.

(4) **Siting** Any external wall of the resulting building must be at least 0.9 metre from any side or rear property boundary.

(5) The outside of any new eaves or gutter must be at least 0.675 metre from any side or rear property boundary.

(6) Minimum setback from boundary of secondary street frontage on corner lot—2.5 metres.

(7) Minimum setback from any other boundary with a street—5 metres.

(8) Must not encroach on any easement, pipeline or watercourse.

(9) **Number of storeys—dwelling-houses and outbuildings** Any proposed dwelling-house or outbuilding may only be a single storey building.

(10) **Additions** Any addition to a dwelling-house may only be to the ground floor of the dwelling-house.

(11) **Streetscape** Dwelling-houses facing a public road must have at least a front door or

window of a habitable room facing the road.

- (12) The combined width of all proposed garages or carports facing a public road must not be more than the lesser of:
- (a) 6 metres, or
 - (b) 40 per cent of the width of the frontage.
- (13) **Bulk and scale** Maximum height of underside of eaves—3.5 metres above ground level (existing).
- (14) Maximum roof pitch—30 degrees.
- (15) Any roof openings must be flush with the roof pitch.
- (16) Maximum floor area of any carport, garage or other outbuilding—40 square metres.
- (17) **Safety** Any work involving asbestos cement must comply with the following WorkCover Authority guidelines:
- (a) *Working with asbestos: Guide 2008* (ISBN 0 7310 5159 9),
 - (b) *Guide to licence applicants for friable or bonded asbestos* (January 2008).
- (18) **Solar access** The building or structure must comply with Element 5.1.5 of *Newcastle Development Control Plan 2005*.
- (19) **Privacy** If a new window in a habitable room allows an outlook to a window in a habitable room of an adjoining dwelling and the two windows are less than 9 metres apart:
- (a) the new window must be offset, from its edge to the edge of the window in the adjoining dwelling, by a distance of at least 0.5 metre, or
 - (b) the new window must have a sill height of at least 1.5 metres above floor level, or
 - (c) any part of the new window less than 1.5 metres above floor level must have fixed obscure glazing.
- (20) **Car parking** At least one car parking space must be provided for a new dwelling.
- (21) **Landscaping** The percentage of the area of the relevant lot comprising surfaces that are permeable to rainwater must be at least 20 per cent after the development is carried out.
- (22) **Utilities** The lot must be connected to a reticulated sewerage system operated by the Hunter Water Corporation.
- (23) **Stormwater** The flow of stormwater must not be restricted.

- (24) The development must comply with applicable requirements in Element 4.5 of *Newcastle Development Control Plan 2005*.
- (25) **Waste** The development must comply with applicable requirements in Element 4.6 of *Newcastle Development Control Plan 2005*.
- (26) **Bush fire prone land** The development must not be carried out on bush fire prone land.
- (27) **Flood prone land** May be carried out on flood prone land if relevant provisions of *Newcastle Development Control Plan 2005* are complied with.
- (28) **Trees** The development must not involve the removal of a tree identified as significant on any approved subdivision plan applying to the land.

Note—

The removal of trees to enable the carrying out of any of the development listed in this Schedule may be exempt development under Schedule 1, or complying development under this Schedule or may require development consent under clause 14 of this plan.

3 Strata subdivision

- (1) **General** The development comprises subdivision for the purpose of creating a strata scheme under the *Strata Schemes (Freehold Development) Act 1973* in relation to a building for which an occupation certificate has been issued.
- (2) **Parking** Parking spaces must be allocated to units in accordance with the terms of any existing development consent applying to the premises.
- (3) Visitor parking required to be provided under the terms of any existing development consent applying to the premises must be located within common property.
- (4) **Development lots** The strata plan must not include any development lot, as defined in the *Strata Schemes (Freehold Development) Act 1973*.

4 Swimming pools ancillary to dwelling-houses

Note—

Swimming pools are subject to requirements under the *Swimming Pools Act 1992*.

Decks may be installed around swimming pools as exempt development (see Schedule 1).

- (1) **Siting** Inside edge of the pool must be at least 1 metre from side and rear property boundaries.
- (2) Must not be located between the dwelling-house and the street alignment.
- (3) Must not encroach on any easement, pipeline or watercourse.
- (4) **Bulk and scale** All decking around the pool must be no more than 1 metre above

ground level (existing) at any point and a minimum of 0.9 metre from side and rear property boundaries.

- (5) **Landscaping** The percentage of the area of the relevant lot comprising surfaces that are permeable to rainwater must be at least 20 per cent following installation.
- (6) **Drainage** Must not impede existing site drainage or restrict or divert stormwater or floodwaters.
- (7) Perimeter drainage around the pool must be designed so as to direct water away from adjoining properties.
- (8) Wastewater from the pool's filtration system must discharge to:
 - (a) a reticulated sewerage system operated by the Hunter Water Corporation, or
 - (b) in the case of land not serviced by that sewerage system—a waste treatment device that is the subject of an approval under Chapter 7 of the *Local Government Act 1993*.
- (9) **Flood prone land** May be carried out on flood prone land if the relevant provisions of *Newcastle Development Control Plan 2005* are complied with.

5 Tree removal

- (1) Applies to tree removal, other than tree removal that is exempt development, that complies with the tree management provisions contained in Element 4.10 of *Newcastle Development Control Plan 2005*.
- (2) Includes tree removal on flood prone land.
- (3) Does not apply to tree removal that is carried out pursuant to a development consent.
- (4) **Heritage** Tree must not be a heritage item, or located on land that contains a heritage item, that is listed in Schedule 6.
- (5) **Threatened species** Tree 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*.

Note 1—

The term **remove** is defined in clause 37 (1) of this plan.

Note 2—

Removal and pruning of trees is also provided for under other legislation, including the *Electricity Supply Act 1995*, the *Local Government Act 1993* (in relation to trees on council land), the *Roads Act 1993*, the *Rural Fires*

Act 1997 and the *Trees (Disputes Between Neighbours) Act 2006*.

Note 3—

Removal or interference with a tree on a public road requires the consent of the appropriate roads authority under the *Roads Act 1993*.

Part 2 Complying development certificate conditions

Note—

Conditions are also prescribed by the regulations made under the Act.

Division 1 Change of use

6 Hours of operation

Hours of operation must not extend beyond any existing approved hours.

Note—

A current development consent applying to the premises may contain conditions on the permitted hours of operation.

7 Conditions of another development consent

The new use must be carried out in accordance with any conditions of a current development consent relating to the premises, including car parking, loading, vehicular movement, traffic generation, waste management, noise and site landscaping.

8 Use of curtilage

The curtilage of commercial offices must not be used for storage or display purposes.

Division 2 Building work, demolition and installation of swimming pools

9 Before work begins

The person having the benefit of the complying development certificate must give any occupier of adjoining premises at least 2 days' notice before work begins.

Note—

See also section 86 of the Act, which requires certain steps to be taken before the erection of a building begins. These include the principal certifying authority notifying the Council of his or her appointment.

10 Site management

- (1) Run-off and erosion controls must be implemented to prevent erosion, water pollution or the discharge of loose sediment on surrounding land by:
 - (a) diverting uncontaminated run-off around cleared or disturbed areas, and

- (b) erecting and maintaining a silt fence to prevent debris escaping into drainage systems or waterways, and
- (c) preventing tracking of sediment by vehicles onto roads, and
- (d) 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.

- (2) Any removal or disturbance of vegetation or topsoil must be confined to within 3 metres of the proposed building.

11 Hours of work

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

12 Public roads and reserves

- (1) Any damage caused to kerbs, guttering or footways during carrying out of work must be rectified in accordance with any requirements of the appropriate roads authority under the *Roads Act 1993*.
- (2) 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*.
- (3) No part of any public reserve is to be used for storage of construction materials without the authorisation of the Council.

13 On-site toilet

A temporary on-site toilet or access to an existing toilet on site must be provided to the site before the commencement of work.

14 Asbestos

Any work involving asbestos cement must comply with the following WorkCover Authority guidelines:

- (a) *Working with asbestos: Guide 2008* (ISBN 0 7310 5159 9),
- (b) *Guide to licence applicants for friable or bonded asbestos* (January 2008).

15 Street trees

- (1) Prior to commencement of the development, all necessary steps must be taken to protect street trees (including their root systems) from disturbance or damage as a result of the development, including the installation of protective chain link fencing as required.
- (2) Any damage caused to street trees as a result of the development is to be rectified.

16 Additional provisions applying to demolition of a building

Any demolition of a building must be carried out in accordance with:

- (a) Australian Standard AS 2601—2001, *Demolition of structures*, and
- (b) any applicable requirements of the WorkCover Authority.

17 Additional provisions applying to swimming pools

- (1) Noise emissions from any filtration equipment or pumps must not be audible inside any dwelling on an adjoining lot between 10.00pm and 7.00am on weekdays, and between 10.00pm and 8.00am on Saturdays, Sundays and public holidays. At all other times, noise levels must not exceed 5dBA above ambient background noise level measured at the boundary of the relevant lot.
- (2) Any relevant provisions of the [Swimming Pools Act 1992](#) and regulations under that Act must be complied with.

Division 3 Tree removal

18 Site management

- (1) Run-off and erosion controls must be implemented to prevent erosion, water pollution or the discharge of loose sediment on surrounding land by:
 - (a) diverting uncontaminated run-off around cleared or disturbed areas, and
 - (b) erecting and maintaining a silt fence to prevent debris escaping into drainage systems or waterways, and
 - (c) preventing tracking of sediment by vehicles onto roads, and
 - (d) 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.

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

minimised.

19 Hours of work

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

20 Public roads and reserves

- (1) Any damage caused to kerbs, guttering or footways during the carrying out of works must be rectified in accordance with any requirements of the appropriate roads authority under the [Roads Act 1993](#).
- (2) 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](#).
- (3) No part of any public reserve is to be used for storage of construction materials without the authorisation of the Council.

21 Replacement trees

Where practicable, a suitable replacement tree is to be planted on the property concerned in accordance with Element 4.10 of *Newcastle Development Control Plan 2005*.

22 Safe work practices

The work must comply with the WorkCover Authority's *Code of Practice For The Amenity Tree Industry* (ISBN 0 7310 8738 0, August 1998).

23 Disposal of trees

Trees and stumps are to be:

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

Schedule 3 (Repealed)

Schedule 4 Utility undertakings that do not require consent

(Clauses 13 (b) and 14 (m))

1 Railway undertakings

The carrying out of:

- (a) any development required in connection with movement of traffic and goods by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant, or
- (b) the erection of buildings for any purpose within the limits of a railway station, but excluding development involving:
 - (c) the construction of a new railway, new railway station or new bridge, or
 - (d) the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings are outside the limits of a railway station, or
 - (e) the reconstruction or alteration of railway stations or bridges so as to materially affect their external appearance, or
 - (f) the formation or alteration of any means of access to a road, or
 - (g) the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings have direct access to a public place.

2 Water, sewerage, drainage, electricity or gas undertakings

The carrying out of any of the following development required for the purpose of a water, sewerage, drainage, electricity or gas undertaking:

- (a) development of any description at or below the surface of the ground,
- (b) the installation of plant inside a building,
- (c) the installation or erection of any plant or structures, within the premises of an existing generating station or substation, required in connection with the station or substation,
- (d) the installation or erection of new or replacement plant or other structures or erections, including the installation in an electrical transmission line of substations, feeder-pillars or transformer housings,
- (e) the provision of overhead service lines in pursuance of any statutory power to provide a supply of electricity,

but excluding development involving:

- (f) the erection of buildings, the installation or erection of new or replacement plant or other structures or erections so as to materially affect their design or external appearance of buildings, or
- (g) the erection of overhead lines for the supply of electricity, (otherwise than in pursuance of any statutory power to provide a supply of electricity), or pipes above the surface of the ground for the supply of water, or the installation of substations, feeder-pillars or transformer housings of stone, concrete or brick, or
- (h) the formation or alteration of any means of access to a road.

3 Port, wharf and river undertakings

The carrying out of any development required for the purposes of shipping or in connection with the embarking, loading, discharging or transport of passengers, livestock or goods at a wharf, or the movement of traffic by a railway forming part of the undertaking, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant for those purposes, excluding development involving:

- (a) the construction of bridges and the erection of any other buildings, or
- (b) the reconstruction or alteration of existing bridges or buildings so as to materially affect their design or external appearance, or
- (c) the formation or alteration of any means of access to a road.

4 Air transport undertakings

The carrying out of any development required in connection with the movement of traffic and goods by air, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant required for that purpose, excluding development involving:

- (a) the erection of buildings and the construction or alteration of buildings so as to materially affect their design or external appearance, or
- (b) the construction of additional runways or landing strips, or reconstruction resulting in changes to the orientation of existing runways or landing strips, or
- (c) the formation or alteration of any means of access to a road.

5 Road transport undertakings

The carrying out of any development required in connection with the movement of traffic and goods by road, including the construction, reconstruction, alteration, maintenance and repair of buildings, works and plant required for that purpose, excluding development involving:

- (a) the erection of buildings and the construction or alteration of buildings so as to materially affect their design or external appearance, or
- (b) the formation or alteration of any means of access to a road.

6 Road construction, maintenance etc

The carrying out of any development required in connection with the construction, reconstruction, improvement, maintenance, repair or operation of any public road.

7 Flood mitigation works

The carrying out of any work for the purposes of soil conservation, irrigation, afforestation, reforestation, flood mitigation, water conservation or river improvements in pursuance of the provisions of the *Water Act 1912*, the *Rivers and Foreshores Improvement Act 1948* or the *Water Management Act 2000*, excluding development involving:

- (a) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as to materially affect their design or external appearance, or
- (b) the formation or alteration of any means of access to a road.

Schedule 5 Classification and reclassification of public land as operational land

(Clause 19)

Part 1 Land classified or reclassified under original section 30 of *Local Government Act 1993*

Lot 32 DP 19574, 63A Orchardtown Road, New Lambton, as shown edged heavy black on the map marked "*Newcastle Local Environmental Plan 1987 (Amendment No 124)*", Sheet No 2 of 3 sheets.

Lot J DP 13401, Lots 95-98, 40 Victory Parade, Wallsend, as shown edged heavy black on the map marked "*Newcastle Local Environmental Plan 1987*".

Part 2 Land classified or reclassified under amended section 30 of *Local Government Act 1993*—interests changed

Part Lot 40 DP 19631, 45 Lookout Road, New Lambton Heights, as shown edged heavy black on the map marked "*Newcastle Local Environmental Plan 1987 (Amendment No 124)*", Sheet No 1 of 3 sheets.

Part of Lot 40 DP 19631, 45 Lookout Road, New Lambton Heights, as shown edged heavy black on the map marked "*Newcastle Local Environmental Plan 2003 (Amendment No 5)*".

Part Lot 6, Sec 1, DP 29, known as 67 Cowper Street, Wallsend, as shown edged heavy black on Sheet 15 of the map marked "*Newcastle Local Environmental Plan 2003 (Amendment No 4)*".

Part 3 Land classified or reclassified under amended section 30 of Local Government Act 1993—interests not changed

Lots B and C, DP 37025, and known as 7A Breen Street, Stockton (Breen Street Reserve), as shown edged heavy black on the map marked “Newcastle Local Environmental Plan 2003 (Amendment No 1)”.

Schedule 6 Heritage items and heritage conservation areas

(Clause 37 and Schedule 2)

Part 1 Heritage items

Suburb	Item name	Address	Property description	Significance
Adamstown	Adamstown Post Office	195 Bruncker Road	Lot 1 DP 222812	Local
Adamstown	Former Adamstown Public School	201 Bruncker Road	Lot 3263 DP 822183	Local
Adamstown	Adamstown Uniting Church	228 Bruncker Road	Lot 1 DP 126604	Local
Adamstown	Nag’s Head Hotel	268 Bruncker Road	Lot B DP 319138	Local
Adamstown	Kitchener Hall	269 Bruncker Road	Lot 2 DP 227081	Local
Adamstown	Adamstown RSL Memorial Hall	278 Bruncker Road	Lot 2 DP 1002163	Local
Adamstown	Former Rifle Range	351 Bruncker Road	Lot 102 DP 1037972	Local
Adamstown	Adamstown Signal Box	Cnr Glebe Road and Park Avenue	Railway land	Local
Adamstown	Adamstown Park	506 Glebe Road	Pt Lot 3156 DP 755247	Local
Adamstown	Gates Hotel	660 Glebe Road	Lots 7 and 8 Sec A DP 2347	Local
Adamstown	St Columba Primary School	153 Lockyer Street	Pt Lot 35 and Lots 36–45 Sec 7 DP 1141	Local
Adamstown	Former Church	153 Lockyer Street	Pt Lot 35 and Lots 36–45 Sec 7 DP 1141	Local
Adamstown	Police Residence	65 Narara Road	Lot 3276 DP 823771	Local
Adamstown	Adamstown Police Station	67 Narara Road	Lot 3277 DP 823771	Local

Adamstown	Pedestrian Bridge	Park Avenue	Railway land	Local
Adamstown	Adamstown Railway Station	10 Park Avenue	Railway land	Local
Adamstown	New Redhead Estate Coal Co's Railway	29 Park Avenue	Lot 5 DP 589266	Local
Adamstown	Adamstown Masonic Hall	151 Teralba Road	Lot 1888 DP 755247	Local
Adamstown	Former Royal Standard Hotel	67 Victoria Street	Lot 100 DP 715282	Local
Bar Beach	Units	26 Brooks Street	SP 52934	Local
Bar Beach	Kamarem Court (Residential units)	289-293 Darby Street	SP 12800	Local
Bar Beach	Former King Edwards Girls Home	313 Darby Street	Lot 11 DP 1082583, Lot 2665 DP 755247	Local
Bar Beach	Shed	334A Darby Street	Lot 100 DP 883543	Local
Bar Beach	Empire Park	1 Kilgour Avenue	Pt Lot 258 DP 755247	Local
Bar Beach	Cooks Hill Life Saving Memorial	1 Kilgour Avenue	Pt Lot 258 DP 755247	Local
Bar Beach	Reid Park Tennis Clubhouse and Tennis Courts	1-7 Kilgour Avenue	Pt Lot 258 and Lot 3140 DP 755247	Local
Bar Beach	Empire Park Bowling Club Fence	29 Kilgour Avenue	Lot 3141 DP 755247	Local
Bar Beach	Electrical Substation	17 Light Street	Lot 2 DP 37815	Local
Bar Beach	Cooks Hill Surf Life Saving Club	107-109 Memorial Drive	Pt Lot 258 DP 755247	Local
Bar Beach	Residence	10 Parkway Ave	Lot 2 DP 513566	Local
Bar Beach	Parkhurst Flats	17 Parkway Avenue	Lot 25 DP 32532	Local
Bar Beach	Units	23 Parkway Avenue	SP 22152	Local
Bar Beach	Acropolis (Residential units)	40 Parkway Avenue	SP 33214	Local
Bar Beach	Brooklyn Court (Residential units)	6 Tooke Street	SP 9251	Local
Beresfield	Newcastle Crematorium	176 Anderson Drive	Lot 1 DP 186908, Lot 1 DP 221744, Lot 11 DP 553141, Lot 29 DP 29481	State

Beresfield	Beresfield Public School	181 Anderson Drive	Lot 1 DP 782678, Lot 1 DP 544214, Lots 182-184, 188 and 189 DP 12628	Local
Birmingham Gardens	The Regal Cinema	4 Moore Street	Lots 90 and 91 DP 12691	Local
Birmingham Gardens	Wallsend General Cemetery	164 Sandgate Road	Ms 658 Md	Local
Broadmeadow	Remnant Plantings, District Park	6 Bavin Road	Pt Lot 1502 DP 755247	Local
Broadmeadow	Fire Station—Hamilton	9 Belford Street	Lot 1 DP 77912	Local
Broadmeadow	Goninans (Industrial site)	16 Broadmeadow Road	Lot 1 DP 530737, Lot 218 DP 805924, Lot 221 DP 1012345	Local
Broadmeadow	English & Australian Copper Co (Industrial site)	16 Broadmeadow Road	Lot 1 DP 530737, Lot 218 DP 805924, Lot 221 DP 1012345	Local
Broadmeadow	Former Lambton Colliery Railway (Relic)	16 Broadmeadow Road	Lot 1 DP 530737, Lot 218 DP 805924, Lot 221 DP 1012345	Local
Broadmeadow	Sunnyside Hotel	20 Broadmeadow Road	Lot 216 DP 777695	Local
Broadmeadow	St Lawrence O'Toole Church	127-131 Broadmeadow Road	Lot 2233 DP 755247, Lots 1 and 2 DP 184402, Lot 1 DP 664791	Local
Broadmeadow	Arthur Park	93A Bruncker Road	Lot 1807 DP 755247	Local
Broadmeadow	Newcastle Showground	1A Curley Road	Lots 2498 and 2583 DP 755247, Lot A DP 186497	Local
Broadmeadow	Entire Broadmeadow Racetrack site	100 Darling Street	Lot 13 DP 227704	Local
Broadmeadow	Former Broadmeadow Aero Club (incorporating former main hangar and preparation bay building)	2 Denny Street	Lot 2 DP 578356	Local
Broadmeadow	Fig trees in median strip	Dumaresq Street		Local

Broadmeadow	Broadmeadow Railway Station	36 Graham Road	Railway land	Local
Broadmeadow	Bridge over Graham Road	Lambton Road		Local
Broadmeadow	Broadmeadow Primary School	115 Lambton Road	Pt Lot 2525 DP 755247	Local
Broadmeadow	Broadmeadow Locomotive Depot Offices	1A Newton Street	Railway land	Local
Broadmeadow	Broadmeadow Locomotive Depot	1A Newton Street	Railway land	State
Broadmeadow	Former Locomotive Depot Workers accommodation	1B Newton Street		Local
Carrington	Former Carrington Club Hotel	83-85 Bourke Street	Lot 1 Sec 38 DP 300	Local
Carrington	Hydraulic Power Station	106 Bourke Street	Lot 3 DP 834572	State
Carrington	Connolly Park War Memorial Gate	1B Cowper Street North	DP 758233	Local
Carrington	Earp Woodcock Beveridge & Co (Industrial site)	8 Cowper Street South	Pt Lot 100 DP 1014244	Local
Carrington	Armstrong & Royce Timber Mill	8 Cowper Street South	Pt Lot 100 DP 1014244	Local
Carrington	Club Hotel	26 Cowper Street North	Lot 1 DP 79693	Local
Carrington	The Seven Seas Hotel	33 Cowper Street North	Lot 1 DP 102046	Local
Carrington	Throsby Basin Warehouse	Denison Street		State
Carrington	Palms	Gipps Street		Local
Carrington	Mary McKillop Home	58 Gipps Street	Lot 7 Sec 43 DP 755247	Local
Carrington	St Francis Xavier Catholic Church	60 Gipps Street	Lot 8A Sec 43 DP 755247	Local
Carrington	Date palms	Hargrave Street		Local
Carrington	Former Council Chambers	1A Hargrave Street	Lot 1 Sec 51 DP 755247	Local

Carrington	Former Morrison Bearby Warehouse (Facade only)	92 Hill Street	Lot 11 DP 1023961	Local
Carrington	Mathieson Street Terraces	2-18 Mathieson Street	Lot 1 DP 910260, Lots 1-8 DP 8631	Local
Carrington	Bullock Island Crane Bases	38 Robertson Street	Lot 1 DP 834572	Local
Carrington	Former McMyler Hoist	61 Robertson Street	Lot 2 DP 834572	Local
Carrington	Carrington Fire Station	51 Young Street	Lot 4 Sec 36 DP 755247	Local
Carrington	Carrington Public School	88 Young Street	Lots 1-3 DP 4715, Lots 6-8 Sec 37 DP 755247	Local
Carrington	Everyones Theatre	92A Young Street	Lot 1 DP 151605	Local
Carrington	St Thomas Anglican Church and Hall	95 Young Street	Lot 32 DP 843193	Local
Carrington	Carrington Post Office	97 Young Street	Lot 11 Sec 32 DP 755247	Local
Carrington	Quambi (Residence)	110 Young Street	Lot 2 DP 3687	Local
Carrington	Almora (Residence)	112 Young Street	Lot 3 DP 3687	Local
Carrington	Shop	121 Young Street	Lot 1 DP 312270	Local
Carrington	Carrington House (Residence)	130 Young Street	Lot 1 DP 179625	Local
Carrington	Oriental Hotel	132 Young Street	Lot 10 DP 656932	Local
Carrington	Former Glasgow Arms Hotel	140 Young Street	Lots 37-39 DP 78	Local
Carrington	Cosmopolitan Hotel	151 Young Street	Lot 1 DP 923985	Local
Cooks Hill	Strathearn Terrace Group	92-98 Bull Street	Lot 1 DP 715763, Lot 1 DP 194245, Lots 1 and 2 DP 739440	Local
Cooks Hill	Residence	30 Corlette Street	Lot 640 DP 630631	Local
Cooks Hill	Horse Trough	Corner of Darby and Young Streets		Local
Cooks Hill	Former St Hilda's Hostel	250 Darby Street	Lot 2 DP 872146	Local
Cooks Hill	Normanton (Residence)	37 Dawson Street	Lot 112 DP 815683	Local

Cooks Hill	Terraces	111-113 Dawson Street	Lots 100 and 101 DP 557432	Local
Cooks Hill	Nickimble Terrace Group	115-123 Dawson Street	Lots 10-14 DP 244348	Local
Cooks Hill	Former Signalman's Cottage	12 Laman Street	Lot 11 DP 150135	Local
Cooks Hill	Former Railway Overpass	12 Laman Street	Lot 12 DP 150135	Local
Cooks Hill	St Andrews Presbyterian Church	12 Laman Street	Lot 10 DP 95189	State
Cooks Hill	Baptist Tabernacle	25 Laman Street	Pt Lot 19 Sec G DP 978941	State
Cooks Hill	Von Bertouch Galleries	61 Laman Street	Lot 1 DP 851075, Lot 21 DP 825796	State
Cooks Hill	Cooks Hill Special School	100-102 Laman Street	Lots 250 and 251 DP 749870	Local
Cooks Hill	Dr Watkins House	64 Parkway Avenue	Lots 125 and 126 DP 37825	Local
Cooks Hill	Residence	79 Parkway Avenue	Lot 115 DP 154294	Local
Cooks Hill	St Johns Church, Hall and grounds	1B Parry Street	Lot 1 DP 872146	State
Cooks Hill	Thorns Terrace	45 Railway Street	Lot 101 Sec H DP 554480	Local
Cooks Hill	Thorns Terrace	47 Railway Street	Lot 102 Sec H DP 554480	Local
Cooks Hill	Thorns Terrace	49 Railway Street	Lot 103 Sec H DP 554480	Local
Cooks Hill	Thorns Terrace	51 Railway Street	Lot 104 Sec H DP 554480	Local
Cooks Hill	Thorns Terrace	53 Railway Street	Lot 1 DP 998338	Local
Cooks Hill	Thorns Terrace	55 Railway Street	Lot 1 DP 745052	Local
Cooks Hill	Thorns Terrace	57 Railway Street	Lot 1 DP 198284	Local
Cooks Hill	Thorns Terrace	59 Railway Street	Lot 8 DP 137527	Local
Cooks Hill	Terrace	92-94 Railway Street	Lot 1 DP 711571	Local
Cooks Hill	Terrace	39 Union Street	Lot 761 DP 626207	Local
Cooks Hill	Terrace	41 Union Street	Lot 760 DP 626207	Local

Cooks Hill	Terrace	43 Union Street	Pt Lot 76 Sec J DP 978941	Local
Cooks Hill	Fire Station	44 Union Street	Lot 1 DP 77102	Local
Cooks Hill	Terrace	45 Union Street	Lot 1 DP 197740	Local
Cooks Hill	Leslieville (Former residence)	63 Union Street	Lot 801 DP 535282	State
Elermore Vale	Jubilee ventilation shaft (Wallsend Colliery)	124 Cardiff Road	Lot 20A DP 17677	Local
Elermore Vale	Former West Wallsend Steam Tram Line	Glendale to Wallsend		Local
Hamilton	Station Buildings and Signal Box	1A Beaumont Street	Railway land	Local
Hamilton	Sydney Junction Hotel	8 Beaumont Street	Lot X DP 374327, Lot 1 DP 86246, Lot 11 DP 89305	Local
Hamilton	Former Masonic Hall	104 Beaumont Street	Lot 77 DP 700187	Local
Hamilton	Wesley Church	152 Beaumont Street	Lots 1-3 DP 770155	Local
Hamilton	Wesley Church Gates and Fence	152 Beaumont Street	Lots 1-3 DP 770155, Lot B DP 154392	Local
Hamilton	Terrace (including iron fence and gate)	21 Cameron Street	Lot 1 DP 744660	Local
Hamilton	Date palms	Chaucer Street		Local
Hamilton	Former Steam Tramshed	89 Denison Street	Lot 112 DP 1005089	Local
Hamilton	War Memorial (Steam Tram Memorial)	89 Denison Street	Lot 112 DP 1005089	Local
Hamilton	Former Hamilton Hotel	100 Denison Street	Lot 1 DP 75471	Local
Hamilton	Exchange Hotel	125-127 Denison Street	Lot 1 DP 76276	Local
Hamilton	Hotel Bennett	146 Denison Street	Lot 1 DP 89300	Local
Hamilton	St Peters Anglican Church	148 Denison Street	Lot 2 Sec F DP 192808	State
Hamilton	A A House	195-197 Denison Street	Lot 22 DP 879044, Lot 3 DP 153592	State

Hamilton	Large fig tree	Denison Street and Lawson Street		Local
Hamilton	Eddy Street residence	4 Eddy Street	Lot 29 Sec L DP 10482831	Local
Hamilton	Eddy Street residence	6 Eddy Street	Pt Lot 28 Sec L DP 10482831	Local
Hamilton	Eddy Street residence	8 Eddy Street	Lot 27 DP 770646	Local
Hamilton	Eddy Street residence	10 Eddy Street	Lot 26 DP 996741	Local
Hamilton	Eddy Street residence	12 Eddy Street	Lot 1 DP 780907	Local
Hamilton	Eddy Street residence	14 Eddy Street	Lot 24 DP 735930	Local
Hamilton	Eddy Street residence	16 Eddy Street	Lot 1 DP 795000	Local
Hamilton	Eddy Street residence	18 Eddy Street	Lot 1 DP 194918	Local
Hamilton	Anona (Residence including front fence)	36 Gordon Avenue	Lot 11 DP 708981	Local
Hamilton	A A Company Display Home	141 Gordon Avenue	Pt Lot 1 DP 95144	Local
Hamilton	A A Company Display Home	154 Gordon Avenue	Lot 1 DP 797151	Local
Hamilton	Hely Brothers Pty Ltd (Industrial site)	48 Hudson Street	Pt Lot 3 DP 508048, Pt Lots 15 and 16 DP 95247, Lot 17 and Pt Lot 18 DP 999640	Local
Hamilton	Residence	48 Hudson Street	Pt Lot 15 DP 95247	Local
Hamilton	Former Flour Mill	56 Hudson Street	SP 58951	Local
Hamilton	Former Hamilton Volunteer Fire Station	38 James Street	Lot 1 DP 194909	Local
Hamilton	Police Station	57 James Street	Lot 1 DP 795449	Local
Hamilton	Hamilton Post Office	56 Lindsay Street	Lot 2862 DP 755247	Local
Hamilton	Fettercairn (Former residence and hospital)	65 Lindsay Street	Lot 1 DP 194569	Local
Hamilton	Former Nurses Home	66 Lindsay Street	Lot 1 DP 799840	Local
Hamilton	Chelsea (Residence)	68 Lindsay Street	Lot E DP 447913	Local
Hamilton	Hamilton Nursing Home	22-24 Samdon Street	Lots 5-7 DP 558137	Local
Hamilton	Hamilton Hotel	71 Tudor Street	Lot 351 DP 585827	Local

Hamilton	Scots Kirk Presbyterian Church	94 Tudor Street	Lot 101 DP 837017	Local
Hamilton	Former Bank of New South Wales	103 Tudor Street	Lot 100 DP 624615	Local
Hamilton	Anzac House (Former Mechanics Institute)	117 Tudor Street	Lots 2 and 3 DP 524404	Local
Hamilton	Hamilton Public School	127A Tudor Street	Lot 2 DP 809375	Local
Hamilton	Gregson Park	130A Tudor Street	Lot 1 DP 95154	Local
Hamilton	John William Parsons Monument	130A Tudor Street	Lot 1 DP 95154	Local
Hamilton	Gregson Park Tudor Street Gates	130A Tudor Street	Lot 1 DP 95154	Local
Hamilton	War Memorial—Gregson Park	130A Tudor Street	Lot 1 DP 95154	Local
Hamilton	Fountain Monument—Gregson Park	130A Tudor Street	Lot 1 DP 95154	Local
Hamilton	Gregson Park Steel Street Gates	130A Tudor Street	Lot 1 DP 95154	Local
Hamilton	Wesley Church Hall	19 William Street	Lot 1 DP 770161	Local
Hamilton East	House (including front fence)	58 Denison Street	Lot 1 DP 770590	Local
Hamilton East	House	60 Denison Street	Lot 1 DP 744771	Local
Hamilton East	Newcastle District Ambulance Station	77 Denison Street	Lot 183 DP 539432	Local
Hamilton East	Fig trees	Stewart Avenue		Local
Hamilton North	Gas Co Site Remnant Gardens	1 Chatham Road	Lot 1 DP 79057	Local
Hamilton North	Newcastle Gas Co Office	1 Chatham Road	Lot 1 DP 79057	Local
Hamilton North	Pump House and fence	1 Chatham Road	Lot 1 DP 79057	Local
Hamilton North	Shell Company of Australia (Industrial site)	5-7 Chatham Road	Lot 1 DP 77996	Local
Hamilton North	Pipeline Clifton Bros (Former residence)	5-7 Chatham Road	Lot 1 DP 77996	Local

Hamilton North	Richardson Park	16 Chatham Road	Lot 2436 DP 755247, Lot 2418 DP 755247	Local
Hamilton North	Former Scout Hall	16 Chatham Road	Lot 2954 DP 755247	Local
Hamilton North	ELMA Factory	52-54 Clyde Street	Lot 102 DP 1024980	Local
Hamilton South	Learmonth Park	80A Gordon Avenue	Lot 21 DP 95334	Local
Hamilton South	Learmonth Park Pillars	80A Gordon Avenue	Lot 21 DP 95334	Local
Hamilton South	The Gables (Residence)	152 Gordon Avenue	Lot 54 DP 662931	Local
Hamilton South	Newcastle High School	25A National Park Street	Lot 1 DP 150725, Lot 1 DP 575171, Lot 1 DP 794827	Local
Hamilton South	House	135 Parkway Avenue	Lot 90 DP 37549	Local
Hexham	Railway Station	Maitland Road	Railway land	Local
Hexham	Former Travellers Rest Hotel	23 Maitland Road	Lot 1 DP 659925	Local
Hexham	Oak Factory	189 Maitland Road	Lot 2 DP 802350	Local
Hexham	Hannel Family Vault	398B Maitland Road	Lot 1 DP 974950	Local
Hexham	Slab Shed	2 Old Maitland Road	Pt Lot 7002 DP 1052280	Local
Hexham	Former Uniting Church and Hall	63 Old Maitland Road	Lot 2 DP 546494	Local
Hexham	Former Glen Lovett Hall	187 Old Maitland Road	Lot A DP 157693	Local
Hexham	Former Hexham Public School	227 Old Maitland Road	Lot 102 DP 499013	Local
Hexham	Hexham Shipbuilding Yards	230 Old Maitland Road	Lot 12 DP 855330	Local
Hexham	Goninans Administration Building	230 Old Maitland Road	Lot 12 DP 855330	Local
Hexham	J & A Brown's Hexham Workshops	230 Old Maitland Road	Lot 12 DP 855330	Local
Hexham	Hexham Bridge	Pacific Highway		Local
Islington	Venetia (Residence)	111 Albert Street	Lot 1 DP 415171	Local
Islington	Islington RSL Memorial Hall	113 Albert Street	Lot 1 DP 344553	Local

Islington	Terrace	60 Chinchon Street	Lot 1 DP 709948	Local
Islington	Terrace	62 Chinchon Street	Lot 1 DP 136616	Local
Islington	Terrace	64 Chinchon Street	Lot 1 DP 1031915	Local
Islington	Terrace	66 Chinchon Street	Lot 1 DP 195202	Local
Islington	Terrace	68 Chinchon Street	Pt Lot 7 Sec A DP 192668	Local
Islington	Terrace	70 Chinchon Street	Lot 1 DP 779533	Local
Islington	Islington Junction Box	Clyde Street	Railway land	Local
Islington	Hamilton Station Hotel	6 Fern Street	Lot 1 DP 75464	Local
Islington	Former Dick Bros Engineering building	62 Fern Street	Lots 1-4 DP 782730	Local
Islington	Public School (including trees)	17 Hubbard Street	Lot 2 DP 797777	Local
Islington	Residence	22 Maitland Road	Lot C DP 334618	Local
Islington	Former Regent Picture Theatre	80 Maitland Road	Lot 1 DP 88359	Local
Islington	Islington Park	151A Maitland Road	Ms 735 Md, Lot 3182 DP 257283, Lots A and B DP 37022, Lot 1 DP 337010	Local
Islington	St Marks Anglican Church	5 Norfolk Avenue	Lots 1-3 Sec B DP 978072	Local
Islington	St Marks Rectory	9 Norfolk Avenue	Pt Lot 4 Sec B DP 978072, Lot 21 DP 9652	Local
Islington	Winchombe Carson Warehouse	13 Roslyn Avenue	Lot 201 DP 583258	Local
Islington	Kenilworth (Residence)	14 Sheddon Street	Lots 1-2 Sec G DP 2331, Lot 17 Sec G DP 2331	Local
Jesmond	Marquis of Midlothian Hotel	42 Robert Street	Lot 91 DP 791194	Local
Kooragang	Tongues Tree Fig	Kooragang Nature Reserve		Local
Kooragang	Palm	Greenleaf Road		Local
Kooragang	131 Radar Igloo (Building)	200 Kooragang Street	Lot 1 DP 126347	State

Kooragang	School Master's House	200 Kooragang Street	Lot 1 DP 126347	Local
Lambton	Lambton Anglican Church	19 Church Street	Lot 230 DP 1035097	Local
Lambton	Lambton Public School	18 Croudace Street	Lot 1 DP 804236	Local
Lambton	Lambton Fire Station	67 De Vitre Street	Lot 854 DP 755247	Local
Lambton	Former Lambton Police Station and Lock-up Residence	22 Dickson Street	Lot 2414 DP 755247	Local
Lambton	Post Office	37 Dickson Street	Lot 1 DP 815096	Local
Lambton	Bethal Congregational Church	43A Dickson Street	Lot 56 DP 777623	Local
Lambton	Convent of Mercy	69A Dickson Street	Lot 1 DP 3, Lot 1 DP 907508, Lots 4-6 DP 907509	Local
Lambton	St John Catholic Church	82 Dickson Street	Pt Lot 6 Sec B DP 3, Lot 1 DP 255158, Lot 16 DP 119115	Local
Lambton	St John Presbytery	82 Dickson Street	Pt Lot 6 Sec B DP 3, Lot 1 DP 255158, Lot 16 DP 119115	Local
Lambton	Lambton Mechanics Institute Hall	68 Elder Street	Lot 330 DP 755247	Local
Lambton	Shopfront	106 Elder Street	Lot 4 DP 813318	Local
Lambton	Le Chalet (Residence)	130 Elder Street	Lots 10 and 11 Sec F DP 3	Local
Lambton	Uniting Church	136 Elder Street	Lot 7 Sec F DP 3	Local
Lambton	Lambton Park	50 Howe Street	Pt DP 755247	Local
Lambton	Lambton Park Drinking Fountain	50 Howe Street	Pt DP 755247	Local
Lambton	Lambton Park Gates	50 Howe Street	Pt DP 755247	Local
Lambton	Lambton Park Rotunda	50 Howe Street	Pt DP 755247	Local
Lambton	Lambton Library (Formerly Lambton Municipal Chambers)	50 Howe Street	Pt DP 755247	Local

Lambton	The Lambton Park Hotel	60 Howe Street	Lot 1 DP 442480	Local
Lambton	Residence	64 Howe Street	Lots A and B DP 435770	Local
Lambton	Cartrefle (Residence)	79 Howe Street	Lot 2 DP 301561	Local
Lambton	Lambton Anglican Rectory	18 Morehead Street	Lot 231 DP 1035097	Local
Lambton	Lambton Masonic Hall	22A Morehead Street	Lot 849 DP 755247	Local
Lambton	Kings Theatre (Former Coronation Hall)	31 Morehead Street	Lot 2 DP 334833	Local
Lambton	Lambton Pumping Station	307A Newcastle Road	Lot 2 DP 787983	Local
Maryland	Glendor Thomas Family Grave	79 Callan Avenue	Lot 3 DP 839872	Local
Maryland	Styles Grove Landscape (Moreton Bay fig trees)	256 Minmi Road	Lot 611 DP 1034932	Local
Maryland	Styles Grove (Former residence and farm buildings)	256 Minmi Road	Lot 611 DP 1034932	Local
Maryville	Maryville Postal Pillar Box	Harrison Street		Local
Maryville	Remnant Tuckeroos (trees)	Williams Street		Local
Mayfield	Residence	28 Bull Street	Lot 1 DP 815609	Local
Mayfield	Residence	74 Bull Street	Lot 2 DP 336905	Local
Mayfield	St Andrews Church	31A Church Street	Lot 3 DP 544502	Local
Mayfield	St Columban's Church	39 Church Street	Lot 4 DP 509134	Local
Mayfield	St Columbans Presbytery	58 Church Street	Lot 1 DP 66978	Local
Mayfield	Ingall House group	47 Crebert Street	Lot 211 DP 871588	Local
Mayfield	Ingall House group	51 Crebert Street	Lot 1 DP 213056	Local
Mayfield	Ingall House	61 Crebert Street	Lot 13 DP 538578	Local
Mayfield	Bella Vista (Former residence)	105 Crebert Street	Lot 141 DP 716312	Local
Mayfield	Former Substation	138A Crebert Street	Lot A DP 164300	Local

Mayfield	Residence	141 Crebert Street	Lot B DP 37452	Local
Mayfield	Winncourt (Residence)	143 Crebert Street	Lot 2 DP 523690	Local
Mayfield	Residence	145 Crebert Street	Lots 9 and 10 Sec C DP 978483, Pt Lots 26 and 27 Sec C DP 978483	Local
Mayfield	Residence	147 Crebert Street	Lot A DP 160509	Local
Mayfield	Tongarra (Residence)	149 Crebert Street	Lot 51 DP 1022725	Local
Mayfield	Former St Andrews Rectory	1 Durham Street	Lot 2 DP 544502	Local
Mayfield	House and picket fence	41 Elizabeth Street	Lots 30-32 Sec I DP 975066	Local
Mayfield	House and picket fence	72 Elizabeth Street	Lot A DP 367045	Local
Mayfield	Trees at site of Catholic School of Christ the King	3 Fitzroy Street	Lot 110 DP 1023101	Local
Mayfield	St John Presbyterian Church	33A Hanbury Street	Lots 1A, 1B and 1C Sec D DP 977626, Lot 3A Sec D DP 977626	Local
Mayfield	Webb Park	86A Hanbury Street	Lots 1-3 DP 185977	Local
Mayfield	Residence	88 Hanbury Street	Lot 1 DP 332193, Lot 1 DP 127928, Lot 1 DP 322926	Local
Mayfield	Hunter Institute of Technology	52 Havelock Street	Lot 1 DP 875242	Local
Mayfield	San Clemente School	78 Havelock Street	Lot 1 DP 818888, Lots 2 and 3 DP 230245	Local
Mayfield	Mayfield House	Highfield Street		Local
Mayfield	Winahra (Residence)	21 Highfield Street	Lot 1 DP 342048	Local
Mayfield	Church House	29-31 Highfield Street	Pt Lots 1-3 Sec B DP 978483	Local
Mayfield	Mayfield Uniting Church	29-31 Highfield Street	Pt Lots 1-3 Sec B DP 978483	Local
Mayfield	Simpsons Cottage	64 Industrial Drive	Lot 20 Sec B DP 16844	Local

Mayfield	Residence	15 Kerr Street	Lot 11 DP 537479	Local
Mayfield	Glen Airlie, (Arnott Residence)	41 Kerr Street	Lot B DP 378684	Local
Mayfield	Residence	76 Kerr Street	Lot A DP 360878	Local
Mayfield	Dangar Park	21A Maitland Road	Pt Lot 128 DP 755247	Local
Mayfield	Date palms	21A Maitland Road	Pt Lot 128 DP 755247	Local
Mayfield	Beauford Hotel	39 Maitland Road	Lots 4-7 Sec J DP 3626	Local
Mayfield	The Coliseum (Commercial building)	116-122 Maitland Road	Lots 183 and 184 DP 95371	Local
Mayfield	Stag & Hunter Hotel	185 Maitland Road	Lot 1 DP 80473	Local
Mayfield	Mayfield Police Station	219-221A Maitland Road	Lot 1 DP 711020, Lot 2 DP 784164	Local
Mayfield	Elladale (Former residence)	358 Maitland Road	Lot 1 DP 806145	Local
Mayfield	Residence	94 Margaret Street	Lot 22 DP 563077	Local
Mayfield	Burrundulla (Residence)	2 Pitt Street	Lot B DP 161146	Local
Mayfield	Burgman House	4 Pitt Street	Lots A and B DP 163111	Local
Mayfield	Salvation Army Citadel	3 Victoria Street	Lot 1 DP 74234, Lot 24 DP 540764	Local
Mayfield	Redemptorist Monastery	68 Woodstock Street	Lot 4 DP 546404	State
Mayfield	Remnant Monastery Garden	68 Woodstock Street	Lot 4 DP 546404	Local
Mayfield East	Former Botanic Garden Site	24-30 Crebert Street	Lots 90 and 91 DP 1022901, Lot 100 DP 875896	Local
Mayfield East	Mayfield East Public School	34 Crebert Street	Pt Lot 225 DP 755247, Lot 1 DP 195848, Lot 2 DP 610699	Local
Mayfield East	Australia Wire Rope Building	6 George Street	Lot 1 DP 577013	Local
Mayfield East	Residence	92 Margaret Street	Lot 23 DP 563077	Local

Mayfield North	No 1 Bloom & Rail Mill	51 Industrial Drive	Lot 225 DP 1013964	State
Mayfield North	Administration Buildings Nos 2, 3 and 4	51 Industrial Drive	Lot 225 DP 1013964	Local
Mayfield North	No 1 Change House	51 Industrial Drive	Lot 225 DP 1013964	Local
Mayfield North	1st Mill Building	51 Industrial Drive	Lot 225 DP 1013964	Local
Mayfield North	Cycle Sheds and No 2 Rod Mill	141 Ingall Street	Lot 224 DP 1013964	Local
Mayfield North	Apprentice Training Centre	141 Ingall Street	Lot 224 DP 1013964	Local
Mayfield North	Administration Building, 1933	141 Ingall Street	Lot 224 DP 1013964	Local
Mayfield North	No 1 Blower House	99 Selwyn Street	Lot 221 DP 1013964	State
Mayfield North	Soaking Pits Building	99 Selwyn Street	Lot 221 DP 1013964	State
Mayfield North	No 3 Blast Furnace	99 Selwyn Street	Lot 221 DP 1013964	Local
Mayfield North	AC Saltwater Pumphouse	99 Selwyn Street	Lot 221 DP 1013964	Local
Mayfield North	Administration Building	99 Selwyn Street	Lot 221 DP 1013964	State
Mayfield North	Delprat's Quarters	99 Selwyn Street	Lot 221 DP 1013964	State
Mayfield North	DC Substation	99 Selwyn Street	Lot 221 DP 1013964	State
Mayfield North	Powerhouse	99 Selwyn Street	Lot 221 DP 1013964	Local
Mayfield North	No 4 Blast Furnace and Stoves	99 Selwyn Street	Lot 221 DP 1013964	Local
Mayfield North	Quality Control Laboratory	99 Selwyn Street	Lot 221 DP 1013964	Local
Mayfield North	BOS Plant	99 Selwyn Street	Lot 221 DP 1013964	Local
Mayfield North	Mould Conditioning Building	99 Selwyn Street	Lot 221 DP 1013964	Local
Mayfield North	Master Mechanics Office	99 Selwyn Street	Lot 221 DP 1013964	Local
Mayfield North	Pattern Store	99 Selwyn Street	Lot 221 DP 1013964	Local
Mayfield North	Remnant No 1 Blast Furnace	99 Selwyn Street	Lot 221 DP 1013964	State
Mayfield North	Open Hearth Change House	99 Selwyn Street	Lot 221 DP 1013964	Local

Mayfield North	Tool Room	99 Selwyn Street	Lot 221 DP 1013964	Local
Mayfield North	Steel Foundry	99 Selwyn Street	Lot 221 DP 1013964	State
Mayfield North	18" Mill Building and Stack Yard	99 Selwyn Street	Lot 221 DP 1013964	State
Mayfield North	12" Mill Building and Stack Yard	99 Selwyn Street	Lot 221 DP 1013964	State
Mayfield North	No 1 Rod Mill Building	99 Selwyn Street	Lot 221 DP 1013964	State
Mayfield North	Open Hearth Building	99 Selwyn Street	Lot 221 DP 1013964	State
Mayfield North	Original Timber Wharves	99 Selwyn Street	Lot 221 DP 1013964	State
Mayfield West	Former Maternity Hospital	1 Buruda Street	Lot 2 DP 156246	Local
Mayfield West	Mayfield West Public School	7 Gregson Avenue	Lot 1 DP 795155	Local
Mayfield West	Former Migrant Camp	609 Maitland Road	Lot 1 DP 369641	State
Mayfield West	Substation	2 Maud Street	Lot 4 DP 153265	Local
Mayfield West	Remnant Garden	50 McIntosh Drive	Lot 23 DP 270249	Local
Merewether	Burwood Inn	77 Berner Street	Lot 1 DP 79791	Local
Merewether	Merewether Baby Health Clinic	25 Caldwell Street	Lot 1 DP 1103114	Local
Merewether	Former Glebe Methodist Church	101 City Road	Lots 33 and 34 Sec 7 DP 111240	Local
Merewether	Residence	1A Curry Street	Lot 1 DP 866521	Local
Merewether	Former Racecourse Inn	65 Frederick Street	Lot 200 DP 882970	Local
Merewether	Trialba (Residence)	75 Frederick Street	Lot A DP 155296	Local
Merewether	Beach Hotel	99 Frederick Street	Lot 1 DP 79757	Local
Merewether	Stallards Garage	152 Glebe Road	Lot 1 DP 998577	Local
Merewether	Merewether Uniting Church	176 Glebe Road	Lots 78-80 Sec 6 DP 32615	Local
Merewether	Merewether Baths	27 Henderson Parade	R 56681	Local
Merewether	The Ridge (Hillcrest Hospital)	21 Hillcrest Road	Lot 5 DP 260947	State
Merewether	Brown Sisters' Convent	8 Janet Street	Lot 1 DP 210515	Local

Merewether	Holy Family Parish Hall	19 Janet Street (Ridge Street)	Lot 1 DP 547032	Local
Merewether	Residence	8 Kempster Road	Lots 90 and 91 DP 1082365	Local
Merewether	Brynhfryd (Residence)	44 Kilgour Avenue	Lot 1 DP 986437	Local
Merewether	Merewether Post Office	36 Llewellyn Street	Lot 152 DP 772098	Local
Merewether	Merewether Fire Station	37 Llewellyn Street	Lot 1100 DP 997536, Lots 111 and 112 DP 530198	Local
Merewether	St Augustine's Anglican Church	43 Llewellyn Street	Lots 7-9 Sec 6 DP 111239	Local
Merewether	Former Police Station	85 Llewellyn Street	Lot 101 DP 829724	Local
Merewether	Blairgowrie (Residence)	39 Lloyd Street	Lot 1 DP 514500	Local
Merewether	Henderson Park Community Hall	42 Lockyer Street	Pt Lot 199 Sec B DP 109967	Local
Merewether	Henderson Park	42 Lockyer Street	Lot 199 Sec B DP 109967	Local
Merewether	Macquarie Street Reservoir	65 Macquarie Street	Lot 10 DP 813829	Local
Merewether	Remnant Metrosideros Plantings	Memorial Drive		Local
Merewether	Remains of Glenrock Railway	Merewether Beach	R 46525	Local
Merewether	War Memorial (Mitchell Park)	24 Mitchell Street	Lot 7022 DP 93962	Local
Merewether	Townson Oval Pavilion (Mitchell Park)	24 Mitchell Street	Lot 7022 DP 93962	Local
Merewether	Merewether Baptist Church	75 Morgan Street	Lot 3 DP 153084	Local
Merewether	Residence	26 Rowan Crescent	Lot 91 DP 521593	Local
Merewether	Remains of Smelter	Smelters Beach		Local
Merewether	Beach Pavilion	80 Watkins Street		Local
Merewether	Newcastle Coke Ovens	80 Watkins Street		Local

Merewether Heights	Fruit Packing Shed and Residence	221 Scenic Drive	Lot 1 DP 197754	Local
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
Merewether Heights	Bailey's Orchard	221 Scenic Drive	Lot 1 DP 197754, Lot 1 DP 73351, Lot 111 DP 776284	Local
Minmi	Duckenfield Colliery Railway (Relics)			Local
Minmi	Duckenfield Railway No 1 Colliery Branch Line			Local
Minmi	Duckenfield Railway Nos 2, 3 and 4 Collieries Branch Line			Local
Minmi	St Andrews Presbyterian Church	19 Church Street	Lot 1 DP 577710	Local
Minmi	Former Police Station and Courthouse	40 Church Street	Lot 1 DP 730659	Local
Minmi	John Brown's Model Farm	33 Lenaghans Drive		Local
Minmi	Stone Ford	33 Lenaghans Drive	Lot 1 DP 1007615	Local
Minmi	Winston Court (Residence)	142 Lenaghans Drive	Pt Lot 4 DP 850020	Local
Minmi	Former Railway Cuttings	East of McInnes Street	Pt Lot 12 DP 1022524	Local
Minmi	Minmi to Hexham Railway	Minmi to Hexham		State
Minmi	Co-op Coal Co's Air Furnace Shaft	141 Minmi Road	Lot 34 DP 800036	Local
Minmi	Cemetery	141 Minmi Road	Lot 34 DP 800036	Local
Minmi	Minmi Reservoir Site	15 Reservoir Road	Lot 147 DP 840897	Local
Minmi	Former Reservoir Residence	17 Reservoir Road	Lot 21 DP 793953	Local
Minmi	Remains of Railway Siding	29 Woodford Street	Lot 148 DP 840897	Local

Minmi	Dairy Cool Rooms	29 Woodford Street	Lot 148 DP 840897	Local
Minmi	Former Railway Cuttings	29 Woodford Street	Lot 148 DP 840897	State
Minmi	Minmi Public School (Foundation stones and bell)	56 Woodford Street	Lot 1 DP 782483, Lot 15 Sec A DP 30399	Local
Minmi	Minmi Coal Carriage	56 Woodford Street	Lot 1 DP 782483, Lot 15 Sec A DP 30399	Local
Minmi	Minmi Train Carriage	96 Woodford Street	Lot 1 DP 157344	Local
Minmi	Former Post Office	129 Woodford Street	Lot 1 DP 446269	Local
Minmi	Minmi Hotel	156 Woodford Street	Lot 2 DP 851653	Local
Minmi	Garden House Site	177 Woodford Street	Lot 2 DP 1029922	Local
Minmi	Former Minmi Public School and Residence	196 Woodford Street	Lots 11 and 12 DP 596179	Local
New Lambton	Former Savoy Theatre	18A and 18B Alma Road	Lot 1266 DP 755247	Local
New Lambton	Newbold House	161 Croudace Street	Lots 3 and 4 DP 17908	Local
New Lambton	New Lambton Scout Hall	4 Fleet Street	Lot 6 DP 20700, Lot 10 DP 14496	Local
New Lambton	Scottish Australian Mining Co (site)	1A Mahogany Drive	Lot 19 DP 555035	Local
New Lambton	New Lambton Substation	34A Portland Place	Lot 310 DP 713570	Local
New Lambton	Orielton (Residence)	41 Queens Road	Lot C DP 315885	Local
New Lambton	The Grange (Residence)	59 Queens Road	Lot 2 DP 547000	Local
New Lambton	New Lambton Public School	66 Regent Street	Pt Lot 1220 DP 755247, Lot 1 DP 122485, Lots 1215, 1216 and 1218 DP 122486, Lot 1224 DP 755247	Local
New Lambton	St Therese Primary School	39 Royal Street	Lots 67-69 DP 5401	Local
New Lambton	Former Police Station and Residence	23 Westcourt Road	Lot 1223 DP 755247	Local
New Lambton Heights	Rankin Park Hospital	2 Lookout Road	Lot 13 DP 876245	Local

New Lambton Heights	Croudace House	2 Lookout Road	Lot 13 DP 876245	Local
New Lambton Heights	Remnant Garden, Croudace House	2, 14 and 20 Lookout Road	Lot 13 DP 876245, SP 60845, Lot 12 DP 876245	Local
Newcastle	Newcastle Post Office Annex	5 Bolton Street	Lot 1 DP 430746	State
Newcastle	NZ Insurance Building	12 Bolton Street	SP 51662	Local
Newcastle	Union Trustee Building	18 Bolton Street	Lot 42 DP 542509	Local
Newcastle	Former Eldon Chambers	24 Bolton Street	Lot 2 DP 136640	Local
Newcastle	Court Chambers	40 Bolton Street	Lot 71 DP 541527	Local
Newcastle	Steels Garage (Former Olympic Hall)	47 Bolton Street	Lot 1 DP 74337	Local
Newcastle	Former David Cohen & Co Warehouse	50 Bolton Street	Lot 1 DP 601267	State
Newcastle	Toll Cottage (Former Rose Cottage)	51 Bolton Street	Lot 394 DP 747410	State
Newcastle	Former Newcastle East Public School	58 Bolton Street	Lot 1 DP 709455	Local
Newcastle	Customs House	1 Bond Street	Lot 1 DP 533984	State
Newcastle	Stanton Catchlove Bond Store	11 Bond Street	Lot 1 DP 619238	Local
Newcastle	Macquarie House	8 Church Street	Lot 10 DP 24188	State
Newcastle	Courthouse	9 Church Street	Pt DP 755247	State
Newcastle	Buchanan Terrace and footpath	10 Church Street	Lot 9 DP 24188	State
Newcastle	Buchanan Terrace and footpath	12 Church Street	Lot 8 DP 24188	State
Newcastle	Buchanan Terrace and footpath	14 Church Street	Lot 7 DP 24188	State
Newcastle	Buchanan Terrace and footpath	16 Church Street	Lot 6 DP 24188	State
Newcastle	Buchanan Terrace and footpath	18 Church Street	Lot 5 DP 24188	State
Newcastle	Buchanan Terrace and footpath	20 Church Street	Lot 4 DP 24188	State

Newcastle	Buchanan Terrace and footpath	22 Church Street	Lot 3 DP 24188	State
Newcastle	Buchanan Terrace and footpath	24 Church Street	Lot 2 DP 24188	State
Newcastle	Buchanan Terrace and footpath	26 Church Street	Lot 1 DP 24188	State
Newcastle	Buchanan Terrace and footpath	28 Church Street	Lot B DP 420090	State
Newcastle	Buchanan Terrace and footpath	30 Church Street	Lot A DP 420090	State
Newcastle	Grand Hotel	32 Church Street	Lot 32 DP 343633	State
Newcastle	Dwelling	46 Church Street	Lot A DP 331216	Local
Newcastle	Nos 1 and 2 Lee Wharf Buildings A and C	9 Honeysuckle Drive	Pt Lot 51 DP 1036132	State
Newcastle	Civic Railway Workshops Group	9 Honeysuckle Drive, 10A Merewether Street	Pt Lot 51 DP 1036132, Lot 50 DP 1036132	State
Newcastle	T & G Mutual Life Assurance Building	45 Hunter Street	Lot 6 DP 75385	State
Newcastle	Sun Building (Facade only)	48-56 Hunter Street	Lot 4 DP 76454	Local
Newcastle	AMP Building	55 Hunter Street	SP 53607	State
Newcastle	Former CBA Bank	67 Hunter Street	SP 65329	Local
Newcastle	Former National Bank	68 Hunter Street	Lot 1 DP 66499	Local
Newcastle	National Australia Bank	73 Hunter Street	Lot A DP 60510	State
Newcastle	Former Department of Public Works Office	74 Hunter Street	Lot 3224 DP 729951	State
Newcastle	Former Emporium Building	87-89 Hunter Street	Lots 1 and 2 DP 152682	Local
Newcastle	Former Police Station	90 Hunter Street	Lot 3223 DP 729951	State
Newcastle	Post Office and War Memorial Statue	96-100 Hunter Street	Lot 103 DP 758769	State
Newcastle	ANZ Bank	102 Hunter Street	Lot 1 DP 131741	State
Newcastle	CML Building	108-112 Hunter Street	Lot 1 DP 331485	State

Newcastle	Municipal Building	122-132 Hunter Street	Lots A-F DP 80153	Local
Newcastle	Former Hotel Hunter	154 Hunter Street	Lot 2 DP 600274	Local
Newcastle	Municipal Building	164-170 Hunter Street	Lot 1 DP 600274	Local
Newcastle	David Jones (Commercial building)	169-185 Hunter Street	Lot 1 DP 749729	Local
Newcastle	Former A A Dangar Building	176 Hunter Street	Lot 1 DP 110615	Local
Newcastle	Former School of Arts	182 Hunter Street	Lot 212 DP 660080	Local
Newcastle	Crown & Anchor Hotel	189 Hunter Street	Lot 1 DP 79759	Local
Newcastle	Former Johns Building	200-212 Hunter Street	Lot 1 DP 228072	Local
Newcastle	Commonwealth Bank Building	220 Hunter Street	Lot 1 DP 78033	Local
Newcastle	Former ANZ Bank	227 Hunter Street	Lot 1 DP 770692	Local
Newcastle	Lucky Country Hotel	237 Hunter Street	Lots 1 and 2 DP 331728	Local
Newcastle	Former Tramway Substation	342 Hunter Street	SP 21188	Local
Newcastle	Former Frederick Ash Building	357 Hunter Street	Lot 2 DP 1010675	Local
Newcastle	Civic Theatre	373 Hunter Street	Pt Lot 1 DP 225689	State
Newcastle	Former Emporium Building	517-529 Hunter Street	Lot 801 DP 562199	Local
Newcastle	Former Police Station	558 Hunter Street	Lot 3195 DP 705450	Local
Newcastle	Wheeler House	8 King Street	SP 65842	Local
Newcastle	Ireland Bond Store	123 King Street	Lot 1 DP 64187	Local
Newcastle	Albert Terraces	164-176 King Street	Lots 1-5 DP 263453	Local
Newcastle	The Moorings (Residential units)	199 King Street	SP 2831	Local
Newcastle	Civic Park	201 King Street	Lot 300 DP 604071	Local
Newcastle	Church Walk Park	203 King Street	Lot 27 DP 150538	Local
Newcastle	City Hall and lamp posts	290 King Street	Pt Lot 1 DP 225689	State

Newcastle	Christie Place (including fountain)	292 King Street	Pt Lot 1 DP 225689	Local
Newcastle	Nesca House	300 King Street	Lot 2 DP 225689	State
Newcastle	Newcastle War Memorial Cultural Centre	1 Laman Street		State
Newcastle	The Newcastle Club	40 Newcomen Street	Lots 1 and 2 DP 997519	State
Newcastle	Claremont (Former residence)	40 Newcomen Street	Lot 2 DP 997519	State
Newcastle	Sunnyside (Residence)	44 Newcomen Street	Lot 41 DP 1060945	Local
Newcastle	Terrace House	49 Newcomen Street	Lot 61 DP 569796	Local
Newcastle	Newcomen House (Residence)	51 Newcomen Street	Lot 1 DP 794738	Local
Newcastle	Newcastle Hospital North Wing	21 Pacific Street	Lot 22 DP 880526	State
Newcastle	Former Nurses Home	30 Pacific Street	Lot 100 DP 883220	Local
Newcastle	Former Victoria Theatre	8-10 Perkins Street	Lot 1 DP 1005699	State
Newcastle	Miss Chippendale's School Room	45 Perkins Street	Lot 1 DP 1034041	Local
Newcastle	House	49 Perkins Street	Lot 1 DP 854928	Local
Newcastle	Former Superintendent's Residence	88 Scott Street	Lot 3211 DP 722246	State
Newcastle	Former Coutts Sailor Home	88 Scott Street (facing Bond Street)	Lot 3211 DP 722246	State
Newcastle	Great Northern Hotel	89 Scott Street	Lot 100 DP 834251	State
Newcastle	Former Residence	90 Scott Street	Lot 1 DP 123946	Local
Newcastle	Convict Lumber Yard—Stockade Site	92 Scott Street	Pt Lot 2 DP 706760, Lot 3214 DP 729000	State
Newcastle	Station Master's Residence	92 Scott Street	Pt Lot 2 DP 706760	Local
Newcastle	Former Station Master's Residence	92 Scott Street	Pt Lot 2 DP 706760	State
Newcastle	Former Railway Pay Office	92 Scott Street (facing Bond Street)	Pt Lot 2 DP 706760	State

Newcastle	Newcastle Railway Station	110 Scott Street	Lot 8 DP 720672	State
Newcastle	Centennial Hotel	127 Scott and 114 Hunter Streets	Lots 1 and 2 DP 745997	Local
Newcastle	Air Force Club (Wood Chambers)	129 Scott Street	Lot 1 DP 996093	State
Newcastle	Rundles Buildings (Former R Hall & Sons)	161 Scott Street	SP 57218	Local
Newcastle	Former Beberfaulds Warehouse	175 Scott Street	SP 35541, SP 37388	Local
Newcastle	Shepherds Hill Group (includes residence, observation post and gun placement)	41 The Terrace	Lot 3116 DP 755247	State
Newcastle	Howard Smith Chambers	14 Watt Street	SP 16024	Local
Newcastle	Manufacturers House	35-37 Watt Street	Lot 1 DP 342578	State
Newcastle	St Phillips Church	48 Watt Street	Lot 38 DP 54152	Local
Newcastle	Watt Street Terrace	50 Watt Street	Lot 12 DP 24188	State
Newcastle	Watt Street Terrace	52 Watt Street	Lot 13 DP 24188	State
Newcastle	Watt Street Terrace	54 Watt Street	Lot 14 DP 24188	State
Newcastle	United Services Club	55 Watt Street	Lot 2 DP 609103	Local
Newcastle	Watt Street Terrace	56 Watt Street	Lot 15 DP 24188	State
Newcastle	Watt Street Terrace	58 Watt Street	Lot 16 DP 24188	State
Newcastle	Watt Street Terrace	60 Watt Street	Lot 17 DP 24188	State
Newcastle	Watt Street Terrace	62 Watt Street	Lot 18 DP 24188	State
Newcastle	Former Military Hospital	72 Watt Street	Pt DP 755247	State
Newcastle	Former Barracks	72 Watt Street	Pt DP 755247	State
Newcastle	Fletcher Monument	75 Watt Street	Ms 1135 Md	Local
Newcastle	Argyle House	311 Wharf Road	Lot 190 DP 541370	State
Newcastle	Retaining walls with sandstone steps	Wolfe Street		Local
Newcastle	Segenhoe (Residential units)	50 Wolfe Street	SP 19837	Local

Newcastle East	Nobbys Lighthouse, headland and breakwater	Nobbys Road		
Newcastle East	Fort Scratchely group (Buildings and underground forts)	31 Nobbys Road	Lot 1 DP 407886	State
Newcastle East	Nobbys Beach Pavilion	35 Nobbys Road	Pt R 88721	Local
Newcastle East	Boatmans Terrace group (Residences)	36-66 Nobbys Road	Lot 1 DP 617504	Local
Newcastle East	Column from original Courthouse	Parnell Place	Pt N 137-844R	Local
Newcastle East	Coal Memorial	Parnell Place	Pt N 137-844R	Local
Newcastle East	The Retreat (Residence)	31 Parnell Place	Lot 4 DP 4296	Local
Newcastle East	The Carlton (Residential units)	19 Scott Street	SP 39163	Local
Newcastle East	Former Newcastle East Police Station	63 Scott Street	Lot 328 DP 758769	State
Newcastle East	Soldiers Baths	Shortland Esplanade		State
Newcastle East	Ocean Baths	30 Shortland Esplanade	Pt Ms 1133 Md	Local
Newcastle East	Stevenson Place Precinct (Terraces)	1-55 Stevenson Place		Local
Newcastle East	Former John Bull Warehouse	28 Stevenson Place	SP 48754	Local
Newcastle East	Former Earp Gillam Bond Store	16 Telford Street	SP 44807	State
Newcastle East	Tyrrell House (Facade only)	49 Telford Street	SP 20749	Local
Newcastle East	Stone Boat Harbour (Relic)	48 Wharf Road	Pt Lot 52 DP 791037	State
Newcastle West	Former City Bank	553-557 Hunter Street	Lots A and B DP 162398	Local
Newcastle West	Former CBC Bank	559 Hunter Street	Lot 941 DP 997920	Local
Newcastle West	Newcastle Technical College	590-608 Hunter Street	Lots 1 and 2 DP 852552	State
Newcastle West	Hunter Water Board Building	599 Hunter Street	Lot 1 DP 595677	Local

Newcastle West	Theatre Royale	669 Hunter Street	Lot 111 DP 75158	State
Newcastle West	Palais Royale	684 Hunter Street	Lot 11 DP 872463	Local
Newcastle West	Bellevue Hotel	738 Hunter Street	Lot 8 DP 1008628	Local
Newcastle West	Bank Corner (Former Bank of NSW)	744 Hunter Street	Lot 1 DP 75008, Lot 1 DP 196241	Local
Newcastle West	Regional Museum	787 Hunter Street	Lot 21 DP 774313	State
Newcastle West	St Josephs Convent and Sacred Heart Church and School	841 Hunter Street	Lot 2 DP 787816, Lot 1 DP 129569, Lots 38 and 39 DP 95306, Lot 1 DP 95139	Local
Newcastle West	Former Newcastle Co-operative Store	854 Hunter Street	Lot 1 DP 82517	Local
Newcastle West	Dairy Farmers Building	924 Hunter Street	Lot 2 DP 445736	Local
Newcastle West	Miss Porter's Residence	434 King Street	Lot 441 DP 998073	State
Newcastle West	Army Drill Hall	498 King Street	Lot 1 DP 222839	Local
Newcastle West	Birdwood Park	502 King Street	Pt Lots 112-118 DP 95185	Local
Newcastle West	Hamilton College of TAFE	91 Parry Street	Lot 1 DP 584429	Local
Newcastle West	Former Gasworks Office	18 Steel Street	Lot 1 DP 797175	Local
North Lambton	Residence	288 Newcastle Road	Lot 181 DP 561160	Local
North Lambton	Residence	298 Newcastle Road	Lot 101 DP 587293	Local
North Lambton	Former Reservoir Hotel	330 Newcastle Road	Lot 28 Sec B DP 1700	Local
North Lambton	Former Red Lion Hotel	414 Newcastle Road	Lot 2 DP 405066	Local
North Lambton	Quarrymans Cottage	15 Percy Street	Lot 15 Sec C DP 96	Local
Sandgate	Sandgate Cemetery	108 Maitland Road	Pt DP 755247	State
Sandgate	Sandgate Cemetery Railway Spur	108 Maitland Road		Local
Sandgate	Sandgate Cemetery Office	116 Maitland Road	Lot 2913 DP 755247	Local
Sandgate	2HD Studio	173 Maitland Road	Pt Lots 36 and 37 DP 37259, Lot 1 DP 783568, Lot 1 DP 997590	Local

Shortland	Uniting Church	272 Sandgate Road	Lot 100 DP 705646	Local
Stockton	St Pauls Anglican Church Group	2 Church Street	Pt Lot 1 DP 60307	Local
Stockton	Stockton Public School	10 Clyde Street	Lots 10 and 11 Sec 22 DP 753191, Lot 101 Sec 22 DP 192889, Lot 110 DP 821006	Local
Stockton	Mine Disaster Memorial	Cnr Clyde and Mitchell Streets		Local
Stockton	Former Sister Ogden's Hospital	29 Crown Street	Lots 14 and 15 Sec A DP 6865	Local
Stockton	Stockton Horse Trough	Douglas Street		Local
Stockton	St Peter in Chains Hall	1-5 Dunbar Street	Lot 1 Sec S DP 984043, Lots 19-21 Sec B DP 6865	Local
Stockton	St Peter in Chains Presbytery	7 Dunbar Street	Lot 1 DP 840256	Local
Stockton	Stockton Centre	342 Fullerton Road	Lot 430 DP 835921	Local
Stockton	Former Locomotive Ash Pit	Fullerton Street		Local
Stockton	Prawners Slipway	Fullerton Street		Local
Stockton	Boat Harbour (Place)	Fullerton Street		Local
Stockton	The Laurels (Residence)	48 Fullerton Street	Lot 1 DP 731739	State
Stockton	Former Callen Residence	118 Fullerton Street	Lot A DP 314946	Local
Stockton	Boatrowers Hotel	130A Fullerton Street	Lot 6 Sec 10 DP 192889	Local
Stockton	Copse of Acacia Karroo (trees)	201 Fullerton Street	Lot 1 DP 529611	Local
Stockton	The Ballast Ground (Place)	Fullerton Street and Wharf Crescent		Local
Stockton	Stockton Fire Station	36 Hereford Street	Lot 15 Sec 12 DP 753191	Local
Stockton	St Giles Presbyterian Church	91 Hereford Street	Lot 1 DP 1000364	Local

Stockton	Former St Paul's Rectory	32 Maitland Street	Lot 1 DP 343745	Local
Stockton	General Washington Hotel	1 Mitchell Street	Lot 1 DP 82959, Lots 58 and 59 DP 753191	Local
Stockton	Former Savoy Picture Theatre	68 Mitchell Street	Lot 51 DP 617372	Local
Stockton	Beach Cafe	115 Mitchell Street	Lot 1 DP 949659	Local
Stockton	Residence	121-123 Mitchell Street	Lot 7 Sec 23 DP 192889	Local
Stockton	The John Slade Memorial Pavilion	124 Mitchell Street	R 79066	Local
Stockton	War Memorial	124 Mitchell Street	Closed Road—(R 79066)	Local
Stockton	Former Sister Brown's Residence	139 Mitchell Street	Lot 1 DP 323545	Local
Stockton	Ocean View Flats	179 Mitchell Street	Lot 201 DP 614477	Local
Stockton	Former Police Station/Residence	1A Newcastle Street	Pt Lot 4 DP 213040	Local
Stockton	Wreck of Adolphe	Pitt Street	Off Breakwater	Local
Stockton	Residence	1 Queen Street	Lot 1 DP 799919	Local
Tarro	Tarro Substation	6A Anderson Drive	Lot 1 DP 701060	Local
Tarro	Our Lady of Lourdes Church	42 Anderson Drive	Pt Lot 59 DP 755205	Local
Tarro	Residence	29 Eastern Avenue	Lot 100 DP 849413	Local
Tarro	Tarro Community Hall	2A Northern Avenue	Lot 3 Sec F DP 13126	Local
Tarro	Pumping Station	3 Woodberry Road	Lot 2 DP 595526	Local
Tarro	Substation	3 Woodberry Road	Lot 2 DP 595526	Local
The Hill	Shalamah (Residence)	4 Barker Street	Lots 1 and 2 DP 195186	Local
The Hill	Jesmond House (Residence)	10 Barker street	Lots A and B DP 153708	State
The Hill	Captain Allan's House	19 Barker Street	Lot 343 DP 54152	Local
The Hill	St Ronans (Residence)	18 Bingle Street	Lot B DP 420523	State

The Hill	Bishopscourt (Residence)	34 Brown Street	Lot 102 DP 1020129	Local
The Hill	Newcastle East Public School	48 Brown Street	Lots 1-3 DP 794850	Local
The Hill	Newcastle Hill Reservoir	51 Brown Street	Lots 346 and 347 DP 758769, Lot 312 DP 54152, Lot 314 DP 54152	Local
The Hill	Marlborough House	49 Church Street	Lot 1 DP 819070	Local
The Hill	Woodlands (Residence)	51 Church Street	Lot 11 DP 634172	State
The Hill	Gate and Stairs	52 Church Street	Lot 1 DP 594939	Local
The Hill	Christchurch Cathedral	52A Church Street	Lot 3 DP 36886	State
The Hill	Lance Villa group terrace house	66 Church Street	Lot 61 DP 585966	Local
The Hill	Lance Villa group terrace house	68 Church Street	Lot 62 DP 585966	Local
The Hill	Lance Villa group terrace house	70 Church Street	Lot 161 DP 54152	Local
The Hill	Lance Villa group terrace house	72 Church Street	Lot 1 DP 770143	Local
The Hill	Lance Villa group terrace house	74 Church Street	Lot 611 DP 996843	Local
The Hill	Lance Villa group terrace house	76 Church Street	Lot 1 DP 852881	Local
The Hill	Lance Villa group terrace house	78 Church Street	Lot 1620 DP 817037	Local
The Hill	Minumbah (Residence)	88 Church Street	Lot 1 DP 743943	Local
The Hill	Cliff Towers (Residential units)	124 Church Street	SP 1533	Local
The Hill	The Boltons (Residence)	1 off Church Street	Lot 4 DP 37425	Local
The Hill	The Boltons (Residence)	2 off Church Street	Lot 5 DP 37425	Local
The Hill	The Boltons (Residence)	3 off Church Street	Lot 6 DP 37425	Local

The Hill	The Boltons (Residence)	4 off Church Street	Lot 7 DP 37425	Local
The Hill	Dr Richard Harris' Residence	81 King Street	Lot 1 DP 63392	Local
The Hill	Cathedral Park and Cemetery	93 King Street	Lot 1 DP 36886	State
The Hill	Christchurch Parish Hall	60 Newcomen Street	Lot 1 DP 198891	State
The Hill	Newcastle Grammar School— Berkeley House Building	60 Newcomen Street	Lot 1 DP 198891	Local
The Hill	Newcastle Grammar School— Merrick House Building	60 Newcomen Street	Lot 1 DP 198891	Local
The Hill	King Edward Park Group (includes public reserve, drinking fountain and rotunda)	3 Ordnance Street	Pt DP 54152	State
The Hill	King Edward Park Group (Bogey Hole) Public Baths	3 Ordnance Street	Pt DP 54152	State
The Hill	Obelisk	3 Ordnance Street	Pt DP 54152	State
The Hill	St Mary's Star of Sea Church	54 Perkins Street	Lot 103 DP 713990	State
The Hill	Residence	56 Perkins Street	Lot 104 DP 713990	Local
The Hill	House	58 Perkins Street	Lot 1 DP 996157	Local
The Hill	Terrace	60 Perkins Street	Lot 1 DP 712325	Local
The Hill	Terrace	62 Perkins Street	Lot 1 DP 731703	Local
The Hill	Terrace	64 Perkins Street	Lot 1 DP 783710	Local
The Hill	Three Storey House (also known as Corlette's Cottage)	2 The Terrace	Lot 1 DP 198906	State
The Hill	Terrace (Pacific House)	4 The Terrace	Pt Lots 14 and 15 Sec Q DP 978941	Local
The Hill	House	6 The Terrace	Lot B	Local
The Hill	Terrace	8 The Terrace	Pt Lot 13 Sec Q DP 978941	Local

The Hill	Terrace	10 The Terrace	Pt Lot 13 Sec Q DP 978941	Local
The Hill	Terrace	12 The Terrace	Lots 1 and 2 DP 193906	Local
The Hill	Terrace	14 The Terrace	Lot 1 DP 136805	Local
The Hill	Terrace	16 The Terrace	Lot 11 Sec Q DP 978941	Local
The Hill	Terrace	20 The Terrace	Lots 5 and 6 DP 732782	Local
The Hill	Terrace	22 The Terrace	Lot 1 DP 986478	Local
The Hill	Terrace	24 The Terrace	Lot 1 DP 198415	Local
The Hill	Terrace	26 The Terrace	Lot 8 DP 742527	Local
The Hill	Terrace	28 The Terrace	Lot 7 Sec Q DP 978941	Local
The Hill	Terrace	30 The Terrace	Lot 1 DP 198361	Local
The Hill	Terrace	32 The Terrace	Lot 100 DP 809379	Local
The Hill	Terrace	38 The Terrace	Lot 1 DP 112366	Local
The Hill	Terrace House (Hill House)	40 The Terrace	Lot 1 DP 735348	State
The Hill	Hillside (Residence)	24 Tyrrell Street	Lot 1 DP 197834	Local
The Hill	Former Stables	8/60 Tyrrell Street	Lot 53 SP 69660	Local
The Hill	Beacon Tower (Landmark)	76 Tyrrell Street (cnr Brown and Tyrrell Streets)	Lot 102 DP 1020129	State
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
The Junction	Farquhar Street Terraces	3-9 Farquhar Street	Pt Lot 9, Lot 1 DP 112625, Lot 1 DP 797573	Local
The Junction	Residence	26 Farquhar Street	Lot 80 DP 95001	Local
The Junction	Former Primitive Methodist Parsonage	28 Farquhar Street	Lot 81 DP 95001	Local
The Junction	Rowland Park War Memorial	77A Glebe Road	Lot 108 DP 95290	Local
The Junction	Rowland Park	77A Glebe Road	Lot 108 DP 95290	Local

The Junction	Rowland Park Fountain	77A Glebe Road	Lot 108 DP 95290	Local
The Junction	War Memorial	Kenrick Street		Local
The Junction	St Joseph's Convent and School Group (incorporating St Thomas More Centre)	34 Kenrick Street	Pt Lot 38 and Lots 39, 40 and 43-50 Sec N DP 978941	Local
The Junction	The Junction Primary School	2 Watkins Street	Lots 1-8 DP 795234, Lot 1 DP 592431, Lot 1 DP 159535, Lot 1 DP 164214	Local
Tighes Hill	Tighes Hill School of Arts	15 Elizabeth Street	Lot 12 Sec E DP 230	Local
Tighes Hill	Tighes Hill Public School	33 Elizabeth Street	Lots 7-14 Sec F DP 61, Lot 1 DP 795035	Local
Tighes Hill	Former Police Lock-up	66 Elizabeth Street	Lots 4 and 5 Sec C DP 454	Local
Tighes Hill	Royal Oak Hotel	207 Maitland Road	Lot 1 DP 513115	Local
Tighes Hill	Tighes Hill TAFE College	266 Maitland Road	Lot 100 DP 1004331	State
Tighes Hill	Immaculate Heart of Mary Church	16 Tighes Terrace	Lot 2 DP 578946	Local
Tighes Hill	Convent of Mercy	38 Union Street	Lots 29 and 30 DP 32507	Local
Wallsend	Federal Park	2 Boscawen Street	Ms 818 Md	Local
Wallsend	RM Evans Funeral Chapel	5 Bunn Street	Lot 1 DP 779152	Local
Wallsend	Clarens House	4 Campbell Street	Lot 1 DP 795472	Local
Wallsend	Clarke Street Cottages	32-34 Clarke Street	Lot 1 Sec E DP 799569, Lot 9 DP 977871	Local
Wallsend	Former School of Arts (Fellowship House)	69 Cowper Street	Lot 1 DP 709819	Local
Wallsend	Railway Goods Shed	76 Cowper Street	Lot 27 DP 598215	State
Wallsend	Terminus Hotel	77 Cowper Street	Lot 1 DP 75085	Local
Wallsend	Stables	81 Cowper Street	Lot 30 DP 625168	Local
Wallsend	Colliery Inn	87 Cowper Street	Lot 1 DP 76381	Local
Wallsend	Wallsend Fire Station	27 Devon Street	Lot 1 DP 78016	Local

Wallsend	Wallsend Precinct—Courthouse	18 Harris Street	Lot 1 DP 199628	Local
Wallsend	Former Grapes Inn	20 Kemp Street	Lot 52 DP 529189	Local
Wallsend	Wallsend Park	47 Lake Road	Pt Lot 1 DP 724075	Local
Wallsend	Woodlands House	100 Lake Road	Lot 1 DP 337878	Local
Wallsend	Wallsend Hospital Median Garden	Longworth Avenue		Local
Wallsend	Wallsend Drug and Alcohol Centre	10 Longworth Avenue	Lots C-F DP 312480, Lot 1 DP 315099	Local
Wallsend	Wallsend Hospital	10 Longworth Avenue	Lots C-F DP 312480, Lot 1 DP 315099	Local
Wallsend	Wallsend Masonic Hall	4 Metcalfe Street	Lot 1 DP 1037615	Local
Wallsend	Newcastle Muslim Association (Building)	6 Metcalfe Street	Lot 1 DP 795032	Local
Wallsend	St Lukes Anglican Church	22 Metcalfe Street	Lot 1 Sec 3 DP 29	Local
Wallsend	Wallsend Public School	67 Metcalfe Street	Lots 1-4 DP 122513, Lot 1 DP 122511, Lot 9 Sec 15 DP 29, Lots 11 14 Sec 15 DP 29, Lots 2 and 3 DP 529635, Lots 2 and 3 DP 533593	Local
Wallsend	Racecourse Hotel	11 Minmi Road	Lot 1 DP 76498	Local
Wallsend	Lemon Grove Hotel	112 Nelson Street	Lot 1 DP 87351	Local
Wallsend	St Andrews Presbyterian Church	144 Nelson Street	Pt Lot 6 Sec 16 DP 29	Local
Wallsend	Plattsburg Public School	2 Ranclaud Street	Lots 1 and 2 DP 794917	Local
Wallsend	Wallsend Precinct—Police Station	12 Tyrrell Street	Pt B DP 111245	State
Wallsend	Wallsend Precinct—Post Office	14 Tyrrell Street	Lots 1-4 DP 724548	State
Wallsend	Wallsend Precinct—Public Reserve (Wallsend Rotunda Park)	18 Tyrrell Street	Ms 497 Md	Local
Wallsend	Whitton Street Postal Pillar Box	Whitton Street		Local

Waratah	Waratah Police Station	96 Georgetown Road	Lot 180 DP 755247	Local
Waratah	Former Hanbury Public School group	98 Georgetown Road	Lot 58A DP 755247, Lot 3 DP 755247	Local
Waratah	Mereyulh (Residence)	38 High Street	Lot B DP 380948	Local
Waratah	Carclew (Residence)	25 Lambton Road	Lot 2 DP 339828	Local
Waratah	Catholic Centre for Deaf Education	30 Lorna Street	Lots 1-18 Sec A DP 192666	State
Waratah	Corpus Christi Catholic Church	30 Lorna Street	Lots 1-4 Sec A DP 192666	Local
Waratah	Braeside (Residence)	37 Lorna Street	Lot 31 DP 96026	Local
Waratah	Cottage	21 Platt Street	Lot 4 DP 731746	Local
Waratah	Cottage	23 Platt Street	Lot 1 DP 136538	Local
Waratah	Waratah School of Arts	12 Station Street	Lot 252 DP 755247	Local
Waratah	Town Hall Hotel	29 Station Street	Lot 11 DP 735547	Local
Waratah	Cottage	92 Station Street	Lot A DP 155095	Local
Waratah	Former Waratah Post Office	22 Turton Road	Lot 1 DP 773179	Local
Waratah	Waratah Technology High School	26 Turton Road	Lot 2694 DP 755247, Lot 2717 DP 755247, Lot 3179 DP 755247	Local
Waratah	Former Western Suburbs Hospital	149 Turton Road	Lot 3 DP 852177	State
Waratah	Remnant Plantings	149 Turton Road	Lot 3 DP 852177	Local
Waratah	Waratah Park and Station Street Palms	2A Young Street	Lot 3189 DP 44990	Local
Wickham	Former Wickham Town Hall	12 Albert Street	Lot 2 DP 538523	Local
Wickham	Former Council Chambers	18A Albert Street	Lot 3175 DP 755247	Local
Wickham	Hawkins Oval	22 Albert Street	Ms 4983 Md, Pt Lot 152 DP 755247, Pt Lot 166 DP 755247	Local
Wickham	Hawkins Oval Memorial	22 Albert Street	Ms 4983 Md, Pt Lot 152 DP 755247	Local
Wickham	Former Police Lock-up	25 Albert Street	Lot 12 DP 1005516	Local

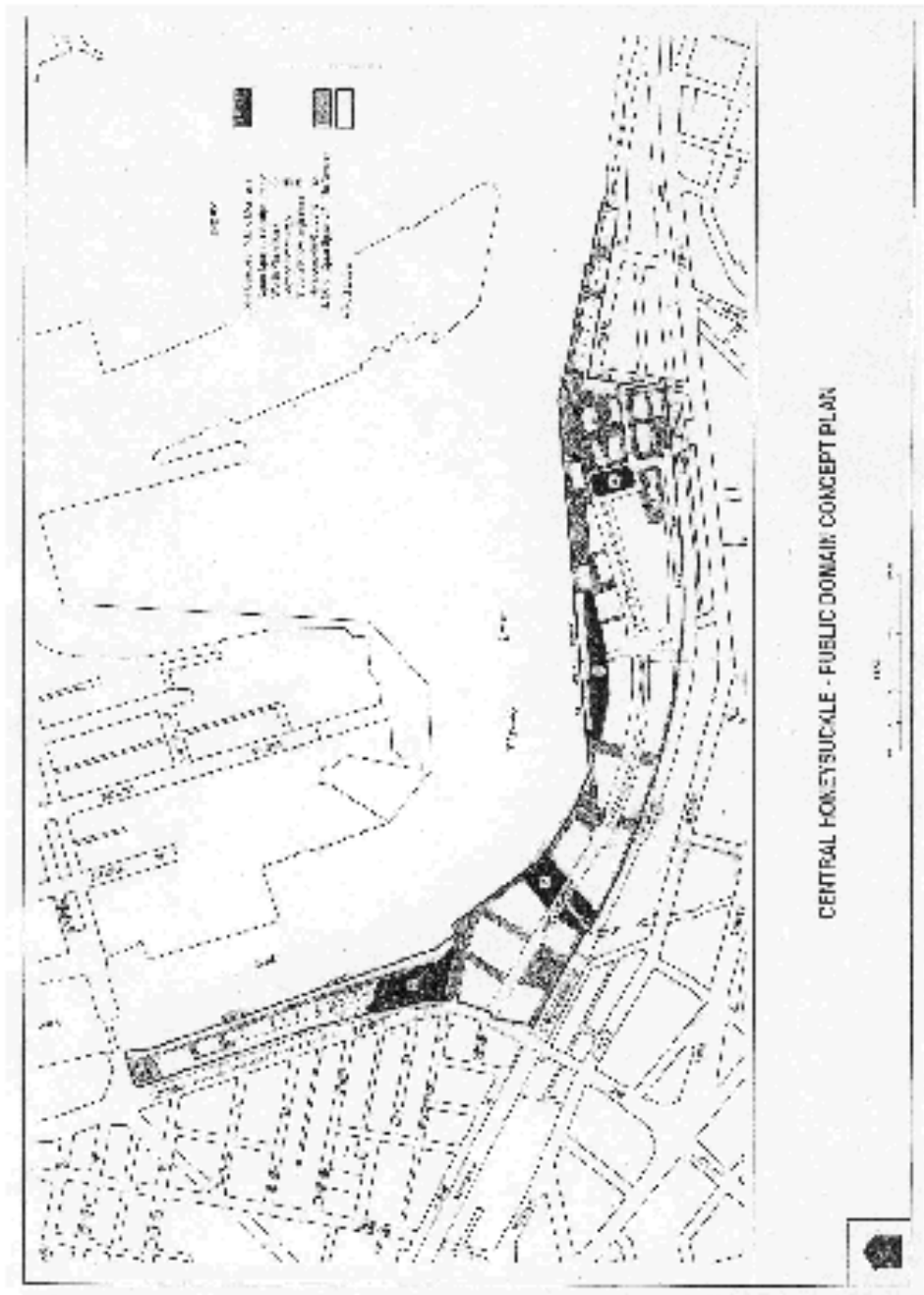
Wickham	Former New Zealand Loan Co Wool Store	2/33 Annie Street	Lot 3 DP 346352	Local
Wickham	Dalgety Warehouse	49 Annie Street	Lot 2 DP 346352	Local
Wickham	Elders Warehouse	57 Annie Street	Lot 1 DP 346352	Local
Wickham	R A Ritchie & Sons & Hudson Bros Engineering (Former industrial site)	20 Greenway Street	SP 31620	Local
Wickham	Wickham Railway Station	Hannell Street	Railway land	Local
Wickham	Signal Box—Wickham	Hannell Street	Railway land	Local
Wickham	Former School of Arts	22A Hannell Street	Lot 1 DP 1009228	Local
Wickham	Wickham Public School	54 Hannell Street	Lot 1 DP 850430	Local
Wickham	Former Infants School	64 Hannell Street	Lot 3203 DP 723289	Local
Wickham	Albion Hotel	72 Hannell Street	Lot 1 DP 76135	Local
Wickham	Stella Maris Seamans Mission	102 Hannell Street	Lot A DP 386601	Local
Wickham	The Salvation Army Men's Hostel	116–120 Hannell Street	Lot 1 DP 217399, Lot 1 DP 90935	Local
Wickham	Lass O'Gowrie Hotel	14 Railway Street	Lot 1 DP 774645	Local

Part 2 Heritage conservation areas

Description	Identification on Zoning Map
Cooks Hill	Shown by a heavy black broken line and marked "Cooks Hill Heritage Conservation Area"
Hamilton Business Centre	Shown by a heavy black broken line and marked "Hamilton Business Centre Heritage Conservation Area"
Hamilton South "Garden Suburb"	Shown by a heavy black broken line and marked "Hamilton South 'Garden Suburb' Heritage Conservation Area"
Newcastle City Centre	Shown by a heavy black broken line and marked "Newcastle City Centre Heritage Conservation Area"
Newcastle East	Shown by a heavy black broken line and marked "Newcastle East Heritage Conservation Area"
The Hill	Shown by a heavy black broken line and marked "The Hill Heritage Conservation Area"

Schedule 7 Central Honeysuckle public domain concept plan

(Clause 35 (1))



Schedule 8 Development for certain additional purposes

(Clause 26A)

Lot 5, DP 654265, known as 138 Lake Road, Elmore Vale, as shown edged heavy black on the map marked "Newcastle Local Environmental Plan 2003 (Amendment No 2)"	<p>Seniors housing (within the meaning of <i>State Environmental Planning Policy (Seniors Living) 2004</i>), comprising a residential care facility with a maximum capacity of 120 beds, subject to the following conditions:</p> <ul style="list-style-type: none">(a) compliance with <i>State Environmental Planning Policy (Seniors Living) 2004</i> as if that policy (clause 4 excepted) applied to the land,(b) the making of a development application to the Council within 5 years after the date of gazettal of <i>Newcastle Local Environmental Plan 2003 (Amendment No 2)</i>,(c) an appropriate Asset Protection Zone (APZ), as determined by the NSW Rural Fire Service, to be provided wholly within the boundaries of the land.
Lot 101, DP 1041014, known as 178 Lake Road, Elmore Vale, as shown edged heavy black on the map marked "Newcastle Local Environmental Plan 2003 (Amendment No 3)"	<p>Seniors housing (within the meaning of <i>State Environmental Planning Policy (Seniors Living) 2004</i>), comprising a maximum of 255 self-contained dwellings, subject to the following conditions:</p> <ul style="list-style-type: none">(a) compliance with <i>State Environmental Planning Policy (Seniors Living) 2004</i> as if that policy (clause 4 excepted) applied to the land,(b) the making of a development application to the Council within 5 years after the date of gazettal of <i>Newcastle Local Environmental Plan 2003 (Amendment No 3)</i>,(c) an appropriate Asset Protection Zone (APZ), as determined by the NSW Rural Fire Service, to be provided wholly within the boundaries of the land.
Lot 21, DP 828226, 41 Minmi Road, Wallsend	Automotive services and restaurant, with a total gross floor area not exceeding 1,200m ² .
So much of Lot 1, DP 198543, Lot 13, DP 1046106 and Lot 1, DP 736463, and known as part of 115-119 Denison Street, Hamilton, as is shown edged heavy black on Sheet 4 of the map marked "Newcastle Local Environmental Plan 2003 (Amendment No 6)" and that does not extend more than 30 metres from the southern boundary of each of those lots	Car parking.