

**PROPOSED MODIFICATIONS AND
EXTENSIONS
LAKE MACQUARIE YACHT CLUB,
BELMONT
PHASE 1 ENVIRONMENTAL SITE
ASSESSMENT**

Prepared for:

EJE Architecture
412 King Street
NEWCASTLE NSW 2300

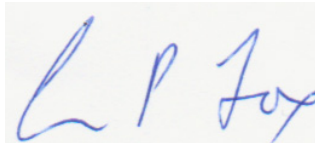
Report Date: 4 May 2009
Project Ref: ENVIWARA00234AB-R01

Written/Submitted by:

Reviewed/Approved by:



Emma Coleman
Environmental Scientist



Laurie Fox
Associate Environmental Geologist

4 May 2009

EJE Architecture Pty Ltd
412 King Street
NEWCASTLE NSW 2300

Attention: Peter Johnson

Dear Peter


**RE: PROPOSED MODIFICATIONS AND EXTENSIONS
LAKE MACQUARIE YACHT CLUB, BELMONT
PHASE 1 ENVIRONMENTAL SITE ASSESSMENT**

Coffey Environments Pty Ltd (Coffey Environments) is pleased to present the findings of our Phase 1 Environmental Site Assessment for the above site.

We draw your attention to the attached sheet "*Important Information about Your Coffey Environmental Report*", which should be read in conjunction with the report.

We trust that our report meets with your requirements. If you have any questions regarding this matter please contact the undersigned in our Warabrook Office.

For and on behalf of Coffey Environments Pty Ltd



Emma Coleman
Environmental Scientist

RECORD OF DISTRIBUTION

No. of copies	Report File Name	Report Status	Date	Prepared for:	Initials
1 pdf	ENVIWARA00234AB-R01a	Draft (by email)	20 April 2009	EJE Architects	PJ
1	ENVIWARA00234AB-R01a	Draft	20 April 2009	Coffey Environments Pty Ltd	EC
1 pdf	ENVIWARA00234AB-R01	Final	4 May 2009	EJE Architects	PJ
3	ENVIWARA00234AB-R01	Final	4 May 2009	Coffey Environments Pty Ltd	EC

CONTENTS

LIST OF ATTACHMENTS	I
ABBREVIATIONS	II
EXECUTIVE SUMMARY	IV
1 INTRODUCTION	1
1.1 General	1
1.2 Proposed Development	1
1.3 Regulatory Requirements	2
1.3.1 Consultations with DECC and DoP	2
1.4 Objective	3
1.5 Scope of Works	3
2 SITE INFORMATION	4
2.1 Site Identification	4
2.2 Site Description	4
2.3 Regional Geology	5
2.4 Hydrogeology	5
2.5 Topography and Drainage	5
3 SITE HISTORY REVIEW	6
3.1 Titles Search	6
3.2 Aerial Photographs Review	6
3.3 Council Records Search	7
3.3.1 LEPs, REPs and SEPPs	7
3.4 NSW DECC Records	7
3.5 WorkCover Dangerous Goods Records	7
3.6 Anecdotal Information	8
3.7 Acid Sulfate Soils	8

CONTENTS

3.8	Summary of Site History	8
4	POTENTIAL AREAS OF ENVIRONMENTAL CONCERN (AEC) AND CHEMICALS OF CONCERN (COC)	10
5	ASSESSMENT OF SEDIMENT AND WATER IN PROPOSED MARINA AREA	12
5.1	Sampling and Analysis Plan	12
5.1.1	Sampling Rationale	12
5.1.2	Sediment Sampling	12
5.1.3	Water Sampling	12
5.1.4	Laboratory Analysis	12
5.2	Sediment Investigation Levels (SILs)	13
5.3	Water Investigation Levels (WILs)	13
5.4	Results of Investigation	14
5.4.1	Subsurface Conditions	14
5.4.2	Water Quality Field Measurements	14
5.4.3	Quality Assurance/Quality Control	14
5.4.4	Comparison of Results to Sediment Investigation Levels	15
5.4.5	Comparison of Results to Water Investigation Levels	15
6	DISCUSSION	16
7	CONCLUSIONS AND RECOMMENDATIONS	17
8	REFERENCES	18

LIST OF ATTACHMENTS

Important Information About Your Coffey Environmental Report

Tables

- Table 1: Analytical Results - Sediments
- Table 2: Analytical Results - Water
- Table 3: QA/QC Results – Sediment
- Table 4: QA/QC Results - Water

Figures

- Figure 1: Site Location Plan
- Figure 2: Site Layout Plan
- Figure 3: Site Layout Showing AECs
- Figure 4: Approximate Sampling Locations

Appendices

- Appendix A: Site Photographs
- Appendix B: Results of Groundwater Bore Search
- Appendix C: Land Title Search
- Appendix D: Aerial Photographs
- Appendix E: Section 149 Certificate
- Appendix F: DECC Notices Search Printout
- Appendix G: NSW WorkCover Records
- Appendix H: Laboratory Reports
- Appendix I: Data Validation Report

ABBREVIATIONS

AEC	Areas of Environmental Concern
AST	Above-ground Storage Tank
bgl	below ground level
BTEX	Benzene, Toluene, Ethylbenzene and Xylenes
CoC	Chemicals of Concern
DEC	Department of Environment and Conservation
DECC	Department of Environment and Climate Change
DO	Dissolved Oxygen
DoP	Department of Planning
DWE	Department of Water and Energy
EC	Electrical Conductivity
EPA	Environmental Protection Agency
ESA	Environmental Site Assessment
LEP	Local Environmental Plan
LMCC	Lake Macquarie City Council
LMYC	Lake Macquarie Yacht Club
NATA	National Association of Testing Authorities
NSW	New South Wales
OCP	Organochlorine Pesticide
OPP	Organophosphorous Pesticides
PCB	Polychlorinated Biphenyls
PACM	Possible Asbestos Containing Material
PAH	Polycyclic Aromatic Hydrocarbon

ABBREVIATIONS

REP	Regional Environmental Plan
SEPP	State Environmental Planning Policy
SILs	Sediment Investigation Levels
TDS	Total Dissolved Solids
TPH	Total Petroleum Hydrocarbon
WILs	Water Investigation Levels

EXECUTIVE SUMMARY

Coffey Environments Pty Ltd was commissioned by EJE Architects, on behalf of Lake Macquarie Yacht Club, to conduct a Phase 1 Environmental Site Assessment for the site located at 9 Ada Street, Belmont NSW.

It is understood that Lake Macquarie Yacht Club propose to modify and extend parts of the existing development and that environmental assessment is required as per the Environmental Assessment Requirements issued by the NSW Department of Planning (DoP).

The objective of the Phase 1 ESA undertaken was to:

- Investigate the site history, surrounding land uses and surrounding environment to identify potentially contaminating activities that are, or may have been performed on the site;
- Identify environmental constraints (with respect to lake bed and land contamination) for the proposed modifications to the yacht club which may require a further Phase 2 ESA;
- Assess the contamination status of the sediments in the area of the proposed new marina, and the background quality of the lake water.

The site history review revealed that the site has been used as a yacht club with an associated marina since about 1954. The site is surrounded by residential and commercial development and is situated at the end of Ada Street in Belmont, extending into Lake Macquarie. The yacht club is built on reclaimed land constructed with imported fill of unknown origin.

Following consultations between the client and DoP and DECC, sediment sampling was required in the area of the proposed marina. A water sample from Lake Macquarie was also collected.

The sediment sampling in the area of the proposed marina generally showed concentrations of contaminants below the trigger values adopted.

The water sample collected indicated that metals slightly exceeded the trigger values adopted. It is considered that these concentrations probably represent background water quality levels in the lake, and can be used for comparative purposes during and after the redevelopment of the yacht club.

Based on the proposed development, and the consultations the client had with DoP and DECC about the requirements of a contamination assessment, it is considered that further investigation is not required.

A construction environmental management plan (CEMP) will be required to be prepared and implemented during redevelopment of the yacht club. The CEMP should address among other things, procedures for appropriate handling and disposal of disturbed soils from each of the nominated AECs.

This report should be read in conjunction with the attached information sheet "*Important Information about Your Coffey Environmental Report*", which should be read in conjunction with the report.

1 INTRODUCTION

1.1 General

This report presents the findings of a Phase 1 Environmental Site Assessment (ESA) undertaken by Coffey Environments Pty Ltd (Coffey) for Lake Macquarie Yacht Club (LMYC) located at 9 Ada Street, Belmont NSW (the site). The report was requested by EJE Architecture Pty Ltd on behalf of lake Macquarie Yacht Club following receipt of Coffey proposal ENVIWARA00234AA-P03, dated 31 October 2008.

Coffey has been provided with the project application requirements, with regards to contamination, from the Department of Planning (DoP), Lake Macquarie City Council (LMCC), and NSW Department of Environmental and Climate Change (DECC). These are discussed in Section 1.3 below.

The Phase 1 ESA is the first phase in a staged environmental site assessment, and is used to assess the need for further investigation (i.e. Phase 2 ESA, remediation, and validation). Should the Phase 1 ESA indicate that further assessment is required, this would be carried out at a later date.

This report must be read in conjunction with the sheet "*Important information about your Coffey Environmental Report*" which is attached to this report.

1.2 Proposed Development

It is understood that Lake Macquarie Yacht Club propose to modify and extend parts of the existing development. The modifications and alterations include:

Existing Bitumen Car Park

- Removal of the existing bitumen paving and building up the height by approximately 300mm using imported road base;
- Extending the car park over the existing rock ballast walls using a concrete footing/edge beam and infill concrete. The external edge of the car park will be placed over a new concrete edge beam which will be supported on piles, driven or screwed, into the Lake bed at approximately 4 metre centres.

New Car park in Cullen Park

- The existing gravel car park is to be built up slightly higher than the existing level using imported road base and provided with a new bitumen seal.

Existing Building

- The existing building is to be demolished and is known to contain asbestos and possibly other hazardous materials;
- The demolition contractor will be required to prepare a Hazardous Materials Assessment before demolition.

New Marina

- The new marina is being constructed over previously undeveloped lake bed;
- The new marina structure will be constructed using driven timber piles, and no removal of sediment is proposed;
- A floating boom and silt curtain will be used during construction to contain sediment that is disturbed. There is sea grass (*Posidonia australis* sea grass) which is a protected species growing in the region of the proposed new marina.

1.3 Regulatory Requirements

EJE Architecture Pty Ltd provided Coffey with the Environmental Assessment requirements of DoP, LMCC and DECC in order for the proposed development to be considered for approval.

The requirements that relate to contamination were:

- Department of Planning requirements:
 - "Identify any contamination on site and appropriate mitigation measures in accordance with the provisions of SEPP 55 – Remediation of Land."
- Lake Macquarie City Council requirements:
 - "(a) In accordance with the requirements contained with State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land:
 - Locate and assess areas of potential contamination from past activities and/or past filling;
 - If required, develop appropriate remediation or containment strategies. This will require a site contamination report from an environmental consultant addressing the clean up and disposal/treatment methods to be used;
 - (b) It will be necessary to ensure adequate storage of any chemicals/substances to avoid contamination of Lake Macquarie. Design of the drainage system should give consideration to minimising contamination resulting from any car park facilities or access roads;
 - (c) Construction of the proposed development should ensure that any disturbance to the Lake floor is minimised and is to ensure that any underlying contaminants are not disturbed. It will also be necessary to ensure that any sediment that is suspended in the water body as a result of construction is contained.";
- Department of Environment and Climate Change requirements:
 - "The EA should determine whether contaminated soils are likely to be disturbed during the proposed works. If contaminated soils are likely to be disturbed, the EA should detail the measures to be adopted to protect human health and the environment, and if necessary remediate or dispose of the contaminated material."

1.3.1 Consultations with DECC and DoP

On 17 March 2009, the EJE Architecture and De Witt Consulting Pty Ltd met with Mr Peter Hughes of NSW DECC and discussed the requirements for contamination assessment. NSW DECC advised that provided there was no change in land use and the land/water was not to be disturbed, a contamination investigation was probably not required. The NSW DECC, supported by NSW DoP, in their email dated 16 March 2009, indicated that the main area of concern was the proposed new marina as a new land use was proposed and sediments were likely to be disturbed. The NSW DECC noted further that as other parts of the site were not to be disturbed, no other testing was required.

1.4 Objective

The objective of the Phase 1 ESA undertaken was to:

- Investigate the site history, surrounding land uses and surrounding environment to identify potentially contaminating activities that are, or may have been performed on the site;
- Identify environmental constraints (with respect to lake bed and land contamination) for the proposed modifications to the yacht club which may require a further Phase 2 ESA;
- Assess the contamination status of the sediments in the area of the proposed new marina, and the background quality of the lake water.

This Phase 1 ESA was carried out in accordance with current NSW DECC guidelines in order to meet the requirements of the various government departments.

1.5 Scope of Works

To achieve the objective, the following work was undertaken:

- A site walkover by a Coffey Environments scientist, which included a visual assessment of;
- Potential sources of contamination;
- Property boundaries;
- Surrounding land uses;
- Topography and drainage; and
- Nearby sensitive environments.
- A desktop review of site history information which entailed:
- A review of previous land ownership;
- A review of selected historical aerial photographs over the past 40 to 50 years;
- A review of the Lake Macquarie City Council {Section 149 (2) and (5)} Planning Certificates for the site;
- A review of historical development applications for the site which are readily accessible from LMCC's website;
- Interview with Ken McLeod, general manager of LYMC;
- A search of NSW Department of Water and Energy (DWE) for records of registered groundwater bores within a 1km radius of the Site;
- A search of the NSW WorkCover Dangerous Goods archive; and
- A review of the NSW Department of Environment and Climate Change (DECC) notices under the Contaminated Land Management Act (1997);
- Identification of potential areas of environmental concern (AECs) and chemicals of concern (CoCs);
- Sampling and analysis of four sediment samples in the proposed marina area;
- Sampling and analysis of one surface water sample; and,
- Data Assessment and Reporting.

2 SITE INFORMATION

2.1 Site Identification

The site to which this report refers is located at 9 Ada Street, Belmont NSW, and is identified as Lots 973, 974, and 975 of DP 755233 in the Parish of Kahibah, County of Northumberland. The location of the site is shown in Figure 1 and a site layout is presented in Figure 2. The site has an area of approximately 26,000m² and is located in the municipal area of Lake Macquarie City Council.

2.2 Site Description

A Coffey Environments scientist visited the site on 18 December 2008. Site photographs taken during this visit are presented in Appendix A.

The LMYC has been constructed on a reclaimed piece of land, and is bounded on the southern, western and northern sides by Lake Macquarie. The eastern boundary is bordered by a public park with slight gradient towards Lake Macquarie.

The site comprised:

- A bitumen car park and clubhouse on the reclaimed land. The bitumen car park was located on the eastern end of the reclaimed land and the clubhouse was situated on the western end of the reclaimed land;
- A car park and boat launching area on the mainland located to the east of the reclaimed land; and
- A marina comprising small jetties over Lake Macquarie, located to the west and north of the clubhouse.

A bitumen car park servicing the LMYC is built over the majority of the reclaimed area of land. The LMYC clubhouse has been constructed at the western end of the reclaimed land and extends over the waters of Lake Macquarie towards the attached finger jetties. The existing bitumen is generally of good condition with minor hydrocarbon staining present throughout the car park. The hydrocarbon staining is suspected to have originated from leaks from cars and boats over time.

A fenced waste storage compound exists in the south-western corner of the bitumen car park. Waste stored here includes general waste in skip bins, a stainless steel cooking oil disposal bin and a bunded above ground motor oil disposal tank. The motor oil tank stands approximately 1m tall and the bund stands approximately 0.5m high. The motor oil tank and bund generally appeared to be in good condition, but oil staining on the concrete pavement around the tank and within the bund was apparent, and moderate oil staining was observed running from the bunded area to the waters edge. These stains are considered likely to be from spills, rather than from leaks in the bund.

A level gravel car park and boat launching area exists on the mainland to the east of the reclaimed area. It is suspected that this exposed gravel material is imported fill placed several decades ago originating from an unknown source. The ground surface slopes in the car park gently towards Lake Macquarie in the car park.

An auto-pumping kitchen oil sump system and sewer manhole is located at the western extent of the car park on the reclaimed land area, adjacent to the entrance of the clubhouse. These services appeared to be in good condition with little staining observed on the ground surface.

It did not appear that antifouling activities are currently performed on site. A range of chemicals were observed to be stored in a shipping container on the north east corner of the clubhouse. Based on the age and construction of the clubhouse, it appeared that Potential Asbestos Containing Material (PACM) may have been used in some parts of the clubhouse.

2.3 Regional Geology

Reference to the 1:100,000 scale Newcastle Coalfield Regional Geology sheet indicates the site is underlain by the Boolaroo Subgroup of the Newcastle Coal Measures comprising sandstone, conglomerate, siltstone, coal and tuff.

Coffey Geotechnics has carried out a geotechnical investigation for the proposed works which comprised hand auger boring and cone penetrometer tests (CPT) on both the mainland and in the lake.

In summary the subsurface conditions encountered showed:

- Alluvial soils comprising of silt, sand and peat to depths of between about 0.1m to 7.07m, overlying;
- Residual (natural) soils comprising clay to the depth of investigation of between about 0.4m to 7.81m.

The subsurface conditions encountered during the investigation are provided in more detail in report GEOTWARA20706AA-AE.

2.4 Hydrogeology

A search has been conducted by the Department of Water and Energy (DWE) at the request of Coffey Environments to identify boreholes within a 2 km radius of the site. The results of this search are presented in Appendix B. The search indicated that a number of groundwater bores exist in the area. Information was available on nine of these. The information indicates that the nine bores are located to the south of the site. Two of the bores showed standing water levels between 1.5m and 3.0m.

It is anticipated that groundwater on the mainland part of the site would be influenced by the proximity to Lake Macquarie. It is likely that groundwater from surrounding up-gradient locations would also flow through the mainland part of the site into Lake Macquarie.

2.5 Topography and Drainage

The reclaimed portion of the site is generally level and was observed to be approximately 1.0m above the water level in Lake Macquarie during the site visit on 18 December 2008. Surface water drainage from the reclaimed land portion of the site is likely to be primarily flow from the bitumen car park into Lake Macquarie.

The mainland portion of the site slopes gently towards Lake Macquarie. Surface water on the site is anticipated to run-off into Lake Macquarie. It is also anticipated that surface water would run onto the site from the neighbouring properties which gently slope towards the car park. A stormwater drain outlet was observed in the parkland adjacent to the southern end of the car park on the mainland.

3 SITE HISTORY REVIEW

3.1 Titles Search

Coffey Environments engaged Advance Legal Search Pty Limited to trace land ownership history through a search of title records. The site comprises Lots 973, 974 and 975 of Deposited Plan 755233 and title search documentation is provided in Appendix C.

Prior to 1986 the lots were Crown Land, with a special lease to Trustees Lake Macquarie Yacht Club. This special lease dated from 1954 to 1986 for Lot 974, and 1969 to 1986 for Lots 973 and 975.

From 1986 to the date of this report the lots have been owned by The State of New South Wales with a lease to Lake Macquarie Yacht Club. Various other historical leases were also noted in the title documents. From 2007 to today there has been a lease for Great Southern Catering Pty Ltd of Brasserie "Saltwater Grill", which is assumed to be associated with the club restaurant.

3.2 Aerial Photographs Review

A selection of historical aerial photographs of the site for the years 1965, 1975, 1984, 1996 and 2001 were obtained from the Department of Lands. A satellite image of the site was also viewed on Google Earth for the year 2008. A summary of the site in the aerial photographs is presented in Table 1 below and the aerial photographs are shown in Appendix D.

TABLE 1 - SUMMARY OF AERIAL PHOTOGRAPHS

DATE	SITE DESCRIPTION
22-8-1965 (b&w, Run 8)	LMYC is apparent, with a narrow two lane road constructed to service the clubhouse. The clubhouse and road have been constructed on reclaimed land. Recreational areas around the clubhouse building have not yet been constructed. The bitumen car park has not yet been constructed on the reclaimed land. A gravel car park is present on the mainland. The marina consists only of a two-finger T-shaped jetty to the west of the clubhouse. The public park and residential areas to the north and south of the clubhouse appear similar to present day.
27-5-1975 (b&w, Run 1)	Soil fill material appears to be placed in the current location of the car park on the reclaimed land and to the north of the clubhouse building. The remainder of the site appears similar to the 1965 photograph.
27-4-1984 (b&w, Run 1)	The site appears similar to the 1975 photograph.
29-5-1996 (b&w, Run 7)	The site appears similar to the 1984 photograph, with the exception of a third finger jetty apparent adjacent to the second finger jetty and smaller finger jetty to the south of the club.
23-10-2001 (colour, Run 1)	The site appears similar to the 1996 photograph.
2008 (colour, Google Earth)	The site appears similar to the 2001 photograph.

Notes: b&w = black & white photograph.

3.3 Council Records Search

A search of LMCC Property Enquiry website (<http://aptracking.lakemac.com.au>) was undertaken for Lots 973 to 975 to identify former development and building applications for the site. The listed applications date back to 1982, which is after construction of the reclaimed land and club house. The applications are generally for extensions and alterations to the club house and marina, but also included an application for a lifting crane. A printout of the information from the Property Enquiry website is included in Appendix E.

A copy of the Section 149(2) and (5) Planning Certificates (Environmental Planning and Assessment Act 1979), were obtained from Lake Macquarie City Council, and were accurate as at 6 January 2009. Copies of these certificates are presented in Appendix E.

The Section 149 certificates indicate that the site is zoned as 6(2) Tourism and Recreation and 11 Lake and Waterways.

Under the Contaminated Land Management Act 1997 the site is not listed as an investigation area or remediation site, is not subject to an investigation or remediation order, a voluntary investigation proposal or the subject of a site audit statement.

3.3.1 LEPs, REPs and SEPPs

The following Local Environmental Plans (LEPs), Regional Environmental Plans (REPs) and State Environmental Protection Plans (SEPPs) are specific to the proposed development. A list of LEPs, REPs and SEPPs that the site is subject can be found in the Planning Certificate in Appendix E.

- Lake Macquarie Local Environmental Plan 2004;
- Development Control Plan No. 1 – Principles of Development;
- Development Control Plan No. 1 – Complying Development;
- Hunter Regional Environmental Plan 1989;
- SEPP 1 – Development Standards;
- SEPP 55 - (Remediation of Land);
- SEPP – (Basix) 2004; and
- SEPP (Major Projects) 2005.

3.4 NSW DECC Records

A search of the record of NSW DECC notices issued under the Contaminated Land Management Act (1997) revealed that no notices have been issued for the site or neighbouring properties. A printout of the search results is presented in Appendix F.

3.5 WorkCover Dangerous Goods Records

A search of NSW WorkCover records revealed no records pertaining to the site on the Stored Chemical Information Database (SCID). The results of the search are presented in Appendix G.

Whilst no records of dangerous goods were available from the NSW WorkCover records, a waste motor oil above-ground storage tank (AST) was observed in the south-western portion of the car park on the reclaimed land during the site visit.

3.6 Anecdotal Information

An interview with Ken McLeod, the general manager of LMYC, was carried out on 18 December 2008. Mr McLeod indicated that the bitumen car park was constructed on illegally imported fill that was placed about 50 years ago (which now forms the reclaimed land). The source of the fill is unknown. An auto-pumping oil sump system is placed underneath the bitumen car park near the main entrance to the clubhouse. The clubhouse was built at the end of the reclaimed land. It is currently planned to raise the car park due to sea level rise.

A second interview with Ken McLeod was carried out on 16 February 2009. This interview focused on boat cleaning practices at the yacht club and marina. Ken McLeod indicated that no anti-fouling activities were carried out at the site currently. Boats were cleaned in an off-site slipway equipped with an anti-pollution system. This system comprised of a drain to collect runoff from the boat cleaning, a cyclone separator to separate the sludge from the water, and a sump which stored the sludge until it was removed by a waste disposal contractor.

3.7 Acid Sulfate Soils

The site has the potential for acid sulfate soils. Acid sulfate soils were assessed by Coffey Geotechnics and the results of the assessment reported in reference GEOTWARA20706AA-AE.

3.8 Summary of Site History

The results of the site history identified the following:

- The site was Crown Land prior to 1986, and since then has been owned by The State of New South Wales. Special leases for the yacht club have been in existence since 1954;
- The aerial photographs indicate that the yacht club with associated marina has been in place since at least 1966. The bitumen car park on the reclaimed land was constructed sometime between 1966 and 1975;
- The council records generally showed that building and development applications for the site were for modifications and additions to the yacht club. One application was for a lifting crane, which was observed on the site;
- The Section 149 certificates indicate that the site is not an investigation or remediation area, is not subject to an investigation or remediation order, or a voluntary investigation proposal, and is not the subject of a site audit statement;
- A search of the record of DECC notices issued under the Contaminated Land Management Act (1997) revealed that no notices have been issued for the site;
- A search of the NSW WorkCover records did not reveal records pertaining to the site;
- Hydrocarbon staining was noted on the surface of the bitumen car park during the site visit, which is anticipated to be from small oil leaks from vehicles over time;
- A waste storage compound was observed on the south-western portion of the bitumen car park, which included skip bins for general waste, a cooking oil disposal bin, and a bunded above ground waste motor oil tank. Oil staining was observed on the concrete pavement around the waste motor oil tank and from the tank to the edge of the car park;
- An auto-pumping kitchen oil sump system was noted near the entrance to the clubhouse;

- The clubhouse appeared to have been constructed of potential asbestos containing material (PACM). Lead based paints may also have been used on the clubhouse;
- Anecdotal information indicated that the bitumen car park was constructed on fill illegally placed about 45 years ago and that no anti-fouling activities were currently carried out on site; and
- The site is located in an area that has generally been used for residential use with some commercial use.

4 POTENTIAL AREAS OF ENVIRONMENTAL CONCERN (AEC) AND CHEMICALS OF CONCERN (COC)

Based on the site history review, potential areas of environmental concern (AECs) and associated chemicals of concern were identified. These are summarised in Table 2 and shown on Figure 3.

TABLE 2 - SUMMARY OF POTENTIAL AREAS AND CHEMICALS OF CONCERN

POTENTIAL AECs	DESCRIPTION OF POTENTIALLY CONTAMINATING ACTIVITY	COCS*	LIKELIHOOD OF CONTAMINATION (BASED ON SITE HISTORY STUDY ONLY)**	COMMENTS
1. Gravel Car park	Fill of unknown origin used for this gravel car park. Run-on surface water from neighbouring properties	TPH, BTEX, PAH, OCPs, OPPs, PCBs Metals, Asbestos	Low	Fill is likely to extend to below water levels due to the fills' proximity to and height above Lake Macquarie.
2. Bitumen Car park	Fill materials used for reclamation are of unknown origin; possible pesticide use in existing garden beds; oil leaks from parked vehicles.	TPH, BTEX, PAH, OCPs, OPPs, PCBs Metals, Asbestos	Low	Anecdotal evidence during site visit indicates that this fill material was illegally placed several decades ago. Fill is likely extend to below water levels due to the fills' proximity to and height above Lake Macquarie.
3. Yacht Club Building	Potential Asbestos Containing Materials used in construction of clubhouse, lead based paints.	Asbestos, lead	Low	
4. Waste Storage Facilities	Waste storage compound - Waste cooking and motor oil storage, general waste storage in this compound. Kitchen oil sump - adjacent to clubhouse entrance.	TPH, BTEX, PAH, VHCs	Low to Medium	Minor staining on pavement observed to be running towards Lake Macquarie from the waste storage compound. Kitchen oil sump is likely to be at or below water levels.
5. Northern edge of bitumen car park – boat storage.	Potential past use of tributyltin as an antifouling agent.	Tributyltin, metals	Low	Boats stored here may have been cleaned using anti-fouling agents in the past. Anti-fouling agents are not used here currently.

POTENTIAL AECS	DESCRIPTION OF POTENTIALLY CONTAMINATING ACTIVITY	COCS*	LIKELIHOOD OF CONTAMINATION (BASED ON SITE HISTORY STUDY ONLY)**	COMMENTS
6. Existing and Proposed Marina's	Leaching of anti-fouling agents; stormwater pollution in sediments	Tributyltin, metals, TPH, BTEX, PAH, OCPs	Medium / High	Boats stored here may have been cleaned using anti-fouling agents in the past. Anti-fouling agents are not used here currently. Sediments may contain contaminants common to stormwater pollution.
<p>NOTE:</p> <p><i>*CoC - Chemicals of Concern</i></p> <p><i>** It is important to note that this is not an assessment of the financial risk associated with the AEC in the event contamination is detected, but a qualitative assessment of the probability of contamination being detected at the potential AEC based on the site history study.</i></p> <p><i>Metals - Arsenic, Cadmium, Chromium, Copper, Lead, Mercury, Nickel and Zinc</i></p> <p><i>BTEX - Benzene, Toluene, Ethylbenzene and Xylenes</i></p> <p><i>TPH - Total Petroleum Hydrocarbons</i></p> <p><i>PAH - Polycyclic Aromatic Hydrocarbons</i></p> <p><i>OCP - Organochlorine Pesticides</i></p> <p><i>OPP – Organophosphorous Pesticides</i></p> <p><i>PCBs – Poly-Chlorinated Biphenyls</i></p>				

5 ASSESSMENT OF SEDIMENT AND WATER IN PROPOSED MARINA AREA

5.1 Sampling and Analysis Plan

5.1.1 Sampling Rationale

Based on correspondence from NSW DECC, supported by the NSW DoP, the principal area of environmental concern was sediment in the lake bed (AEC 6). Proposed redevelopment details indicated that soil disturbance would be minimal in AEC 1 to AEC 5. As land use was also not changing in AEC 1 to AEC 5, these areas of concern did not require investigation.

Where soils were to be disturbed, and potentially re-used on site, procedures for handling and disposal would be covered in a Construction Environment Management Plan (CEMP). As water quality would be monitored during construction it was considered prudent to collect a sample of lake water for future comparison.

5.1.2 Sediment Sampling

The fieldwork was carried out on 31 March 2009 by two Coffey environmental scientists.

Sampling was carried out from a barge. A piston sampler was used to obtain four "cores" (SB1 to SB4) of the sediments to approximately 1m depth from the lake bed surface. Samples were collected from each sediment core at approximately the surface of the lake bed, 0.5m depth, and 1m depth.

Each soil sample was collected using clean disposable latex gloves. Between each sample being taken the sampling equipment was washed by brush scrubbing with potable water, then with a phosphate free detergent and finally rinsed with potable water.

The sediment samples were placed into laboratory supplied 250mL glass jars, with duplicate bagged samples collected for headspace screening. Each sample was placed directly into a chilled insulated container. One duplicate sample, one triplicate sample, one wash blank sample, and trip spike and trip blank samples were collected during fieldwork.

Headspace screening tests were not carried out due to the moisture content of the samples.

The approximate sediment sampling locations are shown on Figure 4.

5.1.3 Water Sampling

The fieldwork was carried out on 31 March 2009 by two Coffey environmental scientists.

One water sample (WS1) and one duplicate water sample was collected directly from the lake water surface. Field measurements of the water were recorded during sampling.

Samples were placed into laboratory supplied containers and stored in a chilled esky during sampling and transport.

The approximate water sampling location is shown on Figure 4.

5.1.4 Laboratory Analysis

Samples were transported under chain of custody conditions and in chilled insulated containers to SGS Pty Ltd (SGS) Sydney laboratory which is NATA accredited for the analysis performed. A copy of the chain of custody is included with the laboratory test results in Appendix H.

Four sediment samples were selected for analysis. These samples were from the surface and 0.5m below the lake bed surface. The samples were analysed for TPH, BTEX, PAH, 8 metals (arsenic, cadmium, chromium, copper, lead, nickel, zinc, mercury), OCP and Tributyltin.

The water sample was analysed for TPH, BTEX, 17 metals (antimony, arsenic, barium, beryllium, boron, cadmium, chromium, cobalt, copper, lead, manganese, molybdenum, nickel, selenium, zinc, and mercury), nitrate, nitrite, chloride, sulphate, phosphorous, turbidity and pH.

5.2 Sediment Investigation Levels (SILs)

In order to assess the degree of contamination in sediments on the site, the results of soil analyses were compared with trigger values in ANZECC (2000) Australian and New Zealand Guidelines for Fresh and Marine Water Quality.

The ANZECC (2000) Guidelines provides low and high triggers values for sediment quality for a range of contaminants in Table 3.5.1.

The results have been compared to both the low and high trigger values in Table 3.5.1 of the ANZECC (2000) Guidelines.

5.3 Water Investigation Levels (WILs)

For assessing water quality, it is first necessary to assess the beneficial uses of the water. Lake Macquarie is used for recreational purposes. Due to the salinity of the lake water it is unlikely to be used for drinking water, stock watering, or irrigation purposes.

The threshold concentrations presented in the ANZECC (2000) *Australian and New Zealand Guidelines for Fresh and Marine Water Quality* are considered applicable for the protection of aquatic ecosystems of the receiving waters. As these guidelines apply to receiving waters, it is generally conservative to also apply these to groundwater discharging to receiving waters.

ANZECC (2000) advocates a site-specific approach to developing guideline trigger values based on such factors as local biological affects data, the current level of disturbance of the ecosystem etc. The guidelines present 'low risk guidelines trigger values' which are defined as concentrations of key performance parameters below which there is a low risk that adverse biological affects will occur. It is important to note that these are not threshold values at which an environmental problem is likely to occur if exceeded. Rather, if the trigger values are exceeded, then further action is required which may include either further site-specific investigations to assess whether or not there is an actual problem or management/remedial action.

Low risk trigger values are provided for the protection of 80-99% of species in marine and fresh waters (presented in Table 3.4.1 of the guidelines), with the trigger value depending on the 'health of the receiving waters'.

Background water quality can be used as a basis for management decisions rather than reliance solely on the exceedance of default trigger values. This approach is consistent with the ANZECC (2000) Guidelines which place greater emphasis on the assessment of local background water quality data rather than the use of generic trigger values.

Marine water trigger values are considered applicable for protection of ecosystems in the receiving water bodies for this site. It is understood that the EPA's policy is that the trigger values for the protection of 95% of aquatic ecosystems should be used except where contaminants are potentially bioaccumulative in which case the trigger values for protection of 99% of species should be used. Therefore, we have selected trigger values for protection of 95% of marine water species for the

majority of contaminants, and 99% of marine water species for bioaccumulative contaminants for initial comparison purposes.

ANZECC (2000) states that there is currently insufficient data to derive high reliability trigger values for various contaminants. For these contaminants, low reliability trigger values have been adopted.

Guidelines for the recreational water use are presented in Table 5.2.3 of ANZECC (2000).

5.4 Results of Investigation

5.4.1 Subsurface Conditions

The generalised subsurface conditions encountered across the site, from the sediment cores, were sand and silty sand, fine grained, dark brown, wet.

No odours or staining were noted during sample collection.

5.4.2 Water Quality Field Measurements

Field measurements were taken during sampling of the water. These are summarised below.

Sample ID	Turbidity (NTU)	DO	pH	Temp (°C)	TDS (mg/L)	Redox (mV)	EC (mS)
WS1	1.9	6.9	8.2	21.4	34775	231	53.5

No odours or sheens were noted during sampling of the water.

5.4.3 Quality Assurance/Quality Control

The laboratory conducted internal quality control using laboratory duplicates, spikes and method blanks. The results are shown with laboratory report sheets in Appendix H and a Data Validation Report is presented in Appendix I. Analytical methods used for the laboratory testing are also indicated on the laboratory report sheets. The results of laboratory quality control testing are considered to be within acceptable limits.

For QA/QC purposes one duplicate sediment sample, one triplicate sediment sample, and one duplicate water sample required analysis. The duplicate and triplicate sediment samples were analysed for TPH, BTEX, PAH, Metals, and OCP. The duplicate water sample was analysed for TPH, BTEX, and metals. The results of QA/QC testing are summarised in Table 3 attached. A wash blank sample was also tested.

The comparison of the test results for the primary and field duplicate samples indicates that the RPDs for metals exceeded the control limit in the following samples:

- Duplicate pair SB1 0.0m and QC2 recorded RPDs for chromium (70%), copper (89%), lead (40%) and zinc (59%). These are considered to be due to heterogeneous distribution of metals within the sediments;
- Duplicate pair WS1 and QC1 recorded RPDs for arsenic (91%), copper (94%), nickel (108%), selenium (182%), and zinc (77%).

Each other analyte was below the laboratory LOR, and it was impractical to calculate an RPD for these analytes. The wash blank sample was tested for TPH, BTEX, PAH and metals.

The results show concentrations of metals and toluene detected in the wash blank, and the other analytes below the LOR. It is possible these came from the grease on the piston sampler, or were within the wash blank water supplied by the laboratory. Taking into account the concentrations of metals and toluene in the soil samples, it is considered that the detection of them in the wash blank does not affect the usability of the data.

Based on the above assessment it is considered that the field and laboratory methods are appropriate and that the data obtained is usable and considered to reasonably represent the concentrations at the sampling points at the time of sampling.

5.4.4 Comparison of Results to Sediment Investigation Levels

The laboratory test results for sediment samples analysed are summarised in Table 1. Comparison of sediment concentrations to the SILs discussed in Section 5.1.4 is as follows:

- Concentrations of TPH C₆-C₉ and C₁₀-C₃₆ were below the LOR in each sample analysed;
- Concentrations of ortho-xylene were detected in sample SB1 0.0m. Concentrations of BTEX were below the LOR in each other sample tested. It is noted that no trigger values are currently available for BTEX;
- Concentrations of PAHs were below the LOR in each sample tested. It is noted that for acenaphthene, anthracene, dibenz(a,h)anthracene, and fluorene the LOR exceeds the low trigger value for sediments;
- Concentrations of OCPs were below the LOR in each sample tested. It is noted that for DDT, dieldrin, and endrin the LOR exceeds the low and high trigger values for sediments;
- Concentrations of PCBs were below the LOR in each sample tested. It is noted that the LOR for PCBs exceeds the low trigger value;
- Concentrations of metals were detected in each sample below the low and high trigger values for sediments;
- Concentrations of tributyltin were detected in sample SB2 but were below the low and high trigger values for sediments. Concentrations of tributyltin were below the LOR in each other sample tested.

5.4.5 Comparison of Results to Water Investigation Levels

The laboratory test results for the water sample are summarised in Table 2. Comparison of soil concentrations to the WILs discussed in Section 5.3 is as follows:

- Concentrations of TPH C₆-C₉ and C₁₀-C₃₆ were below the LOR in the sample tested;
- Concentrations of BTEX were below the LOR in the sample tested;
- Concentrations of boron, cobalt, copper, selenium and zinc exceeded the trigger values adopted. Concentrations of other metals were either below the triggers values adopted or the LOR. It is noted that the LOR for mercury exceeds the trigger value;
- The pH recorded is within the trigger value range adopted;
- Concentrations of chloride and sulphate were detected. Concentrations of nitrate and nitrite were below the LOR;
- Turbidity was recorded at 0.8 NTU.

6 DISCUSSION

This Phase 1 ESA undertaken by Coffey Environments revealed that the site has been used as a yacht club with associated marina since about 1954. The site is surrounded by residential and commercial development and is situated at the end of Ada Street in Belmont, extending into Lake Macquarie.

The yacht club is built on reclaimed land constructed with imported fill of unknown origin. The yacht club appeared to be constructed of material that may be PACM. Lead based paints may also have been used on the clubhouse.

Antifouling activities are not currently performed on the boats. It is not known whether anti-fouling activities were performed at the site in the past. Boats may also have been cleaned using anti-fouling agents elsewhere, and these agents could be leaching off the boats into the lake water and sediments.

Consultation with NSW DoP and NSW DECC regarding the requirements for the contamination assessment indicated that assessment of the sediments in the proposed marina area was required. Based on the information provided to them, both DoP and DECC indicated that as the proposed redevelopment would generally not disturb the identified AECs, that further assessment of other areas was not required.

Sampling and analysis of sediments in the proposed marina area indicated that, in general, concentrations of contaminants were below the trigger values adopted. For some contaminants the laboratory detection limit exceeded the trigger value, and as such it was impractical to assess if the contaminant exceeds the trigger value.

The water sample showed concentrations of some metals over the trigger values adopted. It is considered that the metal concentrations probably represent background levels, and that these concentrations can be used for future comparative purposes during and after the redevelopment of the yacht club.

7 CONCLUSIONS AND RECOMMENDATIONS

This Phase 1 ESA undertaken by Coffey Environments revealed that the site has been used as a yacht club with associated marina since about 1954. The Phase 1 ESA identified six AECs associated with the yacht club.

Following consultations between the client and DoP and DECC, sediment sampling was required in the area of the proposed marina. A water sample from Lake Macquarie was also collected.

The sediment sampling in the area of the proposed marina generally showed concentrations of contaminants below the trigger values adopted.

The water sample collected indicated that metals slightly exceeded the trigger values adopted. It is considered that these concentrations probably represent background water quality levels in the lake, and can be used for comparative purposes during and after the redevelopment of the yacht club.

Based on the proposed development, and the consultations the client had with DoP and DECC about the requirements of a contamination assessment, it is considered that further investigation is not required.

A construction environmental management plan (CEMP) will be required to be prepared and implemented during redevelopment of the yacht club. The CEMP should address among other things, procedures for appropriate handling and disposal of disturbed soils from each of the nominated AECs.

This report should be read in conjunction with the attached information sheet "*Important Information about Your Coffey Environmental Report*", which should be read in conjunction with the report.

8 REFERENCES

Geological Survey of NSW (1966) 1:100,000 Newcastle Geological Series Sheet, No. 9130 First Edition.

NSW EPA (1997) Guidelines for Consultants Reporting on Contaminated Sites. ISBN 0 7310 3892 4.

NSW DEC (2006) Guidelines for the NSW Site Auditor Scheme, 2nd Edition. ISBNo 1 74137 849 1

NSW EPA (1995) Sampling Design Guidelines. ISBN 0-7310-3756-1.

Tables

Table 1
Analytical Results - Sediments
ENVIWARA00234AB

Field ID	SB1 - 0.0	SB2 - 0.5	SB3 - 0.0	SB4 - 0.5
Sample Depth	0	0.5	0	0.5
Sampled Date	31/03/2009	31/03/2009	31/03/2009	31/03/2009

Analytes		Units	EQL	ISQG - Low Trigger	ISQG - High Trigger				
BTEX	Benzene	mg/kg	0.5			<0.5	<0.5	<0.5	<0.5
	Ethylbenzene	mg/kg	0.5			<0.5	<0.5	<0.5	<0.5
	Toluene	mg/kg	0.5			<0.5	<0.5	<0.5	<0.5
	Xylene (m & p)	mg/kg	1			<1	<1	<1	<1
	Xylene (o)	mg/kg	0.5			0.6	<0.5	<0.5	<0.5
	Xylene Total	mg/kg	1.5			<1.5	<1.5	<1.5	<1.5
Metals	Arsenic	mg/kg	3	20	70	<3	<3	<3	<3
	Cadmium	mg/kg	0.3	1.5	10	0.6	0.6	<0.3	<0.3
	Chromium (III+VI)	mg/kg	0.3	80	370	3	1.3	0.93	1.1
	Copper	mg/kg	0.5	65	270	11	5.4	2.3	2.2
	Lead	mg/kg	1	50	220	9	7	6	7
	Nickel	mg/kg	0.5	21	52	0.7	<0.5	<0.5	<0.5
	Zinc	mg/kg	0.5	200	410	33	22	11	15
	Mercury	mg/kg	0.05	0.15	1	<0.05	<0.05	<0.05	<0.05
TBT	Tributyltin	ugSn/Kg	0.5	5	70	<0.5	2.3	<0.5	<0.5
OCP	4,4-DDE	mg/kg	0.1			<0.1	<0.1	<0.1	<0.1
	a-BHC	mg/kg	0.1			<0.1	<0.1	<0.1	<0.1
	Aldrin	mg/kg	0.1			<0.1	<0.1	<0.1	<0.1
	b-BHC	mg/kg	0.1			<0.1	<0.1	<0.1	<0.1
	cis-Chlordane	mg/kg	0.1			<0.1	<0.1	<0.1	<0.1
	d-BHC	mg/kg	0.1			<0.1	<0.1	<0.1	<0.1
	DDD	mg/kg	0.1			<0.1	<0.1	<0.1	<0.1
	DDT	mg/kg	0.1	0.0016	0.046	<0.1	<0.1	<0.1	<0.1
	Dieldrin	mg/kg	0.1	0.00002	0.008	<0.1	<0.1	<0.1	<0.1
	Endosulfan I	mg/kg	0.1			<0.1	<0.1	<0.1	<0.1
	Endosulfan II	mg/kg	0.1			<0.1	<0.1	<0.1	<0.1
	Endosulfan sulphate	mg/kg	0.1			<0.1	<0.1	<0.1	<0.1
	Endrin	mg/kg	0.1	0.00002	0.008	<0.1	<0.1	<0.1	<0.1
	Endrin aldehyde	mg/kg	0.1			<0.1	<0.1	<0.1	<0.1
	Endrin ketone	mg/kg	0.1			<0.1	<0.1	<0.1	<0.1
	g-BHC (Lindane)	mg/kg	0.1			<0.1	<0.1	<0.1	<0.1
	Heptachlor	mg/kg	0.1			<0.1	<0.1	<0.1	<0.1
	Heptachlor epoxide	mg/kg	0.1			<0.1	<0.1	<0.1	<0.1
	Hexachlorobenzene	mg/kg	0.1			<0.1	<0.1	<0.1	<0.1
	Methoxychlor	mg/kg	0.1			<0.1	<0.1	<0.1	<0.1
	o,p'-DDD	mg/kg	0.1			<0.1	<0.1	<0.1	<0.1
	o,p'-DDE	mg/kg	0.1			<0.1	<0.1	<0.1	<0.1
	o,p' DDT	mg/kg	0.1			<0.1	<0.1	<0.1	<0.1
	trans-chlordane	mg/kg	0.1			<0.1	<0.1	<0.1	<0.1
	trans-Nonachlor	mg/kg	0.1			<0.1	<0.1	<0.1	<0.1
Aldrin + Dieldrin	mg/kg	0.2			<0.2	<0.2	<0.2	<0.2	
DDT+DDE+DDD	mg/kg	0.3			<0.3	<0.3	<0.3	<0.3	
PCB's	PCB's (Sum of Total)	mg/kg		0.023		<2.1	<2.1	<2.1	<2.1
PAHs	1-Methylnaphthalene	mg/kg	0.1			<0.1	<0.1	<0.1	<0.1
	2-methylnaphthalene	mg/kg	0.1			<0.1	<0.1	<0.1	<0.1
	Acenaphthene	mg/kg	0.1	0.016	0.5	<0.1	<0.1	<0.1	<0.1
	Acenaphthylene	mg/kg	0.1			<0.1	<0.1	<0.1	<0.1
	Anthracene	mg/kg	0.1	0.085	1.1	<0.1	<0.1	<0.1	<0.1
	Benzo(a)anthracene	mg/kg	0.1	0.261	1.6	<0.1	<0.1	<0.1	<0.1
	Benzo(a) pyrene	mg/kg	0.05	0.43	1.6	<0.05	<0.05	<0.05	<0.05
	Benzo(b)&(k)fluoranthene	mg/kg	0.2			<0.2	<0.2	<0.2	<0.2
	Benzo(g,h,i)perylene	mg/kg	0.1			<0.1	<0.1	<0.1	<0.1
	Chrysene	mg/kg	0.1	0.384	2.8	<0.1	<0.1	<0.1	<0.1
	Dibenz(a,h)anthracene	mg/kg	0.1	0.063	0.26	<0.1	<0.1	<0.1	<0.1
	Fluoranthene	mg/kg	0.1	0.6	5.1	<0.1	<0.1	<0.1	<0.1
	Fluorene	mg/kg	0.1	0.019	0.54	<0.1	<0.1	<0.1	<0.1
	Indeno(1,2,3-c,d)pyrene	mg/kg	0.1			<0.1	<0.1	<0.1	<0.1
	Naphthalene	mg/kg	0.1	0.16	2.1	<0.1	<0.1	<0.1	<0.1
	Phenanthrene	mg/kg	0.1	0.24	1.5	<0.1	<0.1	<0.1	<0.1
	Pyrene	mg/kg	0.1	0.665	2.6	<0.1	<0.1	<0.1	<0.1
	PAHs (Sum of total)	mg/kg	1.75	4	45	<1.75	<1.75	<1.75	<1.75
TRH	TPH C 6 - C 9 Fraction	mg/kg	20			<20	<20	<20	<20
	TPH C10 - C14 Fraction	mg/kg	20			<20	<20	<20	<20
	TPH C15 - C28 Fraction	mg/kg	50			<50	<50	<50	<50
	TPH C29-C36 Fraction	mg/kg	50			<50	<50	<50	<50
	TPH C10 - C36	mg/kg	120			<120	<120	<120	<120

ANZECC (2000) - Sediment Quality Guidelines - High and Low Trigger Values

Bold Concentrations exceed ANZECC 2000 Low Trigger Sediment Guidelines.

Bold Concentrations exceed ANZECC 2000 Low and High Trigger Sediment Guidelines.

Table 2
Analytical Results - Water
ENVIWARA00234AB

Field_ID	WS1
Sampled_Date	31/03/2009

Analytes		Units	EQL	Marine water 95%	Recreational Water Quality	
Metals	Antimony	mg/L	0.001			<0.001
	Arsenic	mg/L	0.001		0.05	0.024
	Barium	mg/L	0.001		1	0.008
	Beryllium	mg/L	0.001			<0.001
	Boron	mg/L	0.001		1	5
	Cadmium	mg/L	0.0001	0.0055	0.005	<0.0001
	Chromium (III+VI)	mg/L	0.001			0.004
	Cobalt	mg/L	0.001	0.001		0.003
	Copper	mg/L	0.001	0.0013	1	0.009
	Lead	mg/L	0.001	0.0044	0.05	0.001
	Manganese	mg/L	0.001		0.1	0.006
	Molybdenum	mg/L	0.001			0.013
	Nickel	mg/L	0.001	0.07	0.1	0.012
	Selenium	mg/L	0.002		0.01	0.01
	Zinc	mg/L	0.001	0.015	0.5	0.034
	Phosphorus	mg/L	0.02			<0.1
	Tin	mg/L	0.05			<0.1
Mercury	mg/L	0.0005	0.0004	0.001	<0.0005	
Anions	Chloride	mg/L	0.08		400	20000
	Nitrate (as NO3-)	mg/L	0.05			<2.5
	Nitrite (as NO2-)	mg/L	0.05			<2.5
	Sulphate	mg/L	0.4		400	2800
BTEX	Benzene	µg/L	0.5	700	10	<0.5
	Ethylbenzene	µg/L	0.5			<0.5
	Toluene	µg/L	0.5			<0.5
	Xylene (m & p)	µg/L	2			<1
	Xylene (o)	µg/L	0.5			<0.5
	Xylene Total	µg/L	1.5			<1.5
Inorganics	pH	pH_Units	0		6.5-8.5	8.1
	Turbidity	NTU				0.8
TRH	TPH C 6 - C 9 Fraction	µg/L	40			<40
	TPH C10 - C14 Fraction	µg/L	100			<100
	TPH C15 - C28 Fraction	µg/L	200			<200
	TPH C29-C36 Fraction	µg/L	200			<200
	TPH+C10 - C36 (Sum of total)	µg/L				<500

ANZECC (2000) - Recreational Water Quality and Aesthetics

ANZECC (2000) - 95% protection of Marine water ecosystems

Bold Concentrations exceed 95% protection of Marine water ecosystems criteria

Italics Concentrations exceed Recreational Water Quality and Aesthetics criteria

Table 3
Soil QA/QC Results
ENVIWARA00234AB

Field Duplicates (soil)
Filter: SDG in('68330')

SDG	68330	68330		68330	Interlab_D			Rinsate
Field_ID	SB1 - 0.0	QC2	RPD	SB1 - 0.0	QC2A	RPD		QCA
Sample Date	31/03/2009	31/03/2009		31/03/2009	31/03/2009			31/03/2009

Analytes		Soil Units	Soil EQL						Water Units	Water EQL		
BTEX	Benzene	mg/kg	0.5	<0.5	<0.5	0	<0.5	<0.05	0	µg/L	0.5	<0.5
	Ethylbenzene	mg/kg	0.5	<0.5	<0.5	0	<0.5	<0.05	0	µg/L	0.5	<0.5
	Toluene	mg/kg	0.5	<0.5	<0.5	0	<0.5	<0.05	0	µg/L	0.5	0.6
	Xylene (m & p)	mg/kg	1	<1.0	<1.0	0	<1.0	-	-	µg/L	2	<1
	Xylene (o)	mg/kg	0.5	0.6	<0.5	18	0.6	-	-	µg/L	0.5	<0.5
	Xylene Total	mg/kg	1.5	<1.5	<1.5	0	<1.5	<0.05	0	µg/L	1.5	<1.5
Metals	Antimony	mg/kg		-	-	-	-	-	-	mg/L	0.001	-
	Arsenic	mg/kg	3	<3.0	<3.0	0	<3.0	<2.0	0	mg/L	0.001	<0.001
	Barium	mg/kg		-	-	-	-	-	-	mg/L	0.001	-
	Beryllium	mg/kg		-	-	-	-	-	-	mg/L	0.001	-
	Boron	mg/kg		-	-	-	-	-	-	mg/L	0.001	-
	Cadmium	mg/kg	0.3	0.6	0.6	0	0.6	0.6	0	mg/L	0.0001	<0.0001
	Chromium (III+VI)	mg/kg	0.3	3.0	1.3	79	3.0	<5.0	0	mg/L	0.001	0.001
	Cobalt	mg/kg		-	-	-	-	-	-	mg/L	0.001	-
	Copper	mg/kg	0.5	11.0	4.2	89	11.0	8.2	29	mg/L	0.001	0.003
	Lead	mg/kg	1	9.0	6.0	40	9.0	6.8	28	mg/L	0.001	<0.001
	Manganese	mg/kg		-	-	-	-	-	-	mg/L	0.001	-
	Molybdenum	mg/kg		-	-	-	-	-	-	mg/L	0.001	-
	Nickel	mg/kg	0.5	0.7	0.5	33	0.7	<5.0	0	mg/L	0.001	0.003
	Selenium	mg/kg		-	-	-	-	-	-	mg/L	0.002	-
	Zinc	mg/kg	0.5	33.0	18.0	59	33.0	22.0	40	mg/L	0.001	0.043
	Mercury	mg/kg	0.05	<0.05	<0.05	0	22.0	-	-	mg/L	0.0005	<0.0005
OCP	4,4-DDE	mg/kg	0.1	<0.1	<0.1	0	<0.1	<0.05	0			-
	a-BHC	mg/kg	0.1	<0.1	<0.1	0	<0.1	<0.05	0			-
	Aldrin	mg/kg	0.1	<0.1	<0.1	0	<0.1	<0.05	0			-
	b-BHC	mg/kg	0.1	<0.1	<0.1	0	<0.1	<0.05	0			-
	cis-Chlordane	mg/kg	0.1	<0.1	<0.1	0	<0.1	<0.05	0			-
	d-BHC	mg/kg	0.1	<0.1	<0.1	0	<0.1	<0.05	0			-
	DDD	mg/kg	0.1	<0.1	<0.1	0	<0.1	<0.05	0			-
	DDT	mg/kg	0.1	<0.1	<0.1	0	<0.1	<0.05	0			-
	Dieldrin	mg/kg	0.1	<0.1	<0.1	0	<0.1	<0.05	0			-
	Endosulfan I	mg/kg	0.1	<0.1	<0.1	0	<0.1	<0.05	0			-
	Endosulfan II	mg/kg	0.1	<0.1	<0.1	0	<0.1	<0.05	0			-
	Endosulfan sulphate	mg/kg	0.1	<0.1	<0.1	0	<0.1	<0.05	0			-
	Endrin	mg/kg	0.1	<0.1	<0.1	0	<0.1	<0.05	0			-
	Endrin aldehyde	mg/kg	0.1	<0.1	<0.1	0	<0.1	<0.05	0			-
	Endrin ketone	mg/kg	0.1	<0.1	<0.1	0	<0.1	<0.05	0			-
	g-BHC (Lindane)	mg/kg	0.1	<0.1	<0.1	0	<0.1	<0.05	0			-
	Heptachlor	mg/kg	0.1	<0.1	<0.1	0	<0.1	<0.05	0			-
	Heptachlor epoxide	mg/kg	0.1	<0.1	<0.1	0	<0.1	<0.05	0			-
	Hexachlorobenzene	mg/kg	0.1	<0.1	<0.1	0	<0.1	<0.05	0			-
	Methoxychlor	mg/kg	0.1	<0.1	<0.1	0	<0.1	<0.05	0			-
	o,p'-DDD	mg/kg	0.1	<0.1	<0.1	0	<0.1	-	-			-
	o,p'-DDE	mg/kg	0.1	<0.1	<0.1	0	<0.1	-	-			-
	o,p'-DDT	mg/kg	0.1	<0.1	<0.1	0	<0.1	-	-			-
	trans-chlordane	mg/kg	0.1	<0.1	<0.1	0	<0.1	-	-			-
	trans-Nonachlor	mg/kg	0.1	<0.1	<0.1	0	<0.1	-	-			-
PAHs	1-Methylnaphthalene	mg/kg	0.1	<0.1	<0.1	0	<0.1	-	-			<0.5
	2-methylnaphthalene	mg/kg	0.1	<0.1	<0.1	0	<0.1	-	-			<0.5
	Acenaphthene	mg/kg	0.1	<0.1	<0.1	0	<0.1	<0.1	0			<0.5
	Acenaphthylene	mg/kg	0.1	<0.1	<0.1	0	<0.1	<0.1	0			<0.5
	Anthracene	mg/kg	0.1	<0.1	<0.1	0	<0.1	<0.1	0			<0.5
	Benzo(a)anthracene	mg/kg	0.1	<0.1	<0.1	0	<0.1	<0.1	0			<0.5
	Benzo(a) pyrene	mg/kg	0.05	<0.05	<0.05	0	<0.05	<0.2	0			<0.5
	Benzo(b)&(k)fluoranthene	mg/kg	0.2	<0.2	<0.2	0	<0.2	-	-			<1
	Benzo(g,h,i)perylene	mg/kg	0.1	<0.1	<0.1	0	<0.1	<0.5	0			<0.5
	Chrysene	mg/kg	0.1	<0.1	<0.1	0	<0.1	<0.1	0			<0.5
	Dibenz(a,h)anthracene	mg/kg	0.1	<0.1	<0.1	0	<0.1	<0.1	0			<0.5
	Fluoranthene	mg/kg	0.1	<0.1	<0.1	0	<0.1	<0.1	0			<0.5
	Fluorene	mg/kg	0.1	<0.1	<0.1	0	<0.1	<0.1	0			<0.5
	Indeno(1,2,3-c,d)pyrene	mg/kg	0.1	<0.1	<0.1	0	<0.1	<0.2	0			<0.5
	Naphthalene	mg/kg	0.1	<0.1	<0.1	0	<0.1	<0.1	0			<0.5
	PAHs (Sum of total)	mg/kg	1.75	<1.75	<1.75	0	<1.75	<0.5	0			<9
	Phenanthrene	mg/kg	0.1	<0.1	<0.1	0	<0.1	<0.1	0			<0.5
	Pyrene	mg/kg	0.1	<0.1	<0.1	0	<0.1	<0.1	0			<0.5
TRH	TPH C 6 - C 9 Fraction	mg/kg	20	<20.0	<20.0	0	<20.0	<20.0	0	µg/L	40	<40
	TPH C10 - C14 Fraction	mg/kg	20	<20.0	<20.0	0	<20.0	<50.0	0	µg/L	100	<100
	TPH C15 - C28 Fraction	mg/kg	50	<50.0	<50.0	0	<50.0	<100.0	0	µg/L	200	<200
	TPH C29-C36 Fraction	mg/kg	50	<50.0	<50.0	0	<50.0	<100.0	0	µg/L	200	<200

*RPDs have only been considered where a concentration is greater than 5 times the EQL.

**High RPDs are in bold (Acceptable RPDs for each EQL multiplier range are: 30 (5-10 x EQL); 50 (10-30 x EQL); 50 (> 30 x EQL))

***Interlab Duplicates are matched on a per compound basis as methods vary between laboratories. Any methods in the row header relate to those used in the pri

**Table 4
Water QA/QC Results
ENVIWARA00234AB**

Field Duplicates (water)
Filter: SDG in('68330')

SDG	68330	68330	
Field ID	WS1	QC1	RPD
Sample Date	31/03/2009	31/03/2009	

Analytes		Units	EQL			
BTEX	Benzene	mg/kg	0.5	<0.5	<0.5	0
	Ethylbenzene	mg/kg	0.5	<0.5	<0.5	0
	Toluene	mg/kg	0.5	<0.5	<0.5	0
	Xylene (m & p)	mg/kg	1	<1.0	<1.0	0
	Xylene (o)	mg/kg	0.5	<0.5	<0.5	0
	Xylene Total	mg/kg	1.5	<1.5	<1.5	0
Metals	Antimony	mg/kg		<0.001	<0.002	0
	Arsenic	mg/kg	3	0.024	0.009	91
	Barium	mg/kg		0.008	0.01	22
	Beryllium	mg/kg		<0.001	<0.002	0
	Boron	mg/kg		5.0	5.0	0
	Cadmium	mg/kg	0.3	<0.0001	<0.0002	0
	Chromium (III+VI)	mg/kg	0.3	0.004	0.005	22
	Cobalt	mg/kg		0.003	0.002	40
	Copper	mg/kg	0.5	0.009	0.025	94
	Lead	mg/kg	1	0.001	<0.002	0
	Manganese	mg/kg		0.006	0.007	15
	Molybdenum	mg/kg		0.013	0.015	14
	Nickel	mg/kg	0.5	0.012	0.04	108
Selenium	mg/kg		0.01	0.21	182	
Zinc	mg/kg	0.5	0.034	0.077	77	
Mercury	mg/kg	0.05	<0.0005	<0.0005	0	
TRH	TPH C 6 - C 9 Fraction	mg/kg	20	<40.0	<40.0	0
	TPH C10 - C14 Fraction	mg/kg	20	<100.0	<100.0	0
	TPH C15 - C28 Fraction	mg/kg	50	<200.0	<200.0	0
	TPH C29-C36 Fraction	mg/kg	50	<200.0	<200.0	0

*RPDs have only been considered where a concentration is greater than 5 times the EQL.

**High RPDs are in bold (Acceptable RPDs for each EQL multiplier range are: 30 (5-10 x EQL); 50 (10-30 x EQL); 50 (> 30 x EQL))

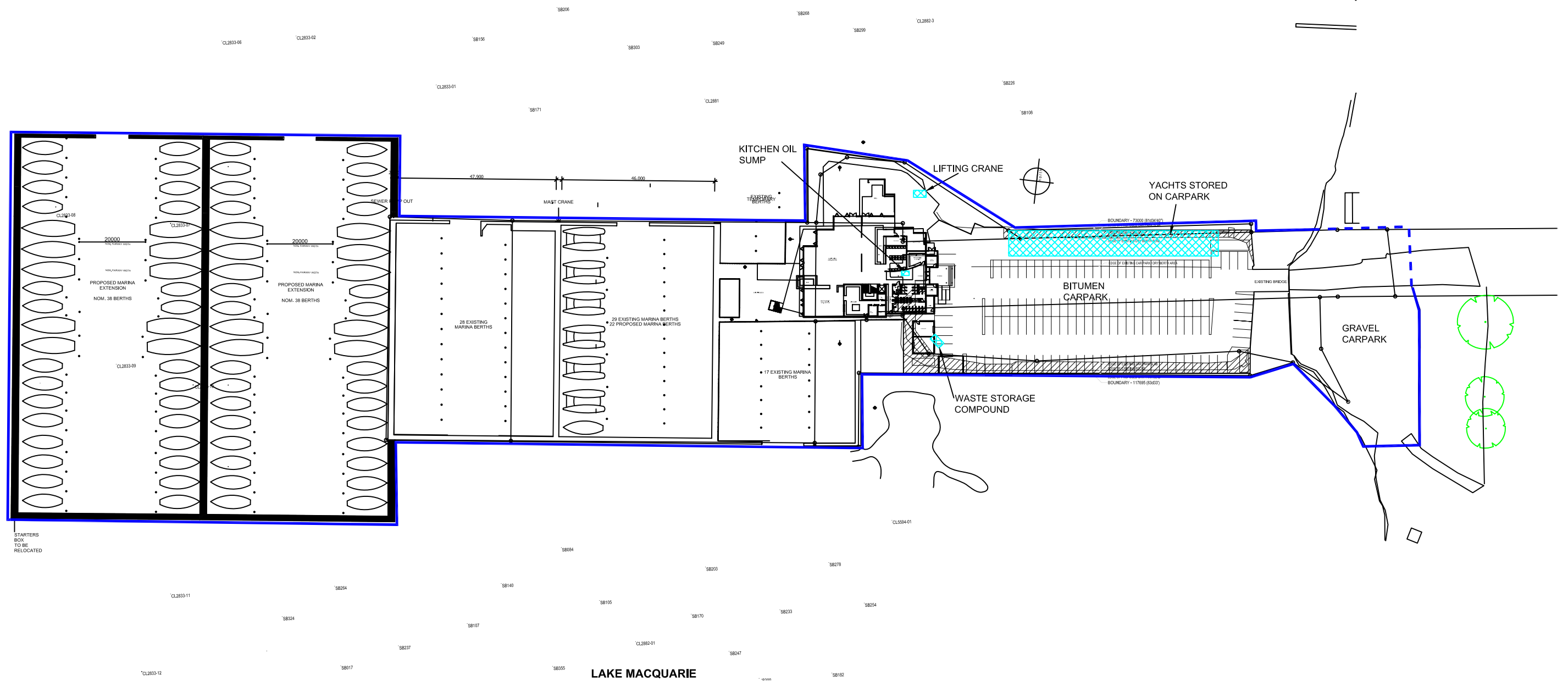
Figures



drawn	EJR
approved	
date	09/02/2009
scale	NTS
original size	A4




client:	EJE ARCHITECTURE	
project:	PROPOSED MODIFICATIONS AND EXTENSIONS LAKE MACQUARIE YACHT CLUB, BELMONT PHASE 1 ENVIRONMENTAL SITE ASSESSMENT	
title:	SITE LOCATION PLAN	
project no:	ENVIWARA00234AB	figure no: FIGURE 1





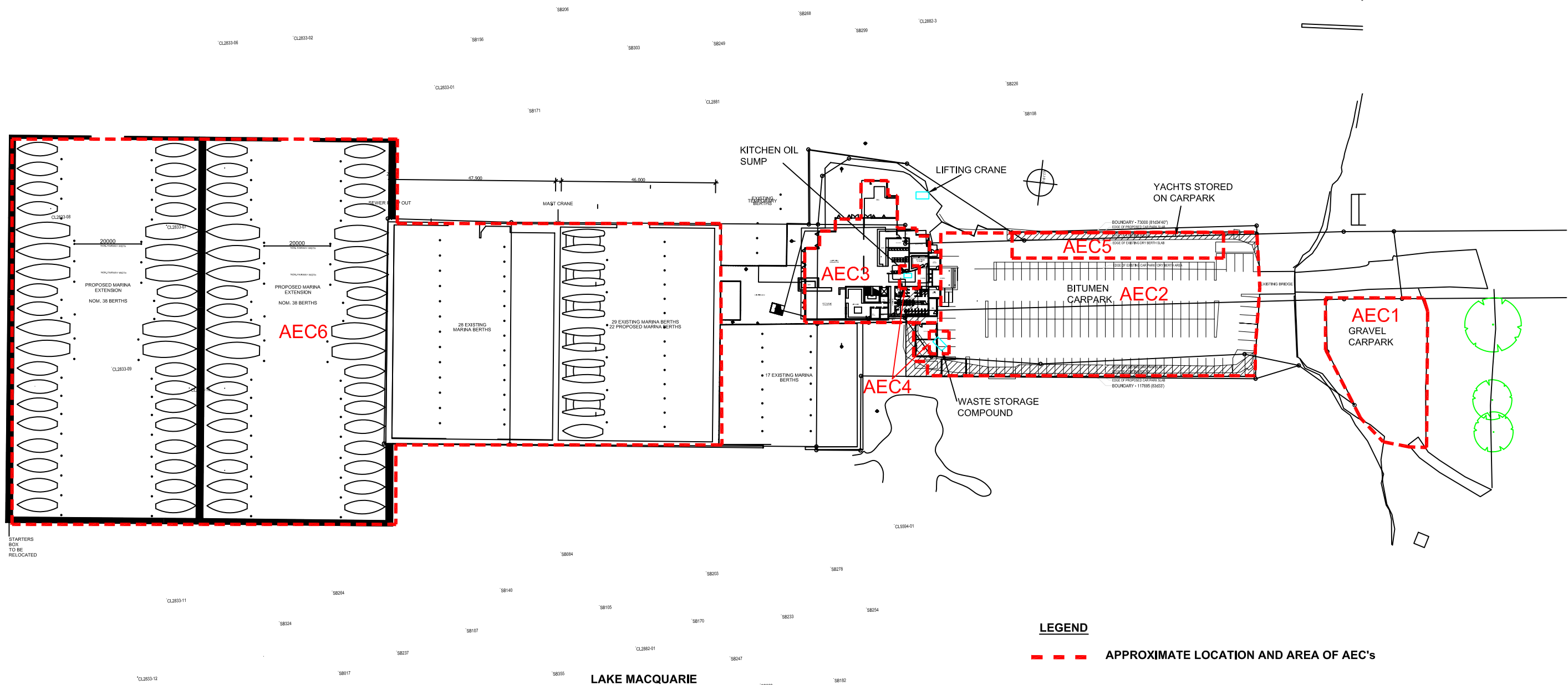
STARTERS BOX TO BE RELOCATED

LAKE MACQUARIE

LEGEND
 SITE BOUNDARY

Drawing based on plan prepared by EJE architecture Project No : 4000 Rev 1

revision	description	drawn	approved	date	 Scale (metres)	drawn	NLS	 SPECIALISTS IN LIVING AND WORKING PLACES	client:	EJE ARCHITECTURE		
						approved	ELC		project:	PROPOSED MODIFICATIONS AND EXTENSIONS LAKE MACQUARIE YACHT CLUB, BELMONT PHASE 1 ENVIRONMENTAL SITE ASSESSMENT		
						date	16-04-09		title:	SITE LAYOUT PLAN		
						scale	1:1200		project no:	ENVIWARA00234AB	figure no:	FIGURE 2
						original size	A3					



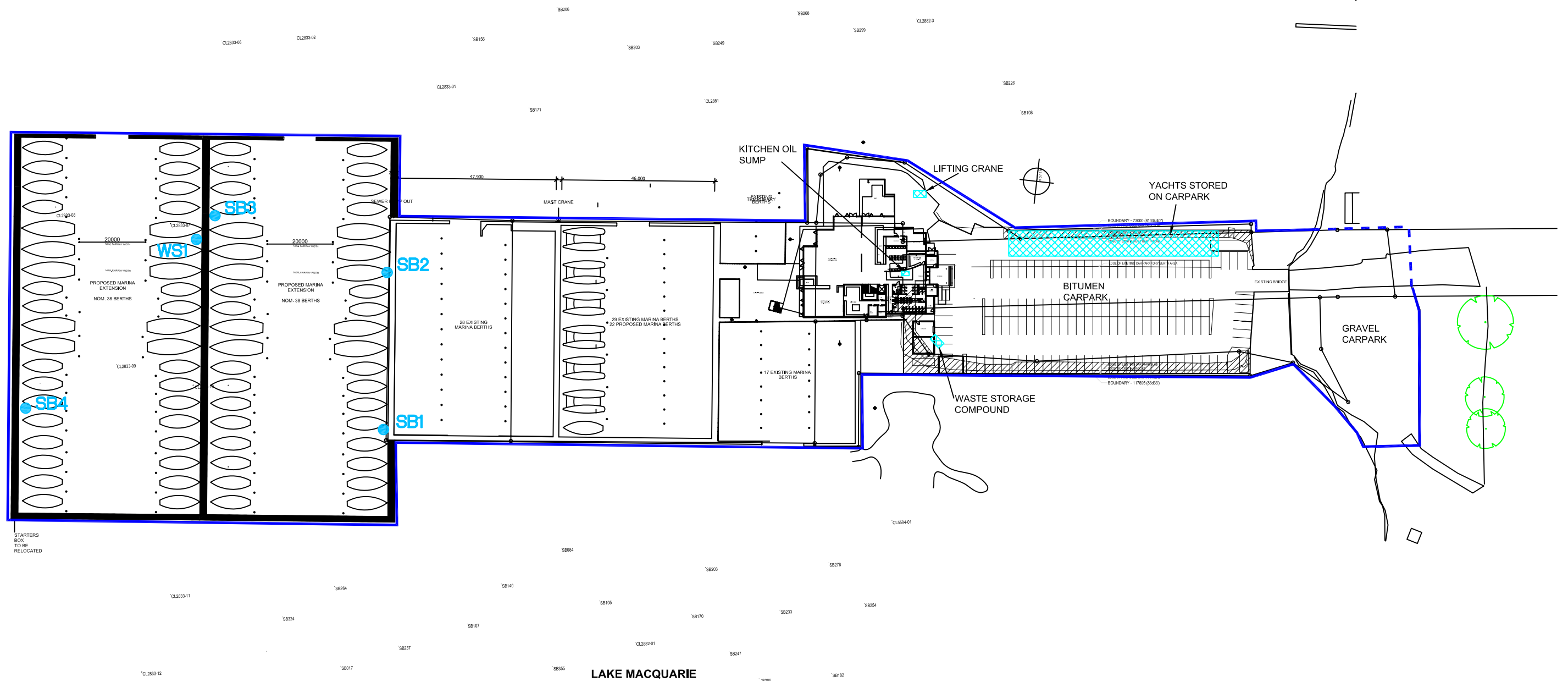
LEGEND

--- APPROXIMATE LOCATION AND AREA OF AEC'S

AEC1	GRAVEL CAR PARK
AEC2	BITUMEN CARPARK
AEC3	YACHT CLUB BUILDING
AEC4	WASTE STORAGE FACILITIES
AEC5	BOAT STORAGE ON NORTHERN EDGE OF CARPARK
AEC6	EXISTING AND PROPOSED MARINA

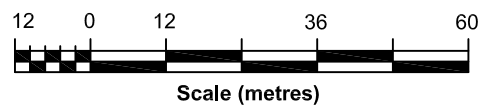
Drawing based on plan prepared by EJE architecture Project No : 4000 Rev 1

revision	description	drawn	approved	date	<p>Scale (metres)</p>	drawn	NLS	<p>SPECIALISTS IN LIVING AND WORKING PLACES</p>	client:	EJE ARCHITECTURE		
						approved	ELC		project:	PROPOSED MODIFICATIONS AND EXTENSIONS LAKE MACQUARIE YACHT CLUB, BELMONT PHASE 1 ENVIRONMENTAL SITE ASSESSMENT		
						date	16-04-09		title:	SITE LAYOUT SHOWING AEC'S		
						scale	1:1200		project no:	ENVIWARA00234AB	figure no:	FIGURE 3
						original size	A3					



Drawing based on plan prepared by EJE architecture Project No : 4000 Rev 1

revision	description	drawn	approved	date



drawn	NLS
approved	ELC
date	16-04-09
scale	1:1200
original size	A3



client:	EJE ARCHITECTURE	
project:	PROPOSED MODIFICATIONS AND EXTENSIONS LAKE MACQUARIE YACHT CLUB, BELMONT PHASE 1 ENVIRONMENTAL SITE ASSESSMENT	
title:	APPROXIMATE SAMPLING LOCATION PLAN	
project no:	ENVIWARA00234AB	figure no: FIGURE 4

Appendix A
Selected Site Photographs



PHOTO ONE: The southern side of site, looking northwest from the gravel car park



PHOTO TWO: The garden bed and undercover area on western side of yacht club building.



PHOTO THREE: The gravel car park (AEC 1).



PHOTO FOUR: The bitumen car park (AEC 2).



PHOTO FIVE: Example of oil staining in the bitumen car park (AEC 2).



PHOTO SIX: Entrance to yacht club building. Potential asbestos containing material in eaves lining (AEC 3)



PHOTO SEVEN: Waste storage compound (AEC 4).



PHOTO EIGHT: Waste motor oil AST in waste storage compound (AEC 4).



PHOTO NINE: Oil staining outside of waste storage compound heading towards Lake Macquarie (AEC 4).



PHOTO TEN: Surface evidence of kitchen oil sump (AEC 4)



PHOTO ELEVEN: Boats stored on northern edge of bitumen car park (AEC 5)



PHOTO TWELVE: Example of jetty in marina (AEC 6)

Appendix B
Results of Groundwater Bore Search

Groundwater Bores of Belmont Our Ref: 4081/2008



Produced by the Department of Water & Energy
Water Monitoring, East Maitland
Date: 19th December 2008 Number: 4081/2008
Projection : [Geographic] Datum : [GDA94]
Copyright New South Wales Government
All Rights Reserved

No part of this map may be reproduced without written permission.
Enquiries should be directed to the Water Monitoring,
Department of Water & Energy
PO Box 583
EAST MAITLAND NSW 2323

SOURCES
This map has been compiled from data supplied by the:
Department of Water & Energy, NSW
© Base cadastre/topographic/orthorectified imagery data supplied
by NSW Department of Lands

Bore data has been supplied to the Department
by drillers, licensees and other sources and the
Department does not verify the accuracy of this data.

DISCLAIMER
This map has been compiled from various sources and the publisher
and/or contributors accept no responsibility for any injury, loss or
damage arising from its use, or errors, or omissions therein. While
care is taken to ensure a high degree of accuracy, users are invited
to notify the Water Monitoring,
Department of Water & Energy of any map discrepancies.

 Kilometers
0.0.20.40.60.8

Date/Time :19-Dec-2008 4:09 PM
 User :PCLARKE
 Report :RMGW001D.QRP
 Executable :S:\G5\PROD32\Ground.exe
 Exe Date :13-Sep-2007
 System :Groundwater
 Database :Edbp



DEPARTMENT OF WATER AND ENERGY Work Summary

GW052085

Converted From HYDSYS

<p>Licence :20BL117165</p> <p>Work Type :Spear Work Status :(Unknown) Construct. Method :(Unknown) Owner Type :Private</p> <p>Commenced Date : Completion Date :</p> <p>Contractor Name : Driller : Assistant Driller's Name :</p> <p>Property : - NOT KNOWN GWMA : - GW Zone : -</p>	<p>Licence Status Active Authorised Purpose(s) DOMESTIC</p> <p>Intended Purpose(s) GENERAL USE</p> <p>Final Depth : 4.00 m Drilled Depth : 0.00</p> <p>Standing Water Level : Salinity : 0-500 ppm Yield :</p>
--	--

Site Details

Site Chosen By	County	Parish	Portion/Lot DP
	Form A :NORTHUMBERLAND	KAHIBAH	L5 DP19968 (144)
	Licensed :NORTHUMBERLAND	KAHIBAH	1 1051177
Region :20 - HUNTER		CMA Map :9231-4N	SWANSEA
River Basin :211 - MACQUARIE - TUGGERAH LAKES		Grid Zone :56/1	Scale :1:25,000
Area / District :			
Elevation :		Northing :6341584	Latitude (S) :33° 3' 25"
Elevation Source :(Unknown)		Easting :374253	Longitude (E) :151° 39' 11"
GS Map :0055C1	MGA Zone :56	Coordinate Source :GD.,ACC.MAP	

Construction Negative depths indicate Above Ground Level;

H-Hole;P-Pipe;OD-Outside Diameter;ID-Inside Diameter;C-Cemented;SL-Slot Length;A-Aperture;GS-Grain Size;Q-Quantity;PL-Placement of Gravel Pack;PC-Pressure Cemented;S-Sump;CE-Centreline

Component	Type	From (m)	To (m)	OD (mm)	ID (mm)	Interval	Details
1	Opening		0.00	0		1	SL: 0mm; A: 0mm

Water Bearing Zones

From (m)	To (m)	Thickness (m)	WBZ Type	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Hole Depth (m)	Duration (hr)	Salinity (mg/L)
----------	--------	---------------	----------	------------	------------	-------------	----------------	---------------	-----------------

(No Water Bearing Zone Details Found)

Drillers Log

From (m)	To (m)	Thickness(m)	Drillers Description	Geological Material	Comments
----------	--------	--------------	----------------------	---------------------	----------

Remarks

TDS = 154 MG/L

*** End of GW052085 ***

DEPARTMENT OF WATER AND ENERGY

Work Summary

GW052455

Converted From HYDSYS

<p>Licence : 20BL117669</p> <p>Work Type : Spear</p> <p>Work Status : (Unknown)</p> <p>Construct. Method : (Unknown)</p> <p>Owner Type : Private</p> <p>Commenced Date : 01-Feb-1981</p> <p>Completion Date : 01-Feb-1981</p> <p>Contractor Name :</p> <p>Driller :</p> <p>Assistant Driller's Name :</p> <p>Property : - NOT KNOWN</p> <p>GWMA : -</p> <p>GW Zone : -</p>	<p>Licence Status : Active</p> <p>Authorised Purpose(s) : DOMESTIC</p>	<p>Intended Purpose(s) : DOMESTIC</p>
<p>Final Depth : 3.00 m</p> <p>Drilled Depth : 0.00</p>		
	<p>Standing Water Level :</p> <p>Salinity : (Unknown)</p> <p>Yield :</p>	

Site Details

<p>Site Chosen By :</p> <p>Region : 20 - HUNTER</p> <p>River Basin : 211 - MACQUARIE - TUGGERAH LAKES</p> <p>Area / District :</p> <p>Elevation :</p> <p>Elevation Source : (Unknown)</p> <p>GS Map : 0055C1</p>	<p>County : NORTHUMBERLAND</p> <p>Form A : NORTHUMBERLAND</p> <p>Licensed : NORTHUMBERLAND</p> <p>CMA Map : 9231-4N</p> <p>Grid Zone : 56/1</p> <p>Northing : 6341769</p> <p>Easting : 374199</p> <p>Coordinate Source : GD.,ACC.MAP</p>	<p>Parish : KAHIBAH</p> <p>Parish : KAHIBAH</p> <p>SWANSEA</p> <p>Scale : 1:25,000</p> <p>Latitude (S) : 33° 3' 19"</p> <p>Longitude (E) : 151° 39' 9"</p>	<p>Portion/Lot DP : LC DP354144 (144) C 354144</p>
---	--	--	---

Construction

Negative depths indicate Above Ground Level;

H-Hole; P-Pipe; OD-Outside Diameter; ID-Inside Diameter; C-Cemented; SL-Slot Length; A-Aperture; GS-Grain Size; Q-Quantity; PL-Placement of Gravel Pack; PC-Pressure Cemented; S-Sump; CE-Centreline

Component Type	From (m)	To (m)	OD (mm)	ID (mm)	Interval Details
1 1 Casing (Unknown)	0.00	0.00	30		(Unknown)

Water Bearing Zones

From (m)	To (m)	Thickness (m)	WBZ Type	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Hole Depth (m)	Duration (hr)	Salinity (mg/L)
(No Water Bearing Zone Details Found)									

Drillers Log

From (m)	To (m)	Thickness (m)	Drillers Description	Geological Material	Comments
----------	--------	---------------	----------------------	---------------------	----------

Remarks

36 EMILY ST MARKS POINT

*** End of GW052455 ***

DEPARTMENT OF WATER AND ENERGY

Work Summary

GW054681

Converted From HYDSYS

<p>Licence :20BL117286</p> <p>Work Type :Bore</p> <p>Work Status :(Unknown)</p> <p>Construct. Method :(Unknown)</p> <p>Owner Type :Private</p> <p>Commenced Date : Completion Date :01-Sep-1980</p> <p>Contractor Name : Driller : Assistant Driller's Name :</p> <p>Property : - NOT KNOWN</p> <p>GWMA : -</p> <p>GW Zone : -</p>	<p>Licence Status Active</p> <p>Authorised Purpose(s) DOMESTIC</p> <p>Intended Purpose(s) GENERAL USE</p> <p>Final Depth : 6.70 m</p> <p>Drilled Depth : 6.70 m</p> <p>Standing Water Level : Salinity : Yield : Very Good</p>
---	--

Site Details

<p>Site Chosen By</p> <p>Region :20 - HUNTER</p> <p>River Basin :211 - MACQUARIE - TUGGERAH LAKES</p> <p>Area / District :</p> <p>Elevation : Elevation Source :(Unknown)</p> <p>GS Map :0055C1</p>	<p>County Form A :NORTHUMBERLAND Licensed :NORTHUMBERLAND</p> <p>Parish KAHIBAH KAHIBAH</p> <p>CMA Map :9231-4N Grid Zone :56/1</p> <p>Northing :6341584 Easting :374227</p> <p>Coordinate Source :GD.,ACC.MAP</p>	<p>Portion/Lot DP L3 DP19968 (144) 3 19968</p> <p>SWANSEA Scale :1:25,000</p> <p>Latitude (S) :33° 3' 25" Longitude (E) :151° 39' 10"</p>
--	---	--

Construction

Negative depths indicate Above Ground Level;

H-Hole;P-Pipe;OD-Outside Diameter;ID-Inside Diameter;C-Cemented;SL-Slot Length;A-Aperture;GS-Grain Size;Q-Quantity;PL-Placement of Gravel Pack;PC-Pressure Cemented;S-Sump;CE-Controls

Component	Type	From (m)	To (m)	OD (mm)	ID (mm)	Interval	Details
1	1	Casing	P.V.C.	0.00	0.00	80	Driven into Hole

Water Bearing Zones

From (m)	To (m)	Thickness (m)	WBZ Type	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Hole Depth (m)	Duration (hr)	Salinity (mg/L)
(No Water Bearing Zone Details Found)									

Drillers Log

From (m)	To (m)	Thickness(m)	Drillers Description	Geological Material	Comments
0.00	6.70	6.70	Sand Water Supply	Sand	

Remarks

*** End of GW054681 ***

DEPARTMENT OF WATER AND ENERGY

Work Summary

GW054886

Converted From HYDSYS

<p>Licence :20BL118352</p> <p>Work Type :Spear</p> <p>Work Status :Supply Obtained</p> <p>Construct. Method :Auger</p> <p>Owner Type :Private</p> <p>Commenced Date : Completion Date :01-Jan-1981</p> <p>Contractor Name : Driller : Assistant Driller's Name :</p> <p>Property : - NOT KNOWN</p> <p>GWMA : -</p> <p>GW Zone : -</p>	<p>Licence Status Active</p> <p>Authorised Purpose(s) DOMESTIC</p>	<p>Intended Purpose(s) GENERAL USE</p>
<p>Final Depth : 4.00 m</p> <p>Drilled Depth : 0.00</p>		
	<p>Standing Water Level :</p> <p>Salinity : (Unknown)</p> <p>Yield :</p>	

Site Details

Site Chosen By	County	Parish	Portion/Lot DP
	Form A :NORTHUMBERLAND	KAHIBAH	L24 DP225286 (66)
	Licensed :NORTHUMBERLAND	KAHIBAH	24 225286
Region :20 - HUNTER		CMA Map :9231-4N	SWANSEA
River Basin :211 - MACQUARIE - TUGGERAH LAKES		Grid Zone :56/1	Scale :1:25,000
Area / District :			
Elevation :		Northing :6342638	Latitude (S) :33° 2' 51"
Elevation Source :(Unknown)		Easting :374706	Longitude (E) :151° 39' 29"
GS Map :0055C1	MGA Zone :56	Coordinate Source :GD.,ACC.MAP	

Construction

Negative depths indicate Above Ground Level;

H-Hole;P-Pipe;OD-Outside Diameter;ID-Inside Diameter;C-Cemented;SL-Slot Length;A-Aperture;GS-Grain Size;Q-Quantity;PL-Placement of Gravel Pack;PC-Pressure Cemented;S-Sump;CE-Centreline;Component Type

From (m) To (m) OD (mm) ID (mm) Interval Details

(No Construction Details Found)

Water Bearing Zones

From (m) To (m) Thickness (m) WBZ Type

S.W.L. (m)

D.D.L. (m)

Yield (L/s)

Hole Depth (m)

Duration (hr)

Salinity (mg/L)

(No Water Bearing Zone Details Found)

Drillers Log

From (m) To (m) Thickness(m) Drillers Description

Geological Material

Comments

Remarks

*** End of GW054886 ***

DEPARTMENT OF WATER AND ENERGY

Work Summary

GW054897

Converted From HYDSYS

<p>Licence :20BL118415</p> <p>Work Type :Bore</p> <p>Work Status :Supply Obtained</p> <p>Construct. Method :Hand Dug</p> <p>Owner Type :Private</p> <p>Commenced Date : Completion Date :01-Dec-1980</p> <p>Contractor Name : Driller : Assistant Driller's Name :</p> <p>Property : - N/A GWMA : - GW Zone : -</p>	<p>Licence Status Active</p> <p>Authorised Purpose(s) DOMESTIC</p> <p>Intended Purpose(s) NOT KNOWN</p> <p>Final Depth : 5.00 m Drilled Depth : 0.00</p> <p>Standing Water Level : Salinity : (Unknown) Yield :</p>
--	---

Site Details

<p>Site Chosen By</p> <p>Region :20 - HUNTER</p> <p>River Basin :211 - MACQUARIE - TUGGERAH LAKES</p> <p>Area / District :</p> <p>Elevation : Elevation Source :(Unknown)</p> <p>GS Map :0055C1</p>	<p>County Form A :NORTHUMBERLAND Licensed :NORTHUMBERLAND</p> <p>Parish KAHIBAH KAHIBAH</p> <p>CMA Map :9231-4N Grid Zone :56/1</p> <p>Northing :6342392 Easting :374735</p> <p>Coordinate Source :GD.,ACC.MAP</p>	<p>Portion/Lot DP 138 P+ Port 138</p> <p>SWANSEA Scale :1:25,000</p> <p>Latitude (S) :33° 2' 59" Longitude (E) :151° 39' 30"</p>
--	---	---

Construction

Negative depths indicate Above Ground Level;

H-Hole;P-Pipe;OD-Outside Diameter;ID-Inside Diameter;C-Cemented;SL-Slot Length;A-Aperture;GS-Grain Size;Q-Quantity;PL-Placement of Gravel Pack;PC-Pressure Cemented;S-Sump;CE-Centreline

Component	Type	From (m)	To (m)	OD (mm)	ID (mm)	Interval	Details
1	1 Casing	P.V.C.	0.40	5.00	125		Seated on Bottom
1	1 Opening	Slots - Vertical	0.00	125		1	SL: 0mm; A: 0mm

Water Bearing Zones

From (m)	To (m)	Thickness (m)	WBZ Type	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Hole Depth (m)	Duration (hr)	Salinity (mg/L)
----------	--------	---------------	----------	------------	------------	-------------	----------------	---------------	-----------------

(No Water Bearing Zone Details Found)

Drillers Log

From (m)	To (m)	Thickness(m)	Drillers Description	Geological Material	Comments
----------	--------	--------------	----------------------	---------------------	----------

Remarks

*** End of GW054897 ***

DEPARTMENT OF WATER AND ENERGY

Work Summary

GW055054

Converted From HYDSYS

<p>Licence :20BL118983</p> <p>Work Type :Spear</p> <p>Work Status :Supply Obtained</p> <p>Construct. Method :Driven</p> <p>Owner Type :Private</p> <p>Commenced Date :</p> <p>Completion Date :</p> <p>Contractor Name :</p> <p>Driller :</p> <p>Assistant Driller's Name :</p> <p>Property : - N/A</p> <p>GWMA : -</p> <p>GW Zone : -</p>	<p>Licence Status Active</p> <p>Authorised Purpose(s) DOMESTIC</p> <p>Final Depth : 3.50 m</p> <p>Drilled Depth : 0.00</p> <p>Standing Water Level :</p> <p>Salinity : (Unknown)</p> <p>Yield :</p>	<p>Intended Purpose(s) GENERAL USE</p>
---	--	---

Site Details

Site Chosen By	County	Parish	Portion/Lot DP
	Form A :NORTHUMBERLAND	KAHIBAH	L2 (66)
	Licensed :NORTHUMBERLAND	KAHIBAH	L2
Region :20 - HUNTER		CMA Map :9231-4N	SWANSEA
River Basin :211 - MACQUARIE - TUGGERAH LAKES		Grid Zone :56/1	Scale :1:25,000
Area / District :			
Elevation :		Northing :6342696	Latitude (S) :33° 2' 49"
Elevation Source :(Unknown)		Easting :374498	Longitude (E) :151° 39' 21"
GS Map :0055C1	MGA Zone :56	Coordinate Source :GD.,ACC.MAP	

Construction

Negative depths indicate Above Ground Level;

H-Hole;P-Pipe;OD-Outside Diameter;ID-Inside Diameter;C-Cemented;SL-Slot Length;A-Aperture;GS-Grain Size;Q-Quantity;PL-Placement of Gravel Pack;PC-Pressure Cemented;S-Sump;CE-Centreline;Component Type

From (m) To (m) OD (mm) ID (mm) Interval Details

(No Construction Details Found)

Water Bearing Zones

From (m) To (m) Thickness (m) WBZ Type S.W.L. (m) D.D.L. (m) Yield (L/s) Hole Depth (m) Duration (hr) Salinity (mg/L)

(No Water Bearing Zone Details Found)

Drillers Log

From (m) To (m) Thickness(m) Drillers Description Geological Material Comments

Remarks

*** End of GW055054 ***

DEPARTMENT OF WATER AND ENERGY

Work Summary

GW055847

Converted From HYDSYS

<p>Licence :20BL117129</p> <p>Work Type :Spear</p> <p>Work Status :Supply Obtained</p> <p>Construct. Method :(Unknown)</p> <p>Owner Type :Private</p> <p>Commenced Date :</p> <p>Completion Date :01-Jan-1981</p> <p>Contractor Name :</p> <p>Driller :</p> <p>Assistant Driller's Name :</p> <p>Property : - N/A</p> <p>GWMA : -</p> <p>GW Zone : -</p>	<p>Licence Status Active</p> <p>Authorised Purpose(s) DOMESTIC</p> <p>Intended Purpose(s) GENERAL USE</p> <p>Final Depth : 5.00 m</p> <p>Drilled Depth : 0.00</p> <p>Standing Water Level :</p> <p>Salinity : (Unknown)</p> <p>Yield :</p>
---	--

Site Details

<p>Site Chosen By</p> <p>Region :20 - HUNTER</p> <p>River Basin :211 - MACQUARIE - TUGGERAH LAKES</p> <p>Area / District :</p> <p>Elevation :</p> <p>Elevation Source :(Unknown)</p> <p>GS Map :0055C1</p>	<p>County</p> <p>Form A :NORTHUMBERLAND</p> <p>Licensed :NORTHUMBERLAND</p> <p>CMA Map :9231-4N</p> <p>Grid Zone :56/1</p> <p>Northing :6342359</p> <p>Easting :374606</p> <p>Coordinate Source :GD.,ACC.MAP</p>	<p>Parish</p> <p>KAHIBAH</p> <p>KAHIBAH</p> <p>SWANSEA</p> <p>Scale :1:25,000</p> <p>Latitude (S) :33° 3' 0"</p> <p>Longitude (E) :151° 39' 25"</p>
---	--	---

Construction

Negative depths indicate Above Ground Level;

H-Hole;P-Pipe;OD-Outside Diameter;ID-Inside Diameter;C-Cemented;SL-Slot Length;A-Aperture;GS-Grain Size;Q-Quantity;PL-Placement of Gravel Pack;PC-Pressure Cemented;S-Sump;CE-Centreline

Component	Type	From (m)	To (m)	OD (mm)	ID (mm)	Interval	Details
1	Casing	P.V.C.	0.00	0.00	0		(Unknown)

Water Bearing Zones

From (m)	To (m)	Thickness (m)	WBZ Type	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Hole Depth (m)	Duration (hr)	Salinity (mg/L)
(No Water Bearing Zone Details Found)									

Drillers Log

From (m)	To (m)	Thickness(m)	Drillers Description	Geological Material	Comments
----------	--------	--------------	----------------------	---------------------	----------

Remarks

*** End of GW055847 ***

DEPARTMENT OF WATER AND ENERGY

Work Summary

GW055959

Converted From HYDSYS

Licence :20BL121778	Licence Status Active	Intended Purpose(s)
Work Type :Spear	Authorised Purpose(s)	DOMESTIC
Work Status :(Unknown)	DOMESTIC	
Construct. Method :Jetted		
Owner Type :Private		
Commenced Date :	Final Depth :	5.50 m
Completion Date :01-Sep-1981	Drilled Depth :	5.50 m
Contractor Name :		
Driller :		
Assistant Driller's Name :		
Property : - N/A	Standing Water Level :	
GWMA : -	Salinity :	0-500 ppm
GW Zone : -	Yield :	

Site Details

Site Chosen By	County	Parish	Portion/Lot DP
	Form A :NORTHUMBERLAND	KAHIBAH	L11 DP9926 (144)
	Licensed :NORTHUMBERLAND	KAHIBAH	L11 DP9926
Region :20 - HUNTER		CMA Map :9231-4N	SWANSEA
River Basin :211 - MACQUARIE - TUGGERAH LAKES		Grid Zone :56/1	Scale :1:25,000
Area / District :		Northing :6341615	Latitude (S) :33° 3' 24"
Elevation :		Eastings :374253	Longitude (E) :151° 39' 11"
Elevation Source :(Unknown)		Coordinate Source :GD.,ACC.MAP	
GS Map :0055C1	MGA Zone :56		

Construction Negative depths indicate Above Ground Level;

H-Hole;P-Pipe;OD-Outside Diameter;ID-Inside Diameter;C-Cemented;SL-Slot Length;A-Aperture;GS-Grain Size;Q-Quantity;PL-Placement of Gravel Pack;PC-Pressure Cemented;S-Sump;CE-Controls

Component Type	From (m)	To (m)	OD (mm)	ID (mm)	Interval	Details
1 1 Casing P.V.C.	0.00	0.00	80			(Unknown)

Water Bearing Zones

From (m)	To (m)	Thickness (m)	WBZ Type	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Hole Depth (m)	Duration (hr)	Salinity (mg/L)
1.50	5.50	4.00	Unconsolidated	1.50		0.75			0-500 ppm

Drillers Log

From (m)	To (m)	Thickness(m)	Drillers Description	Geological Material	Comments
0.00	5.50	5.50	Sand Water Supply	Sand	

Remarks

TDS = 150MG/L

*** End of GW055959 ***

DEPARTMENT OF WATER AND ENERGY

Work Summary

GW057211

Converted From HYDSYS

<p>Licence :20BL120838</p> <p>Work Type :Spear</p> <p>Work Status :(Unknown)</p> <p>Construct. Method :Auger</p> <p>Owner Type :Private</p> <p>Commenced Date : Final Depth : 7.00 m</p> <p>Completion Date :01-Mar-1981 Drilled Depth : 7.00 m</p> <p>Contractor Name :</p> <p>Driller :</p> <p>Assistant Driller's Name :</p> <p>Property : - N/A</p> <p>GWMA : -</p> <p>GW Zone : -</p>	<p>Licence Status Active</p> <p>Authorised Purpose(s) DOMESTIC</p> <p>Intended Purpose(s) DOMESTIC</p> <p>Standing Water Level :</p> <p>Salinity : (Unknown)</p> <p>Yield :</p>
---	--

Site Details

<p>Site Chosen By</p> <p>Region :20 - HUNTER</p> <p>River Basin :211 - MACQUARIE - TUGGERAH LAKES</p> <p>Area / District :</p> <p>Elevation :</p> <p>Elevation Source :(Unknown)</p> <p>GS Map :0055C1</p>	<p>County</p> <p>Form A :NORTHUMBERLAND</p> <p>Licensed :NORTHUMBERLAND</p> <p>CMA Map :9231-4N</p> <p>Grid Zone :56/1</p> <p>Northing :6342203</p> <p>Easting :374452</p> <p>MGA Zone :56</p> <p>Coordinate Source :GD.,ACC.MAP</p>	<p>Parish</p> <p>KAHIBAH</p> <p>KAHIBAH</p> <p>SWANSEA</p> <p>Scale :1:25,000</p> <p>Latitude (S) :33° 3' 5"</p> <p>Longitude (E) :151° 39' 19"</p>
---	---	--

Construction

Negative depths indicate Above Ground Level;

H-Hole;P-Pipe;OD-Outside Diameter;ID-Inside Diameter;C-Cemented;SL-Slot Length;A-Aperture;GS-Grain Size;Q-Quantity;PL-Placement of Gravel Pack;PC-Pressure Cemented;S-Sump;CE-Centreline	Component Type	From (m)	To (m)	OD (mm)	ID (mm)	Interval Details
1	1 Casing P.V.C.	0.00	6.10	38		(Unknown)
1	1 Opening Screen - Gauze/Mesh	6.10	7.00	38		1 Stainless Steel; SL: 0mm; A: 0mm

Water Bearing Zones

From (m)	To (m)	Thickness (m)	WBZ Type	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Hole Depth (m)	Duration (hr)	Salinity (mg/L)
3.00	7.00	4.00	Unconsolidated	3.00		1.26			(Unknown)

Drillers Log

From (m)	To (m)	Thickness(m)	Drillers Description	Geological Material	Comments
0.00	0.30	0.30	Soil	Soil	
0.30	3.00	2.70	Sand Coarse Clean Dry	Sand	
3.00	6.10	3.10	Sand Coarse Wet Water Supply	Sand	
6.10	7.00	0.90	Sand Coarse Water Supply	Sand	

Remarks

*** End of GW057211 ***

*** End of Report ***

Appendix C
Land Titles Search

ADVANCE LEGAL SEARCH PTY LIMITED

(ACN 077 067 068)
ABN 49 077 067 068

PO Box 149
Yagoona NSW 2199

Telephone: +612 9754 1590
Mobile: 0412 169 809
Facsimile: +612 9754 1364
Email: alsearch@optusnet.com.au

12 January 2009

COFFEY GEOTECHNICS PTY LTD

19 Warabrook Boulevard,
WARABROOK NSW 2304

Attention: Stuart Masson

**RE: Lake Macquarie Yacht Club
Ada Street, Belmont
Ref: ENVIWARA00234AA
Purchase Order: S19974**

**Note 1: Lot 973 DP 755233
Note 2: Lot 974 DP 755233
Note 3: Lot 975 DP 755233**

Note 1:

Current Search

Folio Identifier 973/755233 (title attached)
Crown Plan 8721 - 2111 (plan attached)
Dated 07 January 2009
Registered Proprietor:
THE STATE OF NEW SOUTH WALES

Note 2:

Current Search

Folio Identifier 974/755233 (title attached)
Crown Plan 8721 - 2111 (plan attached)
Dated 07 January 2009
Registered Proprietor:
THE STATE OF NEW SOUTH WALES

Title Tree
Lot 974 DP 755233

Folio Identifier 974/755233

Crown Land

Summary of Proprietors
Lot 974 DP 755233

Year **Proprietor**

Year	Proprietor
	(Lot 974 DP 755233)
1986 – todate	The State of New South Wales
(2007 – todate)	<i>(Sublease to Great Southern Catering Pty Limited of Brasserie "Saltwater Grill" Ada Street, Belmont)</i>
(1986 – todate)	<i>(various subleases see Historical Folio 974/755233)</i>
(1986 – todate)	<i>(Crown lease No 311050 to Lake Macquarie Yacht Club)</i>
	(Portion 974 Parish Kahibah – Area 2 Acres 1 Rood 11 ½ Perches)
Prior – 1986	Crown Land
(1954 – 1986)	<i>(Part Special lease 1954/16 Newcastle to Trustees Lake Macquarie Yacht Club)</i>

Note 1:

Current Search

Folio Identifier 975/755233 (title attached)
Crown Plan 8721 - 2111 (plan attached)
Dated 07 January 2009
Registered Proprietor:
THE STATE OF NEW SOUTH WALES

Title Tree
Lot 975 DP 755233

Folio Identifier 975/755233

Crown Land

Summary of Proprietors
Lot 975 DP 755233

Year	Proprietor
	(Lot 975 DP 755233)
1986 – todate	The State of New South Wales
(2007 – todate)	<i>(Sublease to Great Southern Catering Pty Limited of Brasserie "Saltwater Grill" Ada Street, Belmont)</i>
(1986 – todate)	<i>(various subleases see Historical Folio 975/755233)</i>
(1986 – todate)	<i>(Crown lease No 311050 to Lake Macquarie Yacht Club)</i>
	(Portion 975 Parish Kahibah – Area 2 Roods 1 ¾ Perches)
Prior – 1986	Crown Land
(1969 – 1986)	<i>(Part Special lease 1954/16 Newcastle (added) to Trustees Lake Macquarie Yacht Club)</i>

Requested Parcel : Lot 974 DP 755233

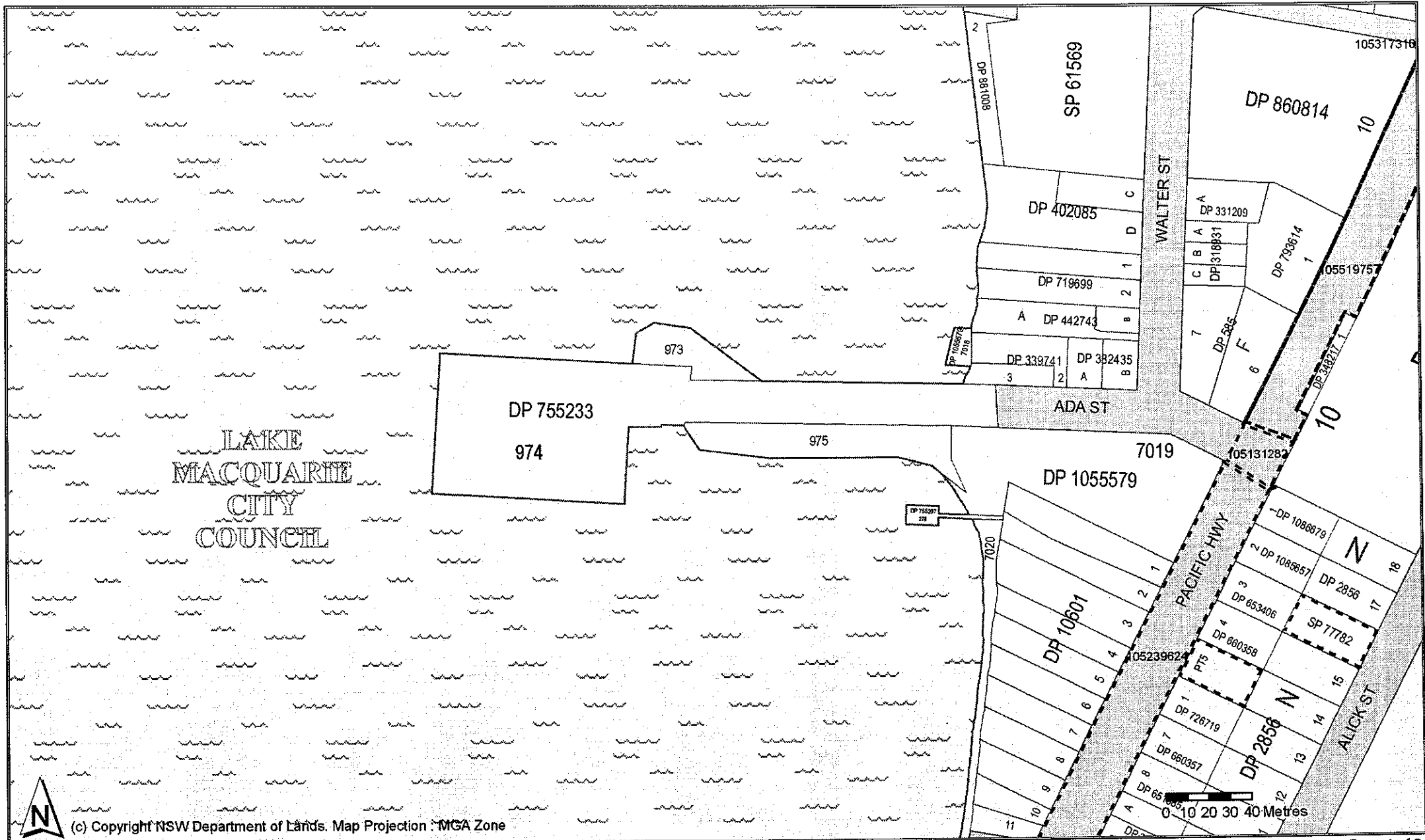
Identified Parcel : Lot 974 DP 755233

Locality : BELMONT

LGA : LAKE MACQUARIE

Parish : KAHIBAH

County : NORTHUMBERLAND



(c) Copyright NSW Department of Lands. Map Projection : MGA Zone

Information Provided Through
Advance Legal Search Pty Ltd
Ph. 0297541590 Fax. 0297541364

Title Search

LEAP Legal
An Approved LPI NSW
Information Broker

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 973/755233

SEARCH DATE	TIME	EDITION NO	DATE
-----	----	-----	----
7/1/2009	5:00 PM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 973 IN DEPOSITED PLAN 755233
AT KAHIBAH
LOCAL GOVERNMENT AREA LAKE MACQUARIE
PARISH OF KAHIBAH COUNTY OF NORTHUMBERLAND
(FORMERLY KNOWN AS PORTION 973)
TITLE DIAGRAM CROWN PLAN 8721.2111

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES

SECOND SCHEDULE (3 NOTIFICATIONS)

- * 1 LAND EXCLUDES MINERALS - SEE SECTION 171 CROWN LANDS ACT 1989
- * 2 THIS FOLIO CANNOT BE DEALT WITH SEPARATELY FROM THE BALANCE OF THE ABOVE HOLDING WHICH COMPRISES LOTS 973, 974 AND 975 IN DP755233
- * 3 5510127 CROWN LEASE TO LAKE MACQUARIE YACHT CLUB (NO. 311050). EXPIRES: 30/9/2038.
- * 5510128 LEASE NO, 311050 (5510127) MAY NOT BE TRANSFERRED SUB-LEASED OR MORTGAGED WITHOUT THE CONSENT OF THE MINISTER ADMINISTERING THE CROWN LANDS ACT, 1989 - SEE SEC 44
- * AC808012 LEASE OF LEASE 5510127 TO GREAT SOUTHERN CATERING PTY LTD OF BRASSERIE PREMISES KNOWN AS "SALTWATER GRILL", ADA STREET, BELMONT. EXPIRES: 15/2/2009.

NOTATIONS

UNREGISTERED DEALINGS: SL AE384490.

*** END OF SEARCH ***

Coffey - ALSP

PRINTED ON 7/1/2009

* ANY ENTRIES PRECEDED BY AN ASTERISK DO NOT APPEAR ON THE CURRENT EDITION OF TITLE. WARNING: THE INFORMATION APPEARING UNDER NOTATIONS HAS NOT BEEN FORMALLY RECORDED IN THE REGISTER. ADVANCE LEGAL SEARCH PTY LTD CERTIFIES THAT THE INFORMATION CONTAINED IN THIS DOCUMENT HAS BEEN PROVIDED ELECTRONICALLY BY THE REGISTRAR-GENERAL IN ACCORDANCE WITH SECTION 96B(2) OF THE REAL PROPERTY ACT, 1900.

Information Provided Through
 Advance Legal Search Pty Ltd
 Ph. 0297541590 Fax. 0297541364

Title Search

LEAP Legal
 An Approved LPI NSW
 Information Broker

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 974/755233

SEARCH DATE	TIME	EDITION NO	DATE
-----	----	-----	----
7/1/2009	5:01 PM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 974 IN DEPOSITED PLAN 755233
 AT KAHIBAH
 LOCAL GOVERNMENT AREA LAKE MACQUARIE
 PARISH OF KAHIBAH COUNTY OF NORTHUMBERLAND
 (FORMERLY KNOWN AS PORTION 974)
 TITLE DIAGRAM CROWN PLAN 8721.2111

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES

SECOND SCHEDULE (3 NOTIFICATIONS)

- * 1 LAND EXCLUDES MINERALS - SEE SECTION 171 CROWN LANDS ACT 1989
- * 2 THIS FOLIO CANNOT BE DEALT WITH SEPARATELY FROM THE BALANCE OF THE ABOVE HOLDING WHICH COMPRISES LOTS 973, 974 AND 975 IN DP755233
- * 3 5510127 CROWN LEASE TO LAKE MACQUARIE YACHT CLUB (NO. 311050). EXPIRES: 30/9/2038.
- * 5510128 LEASE NO, 311050 (5510127) MAY NOT BE TRANSFERRED SUB-LEASED OR MORTGAGED WITHOUT THE CONSENT OF THE MINISTER ADMINISTERING THE CROWN LANDS ACT, 1989 - SEE SEC 44
- * AC808012 LEASE OF LEASE 5510127 TO GREAT SOUTHERN CATERING PTY LTD OF BRASSERIE PREMISES KNOWN AS "SALTWATER GRILL", ADA STREET, BELMONT. EXPIRES: 15/2/2009.

NOTATIONS

UNREGISTERED DEALINGS: SL AE384490.

*** END OF SEARCH ***

Coffey - ALSP

PRINTED ON 7/1/2009

* ANY ENTRIES PRECEDED BY AN ASTERISK DO NOT APPEAR ON THE CURRENT EDITION OF TITLE. WARNING: THE INFORMATION APPEARING UNDER NOTATIONS HAS NOT BEEN FORMALLY RECORDED IN THE REGISTER. ADVANCE LEGAL SEARCH PTY LTD CERTIFIES THAT THE INFORMATION CONTAINED IN THIS DOCUMENT HAS BEEN PROVIDED ELECTRONICALLY BY THE REGISTRAR-GENERAL IN ACCORDANCE WITH SECTION 96B(2) OF THE REAL PROPERTY ACT, 1900.

Information Provided Through
Advance Legal Search Pty Ltd
Ph. 0297541590 Fax. 0297541364

Title Search

LEAP Legal
An Approved LPI NSW
Information Broker

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 975/755233

SEARCH DATE	TIME	EDITION NO	DATE
-----	----	-----	----
7/1/2009	5:01 PM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 975 IN DEPOSITED PLAN 755233
AT KAHIBAH
LOCAL GOVERNMENT AREA LAKE MACQUARIE
PARISH OF KAHIBAH COUNTY OF NORTHUMBERLAND
(FORMERLY KNOWN AS PORTION 975)
TITLE DIAGRAM CROWN PLAN 8721.2111

FIRST SCHEDULE

STATE OF NEW SOUTH WALES

SECOND SCHEDULE (3 NOTIFICATIONS)

- * 1 LAND EXCLUDES MINERALS - SEE SECTION 171 CROWN LANDS ACT 1989
- * 2 THIS FOLIO CANNOT BE DEALT WITH SEPARATELY FROM THE BALANCE OF THE ABOVE HOLDING WHICH COMPRISES LOTS 973, 974 AND 975 IN DP755233
- * 3 5510127 CROWN LEASE TO LAKE MACQUARIE YACHT CLUB (NO. 311050). EXPIRES: 30/9/2038.
- * 5510128 LEASE NO, 311050 (5510127) MAY NOT BE TRANSFERRED SUB-LEASED OR MORTGAGED WITHOUT THE CONSENT OF THE MINISTER ADMINISTERING THE CROWN LANDS ACT, 1989 - SEE SEC 44
- * AC808012 LEASE OF LEASE 5510127 TO GREAT SOUTHERN CATERING PTY LTD OF BRASSERIE PREMISES KNOWN AS "SALTWATER GRILL", ADA STREET, BELMONT. EXPIRES: 15/2/2009.

NOTATIONS

UNREGISTERED DEALINGS: SL AE384490.

*** END OF SEARCH ***

Coffey - ALSP

PRINTED ON 7/1/2009

* ANY ENTRIES PRECEDED BY AN ASTERISK DO NOT APPEAR ON THE CURRENT EDITION OF TITLE. WARNING: THE INFORMATION APPEARING UNDER NOTATIONS HAS NOT BEEN FORMALLY RECORDED IN THE REGISTER. ADVANCE LEGAL SEARCH PTY LTD CERTIFIES THAT THE INFORMATION CONTAINED IN THIS DOCUMENT HAS BEEN PROVIDED ELECTRONICALLY BY THE REGISTRAR-GENERAL IN ACCORDANCE WITH SECTION 96B(2) OF THE REAL PROPERTY ACT, 1900.

Information Provided Through
 Advance Legal Search Pty Ltd
 Ph. 0297541590 Fax. 0297541364

Historical Search

LEAP Legal
 An Approved LPI NSW
 Information Broker

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

SEARCH DATE

12/1/2009 3:37PM

FOLIO: 973/755233

First Title(s): 973/755233

Prior Title(s): CROWN LAND

Recorded	Number	Type of Instrument	C.T. Issue
-----	-----	-----	-----
2/5/1986	FI410866	FOLIO INSTRUCTION	FOLIO CREATED CT NOT ISSUED
23/1/1987	W693728	DEPARTMENTAL DEALING	
6/1/1999	5510127	LEASE	
6/1/1999	5510128	REQUEST	
23/7/2001	7792562	DEPARTMENTAL DEALING	
28/8/2001	7878787	SUB-LEASE	
24/9/2003	9989061	SUB-LEASE	
2/1/2007	AC808012	SUB-LEASE	

*** END OF SEARCH ***

Coffey - Belmont ALSP

PRINTED ON 12/1/2009

* ANY ENTRIES PRECEDED BY AN ASTERISK DO NOT APPEAR ON THE CURRENT EDITION OF TITLE. WARNING: THE INFORMATION APPEARING UNDER NOTATIONS HAS NOT BEEN FORMALLY RECORDED IN THE REGISTER. ADVANCE LEGAL SEARCH PTY LTD CERTIFES THAT THE INFORMATION CONTAINED IN THIS DOCUMENT HAS BEEN PROVIDED ELECTRONICALLY BY THE REGISTRAR-GENERAL IN ACCORDANCE WITH SECTION 96B(2) OF THE REAL PROPERTY ACT, 1900.

Information Provided Through
 Advance Legal Search Pty Ltd
 Ph. 0297541590 Fax. 0297541364

Historical Search

LEAP Legal
 An Approved LPI NSW
 Information Broker

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

SEARCH DATE

12/1/2009 3:37PM

FOLIO: 974/755233

First Title(s): 974/755233
 Prior Title(s): CROWN LAND

Recorded	Number	Type of Instrument	C.T. Issue
2/5/1986	FI410866	FOLIO INSTRUCTION	FOLIO CREATED CT NOT ISSUED
23/1/1987	W693728	DEPARTMENTAL DEALING	
6/1/1999	5510127	LEASE	
6/1/1999	5510128	REQUEST	
23/7/2001	7792562	DEPARTMENTAL DEALING	
28/8/2001	7878787	SUB-LEASE	
24/9/2003	9989061	SUB-LEASE	
2/1/2007	AC808012	SUB-LEASE	

*** END OF SEARCH ***

Coffey - Belmont ALSP

PRINTED ON 12/1/2009

* ANY ENTRIES PRECEDED BY AN ASTERISK DO NOT APPEAR ON THE CURRENT EDITION OF TITLE. WARNING: THE INFORMATION APPEARING UNDER NOTATIONS HAS NOT BEEN FORMALLY RECORDED IN THE REGISTER. ADVANCE LEGAL SEARCH PTY LTD CERTIFES THAT THE INFORMATION CONTAINED IN THIS DOCUMENT HAS BEEN PROVIDED ELECTRONICALLY BY THE REGISTRAR-GENERAL IN ACCORDANCE WITH SECTION 96B(2) OF THE REAL PROPERTY ACT, 1900.

Information Provided Through
 Advance Legal Search Pty Ltd
 Ph. 0297541590 Fax. 0297541364

Historical Search

LEAP Legal
 An Approved LPI NSW
 Information Broker

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

SEARCH DATE

12/1/2009 3:38PM

FOLIO: 975/755233

First Title(s): 975/755233
 Prior Title(s): CROWN LAND

Recorded -----	Number -----	Type of Instrument -----	C.T. Issue -----
23/1/1987	FI410866	FOLIO INSTRUCTION	FOLIO CREATED CT NOT ISSUED
6/1/1999	5510127	LEASE	
6/1/1999	5510128	REQUEST	
23/7/2001	7792562	DEPARTMENTAL DEALING	
28/8/2001	7878787	SUB-LEASE	
24/9/2003	9989061	SUB-LEASE	
2/1/2007	AC808012	SUB-LEASE	

*** END OF SEARCH ***

Coffey - Belmont ALSP

PRINTED ON 12/1/2009

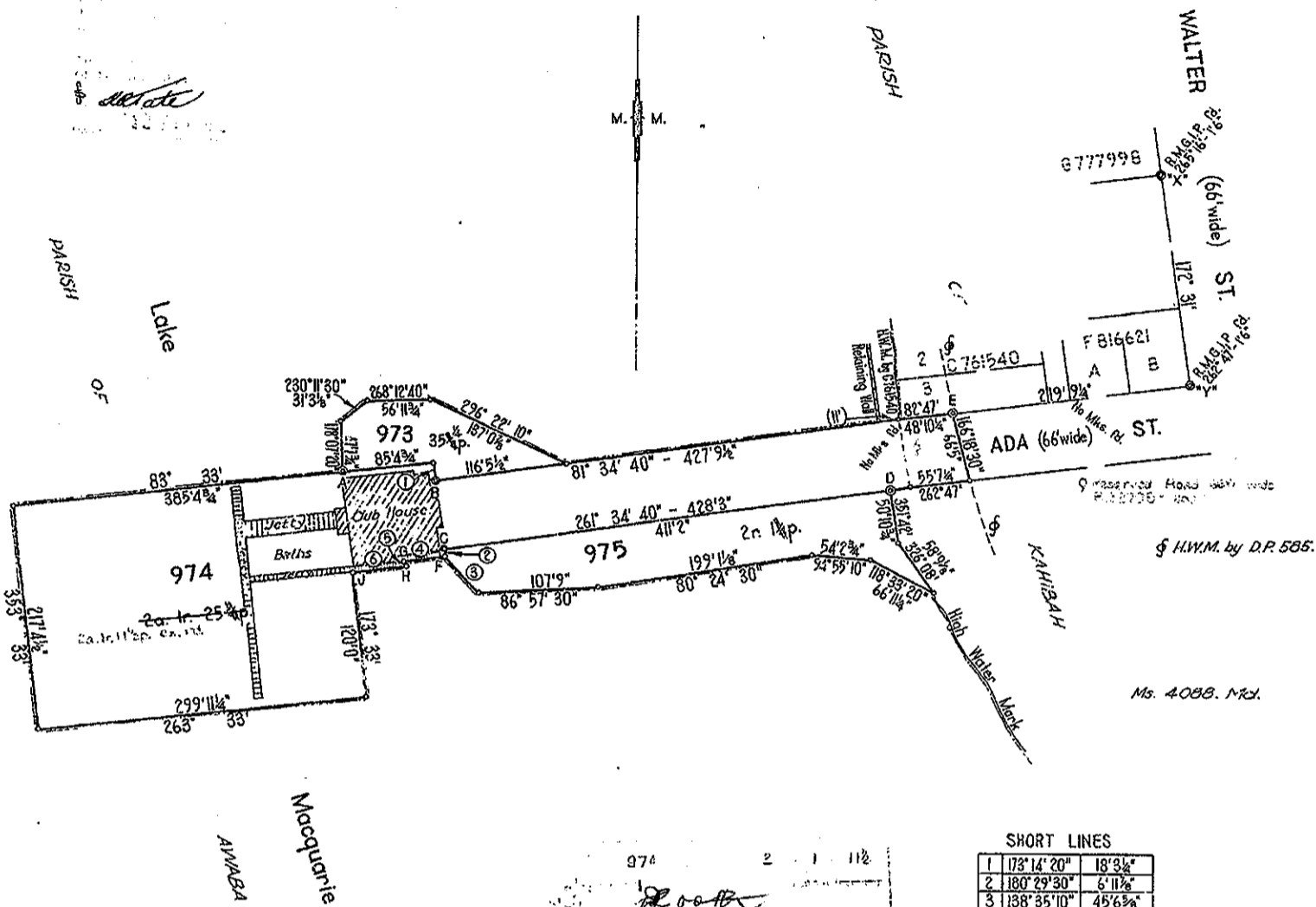
* ANY ENTRIES PRECEDED BY AN ASTERISK DO NOT APPEAR ON THE CURRENT EDITION OF TITLE. WARNING: THE INFORMATION APPEARING UNDER NOTATIONS HAS NOT BEEN FORMALLY RECORDED IN THE REGISTER. ADVANCE LEGAL SEARCH PTY LTD CERTIFES THAT THE INFORMATION CONTAINED IN THIS DOCUMENT HAS BEEN PROVIDED ELECTRONICALLY BY THE REGISTRAR-GENERAL IN ACCORDANCE WITH SECTION 96B(2) OF THE REAL PROPERTY ACT, 1900.

Miana

PLAN OF PORTIONS 973, 974 AND 975

PARISH KAHIBAH
 LAND DISTRICT NEWCASTLE

COUNTY NORTHUMBERLAND
 SHIRE LAKE MACQUARIE



SURROUND AREAS
 973 - 9,625 Sq. Ft.
 974 - 105,001 Sq. Ft.
 975 - 22,170 Sq. Ft.

SHORT LINES

1	173° 14' 20"	18' 3 1/2"
2	180° 29' 30"	6' 11 1/2"
3	138° 35' 10"	45' 6 3/4"
4	262° 06' 40"	35' 9 1/2"
5	169° 24' 40"	3' 7 1/2"
6	261° 37' 20"	50' 4 1/2"

SCALE 100 FEET TO AN INCH. All measurements shown in Feet and Inches

WITHIN Lake Macquarie Shire Councils Town and Country Planning Scheme.
 Title limited to the surface and to a depth of 50 Feet below the surface.

973 - Pt. Sp.L. 54/16 of 3a Or. 21 1/2 p. (Added Gazz. 14-3-69) Trustees Lake Macquarie Yacht Club.

974 - Pt. Sp.L. 54/16 of 3a Or. 21 1/2 p. Trustees Lake Macquarie Yacht Club.

975 - Pt. Sp.L. 54/16 of 3a Or. 21 1/2 p. (Added Gazz. 14-3-69) Trustees Lake Macquarie Yacht Club.

REFERENCE MARKS.

CORNER	BEARING	FROM	DISTANCE	NO. ON TREE
A	352° 40' 50"	R.M. in Wall	4' 0"	
B	81° 34' 40"	R.M. in Wall	5' 0"	
C	81° 34' 40"	R.M. in Wall	5' 0"	
D	81° 42' 00"	R.M.G.I.P.	1' 6 1/2"	
E	262° 47' 00"	R.M.D.H. & W.	9' 0"	
F	G.I. Wall in Post of Timber		Jetty	
G	-	-	-	-
H	-	-	-	-
J	-	-	-	-

AZIMUTH TAKEN FROM "X"- "Y"
 FIELD BOOK LD.4011 PAGES 31-34

I, Robert Leonard Paves, of J.M. Monteath & Paves, Newcastle, a Surveyor registered under the Surveyors Act, 1929-1946, hereby certify that the survey represented in this plan is accurate and has been made by me in accordance with the Survey Practice Regulations, 1933, and the special requirements of the Department of Lands and was completed on 11th March, 1969.

Signature: *R. L. Paves*
 Surveyor registered under the Surveyors Act, 1929-1946.
 CHECKED & CHARTED *Richard Paves*
 PLAN APPROVED *R. L. Paves*
 Authorized Officer 2. 2. 1969

PAPER NO. L.B. 68-2145 Ten. 68-4776
 NOTATION PLAN

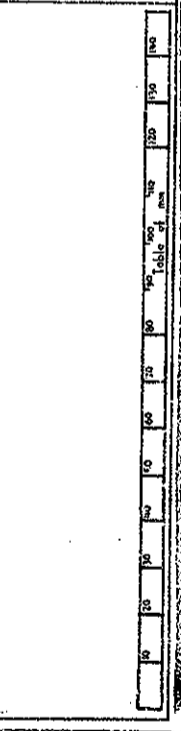
CAT. NO. N.8721-2 III. R. NOTATION PLAN

68/740

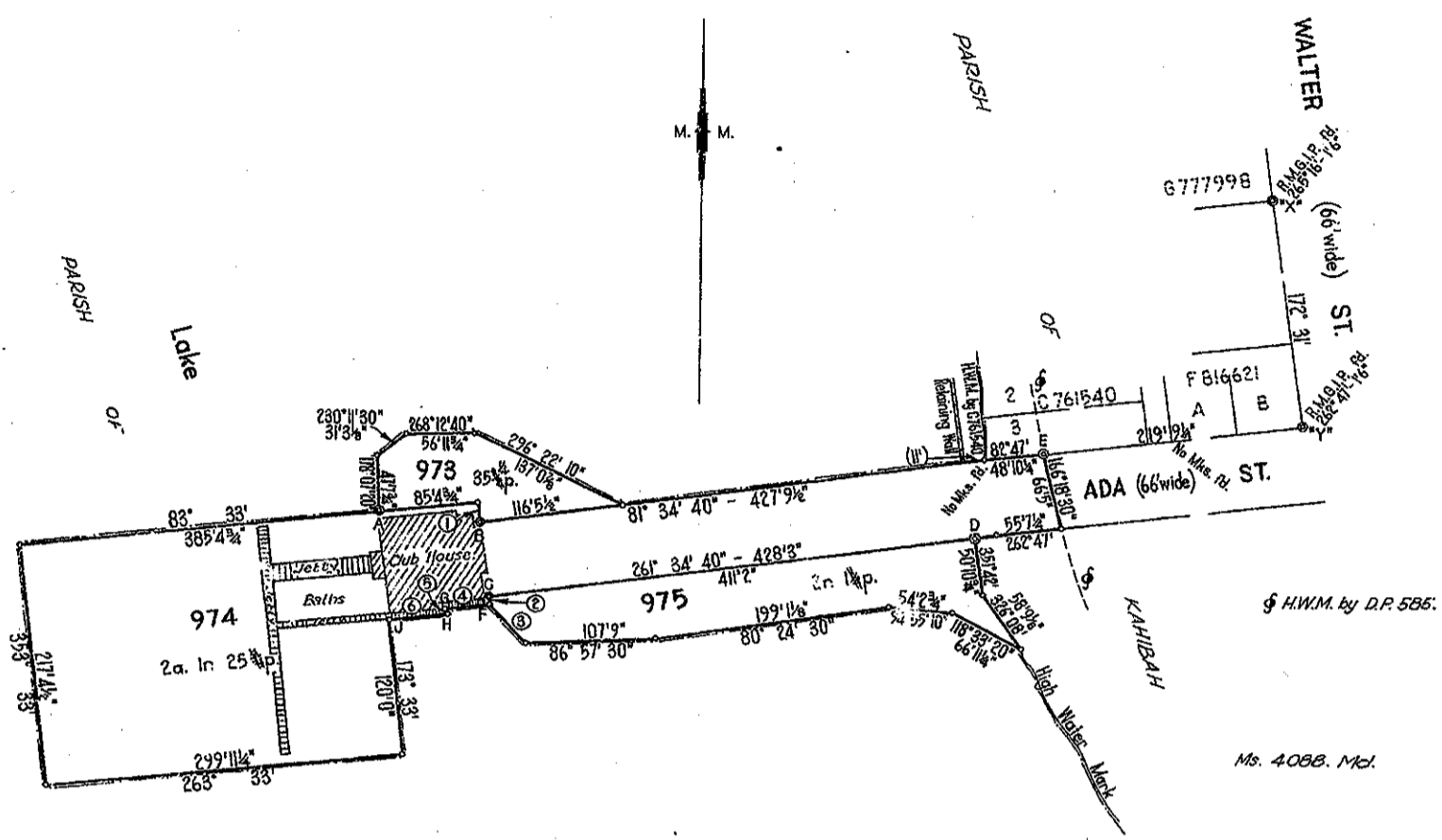
CONVERSION TABLE ADDED IN DEPARTMENT OF LANDS
 CL 8721-2111

FEET INCHES	METRES	AC	RD	P	SO	H
1	0.457					
2	0.914					
3	1.371					
4	1.828					
5	2.285					
6	2.742					
7	3.199					
8	3.656					
9	4.113					
10	4.570					
11	5.027					
12	5.484					
13	5.941					
14	6.398					
15	6.855					
16	7.312					
17	7.769					
18	8.226					
19	8.683					
20	9.140					
21	9.597					
22	10.054					
23	10.511					
24	10.968					
25	11.425					
26	11.882					
27	12.339					
28	12.796					
29	13.253					
30	13.710					
31	14.167					
32	14.624					
33	15.081					
34	15.538					
35	15.995					
36	16.452					
37	16.909					
38	17.366					
39	17.823					
40	18.280					
41	18.737					
42	19.194					
43	19.651					
44	20.108					
45	20.565					
46	21.022					
47	21.479					
48	21.936					
49	22.393					
50	22.850					
51	23.307					
52	23.764					
53	24.221					
54	24.678					
55	25.135					
56	25.592					
57	26.049					
58	26.506					
59	26.963					
60	27.420					
61	27.877					
62	28.334					
63	28.791					
64	29.248					
65	29.705					
66	30.162					
67	30.619					
68	31.076					
69	31.533					
70	31.990					
71	32.447					
72	32.904					
73	33.361					
74	33.818					
75	34.275					
76	34.732					
77	35.189					
78	35.646					
79	36.103					
80	36.560					
81	37.017					
82	37.474					
83	37.931					
84	38.388					
85	38.845					
86	39.302					
87	39.759					
88	40.216					
89	40.673					
90	41.130					
91	41.587					
92	42.044					
93	42.501					
94	42.958					
95	43.415					
96	43.872					
97	44.329					
98	44.786					
99	45.243					
100	45.700					

I, Bruce Richard Davies, Registrar General for New South Wales, certify that this negative is a photograph, made as a permanent record of a document in my custody this 14th day of March, 1980.



PLAN OF PORTIONS 973, 974 AND 975
 PARISH KAHIBAH
 LAND DISTRICT NEWCASTLE
 COUNTY NORTHUMBERLAND
 SHIRE LAKE MACQUARIE



SURROUND AREAS
 973 - 9,625 Sq. Ft.
 974 - 105,001 Sq. Ft.
 975 - 22,170 Sq. Ft.

NOTATION PLAN PLACED IN USE
 No further notations to be made hereon

SHORT LINES

1	173° 14' 20"	18' 3 1/2"
2	180° 29' 30"	6' 1 1/2"
3	138° 35' 10"	45' 6 1/2"
4	262° 06' 40"	35' 9 1/2"
5	169° 24' 40"	3' 7 1/2"
6	261° 37' 20"	50' 4 1/2"

ORIGINAL PLAN

SCALE 100 FEET TO AN INCH. All measurements shown in Feet and Inches
 WITHIN Lake Macquarie Shire Councils Town and Country Planning Scheme.
 Title limited to the surface and to a depth of 50 feet below the surface.

973 - Pt. Sp. L. 54/16 of 3a. Or. 214p. (Added Gaz. 14-3-69) Trustees Lake Macquarie Yacht Club.

974 - Pt. Sp. L. 54/16 of 3a. Or. 214p. Trustees Lake Macquarie Yacht Club.

975 - Pt. Sp. L. 54/16 of 3a. Or. 214p. (Added Gaz. 14-3-69) Trustees Lake Macquarie Yacht Club.

ORIGINAL PLAN

REFERENCE MARKS.

CORNER	BEARING	FROM	DISTANCE	NO. ON TREE
A	352° 40' 50"	R.M. ♂ in Wall	4' 0"	
B	81° 34' 40"	R.M. ♂ in Wall	5' 0"	
C	81° 34' 40"	R.M. ♂ in Wall	5' 0"	
D	81° 42' 00"	R.M.S.I.P.	1' 6 1/2"	
E	262° 47' 00"	R.M.D.H. & W.	9' 0"	
F	G.I. Nail in Post of Timber		Jeffy	
G				
H				
J				

AZIMUTH TAKEN FROM "X-Y"
 FIELD BOOK L.D. 4311 PAGES 31-34

I, Robert Leonard Poyus, of J.M. Mantheil & Poyus, Newcastle, a Surveyor registered under the Surveyors Act, 1925-1946, hereby certify that the survey represented in this plan is accurate and has been made by me in accordance with the Survey Practice Regulations, 1933, and the special requirements of the Department of Lands and was completed on 21st January, 1969.

Signature: *R. L. Poyus*
 Surveyor registered under the Surveyors Act, 1925-1946.

CHECKED & CHARTED *Richard Gwynne, 30/1/69*
 PLAN APPROVED *M.S. Roberts*
 Authorized Officer - 2.6.1969

I, Bruce Richard Davies, Registrar General for New South Wales, certify that this negative is a photograph made as a permanent record of a document in my custody this 14th day of March, 1980

This space for offices use only.

PAPER NO. L.B. 66-2145 Ten. 68-4776

CAT. NO. N. 8721-2III.R.

63/740

CONVERSION TABLE ADDED IN DEPARTMENT OF LANDS
 8721-7111

FEET INCHES	METRES	AC	RD	P	SQ M
1	0.457				
6	0.470				
1 1/2	1.095				
3	1.219				
4	1.367				
6	1.524				
11	2.743				
17	3.353				
33	5.569				
33 1/8	9.528				
35	10.903				
48	14.881				
50	15.354				
50 1/2	15.513				
54	16.529				
55	16.988				
66	20.117				
66 1/2	20.244				
66 1/4	20.403				
107	32.812				
120	36.576				
199	60.884				
217	66.256				
219	66.986				
299	91.421				
385	117.469				
411	125.324				
427	130.321				
428	130.551				
AC	RD	P	SQ	M	
-	2	1	2049		
-	2	1	2055		
2	1	11	9396		

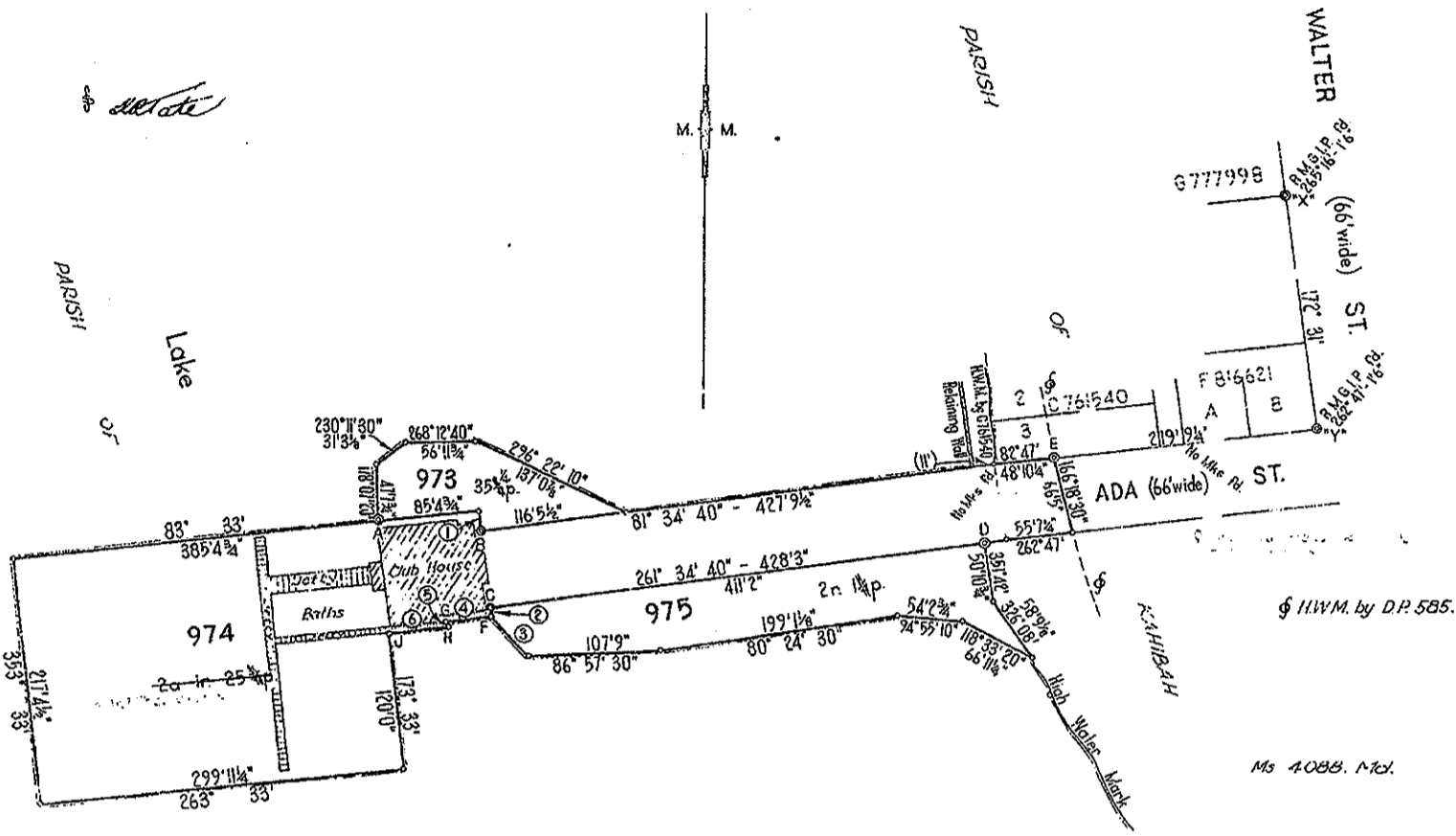
1

Smiling

PLAN OF PORTIONS 973, 974 AND 975

PARISH KAHIBAH
 LAND DISTRICT NEWCASTLE

COUNTY NORTHUMBERLAND
 SHIRE LAKE MACQUARIE



SURROUND AREA:
 973 - 9,625 Sq Ft
 974 - 105,001 Sq Ft
 975 - 2,170 Sq Ft

SHORT LINES

1	173° 14' 20"	18' 3 1/2"
2	180° 29' 30"	6' 11 1/2"
3	198° 35' 10"	45' 6 3/4"
4	282° 06' 40"	35' 9 1/4"
5	169° 24' 40"	3' 7 1/2"
6	261° 37' 20"	50' 4 1/2"

SCALE 100 FEET TO AN INCH. All measurements shown in Feet and Inches
 WITHIN Lake Macquarie Shire Councils Town and Country Planning Scheme.
 Title limited to the surface and to a depth of 50 Feet below the surface.

973 - Pt. Sp.L 54/16 of 3a Or. 214p. (Added Gaz. 14-3-69) Trustees Lake Macquarie Yacht Club.

974 - Pt. Sp.L 54/16 of 3a Or. 214p. Trustees Lake Macquarie Yacht Club.

975 - Pt. Sp.L 54/16 of 3a Or. 214p. (Added Gaz. 14-3-69) Trustees Lake Macquarie Yacht Club

CORNER	BEARING	FROM	DISTANCE	NO. ON REC.
A	352° 40' 50"	RM 4 in Wall	4' 0"	
B	81° 34' 40"	RM 4 in Wall	5' 0"	
C	81° 34' 40"	RM 4 in Wall	5' 0"	
D	81° 42' 00"	RM 61P	1' 6 1/2"	
E	262° 47' 00"	RM 0H & W	9' 0"	
F	G.I. Nail in Post of Timber	Jetty		
G				
H				
J				

AZIMUTH TAKEN FROM "X" TO "Y"
 FIELD BOOK LD.40R PAGES 31-34

I, Robert Leonard Powys of J.M. Monteath & Powys, Newcastle a Surveyor registered under the Surveyors Act, 1928-1946, hereby certify that the survey represented in this plan is accurate and has been made by me in accordance with the Survey Practice Regulations, 1933, and the special requirements of the Department of Lands and was completed on 10th January, 1969.

Signature: *R. L. Powys*
 Surveyor registered under the Surveyors Act, 1928-1946.
 CHECKED & CHARTED *Richard Davies*
 PLAN APPROVED *R.S. [Signature]*
 Authorised Officer 2.6.1969

This space for office use only

PAPER NO. L.B.66-2145 Ten.68-4776

CAT. NO. N.8721-2111.R. NOTATION PLAN

63/740

CONVERSION TABLE AD. ED IN DEPARTMENT OF LANDS

FEET INCHES	METRES
1	0.0254
2	0.0508
3	0.0762
4	0.1016
5	0.1270
6	0.1524
7	0.1778
8	0.2032
9	0.2286
10	0.2540
11	0.2794
12	0.3048
13	0.3302
14	0.3556
15	0.3810
16	0.4064
17	0.4318
18	0.4572
19	0.4826
20	0.5080
21	0.5334
22	0.5588
23	0.5842
24	0.6096
25	0.6350
26	0.6604
27	0.6858
28	0.7112
29	0.7366
30	0.7620
31	0.7874
32	0.8128
33	0.8382
34	0.8636
35	0.8890
36	0.9144
37	0.9398
38	0.9652
39	0.9906
40	1.0160
41	1.0414
42	1.0668
43	1.0922
44	1.1176
45	1.1430
46	1.1684
47	1.1938
48	1.2192
49	1.2446
50	1.2700
51	1.2954
52	1.3208
53	1.3462
54	1.3716
55	1.3970
56	1.4224
57	1.4478
58	1.4732
59	1.4986
60	1.5240
61	1.5494
62	1.5748
63	1.6002
64	1.6256
65	1.6510
66	1.6764
67	1.7018
68	1.7272
69	1.7526
70	1.7780
71	1.8034
72	1.8288
73	1.8542
74	1.8796
75	1.9050
76	1.9304
77	1.9558
78	1.9812
79	2.0066
80	2.0320
81	2.0574
82	2.0828
83	2.1082
84	2.1336
85	2.1590
86	2.1844
87	2.2098
88	2.2352
89	2.2606
90	2.2860
91	2.3114
92	2.3368
93	2.3622
94	2.3876
95	2.4130
96	2.4384
97	2.4638
98	2.4892
99	2.5146
100	2.5400

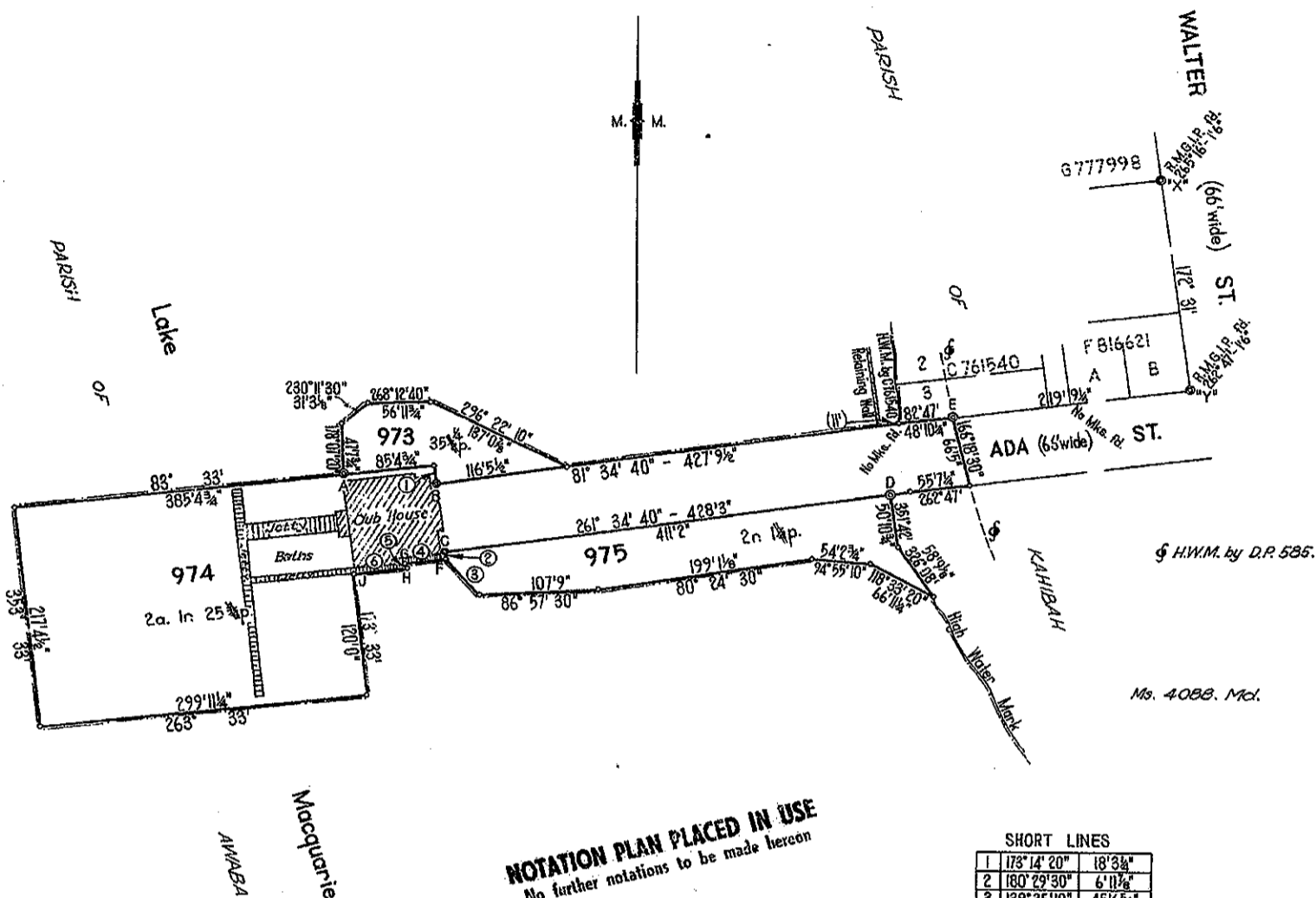
I, Bruce Richard Davies, Registrar General for New South Wales, certify that this negative is a photograph made as a permanent record of a document in my custody this 14th day of March, 1980



PLAN OF PORTIONS 973, 974 AND 975

PARISH KAHIBAH
LAND DISTRICT NEWCASTLE

COUNTY NORTHUMBERLAND
SHIRE LAKE MACQUARIE



NOTATION PLAN PLACED IN USE
No further notations to be made hereon

SURROUND AREAS
973 - 9,625 Sq. Ft.
974 - 105,001 Sq. Ft.
975 - 22,170 Sq. Ft.

SHORT LINES

1	173° 14' 20"	18' 3 3/8"
2	180° 29' 30"	6' 11 1/8"
3	138° 35' 10"	45' 6 5/8"
4	262° 06' 40"	35' 9 1/2"
5	169° 24' 40"	3' 7 1/2"
6	261° 37' 20"	50' 4 1/2"

ORIGINAL PLAN

SCALE 100 FEET TO AN INCH. All measurements shown in Feet and Inches

WITHIN Lake Macquarie Shire Council's Town and Country Planning Scheme.
Title limited to the surface and to a depth of 50 Feet below the surface.

973 - Pt. Sp.L. 54/16 of 3a. Or. 21 1/4 p. (Added Gaz. 14-3-69) Trustees Lake Macquarie Yacht Club.

974 - Pt. Sp.L. 54/16 of 3a. Or. 21 1/4 p. Trustees Lake Macquarie Yacht Club.

ORIGINAL PLAN

975 - Pt. Sp.L. 54/16 of 3a. Or. 21 1/4 p. (Added Gaz. 14-3-69) Trustees Lake Macquarie Yacht Club.

REFERENCE MARKS.

CORNER	BEARING	FROM	DISTANCE	NO. ON TREE
A	352° 40' 50"	R.M. ♂ in Wall	4'0"	
B	81° 34' 40"	R.M. ♂ in Wall	5'0"	
C	81° 34' 40"	R.M. ♂ in Wall	5'0"	
D	81° 42' 00"	R.M.G.I.P.	1'6 1/2"	
E	262° 47' 00"	R.M.D.H. & W.	9'0"	
F	G.I. Nail in Post of Timber	Jetty		
G	"	"	"	"
H	"	"	"	"
J	"	"	"	"

AZIMUTH TAKEN FROM "X"-"Y"
FIELD BOOK LD.40H PAGES 31-34

I, Robert Leonard Powys, of J.M. Manly & Powys, Newcastle, a Surveyor registered under the Surveyors Act, 1929-1946, hereby certify that the survey represented in this plan is accurate and has been made by me *under my immediate supervision* in accordance with the Survey Practice Regulations, 1933, and the special requirements of the Department of Lands and was completed on 21st January, 1969.

Signature *R. L. Powys*

Surveyor registered under the Surveyors Act, 1929-1946.

CHECKED & CHARTED *Richard G. ...*
PLAN APPROVED *...*
Authorized Officer *...* 1969

PAPER NO. L.B.66-2145 Ten. 68-4776

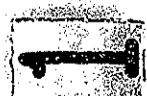
CAT. NO. N.8721-2III.R.

63/740

I, Bruce Richard Davies, Registrar General for New South Wales, certify that this negative is a photograph made as a permanent record of a document in my custody this 14th day of March, 1980

CONVERSION TABLE ADDED IN DEPARTMENT OF LANDS


FEET INCHES	METRES
1	0.457
1 1/2	0.470
2	0.609
2 1/2	0.762
3	0.914
3 1/2	1.067
4	1.219
4 1/2	1.372
5	1.524
5 1/2	1.677
6	1.829
6 1/2	1.981
7	2.134
7 1/2	2.287
8	2.438
8 1/2	2.591
9	2.743
9 1/2	2.896
10	3.048
10 1/2	3.201
11	3.354
11 1/2	3.507
12	3.659
12 1/2	3.812
13	3.964
13 1/2	4.117
14	4.270
14 1/2	4.423
15	4.575
15 1/2	4.728
16	4.881
16 1/2	5.034
17	5.187
17 1/2	5.340
18	5.493
18 1/2	5.646
19	5.799
19 1/2	5.952
20	6.105
20 1/2	6.258
21	6.411
21 1/2	6.564
22	6.717
22 1/2	6.870
23	7.023
23 1/2	7.176
24	7.329
24 1/2	7.482
25	7.635
25 1/2	7.788
26	7.941
26 1/2	8.094
27	8.247
27 1/2	8.400
28	8.553
28 1/2	8.706
29	8.859
29 1/2	9.012
30	9.165
30 1/2	9.318
31	9.471
31 1/2	9.624
32	9.777
32 1/2	9.930
33	10.083
33 1/2	10.236
34	10.389
34 1/2	10.542
35	10.695
35 1/2	10.848
36	11.001
36 1/2	11.154
37	11.307
37 1/2	11.460
38	11.613
38 1/2	11.766
39	11.919
39 1/2	12.072
40	12.225
40 1/2	12.378
41	12.531
41 1/2	12.684
42	12.837
42 1/2	12.990
43	13.143
43 1/2	13.296
44	13.449
44 1/2	13.602
45	13.755
45 1/2	13.908
46	14.061
46 1/2	14.214
47	14.367
47 1/2	14.520
48	14.673
48 1/2	14.826
49	14.979
49 1/2	15.132
50	15.285
50 1/2	15.438
51	15.591
51 1/2	15.744
52	15.897
52 1/2	16.050
53	16.203
53 1/2	16.356
54	16.509
54 1/2	16.662
55	16.815
55 1/2	16.968
56	17.121
56 1/2	17.274
57	17.427
57 1/2	17.580
58	17.733
58 1/2	17.886
59	18.039
59 1/2	18.192
60	18.345
60 1/2	18.498
61	18.651
61 1/2	18.804
62	18.957
62 1/2	19.110
63	19.263
63 1/2	19.416
64	19.569
64 1/2	19.722
65	19.875
65 1/2	20.028
66	20.181
66 1/2	20.334
67	20.487
67 1/2	20.640
68	20.793
68 1/2	20.946
69	21.099
69 1/2	21.252
70	21.405
70 1/2	21.558
71	21.711
71 1/2	21.864
72	22.017
72 1/2	22.170
73	22.323
73 1/2	22.476
74	22.629
74 1/2	22.782
75	22.935
75 1/2	23.038
76	23.191
76 1/2	23.344
77	23.497
77 1/2	23.600
78	23.753
78 1/2	23.906
79	24.059
79 1/2	24.212
80	24.365
80 1/2	24.518
81	24.671
81 1/2	24.824
82	24.977
82 1/2	25.130
83	25.283
83 1/2	25.436
84	25.589
84 1/2	25.742
85	25.895
85 1/2	26.048
86	26.201
86 1/2	26.354
87	26.507
87 1/2	26.610
88	26.763
88 1/2	26.866
89	27.019
89 1/2	27.172
90	27.325
90 1/2	27.428
91	27.581
91 1/2	27.684
92	27.837
92 1/2	27.940
93	28.093
93 1/2	28.196
94	28.349
94 1/2	28.502
95	28.655
95 1/2	28.758
96	28.911
96 1/2	29.064
97	29.217
97 1/2	29.370
98	29.523
98 1/2	29.676
99	29.829
99 1/2	29.932
100	30.085



Appendix D

Aerial Photographs




drawn	EJR	 coffey environments SPECIALISTS IN LIVING AND WORKING PLACES	client:	EJE Architecture		
approved			project:	Proposed Modifications and Extensions Lake Macquarie Yacht Club, Belmont Phase 1 Environmental Site Assessment		
date	10/02/2009		title:	Aerial Photograph 1965		
scale	NTS		project no:	ENVIWARA00234AA	figure no:	1965
original size	A4					




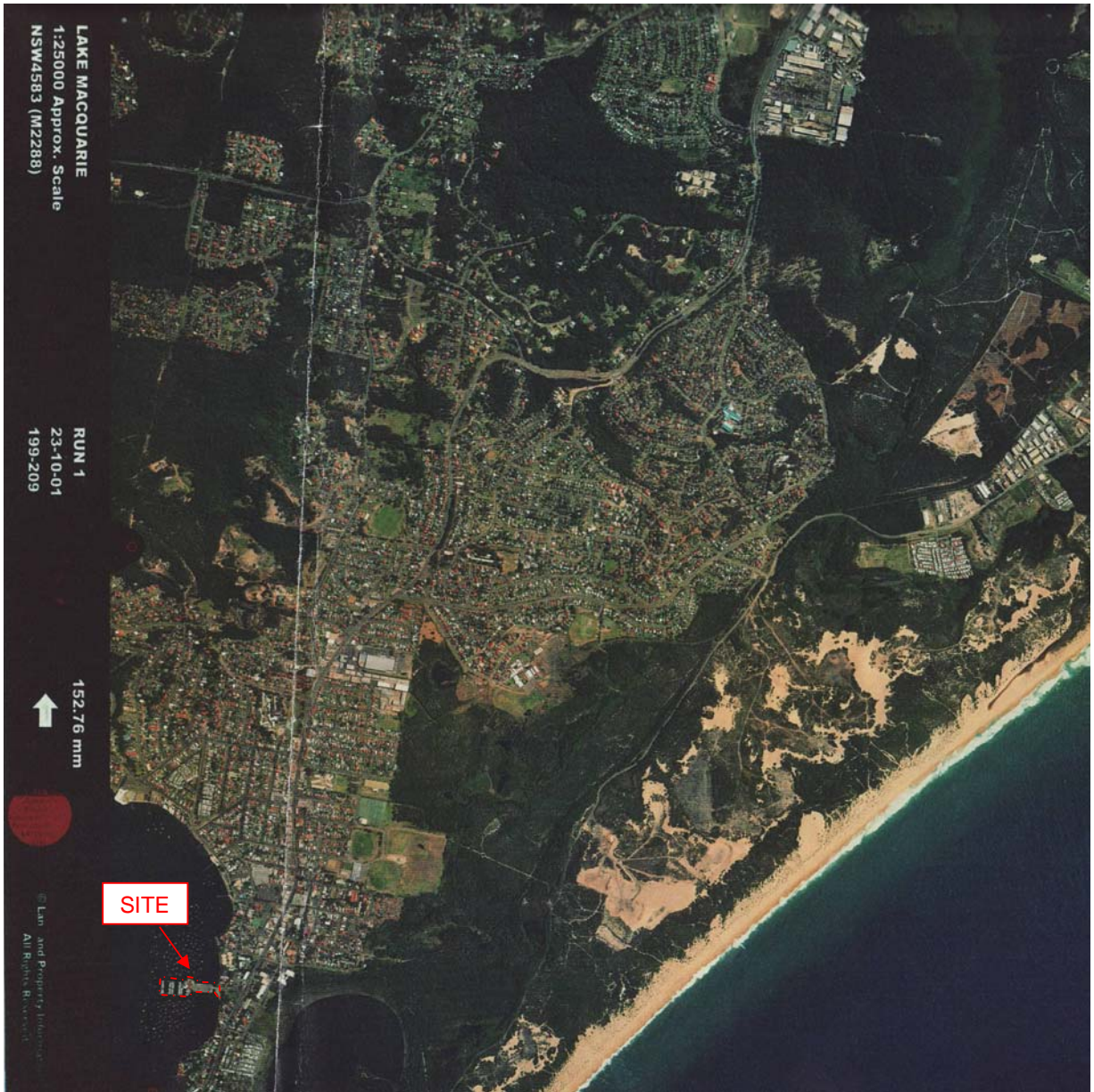
drawn	EJR	 SPECIALISTS IN LIVING AND WORKING PLACES	client:	EJE Architecture		
approved			project:	Proposed Modifications and Extensions Lake Macquarie Yacht Club, Belmont Phase 1 Environmental Site Assessment		
date	10/02/2009		title:	Aerial Photograph 1975		
scale	NTS		project no:	ENVIWARA00234AA	figure no:	1975
original size	A4					




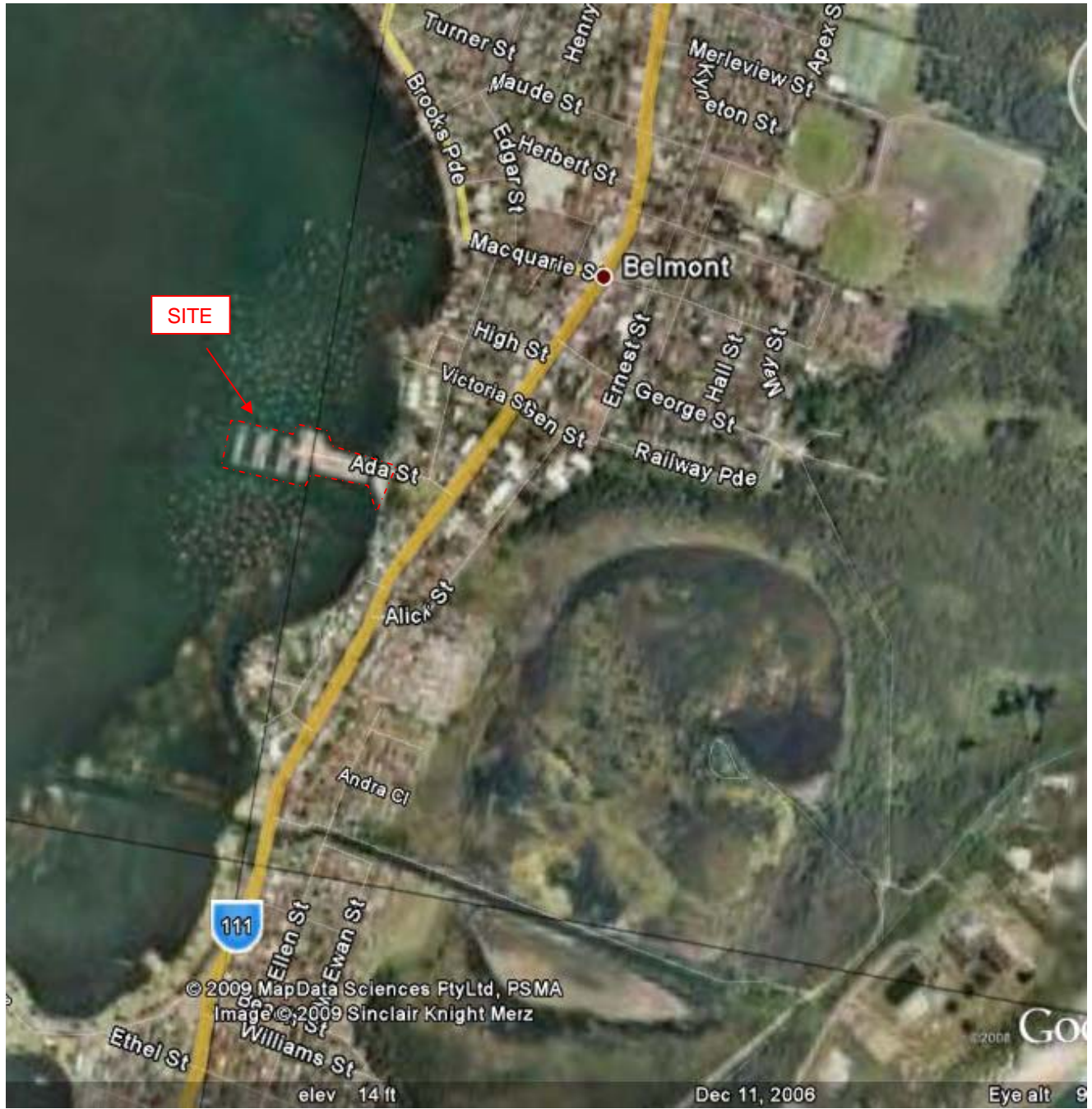
drawn	EJR	 <p>coffey environments SPECIALISTS IN LIVING AND WORKING PLACES</p>	client:	EJE Architecture		
approved			project:	Proposed Modifications and Extensions Lake Macquarie Yacht Club, Belmont Phase 1 Environmental Site Assessment		
date	10/02/2009		title:	Aerial Photograph 1984		
scale	NTS		project no:	ENVIWARA00234AA	figure no:	1984
original size	A4					




drawn	EJR	 SPECIALISTS IN LIVING AND WORKING PLACES	client:	EJE Architecture		
approved			project:	Proposed Modifications and Extensions Lake Macquarie Yacht Club, Belmont Phase 1 Environmental Site Assessment		
date	10/02/2009		title:	Aerial Photograph 1996		
scale	NTS		project no:	ENVIWARA00234AA	figure no:	1996
original size	A4					



drawn	EJR	 <p>SPECIALISTS IN LIVING AND WORKING PLACES</p>	client:	EJE Architecture		
approved			project:	Proposed Modifications and Extensions Lake Macquarie Yacht Club, Belmont Phase 1 Environmental Site Assessment		
date	10/02/2009		title:	Aerial Photograph 2001		
scale	NTS		project no:	ENVIWARA00234AA	figure no:	2001
original size	A4					



drawn	EJR	 SPECIALISTS IN LIVING AND WORKING PLACES	client:	EJE Architecture		
approved			project:	Proposed Modifications and Extensions Lake Macquarie Yacht Club, Belmont Phase 1 Environmental Site Assessment		
date	10/02/2009		title:	Aerial Photograph 2009		
scale	NTS		project no:	ENVIWARA00234AA	figure no:	2009
original size	A4					

Appendix E
Council Records and Section 149
Certificate

6 January 2009

COFFEY ENVIRONMENTS
19 Warabrook Bvd
WARABROOK NSW 2304

Our Ref:45030
Your Ref: ENVI WARA
00234AA
ABN 81 065 027 868

**SECTION 149 PLANNING CERTIFICATE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

Fee Paid: 100.00
Receipt No: 5635406
Receipt Date: 6 January 2009

DESCRIPTION OF LAND

Address: 9 Ada Street, BELMONT NSW 2280
Lot Details: LOT 975 DP 755233
Parish: Kahibah
County: Northumberland



For: BRIAN BELL
GENERAL MANAGER

ADVICE PROVIDED IN ACCORDANCE WITH SECTION 149(2)

1 Names of Relevant State Environmental Planning Policies, Regional Environmental Plans, Local Environmental Plans and Development Control Plans

- (1) (a) The name of each local environmental plan and deemed environmental planning instrument applying to the land.
Lake Macquarie Local Environmental Plan 2004
- (b) The name of each draft local environmental plan applying to the land that has been placed on exhibition under section 66(1)(b) of the Act.
Lake Macquarie Local Environmental Plan 2004 (Amendment No. 28)
- (c) The name of each development control plan applying to the land that has been made by the relevant planning authority under Division 6 of Part 3 of the Act (including any made by the council under section 72, or the Director-General under section 51A, before the repeal of those sections).
Development Control Plan No. 1 – Principles of Development
Development Control Plan No. 2 – Complying Development
- (2) (a) The name of each regional environmental plan applying to the land.
Hunter Regional Environmental Plan 1989
- (b) The name of each draft regional environmental plan applying to the land that has been placed on exhibition under section 47(b) of the Act.
Nil
- (3) (a) The name of each State environmental planning policy applying to the land.
State Environmental Planning Policy - (Housing for Seniors or People with a Disability) 2004 (This SEPP applies to the land to the extent provided by Clause 4 of the SEPP)
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
State Environmental Planning Policy (Infrastructure) 2007
State Environmental Planning Policy (Major Projects) 2005
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007

State Environmental Planning Policy No. 1 – Development Standards

State Environmental Planning Policy No. 4 – Development without Consent and Miscellaneous Exempt and Complying Development (except Clause 6-10)

State Environmental Planning Policy No. 6 – Number of Storeys in a Building

State Environmental Planning Policy No. 10 – Retention of Low-Cost Rental Accommodation (insofar as Clause 6 of the SEPP may apply)

State Environmental Planning Policy No. 19 – Bushland in Urban Areas

State Environmental Planning Policy No. 21 – Caravan Parks

State Environmental Planning Policy No. 32 – Urban Consolidation (Redevelopment of Urban Land)

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

State Environmental Planning Policy No. 36 – Manufactured Homes Estates (except as maybe excluded by Clause 6 of the SEPP)

State Environmental Planning Policy No. 44 – Koala Habitat Protection

State Environmental Planning Policy No. 50 – Canal Estate Development

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 62 - Sustainable Aquaculture

State Environmental Planning Policy No. 64 – Advertising and Signage

State Environmental Planning Policy No. 71 – Coastal Protection

- (b) The name of each draft State environmental planning policy applying to the land that has been publicised as referred to in section 39(2) of the Act.

Draft State Environmental Planning Policy (Application of Development Standard) 2004

Draft State Environmental Planning Policy No. 1 Development Standards (Amendment No. 1)

Draft State Environmental Planning Policy No. 66 – Integration of Land Use and Transport

2 Zoning and land use under relevant Local Environmental Plans

(1) The following answers (a) to (h) relate to the Plan (see 1(1)(a) above).

(a) The identity of the zone applying to the land.

6(2) Tourism and Recreation

(b) The purposes for which the Plan provides that development may be carried out within the zone without the need for development consent.

Specified in Attachment A

(c) The purposes for which the Plan provides that development may not be carried out within the zone except with development consent.

Specified in Attachment A

(d) The purposes for which the Plan provides that development is prohibited within the zone.

Specified in Attachment A

NOTE: The advice in sections (b), (c) and (d) above relates only to restrictions that apply by virtue of the zones indicated. The Lake Macquarie LEP 2004 includes additional provisions that require development consent for particular types of development, or in particular circumstances, irrespective of zoning.

(e) Whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed.

Specified in Attachment A - Schedule 2.

(f) Whether the land includes or comprises critical habitat.

No

(g) Whether the land is in a conservation area (however described).

No

(h) Whether an item of environmental heritage (however described) is situated on the land.

See Attachment A - Schedules 4, 5 and 6

An item of environmental heritage, namely Aboriginal heritage, listed within the Aboriginal Heritage Information Management System, may affect the land. The applicant should contact the Department of Environment and Climate Change for more information.

(2) The following answers (a) to (h) relate to the Draft Plan (see 1(1)(b) above).

(a) The identity of the zone applying to the land.

Nil

(b) The purposes for which the Draft Plan provides that development may be carried out within the zone without the need for development consent.

Specified in Attachment A

(c) The purposes for which the Draft Plan provides that development may not be carried out within the zone except with development consent.

Specified in Attachment A

(d) The purposes for which the Draft Plan provides that development is prohibited within the zone.

Specified in Attachment A

NOTE: The advice in sections (b), (c) and (d) above relates only to restrictions that apply by virtue of the zones indicated. The Lake Macquarie LEP 2004 includes additional provisions that require development consent for particular types of development, or in particular circumstances, irrespective of zoning.

(e) Whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed.

Specified in Attachment A - Schedule 2.

(f) Whether the land includes or comprises critical habitat.

No

(g) Whether the land is in a conservation area (however described).

No

(h) Whether an item of environmental heritage (however described) is situated on the land.

See Attachment A - Schedules 4, 5 and 6

An item of environmental heritage, namely Aboriginal heritage, listed within the Aboriginal Heritage Information Management System, may affect the land. The applicant should contact the Department of Environment and Climate Change for more information.

3 Repealed

4 Coastal Protection

Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the Council has been so notified by the Department of Public Works.

The land is within the defined coastal zone for the purposes of the Coastal Protection Act 1979 and **no** notifications have been received from the Department of Natural Resources under that Act.

5 Mine subsidence

Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.

No

6 Road widening and road realignment

Whether the land is affected by any road widening or realignment under:

(a) Division 2 of Part 3 of the Roads Act 1993.

No

(b) any environmental planning instrument.

No

(c) any resolution of the Council.

No, other road widening proposals may affect this land and if so, will be noted on the SECTION 149(5) certificate.

7 Council and other public authority policies on hazard risk restrictions

Whether or not the land is affected by a policy:

- (i) adopted by the Council, or
- (ii) adopted by any other public authority and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the Council,

that restricts the development of the land because of the likelihood of:

- (a) land slip or subsidence

Yes

All land within the Lake Macquarie City Council area is affected by the Councils Geotechnical Policy dated 19th April 1993, on land slip or subsidence. If you require any further clarification on the policy and how it may affect any possible development applications contact the Council on 02 4921 0242.

- (b) bushfire

No

- (c) tidal inundation

No

- (d) acid sulfate soils

Yes if indicated on the Acid Sulfate Soils Planning Maps supplied by The Department of Land & Water Conservation marked Edition 2, dated December 1997, available at the Council.

- (e) any other risk (other than flooding).

No

NOTE: The absence of a council policy restricting development of the land by reason of a particular natural hazard does not mean that the risk from that hazard is non-existent.

7A Flood related development controls information

- (1) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.
- (2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.
- (3) Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the *Standard Instrument (Local Environmental Plans) Order 2006*.

Yes,

ADVICE: Further information on the development restriction mentioned, may be obtained from Council upon application for a "Development Restriction Certificate – Flooding/Tidal Inundation."

8 Land reserved for acquisition

Whether or not any environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the land provides for the acquisition of the land by a public authority, as referred to in section 27 of the Act.

No

9 Contributions Plans

The name of each contributions plan applying to the land.

The Lake Macquarie Section 94 Contributions Plan No.1 - Citywide (2004) as amended

10 Matters arising under the Contaminated Land Management Act 1997 (s.59(2))

- (a) Is the land within land declared to be an investigation area or remediation site under Part 3 of the Contaminated Land Management Act 1997.

No

- (b) Is the land subject to an investigation order or remediation order within the meaning of the Contaminated Land Management Act 1997.

No

- (c) Is the land the subject of a voluntary investigation proposal (or voluntary remediation proposal) the subject of the Environment Protection Authority's agreement under section 19 or 26 of the Contaminated Land Management Act 1997.

No

- (d) Is the land the subject of a site audit statement within the meaning of Part 4 of the Contaminated Land Management Act 1997.

No

11 Bush Fire Prone Land

NONE of the land is bush fire prone land.

NOTE: The Lake Macquarie Bush Fire Prone Land Map can be inspected at Council's Administration Building during normal office hours or contact Council on 02 4921 0333.

12 Property Vegetation Plans

The land IS NOT subject to a property vegetation plan under the Native Vegetation Act 2003.

NOTE: The advise provided in this section is based on notification by the Hunter Central Rivers Catchment Management Authority of the approval of a plan. Further information about property vegetation plans should be obtained from that Authority.

13 Orders under Trees (Disputes Between Neighbours) Act 2006

Has an order been made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land (but only if the council has been notified of the order).

The land IS NOT subject to an order made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land.

14 Directions under Part 3A

If there is a direction by the Minister in force under section 75P (2) (c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect, a statement to that effect identifying the provision that does not have effect.

Nil

15 Site compatibility certificates and conditions for seniors housing

- (a) Whether there is a current site compatibility certificate, issued under clause 25 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* in respect of proposed development on the land.

Council is not aware of any site capability certificate for any proposed development on the land.

- (b) If a development application is granted on or after the date on which this clause commences under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* with respect to the land, a statement setting out the terms of any conditions on which the application was granted of the kind referred to in clause 18 (2) of that Policy.

Nil

16 Site compatibility certificates for infrastructure

Whether there is a valid site compatibility certificate, issued under clause 19 of *State Environmental Planning Policy (Infrastructure) 2007* in respect of proposed development on the land.

Council is not aware of any site capability certificate for any proposed development on the land.

ADVICE PROVIDED IN ACCORDANCE WITH SECTION 149(5)

NOTE: SECTION 149(6) OF THE ACT STATES THAT A COUNCIL SHALL NOT INCUR ANY LIABILITY IN RESPECT OF ANY ADVICE PROVIDED IN GOOD FAITH PURSUANT TO SECTION 149(5).

17 Clearing and lopping of trees

The land IS AFFECTED by Clause 34 – Trees and Native Vegetation, Lake Macquarie Local Environmental Plan 2004. Consent must be obtained to clear any tree or native vegetation in accordance with this clause. Please contact the Council for further information.

18 Easements

The land is NOT affected by a proposed easement in favour of Lake Macquarie City Council.

As to affectation by existing easements, a search of the relevant Title of the land should be undertaken.

19 Outstanding Notices

The land is NOT AFFECTED by an outstanding notice.

The information provided in this part of the certificate is not exhaustive. The recipient may seek additional information relating to the land by making a further inquiry to Council.

20 Earthquake

An earthquake was experienced throughout most of the city area on 28/12/89. Prospective purchasers should make their own enquiries as to whether buildings/structures on the land sustained any structural damage.

21 Lifestyle 2020

Council has prepared a strategy to provide direction for future land use planning, urban design and development of the City until the year 2020. A copy of "Lifestyle 2020 - A Strategy for Our Future" is available from Council.

22 New South Wales Government Coastal Policy, 1997.

The NSW Coastal Policy 1997 applies to the land and development located within the Coastal Zone as depicted on a Map signed by the Minister for Natural Resources. The Coastal Zone generally extends one kilometre inland from the Lake shore and one kilometre inland from the Coast and includes the whole Wallarah Peninsula. The Environmental Planning and Assessment Act requires Consent Authorities to take the Coastal Policy into consideration when determining Development Applications for affected land.

23 Sustainable Water Cycle Management.

The Lake Macquarie Local Environmental Plan 2004 advocates the principles and practice of Water Smart and Water Sensitive Urban Design philosophies. It includes the handling of water and water resources in a manner that considers the whole of the hydrological process. This includes the quality and quantity of the resource from its various source/s and its use and transport in the natural and built environment.

24 Foreshore Building Line

A foreshore building line applies to this property. Information on the extent of this affectation is available by contacting the Development Assessment & Compliance Division.

ATTACHMENT:

- A Lake Macquarie Local Environmental Plan 2004 instrument

6 January 2009

COFFEY ENVIRONMENTS
19 Warabrook Bvd
WARABROOK NSW 2304

Our Ref:45029
Your Ref: ENVI WARA
00234AA
ABN 81 065 027 868

**SECTION 149 PLANNING CERTIFICATE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

Fee Paid: 100.00
Receipt No: 5635406
Receipt Date: 6 January 2009

DESCRIPTION OF LAND

Address: 9 Ada Street, BELMONT NSW 2280
Lot Details: LOT 974 DP 755233
Parish: Kahibah
County: Northumberland



For: BRIAN BELL
GENERAL MANAGER

ADVICE PROVIDED IN ACCORDANCE WITH SECTION 149(2)

1 Names of Relevant State Environmental Planning Policies, Regional Environmental Plans, Local Environmental Plans and Development Control Plans

- (1) (a) The name of each local environmental plan and deemed environmental planning instrument applying to the land.
Lake Macquarie Local Environmental Plan 2004
- (b) The name of each draft local environmental plan applying to the land that has been placed on exhibition under section 66(1)(b) of the Act.
Lake Macquarie Local Environmental Plan 2004 (Amendment No. 28)
- (c) The name of each development control plan applying to the land that has been made by the relevant planning authority under Division 6 of Part 3 of the Act (including any made by the council under section 72, or the Director-General under section 51A, before the repeal of those sections).
Development Control Plan No. 1 – Principles of Development
Development Control Plan No. 2 – Complying Development
- (2) (a) The name of each regional environmental plan applying to the land.
Hunter Regional Environmental Plan 1989
- (b) The name of each draft regional environmental plan applying to the land that has been placed on exhibition under section 47(b) of the Act.
Nil
- (3) (a) The name of each State environmental planning policy applying to the land.
State Environmental Planning Policy - (Housing for Seniors or People with a Disability) 2004 (This SEPP applies to the land to the extent provided by Clause 4 of the SEPP)
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
State Environmental Planning Policy (Infrastructure) 2007
State Environmental Planning Policy (Major Projects) 2005
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007

State Environmental Planning Policy No. 1 – Development Standards

State Environmental Planning Policy No. 4 – Development without Consent and Miscellaneous Exempt and Complying Development (except Clause 6-10)

State Environmental Planning Policy No. 6 – Number of Storeys in a Building

State Environmental Planning Policy No. 10 – Retention of Low-Cost Rental Accommodation (insofar as Clause 6 of the SEPP may apply)

State Environmental Planning Policy No. 19 – Bushland in Urban Areas

State Environmental Planning Policy No. 21 – Caravan Parks

State Environmental Planning Policy No. 32 – Urban Consolidation (Redevelopment of Urban Land)

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

State Environmental Planning Policy No. 36 – Manufactured Homes Estates (except as maybe excluded by Clause 6 of the SEPP)

State Environmental Planning Policy No. 44 – Koala Habitat Protection

State Environmental Planning Policy No. 50 – Canal Estate Development

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 62 - Sustainable Aquaculture

State Environmental Planning Policy No. 64 – Advertising and Signage

State Environmental Planning Policy No. 71 – Coastal Protection

- (b) The name of each draft State environmental planning policy applying to the land that has been publicised as referred to in section 39(2) of the Act.

Draft State Environmental Planning Policy (Application of Development Standard) 2004

Draft State Environmental Planning Policy No. 1 Development Standards (Amendment No. 1)

Draft State Environmental Planning Policy No. 66 – Integration of Land Use and Transport

2 Zoning and land use under relevant Local Environmental Plans

(1) The following answers (a) to (h) relate to the Plan (see 1(1)(a) above).

(a) The identity of the zone applying to the land.

6(2) Tourism and Recreation

11 Lake and Waterways

(b) The purposes for which the Plan provides that development may be carried out within the zone without the need for development consent.

Specified in Attachment A

(c) The purposes for which the Plan provides that development may not be carried out within the zone except with development consent.

Specified in Attachment A

(d) The purposes for which the Plan provides that development is prohibited within the zone.

Specified in Attachment A

NOTE: The advice in sections (b), (c) and (d) above relates only to restrictions that apply by virtue of the zones indicated. The Lake Macquarie LEP 2004 includes additional provisions that require development consent for particular types of development, or in particular circumstances, irrespective of zoning.

(e) Whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed.

Specified in Attachment A - Schedule 2.

(f) Whether the land includes or comprises critical habitat.

No

(g) Whether the land is in a conservation area (however described).

No

(h) Whether an item of environmental heritage (however described) is situated on the land.

See Attachment A - Schedules 4, 5 and 6

An item of environmental heritage, namely Aboriginal heritage, listed within the Aboriginal Heritage Information Management System, may affect the land. The applicant should contact the Department of Environment and Climate Change for more information.

- (2) The following answers (a) to (h) relate to the Draft Plan (see 1(1)(b) above).
- (a) The identity of the zone applying to the land.
Nil
- (b) The purposes for which the Draft Plan provides that development may be carried out within the zone without the need for development consent.
Specified in Attachment A
- (c) The purposes for which the Draft Plan provides that development may not be carried out within the zone except with development consent.
Specified in Attachment A
- (d) The purposes for which the Draft Plan provides that development is prohibited within the zone.
Specified in Attachment A
- NOTE:** The advice in sections (b), (c) and (d) above relates only to restrictions that apply by virtue of the zones indicated. The Lake Macquarie LEP 2004 includes additional provisions that require development consent for particular types of development, or in particular circumstances, irrespective of zoning.
- (e) Whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed.
Specified in Attachment A - Schedule 2.
- (f) Whether the land includes or comprises critical habitat.
No
- (g) Whether the land is in a conservation area (however described).
No
- (h) Whether an item of environmental heritage (however described) is situated on the land.
See Attachment A - Schedules 4, 5 and 6

An item of environmental heritage, namely Aboriginal heritage, listed within the Aboriginal Heritage Information Management System, may affect the land. The applicant should contact the Department of Environment and Climate Change for more information.

3 Repealed

4 Coastal Protection

Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the Council has been so notified by the Department of Public Works.

The land is within the defined coastal zone for the purposes of the Coastal Protection Act 1979 and **no** notifications have been received from the Department of Natural Resources under that Act.

5 Mine subsidence

Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.

No

6 Road widening and road realignment

Whether the land is affected by any road widening or realignment under:

(a) Division 2 of Part 3 of the Roads Act 1993.

No

(b) any environmental planning instrument.

No

(c) any resolution of the Council.

No, other road widening proposals may affect this land and if so, will be noted on the SECTION 149(5) certificate.

7 Council and other public authority policies on hazard risk restrictions

Whether or not the land is affected by a policy:

- (i) adopted by the Council, or
- (ii) adopted by any other public authority and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the Council,

that restricts the development of the land because of the likelihood of:

- (a) land slip or subsidence

Yes

All land within the Lake Macquarie City Council area is affected by the Councils Geotechnical Policy dated 19th April 1993, on land slip or subsidence. If you require any further clarification on the policy and how it may affect any possible development applications contact the Council on 02 4921 0242.

- (b) bushfire

No

- (c) tidal inundation

No

- (d) acid sulfate soils

Yes if indicated on the Acid Sulfate Soils Planning Maps supplied by The Department of Land & Water Conservation marked Edition 2, dated December 1997, available at the Council.

- (e) any other risk (other than flooding).

No

NOTE: The absence of a council policy restricting development of the land by reason of a particular natural hazard does not mean that the risk from that hazard is non-existent.

7A Flood related development controls information

- (1) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.
- (2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.
- (3) Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the *Standard Instrument (Local Environmental Plans) Order 2006*.

Yes,

ADVICE: Further information on the development restriction mentioned, may be obtained from Council upon application for a "Development Restriction Certificate – Flooding/Tidal Inundation."

8 Land reserved for acquisition

Whether or not any environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the land provides for the acquisition of the land by a public authority, as referred to in section 27 of the Act.

No

9 Contributions Plans

The name of each contributions plan applying to the land.

The Lake Macquarie Section 94 Contributions Plan No.1 - Citywide (2004) as amended

10 Matters arising under the Contaminated Land Management Act 1997 (s.59(2))

- (a) Is the land within land declared to be an investigation area or remediation site under Part 3 of the Contaminated Land Management Act 1997.

No

- (b) Is the land subject to an investigation order or remediation order within the meaning of the Contaminated Land Management Act 1997.

No

- (c) Is the land the subject of a voluntary investigation proposal (or voluntary remediation proposal) the subject of the Environment Protection Authority's agreement under section 19 or 26 of the Contaminated Land Management Act 1997.

No

- (d) Is the land the subject of a site audit statement within the meaning of Part 4 of the Contaminated Land Management Act 1997.

No

11 Bush Fire Prone Land

NONE of the land is bush fire prone land.

NOTE: The Lake Macquarie Bush Fire Prone Land Map can be inspected at Council's Administration Building during normal office hours or contact Council on 02 4921 0333.

12 Property Vegetation Plans

The land IS NOT subject to a property vegetation plan under the Native Vegetation Act 2003.

NOTE: The advise provided in this section is based on notification by the Hunter Central Rivers Catchment Management Authority of the approval of a plan. Further information about property vegetation plans should be obtained from that Authority.

13 Orders under Trees (Disputes Between Neighbours) Act 2006

Has an order been made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land (but only if the council has been notified of the order).

The land IS NOT subject to an order made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land.

14 Directions under Part 3A

If there is a direction by the Minister in force under section 75P (2) (c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect, a statement to that effect identifying the provision that does not have effect.

Nil

15 Site compatibility certificates and conditions for seniors housing

- (a) Whether there is a current site compatibility certificate, issued under clause 25 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* in respect of proposed development on the land.

Council is not aware of any site capability certificate for any proposed development on the land.

- (b) If a development application is granted on or after the date on which this clause commences under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* with respect to the land, a statement setting out the terms of any conditions on which the application was granted of the kind referred to in clause 18 (2) of that Policy.

Nil

16 Site compatibility certificates for infrastructure

Whether there is a valid site compatibility certificate, issued under clause 19 of *State Environmental Planning Policy (Infrastructure) 2007* in respect of proposed development on the land.

Council is not aware of any site capability certificate for any proposed development on the land.

ADVICE PROVIDED IN ACCORDANCE WITH SECTION 149(5)

NOTE: SECTION 149(6) OF THE ACT STATES THAT A COUNCIL SHALL NOT INCUR ANY LIABILITY IN RESPECT OF ANY ADVICE PROVIDED IN GOOD FAITH PURSUANT TO SECTION 149(5).

17 Clearing and lopping of trees

The land IS AFFECTED by Clause 34 – Trees and Native Vegetation, Lake Macquarie Local Environmental Plan 2004. Consent must be obtained to clear any tree or native vegetation in accordance with this clause. Please contact the Council for further information.

18 Easements

The land is NOT affected by a proposed easement in favour of Lake Macquarie City Council.

As to affectation by existing easements, a search of the relevant Title of the land should be undertaken.

19 Outstanding Notices

The land is NOT AFFECTED by an outstanding notice.

The information provided in this part of the certificate is not exhaustive. The recipient may seek additional information relating to the land by making a further inquiry to Council.

20 Earthquake

An earthquake was experienced throughout most of the city area on 28/12/89. Prospective purchasers should make their own enquiries as to whether buildings/structures on the land sustained any structural damage.

21 Lifestyle 2020

Council has prepared a strategy to provide direction for future land use planning, urban design and development of the City until the year 2020. A copy of "Lifestyle 2020 - A Strategy for Our Future" is available from Council.

22 New South Wales Government Coastal Policy, 1997.

The NSW Coastal Policy 1997 applies to the land and development located within the Coastal Zone as depicted on a Map signed by the Minister for Natural Resources. The Coastal Zone generally extends one kilometre inland from the Lake shore and one kilometre inland from the Coast and includes the whole Wallarah Peninsula. The Environmental Planning and Assessment Act requires Consent Authorities to take the Coastal Policy into consideration when determining Development Applications for affected land.

23 Sustainable Water Cycle Management.

The Lake Macquarie Local Environmental Plan 2004 advocates the principles and practice of Water Smart and Water Sensitive Urban Design philosophies. It includes the handling of water and water resources in a manner that considers the whole of the hydrological process. This includes the quality and quantity of the resource from its various source/s and its use and transport in the natural and built environment.

ATTACHMENTS:

- A Lake Macquarie Local Environmental Plan 2004 instrument
- B Lake Macquarie Local Environmental Plan 2004 zoning map

6 January 2009

COFFEY ENVIRONMENTS
19 Warabrook Bvd
WARABROOK NSW 2304

Our Ref:45028
Your Ref: ENVI
WARA00234AA
ABN 81 065 027 868

**SECTION 149 PLANNING CERTIFICATE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

Fee Paid: 100.00
Receipt No: 5635406
Receipt Date: 6 January 2009

DESCRIPTION OF LAND

Address: 9 Ada Street, BELMONT NSW 2280
Lot Details: LOT 973 DP 755233
Parish: Kahibah
County: Northumberland



For: BRIAN BELL
GENERAL MANAGER

ADVICE PROVIDED IN ACCORDANCE WITH SECTION 149(2)

- 1 Names of Relevant State Environmental Planning Policies, Regional Environmental Plans, Local Environmental Plans and Development Control Plans**
- (1) (a) The name of each local environmental plan and deemed environmental planning instrument applying to the land.
Lake Macquarie Local Environmental Plan 2004
- (b) The name of each draft local environmental plan applying to the land that has been placed on exhibition under section 66(1)(b) of the Act.
Lake Macquarie Local Environmental Plan 2004 (Amendment No. 28)
- (c) The name of each development control plan applying to the land that has been made by the relevant planning authority under Division 6 of Part 3 of the Act (including any made by the council under section 72, or the Director-General under section 51A, before the repeal of those sections).
Development Control Plan No. 1 – Principles of Development
Development Control Plan No. 2 – Complying Development
- (2) (a) The name of each regional environmental plan applying to the land.
Hunter Regional Environmental Plan 1989
- (b) The name of each draft regional environmental plan applying to the land that has been placed on exhibition under section 47(b) of the Act.
Nil
- (3) (a) The name of each State environmental planning policy applying to the land.
State Environmental Planning Policy - (Housing for Seniors or People with a Disability) 2004 (This SEPP applies to the land to the extent provided by Clause 4 of the SEPP)
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
State Environmental Planning Policy (Infrastructure) 2007
State Environmental Planning Policy (Major Projects) 2005
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007

State Environmental Planning Policy No. 1 – Development Standards

State Environmental Planning Policy No. 4 – Development without Consent and Miscellaneous Exempt and Complying Development (except Clause 6-10)

State Environmental Planning Policy No. 6 – Number of Storeys in a Building

State Environmental Planning Policy No. 10 – Retention of Low-Cost Rental Accommodation (insofar as Clause 6 of the SEPP may apply)

State Environmental Planning Policy No. 19 – Bushland in Urban Areas

State Environmental Planning Policy No. 21 – Caravan Parks

State Environmental Planning Policy No. 32 – Urban Consolidation (Redevelopment of Urban Land)

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

State Environmental Planning Policy No. 36 – Manufactured Homes Estates (except as maybe excluded by Clause 6 of the SEPP)

State Environmental Planning Policy No. 44 – Koala Habitat Protection

State Environmental Planning Policy No. 50 – Canal Estate Development

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 62 - Sustainable Aquaculture

State Environmental Planning Policy No. 64 – Advertising and Signage

State Environmental Planning Policy No. 71 – Coastal Protection

- (b) The name of each draft State environmental planning policy applying to the land that has been publicised as referred to in section 39(2) of the Act.

Draft State Environmental Planning Policy (Application of Development Standard) 2004

Draft State Environmental Planning Policy No. 1 Development Standards (Amendment No. 1)

Draft State Environmental Planning Policy No. 66 – Integration of Land Use and Transport

2 Zoning and land use under relevant Local Environmental Plans

(1) The following answers (a) to (h) relate to the Plan (see 1(1)(a) above).

(a) The identity of the zone applying to the land.

6(2) Tourism and Recreation

(b) The purposes for which the Plan provides that development may be carried out within the zone without the need for development consent.

Specified in Attachment A

(c) The purposes for which the Plan provides that development may not be carried out within the zone except with development consent.

Specified in Attachment A

(d) The purposes for which the Plan provides that development is prohibited within the zone.

Specified in Attachment A

NOTE: The advice in sections (b), (c) and (d) above relates only to restrictions that apply by virtue of the zones indicated. The Lake Macquarie LEP 2004 includes additional provisions that require development consent for particular types of development, or in particular circumstances, irrespective of zoning.

(e) Whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed.

Specified in Attachment A - Schedule 2.

(f) Whether the land includes or comprises critical habitat.

No

(g) Whether the land is in a conservation area (however described).

No

(h) Whether an item of environmental heritage (however described) is situated on the land.

See Attachment A - Schedules 4, 5 and 6

An item of environmental heritage, namely Aboriginal heritage, listed within the Aboriginal Heritage Information Management System, may affect the land. The applicant should contact the Department of Environment and Climate Change for more information.

(2) The following answers (a) to (h) relate to the Draft Plan (see 1(1)(b) above).

(a) The identity of the zone applying to the land.

Nil

(b) The purposes for which the Draft Plan provides that development may be carried out within the zone without the need for development consent.

Specified in Attachment A

(c) The purposes for which the Draft Plan provides that development may not be carried out within the zone except with development consent.

Specified in Attachment A

(d) The purposes for which the Draft Plan provides that development is prohibited within the zone.

Specified in Attachment A

NOTE: The advice in sections (b), (c) and (d) above relates only to restrictions that apply by virtue of the zones indicated. The Lake Macquarie LEP 2004 includes additional provisions that require development consent for particular types of development, or in particular circumstances, irrespective of zoning.

(e) Whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed.

Specified in Attachment A - Schedule 2.

(f) Whether the land includes or comprises critical habitat.

No

(g) Whether the land is in a conservation area (however described).

No

(h) Whether an item of environmental heritage (however described) is situated on the land.

See Attachment A - Schedules 4, 5 and 6

An item of environmental heritage, namely Aboriginal heritage, listed within the Aboriginal Heritage Information Management System, may affect the land. The applicant should contact the Department of Environment and Climate Change for more information.

3 Repealed

4 Coastal Protection

Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the Council has been so notified by the Department of Public Works.

The land is within the defined coastal zone for the purposes of the Coastal Protection Act 1979 and **no** notifications have been received from the Department of Natural Resources under that Act.

5 Mine subsidence

Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.

No

6 Road widening and road realignment

Whether the land is affected by any road widening or realignment under:

(a) Division 2 of Part 3 of the Roads Act 1993.

No

(b) any environmental planning instrument.

No

(c) any resolution of the Council.

No, other road widening proposals may affect this land and if so, will be noted on the SECTION 149(5) certificate.

7 Council and other public authority policies on hazard risk restrictions

Whether or not the land is affected by a policy:

- (i) adopted by the Council, or
- (ii) adopted by any other public authority and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the Council,

that restricts the development of the land because of the likelihood of:

- (a) land slip or subsidence

Yes

All land within the Lake Macquarie City Council area is affected by the Councils Geotechnical Policy dated 19th April 1993, on land slip or subsidence. If you require any further clarification on the policy and how it may affect any possible development applications contact the Council on 02 4921 0242.

- (b) bushfire

No

- (c) tidal inundation

No

- (d) acid sulfate soils

Yes if indicated on the Acid Sulfate Soils Planning Maps supplied by The Department of Land & Water Conservation marked Edition 2, dated December 1997, available at the Council.

- (e) any other risk (other than flooding).

No

NOTE: The absence of a council policy restricting development of the land by reason of a particular natural hazard does not mean that the risk from that hazard is non-existent.

7A Flood related development controls information

- (1) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.
- (2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.
- (3) Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the *Standard Instrument (Local Environmental Plans) Order 2006*.

Yes,

ADVICE: Further information on the development restriction mentioned, may be obtained from Council upon application for a "Development Restriction Certificate – Flooding/Tidal Inundation."

8 Land reserved for acquisition

Whether or not any environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the land provides for the acquisition of the land by a public authority, as referred to in section 27 of the Act.

No

9 Contributions Plans

The name of each contributions plan applying to the land.

The Lake Macquarie Section 94 Contributions Plan No.1 - Citywide (2004) as amended

10 Matters arising under the Contaminated Land Management Act 1997 (s.59(2))

- (a) Is the land within land declared to be an investigation area or remediation site under Part 3 of the Contaminated Land Management Act 1997.

No

- (b) Is the land subject to an investigation order or remediation order within the meaning of the Contaminated Land Management Act 1997.

No

- (c) Is the land the subject of a voluntary investigation proposal (or voluntary remediation proposal) the subject of the Environment Protection Authority's agreement under section 19 or 26 of the Contaminated Land Management Act 1997.

No

- (d) Is the land the subject of a site audit statement within the meaning of Part 4 of the Contaminated Land Management Act 1997.

No

11 Bush Fire Prone Land

NONE of the land is bush fire prone land.

NOTE: The Lake Macquarie Bush Fire Prone Land Map can be inspected at Council's Administration Building during normal office hours or contact Council on 02 4921 0333.

12 Property Vegetation Plans

The land IS NOT subject to a property vegetation plan under the Native Vegetation Act 2003.

NOTE: The advise provided in this section is based on notification by the Hunter Central Rivers Catchment Management Authority of the approval of a plan. Further information about property vegetation plans should be obtained from that Authority.

13 Orders under Trees (Disputes Between Neighbours) Act 2006

Has an order been made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land (but only if the council has been notified of the order).

The land IS NOT subject to an order made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land.

14 Directions under Part 3A

If there is a direction by the Minister in force under section 75P (2) (c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect, a statement to that effect identifying the provision that does not have effect.

Nil

15 Site compatibility certificates and conditions for seniors housing

- (a) Whether there is a current site compatibility certificate, issued under clause 25 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* in respect of proposed development on the land.

Council is not aware of any site capability certificate for any proposed development on the land.

- (b) If a development application is granted on or after the date on which this clause commences under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* with respect to the land, a statement setting out the terms of any conditions on which the application was granted of the kind referred to in clause 18 (2) of that Policy.

Nil

16 Site compatibility certificates for infrastructure

Whether there is a valid site compatibility certificate, issued under clause 19 of *State Environmental Planning Policy (Infrastructure) 2007* in respect of proposed development on the land.

Council is not aware of any site capability certificate for any proposed development on the land.

ADVICE PROVIDED IN ACCORDANCE WITH SECTION 149(5)

NOTE: SECTION 149(6) OF THE ACT STATES THAT A COUNCIL SHALL NOT INCUR ANY LIABILITY IN RESPECT OF ANY ADVICE PROVIDED IN GOOD FAITH PURSUANT TO SECTION 149(5).

17 Clearing and lopping of trees

The land IS AFFECTED by Clause 34 – Trees and Native Vegetation, Lake Macquarie Local Environmental Plan 2004. Consent must be obtained to clear any tree or native vegetation in accordance with this clause. Please contact the Council for further information.

18 Easements

The land is NOT affected by a proposed easement in favour of Lake Macquarie City Council.

As to affectation by existing easements, a search of the relevant Title of the land should be undertaken.

19 Outstanding Notices

The land is NOT AFFECTED by an outstanding notice.

The information provided in this part of the certificate is not exhaustive. The recipient may seek additional information relating to the land by making a further inquiry to Council.

20 Earthquake

An earthquake was experienced throughout most of the city area on 28/12/89. Prospective purchasers should make their own enquiries as to whether buildings/structures on the land sustained any structural damage.

21 Lifestyle 2020

Council has prepared a strategy to provide direction for future land use planning, urban design and development of the City until the year 2020. A copy of "Lifestyle 2020 - A Strategy for Our Future" is available from Council.

22 New South Wales Government Coastal Policy, 1997.

The NSW Coastal Policy 1997 applies to the land and development located within the Coastal Zone as depicted on a Map signed by the Minister for Natural Resources. The Coastal Zone generally extends one kilometre inland from the Lake shore and one kilometre inland from the Coast and includes the whole Wallarah Peninsula. The Environmental Planning and Assessment Act requires Consent Authorities to take the Coastal Policy into consideration when determining Development Applications for affected land.

23 Sustainable Water Cycle Management.

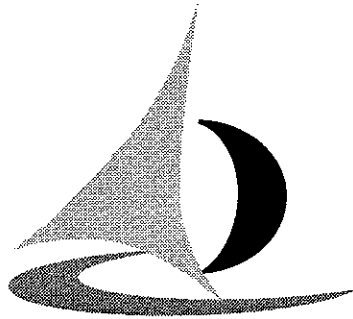
The Lake Macquarie Local Environmental Plan 2004 advocates the principles and practice of Water Smart and Water Sensitive Urban Design philosophies. It includes the handling of water and water resources in a manner that considers the whole of the hydrological process. This includes the quality and quantity of the resource from its various source/s and its use and transport in the natural and built environment.

24 Foreshore Building Line

A foreshore building line applies to this property. Information on the extent of this affectation is available by contacting the Development Assessment & Compliance Division.

ATTACHMENT:

- A Lake Macquarie Local Environmental Plan 2004 instrument



Lake Macquarie
City Council

LAKE MACQUARIE
Local Environmental Plan, 2004

As at 19 December 2008



Lake Macquarie Local Environmental Plan 2004

[2004-116]



Status Information

Currency of version

Current version for 12 December 2008 to date (accessed 19 December 2008 at 11:49).
Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced. See [Historical notes](#)

Does not include amendments by:

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008 (571) (GG No 157 of 12.12.2008, p 11946) (not commenced — to commence on 15.12.2008)

Authorisation: This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 12 December 2008.

Contents

Part 1 Preliminary

- [1 Name of plan](#)
- [2 Land to which plan applies](#)
- [3 Objective of plan](#)
- [4 Consent authority](#)
- [5 Relationship to other environmental planning instruments](#)
- [6 Use of explanatory notes](#)
- [7 Definitions](#)
- [8 Exempt development](#)
- [9 Complying development](#)
- [10 Development by public authorities](#)
- [11 Determination of pending development applications](#)

Part 2 Lifestyle 2020 Strategy—vision, values and aims

- [12 Vision](#)
- [13 Values](#)

14 Aims

Part 3 General controls for land within zones

15 General controls for land within zones

Part 4 Special provisions applying to all land

- [16 Development consent—matters for consideration](#)
- [17 Provision of essential infrastructure](#)
- [18 Temporary development of land](#)
- [19 Development for the purpose of a mine](#)
- [20 Suspension of covenants, agreements or instruments](#)
- [21 Development the subject of SEPP 1 application](#)

Part 5 Special controls for protection of the environment or for particular land

- [22 Foreshore building lines](#)
- [23 Foreshore development and development below DP high water mark](#)
- [24 Subdivision](#)
- [25 Demolition](#)
- [26 Dwelling houses and dual occupancies in Zone 1 \(1\), 7 \(1\), 7 \(2\), 7 \(3\) or 10](#)
- [27 Dwelling houses and dual occupancies in Zone 1 \(2\), 2 \(1\), 2 \(2\) or 7 \(5\)](#)
- [28 Dwelling houses on South Watlahrah Peninsula in Zone 7 \(1\)](#)
- [29 Building heights](#)
- [30 Control of pollution](#)
- [31 Erosion and sediment control](#)
- [32 Flood prone land](#)
- [33 Bush fire considerations](#)
- [34 Trees and native vegetation](#)
- [35 Acid sulfate soils](#)
- [36 Mixed use development](#)
- [37 Unzoned land](#)
- [38 Advertising structures and signs](#)
- [39 Additional development allowed on certain land](#)
- [40 Development for the purpose of agriculture on land in Zone 7 \(2\)](#)
- [41 Development for the purpose of retirement villages](#)
- [42 Consent to development subject to special requirements](#)
- [42A Restricted development](#)

Part 6 Heritage provisions

- [43 Objective](#)
- [44 Protection of heritage items and heritage conservation areas](#)
- [45 Development consent is not required](#)
- [46 Cemetery or burial grounds](#)
- [47 Assessment of heritage significance](#)
- [48 Development requiring notification](#)
- [49 Notice of demolition to Heritage Council](#)
- [50 Development affecting places or sites of known or potential Aboriginal heritage significance](#)
- [51 Development affecting known or potential archaeological sites or relics of European heritage significance](#)
- [52 Development in vicinity of a heritage item](#)
- [53 Conservation incentives](#)
- [54 Development in heritage conservation areas](#)

Part 7 Administrative provisions

- 55 Acquisition of land required for community purposes
- 56 Interim development of land required for community purposes
- 57 Acquisition of land required for State roads
- 58 Concurrence of RTA for interim development of land required for State roads
- 59 Acquisition of coastal land
- 60 Development on land adjoining Zones 5, 7 (1), 7 (4) and 8
- 61 Reclassification of community land as operational land
- 62 Public infrastructure in urban release areas

Schedule 1 Exempt development**Schedule 2 Subdivision standards****Schedule 3 Reclassification of community land as operational land****Schedule 4 Heritage items other than of indigenous origins and including potential archaeological sites****Schedule 5 Natural heritage items****Schedule 6 Places or potential places of Aboriginal heritage significance****Schedule 7 Additional development allowed on certain land****Schedule 8 Land subject to special development requirements****Schedule 9 Consent to development subject to special requirements****Schedule 10 Development by public authorities****Schedule 11 Restricted development****Dictionary****Historical notes****Part 1 Preliminary****1 Name of plan**

This plan is *Lake Macquarie Local Environmental Plan 2004*.

2 Land to which plan applies

- (1) This plan applies to all land within the local government area of Lake Macquarie City, except as provided by subclause (2).
- (2) This plan does not apply to land to which *Lake Macquarie Local Environmental Plan 2000—North Wallarah Peninsula* applies or to any land shown as "Deferred" on the map.
- (3) This plan does not apply to the land to which *State Environmental Planning Policy (Major Projects) 2005 (Amendment No 26)* applies.

3 Objective of plan

The objective of this plan is to achieve development of land to which this plan applies that is in accordance with the principles of ecologically sustainable development by:

- (a) promoting balanced development of that land, and
- (b) implementing the *Lifestyle 2020 Strategy* adopted by the Council on 27 March 2000.

4 Consent authority

The Council is the consent authority for the purposes of this plan, subject to the Act.

5 Relationship to other environmental planning instruments

- (1) All local environmental plans (including *Lake Macquarie Local Environmental Plan 1984*) that applied to land to which this plan applies immediately before the appointed day are repealed.
- (2) This plan amends *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development* by inserting the following words in alphabetical order in Schedule 2 (Land excepted from clauses 6–10):

Lake Macquarie City local government area

- (3) The *Hunter Regional Environmental Plan 1989 (Heritage)* does not apply to land to which this plan applies.

6 Use of explanatory notes

Explanatory notes in this plan, including any notes within boxes, do not form part of

this plan and are provided to assist understanding.

7 Definitions

- (1) Words defined in the Dictionary at the end of this plan have the meanings set out in the Dictionary.
- (2) In this plan, a reference to:
 - (a) a map, is a reference to a map held at the office of the Council, and
 - (b) land within a zone, is a reference to land shown on the map as being within that zone.

8 Exempt development

Development meeting the criteria for exempt development in Schedule 1, being development of minimal environmental impact, is exempt development for the purposes of the Act.

9 Complying development

Local development that complies with the standards and any other requirements specified for the development in *Lake Macquarie Development Control Plan No 2—Complying Development*, as approved by the Council on 22 March 2004, is complying development for the purposes of the Act.

10 Development by public authorities

Despite other provisions of this plan, the following are allowed on land to which this plan applies without consent:

- (a) the use of existing buildings of the Crown by the Crown, and
- (b) activities specified in Schedule 10.

11 Determination of pending development applications

- (1) Any development application lodged but not finally determined prior to the commencement of this plan is to be determined as if this plan had been exhibited under the Act but had not been made.
- (2) Development control plans as in force immediately before the commencement of this plan are to be taken into consideration by the consent authority in determining any such development application.

Part 2 Lifestyle 2020 Strategy—vision, values and aims

12 Vision

The vision for land to which this plan applies is described in the *Lifestyle 2020 Strategy*, which is available from the office of the Council.

13 Values

The 4 core values of that strategy are sustainability, equity, efficiency and liveability.

14 Aims

The aims of the *Lifestyle 2020 Strategy* are to:

- (a) provide the community with realistic expectations about the future development patterns for land in Lake Macquarie City, while retaining flexibility for land use decision making in the longer term, and
- (b) reinforce and strengthen centres so that a wide range of commercial and community services may be provided in a timely and accessible manner, and
- (c) provide local employment opportunities for residents and promote economic development consistent with the City's natural, locational and community resources, and
- (d) guide the development of urban communities that are compact, distinct and diverse and include a range of housing types and activities, and
- (e) achieve a strong sense of positive community identity, through the development of local communities that are safe and liveable and offer a diversity of uses, economic opportunities and ready access to services, and
- (f) develop an attractive urban setting for the City which reflects its physical and natural environment, and visual character, and
- (g) manage the City's natural environment so that its ecological functions and biological diversity are conserved and enhanced, and contribute to the City's overall well being, and
- (h) manage the City's heritage and economic resources in a way that protects the value of these resources and enhances the City's character, and
- (i) integrate land use with the efficient provision of public and private movement systems.

Part 3 General controls for land within zones

15 General controls for land within zones

Except as provided otherwise by this plan, the following Table shows for land within each zone:

- (a) the development that may be carried out in the zone without development consent under the heading "Without development consent", and
- (b) the development that may be carried out in the zone only with development consent under the heading "Only with development consent", and
- (c) the development that is prohibited in the zone under the heading

"Prohibited".

Land use table

Zone 1 (1) Rural (Production) Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) provide for economic and employment-generating agricultural activities, and
- (b) provide for a range of compatible land uses that maintain and enhance the rural environment of the locality, and
- (c) ensure development is carried out in a manner that improves the quality of the environment, including quality of design, and is within the servicing capacity of the locality, and
- (d) encourage development and management practices that are sustainable, and
- (e) encourage the development of good quality agricultural land for agriculture (other than intensive agriculture) to the greatest extent possible, and
- (f) encourage the development of low quality agricultural land for intensive agriculture, and
- (g) provide for sustainable forestry practices, and
- (h) avoid land use conflict by restricting or prohibiting development that has the potential to negatively affect the sustainability of existing agriculture, and
- (i) provide for sustainable water cycle management.

2 Without development consent

Exempt development as provided in Schedule 1.

Development for the purpose of agriculture (other than intensive agriculture).

3 Only with development consent

Development for the purpose of:

- airline terminals
- airports
- animal establishments
- aquaculture

- bed and breakfast establishments
- bulk stores
- cemeteries and crematoriums
- drainage
- dual occupancies—attached
- dwelling houses
- earthworks
- eco-tourism facilities
- educational establishments
- emergency services facilities
- energy generation works
- environmental facilities
- extractive industries
- forestry
- helipads
- heliports
- home businesses
- home industries
- intensive agriculture
- mines
- retail plant nurseries
- roads
- roadside stalls
- rural industries
- sawmills
- signs
- stormwater management facilities
- sustainable generating works
- telecommunications facilities
- transport terminals
- utility installations

veterinary hospitals
wholesale plant nurseries

4 Prohibited

Development not listed in item 2 or 3.

Zone 1 (2) Rural (Living) Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) provide for the enjoyment of a rural lifestyle and the operation of small-scale rural and tourism activities, and
- (b) provide for a range of compatible land uses that maintain the rural environment, and
- (c) ensure development is carried out in a manner that improves the quality of the environment, and is within the servicing capacity of the area, and
- (d) retain and enhance the rural character of land, and
- (e) allow for the appropriate development of land presently within this zone so as to limit the need to rezone any more land to this zone, and
- (f) avoid land use conflict by restricting or prohibiting development that has the potential to negatively affect the sustainability of existing agriculture, and
- (g) provide for sustainable water cycle management.

2 Without development consent

Exempt development as provided in Schedule 1.

3 Only with development consent

Development for the purpose of:

agriculture (other than intensive agriculture)
bed and breakfast establishments
drainage
dual occupancies—attached
dwelling houses
earthworks

eco-tourism facilities
educational establishments
emergency services facilities
environmental facilities
home businesses
home industries
retail plant nurseries
roads
roadside stalls
signs
stormwater management facilities
telecommunications facilities
utility installations
wholesale plant nurseries

4 Prohibited

Development not listed in item 2 or 3.

Zone 2 (1) Residential Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) permit development of neighbourhoods of low-density housing, and
- (b) provide for general stores, community service activities or development that includes home businesses whilst maintaining and enhancing the residential amenity of the surrounding area, and
- (c) ensure that housing development respects the character of surrounding development and is of good quality design, and
- (d) provide for sustainable water cycle management.

2 Without development consent

Exempt development as provided in Schedule 1.

3 Only with development consent

Development for the purpose of:

bed and breakfast establishments

boarding houses

child care centres

community facilities

drainage

dual occupancies—attached

dual occupancies—detached

dwelling houses

dwelling houses—exhibition

earthworks

educational establishments

emergency services facilities

environmental facilities

general stores

group homes

home businesses

home industries

places of public worship

professional consulting rooms

roads

signs

small lot housing

sporting facilities

stormwater management facilities

telecommunications facilities

utility installations

4 Prohibited

Development not listed in item 2 or 3.

Zone 2 (2) Residential (Urban Living) Zone**1 Objectives of zone**

The objectives of this zone are to:

- (a) provide for medium and high density housing, and
- (b) encourage development of good quality design within the zone, and
- (c) provide an environment where people can live and work in home businesses and professional services whilst maintaining the residential amenity of the surrounding area, and
- (d) provide residents with good access to a range of urban services and facilities, and
- (e) encourage amalgamation of existing lots to facilitate well designed medium and high density development, and
- (f) provide for sustainable water cycle management.

2 Without development consent

Exempt development as provided in Schedule 1.

3 Only with development consent

Development for the purpose of:

bed and breakfast establishments

boarding houses

child care centres

clubs

community facilities

drainage

dwelling houses

earthworks

educational establishments

environmental facilities

general stores

group homes

home businesses

home industries

motels

multiple dwelling housing
 places of public worship
 professional consulting rooms
 residential flat buildings
 roads
 signs
 small lot housing
 sporting facilities
 stormwater management facilities
 telecommunications facilities
 utility installations

4 Prohibited

Development not listed in item 2 or 3.

Zone 3 (1) Urban Centre (Core) Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) provide land for commercial, retail, recreational and housing uses in a central location, and
- (b) generate viable employment and economic activity, and
- (c) create urban centres for safe and vibrant social, cultural and community activity, and
- (d) create public spaces that are accessible, welcome all people and are a central focus for the community, and
- (e) provide for sustainable water cycle management.

2 Without development consent

Exempt development as provided in Schedule 1.

3 Only with development consent

Development for the purpose of:

brothels
 bus stations

car parking facilities
 car repair stations"
 child care centres
 clubs
 commercial premises
 community facilities
 drainage
 earthworks
 educational establishments
 emergency services facilities
 entertainment facilities
 environmental facilities
 helipads
 home businesses
 hotels
 large-scale commercial premises
 medical centres
 mixed use development
 motels
 motor showrooms
 places of public worship
 recreation facilities
 restaurants
 restricted premises
 roads
 service stations
 shops
 signs
 sporting facilities
 stormwater management facilities
 telecommunications facilities

utility installations

veterinary hospitals

4 Prohibited

Development not listed in item 2 or 3.

Zone 3 (2) Urban Centre (Support) Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) provide land for development that supports the viability of Urban Centre (Core) zoned land, and
- (b) encourage good quality design within the zone, and
- (c) provide land for mixed use development comprising residential uses in combination with commercial and retail uses, professional services and home based businesses, and
- (d) provide for sustainable water cycle management.

2 Without development consent

Exempt development as provided in Schedule 1.

3 Only with development consent

Development for the purpose of:

bulky goods showrooms
 bus stations
 car parking facilities
 car repair stations
 child care centres
 clubs
 commercial premises
 community facilities
 drainage
 earthworks
 educational establishments
 emergency services facilities

environmental facilities

general stores

home businesses

home industries

hospitals

hotels

large-scale commercial premises

marinas

medical centres

mixed use development

motels

motor showrooms

places of public worship

recreation facilities

restaurants

roads

service stations

signs

sporting facilities

stormwater management facilities

telecommunications facilities

utility installations

veterinary hospitals

4 Prohibited

Development not listed in item 2 or 3.

Zone 4 (1) Industrial (Core) Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) provide land for a wide range of employment-generating industries, including manufacturing, processing, assembly, storage and distribution uses, and

- (b) provide land for a range of industrial uses that, because of their nature, require large areas of land or separation from more intensive forms of employment generating industries, and
- (c) ensure that industries are designed and located so as not to cause unacceptable environmental harm or adversely affect the amenity of the environment, including residential neighbourhoods, and
- (d) provide for sustainable water cycle management.

2 Without development consent

Exempt development as provided in Schedule 1.

3 Only with development consent

Development for the purpose of:

- aquaculture
- brothels
- bulk stores
- bus stations
- car parking facilities
- car repair stations
- child care centres
- depots
- drainage
- earthworks
- emergency services facilities
- energy generation works
- environmental facilities
- extractive industries
- general stores
- hazardous industries
- hazardous storage establishments
- helipads
- high technology industries
- industries
- junk yards

- light industries
- liquid fuel depots
- mines
- offensive industries
- offensive storage establishments
- rail lines
- roads
- service stations
- signs
- storage facilities
- stormwater management facilities
- sustainable generating works
- telecommunications facilities
- transport terminals
- utility installations
- warehouses
- waste management and/or recycling facilities

4 Prohibited

Development not listed in item 2 or 3.

Zone 4 (2) Industrial (General) Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) provide land for light industries that can service surrounding community needs and provide local employment opportunities, and
- (b) enable ancillary retail/commercial uses, in conjunction with an approved development, providing it will not undermine the retail function and general amenity of existing and future urban centres, and
- (c) ensure that development is well designed, has minimal adverse impact on the environment and integrates with the urban environment, and
- (d) provide opportunities for high technology industries, scientific

research and development, or similar activities, and
 (e) provide for sustainable water cycle management.

2 Without development consent

Exempt development as provided in Schedule 1.

3 Only with development consent

Development for the purpose of:

animal establishments
 aquaculture
 brothels
 building products warehouses and showrooms
 bulk stores
 bus stations
 car parking facilities
 car repair stations
 child care centres
 depots
 drainage
 earthworks
 emergency services facilities
 entertainment facilities
 environmental facilities
 general stores
 high technology industries
 industries
 junk yards
 light industries
 motor showrooms
 places of public worship
 recreation facilities
 retail plant nurseries

roads
 service stations
 signs
 sporting facilities
 storage facilities
 stormwater management facilities
 telecommunications facilities
 transport terminals
 utility installations
 veterinary hospitals
 warehouses
 wholesale plant nurseries

4 Prohibited

Development not listed in item 2 or 3.

Zone 4 (3) Industrial (Urban Services) Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) provide land for light industries that can service surrounding community needs and provide local employment opportunities, and
- (b) provide land for the wholesale or retail sale of bulky goods, and
- (b1) provide land for research and development, and for applied technology, that can service surrounding community needs and provide employment opportunities, and
- (c) support the role of existing and future urban centres while not undermining the retail and commercial functions and general amenity of these centres, and
- (d) ensure that development is well designed, has minimal adverse impact on the environment and integrates with the urban environment, and
- (e) provide for sustainable water cycle management.

2 Without development consent

Exempt development as provided in Schedule 1.

3 Only with development consent

Development for the purpose of:

animal establishments
 brothels
 building products warehouses and showrooms
 bulky goods showrooms
 bus stations
 car parking facilities
 car repair stations
 child care centres
 drainage
 earthworks
 emergency services facilities
 environmental facilities
 general stores
 large-scale commercial premises
 light industries
 medical centres
 motor showrooms
 places of public worship
 recreation facilities
 restaurants
 retail plant nurseries
 roads
 service stations
 signs
 sporting facilities
 storage facilities
 stormwater management facilities
 telecommunications facilities
 transport terminals

utility installations
 veterinary hospitals
 warehouses
 wholesale plant nurseries

4 Prohibited

Development not listed in item 2 or 3.

Zone 5 Infrastructure Zone**1 Objectives of zone**

The objectives of this zone are to:

- (a) provide land for future infrastructure needs such as roads, drainage and other utilities, and
- (b) provide land required for the expansion of existing community facilities or the development of new community facilities, and
- (c) provide for limited development within the zone where it can be demonstrated that the development will not prejudice or have the potential to prejudice the intended future infrastructure development of that land, and
- (d) ensure that development on adjacent or adjoining land zoned infrastructure does not prejudice future infrastructure development within that zone, and
- (e) provide for sustainable water cycle management.

2 Without development consent

Exempt development as provided in Schedule 1.

3 Only with development consent

Development for the purpose of:

agriculture (other than intensive agriculture)
 airline terminals
 airports
 bus stations
 car parking facilities
 cemeteries and crematoriums
 child care centres

community facilities
 drainage
 earthworks
 educational establishments
 emergency services facilities
 energy generation works
 entertainment facilities
 environmental facilities
 helipads
 heliports
 hospitals
 medical centres
 motels
 places of public worship
 rail lines
 restaurants
 roads
 signs
 stormwater management facilities
 telecommunications facilities
 transport terminals
 utility installations
 veterinary hospitals

4 Prohibited

Development not listed in item 2 or 3.

Zone 6 (1) Open Space Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) provide community owned land or land intended to be owned by the community (shown with crosshatching on the map) that is suitable for the passive and active recreation needs of the

community, and

- (b) provide for a variety of facilities necessary to support use of this land including barbeque facilities, toilet facilities, sports administration and changing rooms, clubhouses, cycle ways, seating, lighting and the like, and
- (c) facilitate preservation of the environmental qualities of land identified in this plan for public ownership, and
- (d) provide for the use of public land leased from the Council where community benefit can be established and the use of the land is appropriate for its location, and
- (e) provide for sustainable water cycle management.

2 Without development consent

Exempt development as provided in Schedule 1.

3 Only with development consent

Development for the purpose of:

animal establishments
 car parking facilities
 caravan parks
 cemeteries and crematoriums
 child care centres
 clubs
 community facilities
 drainage
 earthworks
 educational establishments
 emergency services facilities
 entertainment facilities
 environmental facilities
 helipads
 marinas
 places of public worship
 recreation facilities
 restaurants

roads
 signs
 sporting facilities
 stormwater management facilities
 telecommunications facilities
 utility installations

4 Prohibited

Development not listed in item 2 or 3.

Zone 6 (2) Tourism and Recreation Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) provide land primarily for commercial recreation and tourist uses, and
- (b) encourage good quality design within the zone, and
- (c) provide land for good quality tourist development, and
- (d) provide land for function and entertainment centres, and
- (e) encourage tourism development that is sensitively designed to complement its location and minimise any adverse impacts on the environment, and
- (f) provide for sustainable water cycle management.

2 Without development consent

Exempt development as provided in Schedule 1.

3 Only with development consent

Development for the purpose of:

animal establishments
 car parking facilities
 caravan parks
 clubs
 community facilities
 drainage

earthworks
 eco-tourism facilities
 educational establishments
 emergency services facilities
 entertainment facilities
 environmental facilities
 function centres
 helipads
 hotels
 manufactured home estates
 marinas
 motels
 places of public worship
 recreation facilities
 restaurants
 roads
 signs
 sporting facilities
 stormwater management facilities
 telecommunications facilities
 tourist resorts
 utility installations

4 Prohibited

Development not listed in item 2 or 3.

Zone 7 (1) Conservation (Primary) Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) provide and conserve land having ecological, scientific, geological, educational, faunal, floristic or aesthetic values, and
- (b) preserve and enhance areas of significant vegetation and habitat to promote the regeneration of ecosystems and eradication of

invasive species that compete with native flora and fauna, and

- (c) conserve, enhance and manage corridors to facilitate species movement, dispersal and interchange of genetic material, and
- (d) exclude activities which would prejudice the ongoing conservation or rehabilitation of land, and
- (e) encourage activities that meet conservation objectives, and
- (f) protect land within this zone from impacts from development on adjoining zones, and
- (g) provide for sustainable water cycle management.

2 Without development consent

Exempt development as provided in Schedule 1.

3 Only with development consent

Development for the purpose of:

- bed and breakfast establishments
- drainage
- dwelling houses
- earthworks
- environmental facilities
- home businesses
- home industries
- roads
- signs
- stormwater management facilities
- utility installations

4 Prohibited

Development not listed in item 2 or 3.

Zone 7 (2) Conservation (Secondary) Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) protect, conserve and enhance land that is environmentally important, and

- (b) protect, manage and enhance corridors to facilitate species movement, dispersal and interchange of genetic material, and
- (c) enable development where it can be demonstrated that the development will not compromise the ecological, hydrological, scenic or scientific attributes of the land or adjacent land in Zone 7 (1), and
- (d) ensure that development proposals result in rehabilitation and conservation of environmentally important land, and
- (e) provide for sustainable water cycle management.

2 Without development consent

Exempt development as provided in Schedule 1.

3 Only with development consent

Development for the purpose of:

- bed and breakfast establishments
- community facilities
- drainage
- dual occupancies—attached
- dwelling houses
- earthworks
- eco-tourism facilities
- emergency services facilities
- environmental facilities
- home businesses
- home industries
- roads
- roadside stalls
- signs
- stormwater management facilities
- telecommunications facilities
- utility installations

4 Prohibited

Development not listed in item 2 or 3.

Zone 7 (3) Environmental (General) Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) maintain and enhance biodiversity, scenic quality and native riparian vegetation and habitat, and
- (b) protect, manage and enhance corridors to facilitate species movement, dispersal and interchange of genetic material, and
- (c) ensure that development and land management practices do not have an adverse effect on water quality, land surface conditions and important ecosystems such as waterbodies, waterways, wetlands and rainforests, and
- (d) protect and enhance natural, rural and heritage landscapes, and
- (e) provide for sustainable water cycle management, and
- (f) encourage rehabilitation and conservation of environmentally important land.

2 Without development consent

Exempt development as provided in Schedule 1.

3 Only with development consent

Development for the purpose of:

- agriculture (other than intensive agriculture)
- bed and breakfast establishments
- community facilities
- drainage
- dual occupancies—attached
- dwelling houses
- earthworks
- eco-tourism facilities
- educational establishments
- emergency services facilities
- environmental facilities
- forestry
- home businesses

- home industries
- places of public worship
- retail plant nurseries
- roads
- roadside stalls
- signs
- stormwater management facilities
- telecommunications facilities
- utility installations

4 Prohibited

Development not listed in item 2 or 3.

Zone 7 (4) Environmental (Coastline) Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) provide and conserve an area for natural coastal processes, and
- (b) permit appropriate development where consistent with the Coastal Impact Zone (as identified in the *Lake Macquarie Coastline Management Plan 1999*), and
- (c) conserve and enhance the scenic values and natural, Aboriginal and European heritage associated with the coastline, and
- (d) minimise disturbance of the coastline environment, and
- (e) encourage ongoing dune stabilisation and rehabilitation of native vegetation, and
- (f) ensure that development facilitates public access to the coastline and supports the optimum and efficient development of the coastal walk (as identified in the *Lake Macquarie Coastline Management Plan 1999*), and
- (g) ensure that development is sympathetic in design, bulk and scale with the coastline environment, and
- (h) provide for sustainable water cycle management, and
- (i) protect, enhance and manage corridors to facilitate species movement, and the dispersal and interchange of genetic material.

2 Without development consent

Exempt development as provided in Schedule 1.

3 Only with development consent

Development for the purpose of:

- car parking facilities
- clubs
- community facilities
- drainage
- earthworks
- emergency services facilities
- environmental facilities
- helipads
- restaurants
- roads
- signs
- sporting facilities
- stormwater management facilities
- utility installations

4 Prohibited

Development not listed in item 2 or 3.

Zone 7 (5) Environmental (Living) Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) provide land with ecological, geological, scientific, scenic and biodiversity values that may accommodate minimal impact, low density residential and agricultural development, and
- (b) manage development to minimise adverse impacts on those values, such as by encouraging appropriate use of disturbed land, and
- (c) protect, enhance and manage corridors to facilitate species movement, dispersal and interchange of genetic material, and
- (d) encourage rehabilitation and conservation of environmentally important land, and

- (e) provide for sustainable water cycle management.

2 Without development consent

Exempt development as provided in Schedule 1.

3 Only with development consent

Development for the purpose of:

- agriculture (other than intensive agriculture)
- bed and breakfast establishments
- drainage
- dual occupancies—attached
- dwelling houses
- earthworks
- eco-tourism facilities
- educational establishments
- emergency services facilities
- environmental facilities
- home businesses
- home industries
- roads
- roadside stalls
- signs
- stormwater management facilities
- telecommunications facilities
- utility installations

4 Prohibited

Development not listed in item 2 or 3.

Zone 8 National Park Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) identify land that is reserved or dedicated under the *National*

Parks and Wildlife Act 1974, and

- (b) allow for the management and appropriate use of that land as provided for in the National Parks and Wildlife Act 1974, and
- (c) promote the survival of flora and fauna by conserving viable reserves in large holdings with appropriate connections to other reserves.

2 Without development consent

Development for the purpose of land uses authorised by or under the National Parks and Wildlife Act 1974, and any development incidental or ancillary to such land uses.

3 Only with development consent

Nil.

4 Prohibited

Development not listed in item 2.

Zone 9 Natural Resources Zone**1 Objectives of zone**

The objectives of this zone are to:

- (a) provide land that has dual values as an economic natural resource and for environmental protection, and
- (b) recognise the dual values of the land and integrate economic use of the land with ecological sustainability, and
- (c) acknowledge the economic value of its natural resources, particularly for extraction of coal, gravel and timber, and
- (d) acknowledge the long term value of the land for the management and maintenance of biodiversity, threatened species habitat, and corridors by minimising the adverse impacts of resource development, and
- (e) rehabilitate disturbed land to a natural state, reflective of its long term value, and
- (f) minimise earthworks while enabling productive use of the land, and
- (g) permit habitat disturbance to facilitate forestry, surface activities for underground mining and other extraction of mineral and gravel resources and energy generation works, and
- (h) acknowledge the multiple use of State forests for tourism, conservation and sustainable harvesting of timber, and

- (i) provide for sustainable water cycle management.

2 Without development consent

Exempt development as provided in Schedule 1.

3 Only with development consent

Development for the purpose of:

- agriculture (other than intensive agriculture)
- car parking facilities
- drainage
- earthworks
- emergency services facilities
- energy generating works
- environmental facilities
- extractive industries
- forestry
- hazardous industries
- hazardous storage establishments
- helipads
- industries
- liquid fuel depots
- mines
- offensive industries
- offensive storage establishments
- rail lines
- roads
- rural industries
- sawmills
- signs
- stormwater management facilities
- sustainable generating works
- telecommunications facilities

transport terminals
 utility installations
 waste management and/or recycling facilities

4 Prohibited

Development not listed in item 2 or 3.

Zone 10 Investigation Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) provide land for future development and/or conservation, and
- (b) ensure that land in this zone is thoroughly assessed to identify and substantiate future uses, and
- (c) provide for limited development of the land and allow that development only where it can be proven not to prejudice or have the potential to prejudice future protection or use of the land, and
- (d) ensure that land is released in a strategic and efficient manner consistent with the *Lifestyle 2020 Strategy*, and
- (e) require comprehensive local environmental studies to substantiate the capability and suitability of land in this zone proposed for rezoning, and
- (f) provide for sustainable water cycle management.

2 Without development consent

Exempt development as provided in Schedule 1.

3 Only with development consent

Development for the purpose of:

agriculture (other than intensive agriculture)
 bed and breakfast establishments
 drainage
 dwelling houses
 earthworks
 emergency services facilities
 environmental facilities

home businesses
 home industries
 roads
 roadside stalls
 signs
 stormwater management facilities
 telecommunications facilities
 utility installations

4 Prohibited

Development not listed in item 2 or 3.

Zone 11 Lakes and Waterways Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) recognise the importance of Lake Macquarie and its waterways as an environmental asset, not only to Lake Macquarie City, but to the Hunter and Central Coast Regions, and
- (b) ensure that development of the Lake and its waterways occurs in a manner that is consistent with the principles of ecologically sustainable development, and
- (c) ensure development does not adversely affect the ecology, scenic values or navigability of the Lake or its waterways, and
- (d) ensure that aquatic and terrestrial habitats and their interface are protected and enhanced and are not adversely affected by the recreational use of the Lake or its waterways, and
- (e) provide for sustainable and viable economic use of the Lake and its waterways, and
- (f) provide for sustainable water cycle management.

2 Without development consent

Exempt development as provided in Schedule 1.

Development for the purpose of:

aids to navigation required by the Maritime Authority of NSW
 moorings, except commercial moorings, if in accordance with a Mooring Management Plan approved by the Maritime Authority of NSW.

3 Only with development consent

Any development not listed in item 2.

4 Prohibited

Nil.

Part 4 Special provisions applying to all land**16 Development consent—matters for consideration**

Consent must not be granted for development unless the consent authority:

- (a) has had regard to the vision, values and aims of the *Lifestyle 2020 Strategy* expressed in Part 2, and
- (b) is satisfied that such of the development as is proposed to be carried out within a zone is consistent with the relevant objectives for the zone, as set out in the Table to clause 15.

17 Provision of essential infrastructure

Consent must not be granted for development on any land to which this plan applies unless the consent authority:

- (a) is satisfied that adequate arrangements have been made for the provision of any infrastructure that is essential for the proposed development, including the following:
 - (i) a supply of water,
 - (ii) provision of energy,
 - (iii) provision of telecommunications,
 - (iv) a system for the disposal and management of sewage, and
- (b) has considered the impacts of the provision of that infrastructure on the land to which the development application relates.

18 Temporary development of land

- (1) Despite any other provision of this plan, a person may carry out development on any land with development consent for any purpose for a maximum period of 28 days in any one year.
- (2) Consent may be granted under this clause only if, in the opinion of consent authority, the development contributes to the social, environmental, cultural and economic well-being of the community.
- (3) To avoid doubt, *State Environmental Planning Policy No 1—Development Standards* does not apply to a requirement made by subclause (1).

19 Development for the purpose of a mine

Nothing in this plan prevents a person, with development consent, from carrying out development for the purpose of a mine:

- (a) on any land to which this plan applies, if the mine is underground, or
- (b) on land that is shown as land with future open cut mining potential on the map marked "Lake Macquarie Local Environmental Plan 2004—Areas of Future Open Cut Mining Potential", if the mine is an open cut mine.

20 Suspension of covenants, agreements or instruments

- (1) Any covenant, agreement or similar instrument which affects development allowed by this plan does not apply to the extent necessary to allow the development.
- (2) Nothing in subclause (1) affects the rights or interests of any statutory corporation, public authority or Minister of the Crown under any registered instrument.
- (3) Pursuant to section 28 of the Act, the Governor approved of subclauses (1) and (2) before this plan was made.

21 Development the subject of SEPP 1 application

The consent authority, in determining a written objection made pursuant to *State Environmental Planning Policy No 1—Development Standards*, is to consider the underlying objectives of the development standard or other requirement concerned and the following, to the extent that they are relevant to the proposed development:

- (a) neighbourhood and local context,
- (b) topography,
- (c) solar orientation,
- (d) neighbourhood amenity and character,
- (e) privacy,
- (f) overshadowing,
- (g) security, safety and access,
- (h) local infrastructure,
- (i) landscape design,
- (j) waste disposal,

in addition to the matters referred to in that policy.

Part 5 Special controls for protection of the environment or for particular land**22 Foreshore building lines**

- (1) The objectives of this clause are:
- (a) preservation and enhancement of the natural features and vegetation near where land meets the high water mark, and
 - (b) restoration of the land below any foreshore building line, so far as practicable, to a natural state, with a minimum intrusion of man-made structures, and
 - (c) removal of structures and works below any foreshore building line (particularly on redevelopment of land), other than those excepted by clause 23, and
 - (d) conservation and enhancement of waterfront structures of heritage value, and
 - (e) avoidance of adverse ecological effects on the waterways, and
 - (f) enhancement of the visual amenity of Lake Macquarie.
- (2) Clause 7 of the *Environmental Planning and Assessment Model Provisions 1980* is adopted for the purposes of this plan.
- Note.** Clause 7 of the *Environmental Planning and Assessment Model Provisions 1980* allows the Council to fix a foreshore building line and sets out the effect of such a line.
- (3) *State Environmental Planning Policy No 1—Development Standards* applies to a requirement made by clause 7 of those provisions, when adopted for the purposes of this plan, in the same way as it applies to a development standard.
 - (4) The resolution of the Council cited as *Lake Macquarie Foreshore Building Line Resolution* and adopted by the Council on 18 July 1988 (copies of which are available from the office of the Council) is taken to have been made under clause 7 (1) of those provisions, as adopted for the purposes of this plan.
 - (5) Any references in that resolution to a *current plan* are taken to be references to a current plan within the meaning of the *Conveyancing Act 1919*.

23 Foreshore development and development below DP high water mark

- (1) Foreshore development and development for the purpose of utility installations may be carried out only with development consent between a foreshore building line that is fixed with respect to a DP high water mark and the DP high water mark.
- (2) Development below DP high water mark may be carried out only with development consent which must not be granted unless the consent authority is satisfied:
 - (a) that all existing structures and works on the land below DP high water mark will be removed before or within a reasonable time after development is carried out, or

- (b) that it is unreasonable or unnecessary in the circumstances of the case for that removal to occur, having regard to the objectives of clause 22 and the provisions of any relevant development control plan.

24 Subdivision

- (1) Despite any other provision of this plan, subdivision of land, other than that identified in Schedule 1 as exempt development, may be carried out only with development consent.
- (2) Land in any zone may be subdivided only if the consent authority is satisfied:
 - (a) that the resulting lots will conform to the requirements in Schedule 2 (Subdivision standards) applicable to subdivision in that zone, and
 - (b) the resulting lots can be developed in accordance with this plan.
- (3) To avoid doubt, *State Environmental Planning Policy No 1—Development Standards* applies to a requirement referred to in subclause (2) (a) in the same way as it applies to a development standard.
- (4) Consent must not be granted to a subdivision of land in Zone 2 (1) or 2 (2) for the purpose of small lot housing unless consent has been or is also given to the erection on the land of dwellings that will comprise small lot housing.
- (5) Consent must not be granted for a subdivision of land in Zone 2 (1) for the purpose of dual occupancy-attached or dual occupancy-detached unless consent has been or is also granted for the erection on the land of dwellings comprising that form of dual occupancy.
- (6) The subdivision of land in Zone 2 (1) for small lot housing, a dual occupancy-detached or a dual occupancy-attached is prohibited if it would result in the creation of any battle-axe lots.
- (7) The subdivision of land in Zone 2 (2) for small lot housing is prohibited if it would result in the creation of any battle-axe lots.
- (8) The subdivision of land in Zone 10 is prohibited.

25 Demolition

Except as provided otherwise by this plan, the demolition of a building or work requires development consent.

26 Dwelling houses and dual occupancies in Zone 1 (1), 7 (1), 7 (2), 7 (3) or 10

- (1) This clause applies to land in Zone 1 (1), 7 (1), 7 (2), 7 (3) or 10.
- (2) In this clause:

dwelling lot means:

- (a) an existing holding, or
- (b) a lot that complies with such of the requirements set out in Schedule 2 (Subdivision standards) as apply to the land comprising the lot.

existing holding means:

- (a) except as provided by paragraph (b), a lot, portion or parcel of land as it was on 21 August 1981, or
 - (b) where, on 21 August 1981, a person owned 2 or more adjoining or adjacent lots, portions or parcels of land, the aggregation of those lots, portions or parcels as they were on that date.
- (3) A dwelling must not be erected or created on land to which this clause applies, except in accordance with this clause.
- (4) Consent may be granted for the erection or creation of:
- (a) a dwelling house or dual occupancy-attached on a dwelling lot in Zone 1 (1), 7 (2) or 7 (3), or
 - (b) a dwelling house on a dwelling lot in Zone 7 (1) or 10.
- (5) Consent must not be granted for the erection or creation of a dwelling house or dual occupancy-attached on a dwelling lot if its erection or creation would mean:
- (a) if the lot is in Zone 1 (1), 7 (1), 7 (2), 7 (3) or 10—that there is more than one dwelling house on the dwelling lot (counting any dwelling house already on the lot), or
 - (b) if the lot is in Zone 1 (1), 7 (2) or 7 (3)—that there are more than two dwellings on the dwelling lot (counting any dwelling already on the lot).
- (6) Consent must not be granted for the erection or creation of a dual occupancy-attached or dual occupancy-detached on a neighbourhood lot in Zone 7 (3).
- (7) If consent is granted for the erection or creation of a dwelling house or a dual occupancy-attached on land comprising an existing holding, the consent authority may impose a condition of consent that requires the consolidation of all lots, portions or parcels that comprise that existing holding.

27 Dwelling houses and dual occupancies in Zone 1 (2), 2 (1), 2 (2) or 7 (5)

- (1) This clause applies to land in Zone 1 (2), 2 (1), 2 (2) or 7 (5).
- (2) In this clause:

dwelling lot means a lot that:

- (a) was a lawfully created lot at the commencement of this plan, or

- (b) is a lot lawfully created after that commencement under a development consent granted before or after that commencement, or
 - (c) complies with such of the requirements set out in Schedule 2 (Subdivision standards) as apply to the land comprising the lot.
- (3) A dwelling must not be erected or created on land to which this clause applies, except in accordance with this clause.
- (4) Consent may be granted for the erection or creation of:
- (a) a dwelling house on a dwelling lot in Zone 2 (2), or
 - (b) a dwelling house or dual occupancy-attached on a dwelling lot in Zone 1 (2) or 7 (5), or
 - (c) a dwelling house, dual occupancy-attached or dual occupancy-detached on a dwelling lot in Zone 2 (1).
- (5) Consent must not be granted for the erection or creation of a dwelling house, dual occupancy-attached or dual occupancy-detached on a dwelling lot if its erection or creation would mean:
- (a) if the lot is in Zone 1 (2), 2 (1), 2 (2) or 7 (5)—that there is more than one dwelling house on the dwelling lot (counting any dwelling house already on the lot), or
 - (b) if the lot is in Zone 1 (2), 2 (1) or 7 (5)—that there are more than two dwellings on the dwelling lot (counting any dwelling already on the lot).
- (6) Consent must not be granted for the erection or creation of a dual occupancy-attached or dual occupancy-detached on a neighbourhood lot in Zone 1 (2) or 7 (5).

28 Dwelling houses on South Wallarah Peninsula in Zone 7 (1)

Despite any other provision of this plan, a person must not erect a dwelling house on an allotment of land within Zone 7 (1) within the South Wallarah Peninsula, being the land south of the land to which *Lake Macquarie Local Environmental Plan 2000—North Wallarah Peninsula* applies, unless the allotment has an area of not less than 100 hectares.

29 Building heights

- (1) (Repealed)
- (2) In considering an application for consent to the erection of a building the whole or part of which exceeds 8 metres, the consent authority must take into consideration whether that height is compatible with the heights of other buildings in the immediate vicinity or locality and is compatible with:
 - (a) the site attributes, and existing or proposed uses of the land to which the application relates, and

- (b) the other requirements of this plan and the provisions of any relevant development control plan.
- (3) In the instance of development in proximity to an airport, the heights of buildings must comply with the applicable Obstacle Limitation Surface.

30 Control of pollution

Consent must not be granted to development unless the consent authority is satisfied that all reasonable and practicable control measures will be implemented to minimise pollution likely to arise from carrying out that development.

Note. Pollution may be of air, noise or water. Water pollution includes nutrient and sediment loading.

31 Erosion and sediment control

- (1) This clause applies to development that involves or that, in the opinion of the consent authority, may give rise to the exposure of the soil surface of land to the action of wind or water, whether as a consequence of:
 - (a) the carrying out of earthworks, or
 - (b) the destruction or removal of vegetation, or
 - (c) the carrying out of any other class of development.
- (2) Consent must not be granted to development to which this clause applies unless:
 - (a) the consent authority is satisfied that all reasonable and practicable control measures will be carried out to prevent or minimise the effects of erosion and sediment, and
 - (b) where the area of soil surface exposure is greater than 250 square metres, but less than 2,500 square metres, the consent authority has considered an erosion and sediment control plan complying with erosion and sediment control guidelines adopted by the Council, and whether the consent will include a condition requiring the development to be carried out in accordance with that plan, and
 - (c) where the area of soil surface exposure is 2,500 square metres or greater, the consent authority has considered a soil and water management plan complying with construction guidelines adopted by the Council, and whether the consent will include a condition requiring the development to be carried out in accordance with that plan.

32 Flood prone land

- (1) Despite any other provision of this plan, a person must not erect a structure or carry out a work on flood prone land without development consent.
- (2) Before granting consent required by this clause, the consent authority

must:

- (a) consider the contents of any flood management plan or development control plan applying to the land that has been prepared in accordance with the principles contained in the flood management manual, which is available from the office of the Council, and
- (b) be satisfied that to carry out the development in accordance with the consent would be consistent with flood hazard and levels of risk that are acceptable to the community.
- (3) The consent authority may, by a condition of consent to the carrying out of development referred to in subclause (1), require all floors or levels of the structure or work to be at a height sufficient, in the opinion of the consent authority, to prevent or reduce the incidence of flooding of that structure or work, or of adjoining land.

33 Bush fire considerations

- (1) This clause applies to bush fire prone land.

Note. Section 146 of the Act provides that bush fire prone land is land recorded by the Council as such on a map certified by the Commissioner of the NSW Rural Fire Service as a bush fire prone land map for the area of the Council.

- (2) A person must not carry out bush fire hazard reduction work without development consent unless the person is authorised to carry out the work without consent by or under the *Rural Fires Act 1997* or another Act.
- (3) Before granting consent required by this clause, the consent authority must:
 - (a) have regard to the relevant provisions of *Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006, and available at the office of the Council, and
 - (b) be satisfied that:
 - (i) the measures proposed to avoid or mitigate the threat from bush fire, including the siting of the proposed development, the design of, and materials used in, any structures involved, the clearing of vegetation, and the provision of asset protection zones, landscaping and fire control aids (such as roads and water supplies), are adequate for the locality, and
 - (ii) as far as possible, the potential impact on the environment of mitigation measures proposed is minimised.

34 Trees and native vegetation

Note. Part 6 contains controls relating to trees that are heritage items or within

heritage conservation areas.

- (1) This clause applies to all land except:
- (a) State forest or other Crown-timber lands within the meaning of the *Forestry Act 1916*, or
 - (b) land within Zone 8.
- (2) Except as provided by subclause (3), a person must not clear any tree or any native vegetation unless in accordance with a development consent that is in force.
- (3) Consent is not required for:
- (a) the clearing of trees or native vegetation authorised or required by or under the *Electricity Supply Act 1995*, or
 - (b) the clearing of trees or native vegetation authorised or required by or under the *Roads Act 1993*, or
 - (c) the clearing or harvesting of trees grown commercially or domestically for their edible fruit, or
 - (d) the control of noxious weeds within the meaning of the *Noxious Weeds Act 1993*, or
 - (e) the clearing of commercially grown plantation trees in accordance with the *Plantations and Reafforestation Act 1999*, or
 - (f) the clearing of native vegetation without consent if authorised under the *Native Vegetation Conservation Act 1997*, any other Act or another environmental planning instrument, or
 - (g) the removal of hazardous dead trees within Zone 2 (1), 2 (2), 3 (1), 3 (2), 4 (1), 4 (2), 4 (3), 5, 6 (1) or 6 (2), except where the trees provide habitat for species listed in Schedule 1 or 2 to the *Threatened Species Conservation Act 1995*, or
 - (h) the removal of native vegetation on land, other than in Zone 7 (1), for the purpose of creating or maintaining landscaped and lawn areas where:
 - (i) the removal, injury or destruction of trees is not involved, and
 - (ii) the area to be cleared is less than 600 square metres in total and is on the same allotment as, and within the curtilage of, a dwelling for which development consent has been granted, and
 - (iii) the soil surface exposed in any period of 90 consecutive days will not exceed 250 square metres, and
 - (iv) the slope of the land does not exceed 15 degrees, and
 - (v) the work does not involve the disturbance of native vegetation which is habitat for species listed in

Schedule 1 or 2 to the *Threatened Species Conservation Act 1995*, and

- (vi) the area is not subject to a development consent that requires the trees or native vegetation to be retained, or
 - (i) bushfire hazard reduction work, within the meaning of the *Rural Fires Act 1997*, that is exempted from any requirement for development consent by the operation of that Act, or
 - (j) the clearing of any tree (other than any tree listed on the Council's *Significant Tree Register*) or native vegetation that is:
 - (i) within 5 metres of the outermost projection of a lawfully used building (being a building that is not exempt development), and
 - (ii) on the same allotment as that building,
 but only if a development consent does not require the tree or native vegetation to be retained, or
 - (k) the clearing of any tree (other than a tree listed on the Council's *Significant Tree Register*) or native vegetation that is:
 - (i) within 1 metre of a sealed driveway to a lawfully used building (being a building that is not exempt development), and
 - (ii) on the same allotment as that building,
 but only if a development consent does not require the tree or native vegetation to be retained, or
 - (l) the clearing of any tree or native vegetation where the Council is satisfied beforehand that the tree or native vegetation ought to be cleared because it is dangerous to life or property, or
 - (m) the clearing of any tree or native vegetation required by an order given under Division 1 of Part 2 of Chapter 7 of the *Local Government Act 1993*.
- (4) Consent must not be granted for the clearing of any tree or native vegetation unless the consent authority has considered a statement of environmental effects that assesses in respect of the vicinity of the proposed clearing:
- (a) soil stability and prevention of land degradation, and
 - (b) water quality and associated ecosystems such as streams, rivers, waterbodies or waterways, and
 - (c) scenic or environmental amenity, and
 - (d) vegetation species, vegetation communities, flora and fauna corridors and natural wildlife habitats.
- (5) Nothing in this clause affects any requirement made by or under the *Native Vegetation Conservation Act 1997*.

35 Acid sulfate soils

(1) For the purpose of this clause, *works* means:

- (a) any disturbance of more than one tonne of soil (such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams, and detention basins), foundations and flood mitigation works), or
- (b) any other works that are likely to lower the water table, or
- (c) routine maintenance.

(2) A person must not, without development consent, carry out works described in the following Table on land of the class specified for those works, except as provided by subclause (3).

**Class of land as shown on Works
Acid Sulfate Soils
Planning Maps**

1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works beyond 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered beyond 1 metre below natural ground surface.
4	Works beyond 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered beyond 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 watertable below 1 metre AHD on adjacent Class 1, 2, 3 or 4 land.

(3) This clause does not require consent for the carrying out of those works if:

- (a) a copy of a preliminary assessment of the proposed works, undertaken in accordance with the *Acid Sulfate Soil Manual*, has been given to the Council, and
 - (b) the Council has provided written advice to the person proposing to carry out the works confirming that the results of the preliminary assessment indicate the proposed works need not be carried out pursuant to an acid sulfate soils management plan prepared in accordance with the *Acid Sulfate Soil Manual*.
- (4) Consent required by this clause must not be granted unless the consent authority has considered:
- (a) the adequacy of an acid sulfate soils management plan prepared for the proposed development in accordance with the *Acid Sulfate Soil Manual*, and
 - (b) the likelihood of the proposed development resulting in the discharge of acid water, and
 - (c) any comments from the Department received within 28 days of the consent authority having sent that Department a copy of the development application and the related acid sulfate soils management plan.
- (5) Despite subclause (2), development may be carried out by the Council or the Hunter Water Corporation without consent, being development consisting of:

- (a) emergency works, or
- (b) routine management, or
- (c) minor works.

(6) Where the Council or the Hunter Water Corporation carries out development described in subclause (5) and encounters, or is likely to encounter, acid sulfate soils, the Council or the Hunter Water Corporation must properly deal with those soils in accordance with the proposed development in accordance with the *Acid Sulfate Soil Manual* so as to minimise the actual or potential impact on the environment arising from the disturbance of the soils.

36 Mixed use development

- (1) Consent must not be granted for mixed use development unless the consent authority is satisfied that:
- (a) the gross floor area that will be used for commercial, retail or recreation facilities will be not less than 20 percent of the total gross floor area within the site area to which the development application relates, and
 - (b) the gross floor area that will be used for dwellings and any accommodation for tourists will be not less than 50 percent of that total.
- (2) To avoid doubt, *State Environmental Planning Policy No 1—Development Standards* applies to a requirement made by subclause (1) (a) or (b) in the same way as it applies to a development standard.

37 Unzoned land

- (1) A person must not carry out development on unzoned land without development consent.
- (2) Development of unzoned land is not exempt or complying development, despite any other provision of this plan.
- (3) Consent must not be granted for development of unzoned land unless the consent authority has considered the objectives of the zones in which adjoining land is situated.

38 Advertising structures and signs

Despite any other provision of this plan, the erection and use of an advertising sign or advertising structure of a type referred to in Schedule 1 requires consent if it is not exempt development.

39 Additional development allowed on certain land

- (1) Nothing in this plan prevents a person, with development consent, from carrying out on land described in Column 1 of Schedule 7 any development

specified in relation to that land in Column 2 of Schedule 7, subject to such conditions (if any) as may be so specified.

- (2) If any development specified in Schedule 7 in relation to land is permissible with development consent subject to a condition that consent to the development must be obtained or applied for within a specified period, the consent authority is not prevented from granting consent after that period to the carrying out of alterations or extensions to, or the rebuilding of, a structure or place on that land for which such a consent has been granted.

40 Development for the purpose of agriculture on land in Zone 7 (2)

- (1) In this clause:

nominated owner means the person who, on the appointed day, owned a retained holding.

retained holding means:

- (a) a lot, portion or parcel of land as it was on the appointed day, or
- (b) where, on the appointed day, a person owned 2 or more adjoining or adjacent lots, portions or parcels of land, the aggregation of those lots, portions or parcels as they were on that day.
- (2) This clause applies to a retained holding only if:
- (a) not less than 70% of the retained holding is within Zone 7 (2), and
- (b) immediately prior to the appointed day, the retained holding was within a zone in which development for the purpose of agriculture was permissible either with or without consent.
- (3) Nothing in this plan prevents the nominated owner from carrying out development on a retained holding for the purpose of agriculture (other than intensive agriculture), but only with development consent.

41 Development for the purpose of retirement villages

- (1) This clause aims to maintain the opportunity for the development of retirement village style accommodation for aged persons in appropriate locations where the land satisfies the criteria specified in subclause (5).
- (2) This clause applies to:
- (a) land within Zone 2 (1), and
- (b) land that is not within Zone 2 (1), 7 (1), 7 (4), 8 or 9, but part or all of which immediately adjoins, or is within 400 metres of, land within Zone 2 (1).
- (3) In this clause:
- retirement village* means a complex containing residential premises that

are predominantly or exclusively occupied, or intended to be predominantly or exclusively occupied, by persons aged 55 years or older, which provides access to meals, cleaning, emergency assistance, and a transport service for residents.

- (4) Nothing in this plan prevents a person, with development consent, from carrying out development on any land to which this clause applies for the purpose of a retirement village.
- (5) Despite subclause (4), consent may be granted to development for the purpose of a retirement village only if the consent authority is satisfied that:
- (a) the land on which the development will be carried out is of sufficient size to accommodate a minimum 70 unit retirement village development, and
- (b) the land has frontage to a formed public road servicing nearby urban areas, and
- (c) the development is able to be serviced with reticulated water, sewerage and electricity, and
- (d) at least 70% of the proposed development area comprises land with a slope of less than 20% grade.

42 Consent to development subject to special requirements

- (1) Consent must not be granted to development on any land described in Column 1 of Schedule 8 unless the consent authority has had regard to the development control plan or master plan required for the land by Column 2 of that Schedule.
- (2) Consent must not be granted to development on any land described in Column 1 of Schedule 9 unless the consent authority is satisfied, whether by the imposition of a condition on the consent or otherwise) that any requirement specified for the land in Column 2 of that Schedule has been or will be met.

42A Restricted development

Despite any other provision of this plan, the only development permissible on land described in Column 1 of Schedule 11 is development specified for the land in Column 2 of that Schedule.

Part 6 Heritage provisions

43 Objective

The objective of this Part is to protect and conserve archaeological sites and places of Aboriginal, natural or European cultural significance. It does this by making provisions that conserve the remaining fabric, relics, settings and views, and evidence of the cultural significance of heritage items and the environment of heritage conservation areas.

44 Protection of heritage items and heritage conservation areas

The following development may be carried out only with development consent:

- (a) demolition of, or movement of the whole or a part of, a heritage item,
- (b) demolition of, or movement of, a building, structure, work, relic or tree within a heritage conservation area,
- (c) alteration of, or any addition to, a heritage item that makes substantial structural or non-structural changes to its exterior, such as to its detail, fabric, finish or appearance,
- (d) alteration of a building, a structure, work, relic, or tree within a heritage conservation area by making substantial structural or non-structural changes to its exterior, such as to its detail, fabric, finish or appearance,
- (e) alteration of a heritage item by making substantial structural changes to its interior,
- (f) disturbance or excavation of 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, damaged or destroyed,
- (g) erection of a structure on, or subdivision of, land on which a heritage item is located or which is within a heritage conservation area.

45 Development consent is not required

- (1) Development consent is not required by clause 44 if, in the opinion of the Council:
 - (a) the proposed development is of a minor nature or consists of maintenance of a heritage item or of a building, work, archaeological site, tree or place within a heritage conservation area, and
 - (b) the proposed development would not adversely affect the significance of the heritage item or heritage conservation area.

46 Cemetery or burial grounds

Development consent is not required for the following development in a cemetery or burial ground if there will be no disturbance to human remains, to relics in the form of grave goods or to a place of Aboriginal heritage significance:

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

47 Assessment of heritage significance

- (1) Before granting consent required by this Part, the consent authority must assess the extent to which the carrying out of the proposed development

will affect the heritage significance of the heritage item or heritage conservation area concerned.

- (2) In the case of proposed development that would affect a heritage item, that assessment must include consideration of a heritage impact statement that addresses:
 - (a) the heritage significance of the item as part of the environmental heritage of Lake Macquarie City local government area,
 - (b) the impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or cultural features,
 - (c) the measures proposed to conserve the heritage significance of the item and its setting,
 - (d) whether any archaeological site or potential archaeological site will be adversely affected by the proposed development,
 - (e) the extent to which the carrying out of the proposed development will affect the form of any historic subdivision.
- (3) In the case of proposed development in a heritage conservation area, that assessment must include consideration of a heritage impact statement that addresses the following:
 - (a) 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 this heritage significance,
 - (b) the impact that the proposed development will have on the heritage significance of the heritage conservation area,
 - (c) the compatibility of the proposed development with nearby original buildings and the character of the heritage conservation area, taking into account the size, form, scale, orientation, setbacks, materials and detailing of the proposed development,
 - (d) the measures proposed to conserve the significance of the heritage conservation area and its setting,
 - (e) whether any landscape or horticultural features will be affected by the proposed development,
 - (f) whether any archaeological site or potential archaeological site will be affected by the proposed development,
 - (g) the extent to which the carrying out of the proposed development in accordance with the consent will affect any historic subdivision pattern.

48 Development requiring notification

- (1) A development application proposing the following development requires notification in accordance with *Lake Macquarie Development Control*

Plan No 1—Principles of Development:

- (a) the demolition of a heritage item,
 - (b) the carrying out of any development allowed by clause 53 (Conservation incentives).
- (2) Subclause (1) does not apply to designated development or advertised development.

49 Notice of demolition to Heritage Council

- (1) Within 14 days of receipt of a development application for the demolition of a heritage item identified in Schedule 4, 5 or 6 as being of State significance, the consent authority must forward a copy of the application to the Heritage Council for its comment.
- (2) The consent authority is to take into consideration any comments received by it from the Heritage Council within 28 days after a copy of the application is sent in accordance with subclause (1).

50 Development affecting places or sites of known or potential Aboriginal heritage significance

- (1) Consent must not be granted for development that is likely to have an impact on a place of Aboriginal heritage significance or a potential place of Aboriginal heritage significance, or that will be carried out on an archaeological site of a relic that has Aboriginal heritage significance, unless the consent authority has considered a heritage impact statement explaining how the proposed development would affect the conservation of the place or site and any relic known or reasonably likely to be located at the place or site.
- (2) Except where the proposed development is integrated development, the consent authority must provide a copy of the development application and heritage impact statement to a member or representative of the appropriate local Aboriginal community and the Director-General of the Department of Environment and Conservation within 14 days of receipt of the application.
- (3) Consent must not be granted to any such development unless the consent authority has taken into consideration any comments received by it from any member or representative of that Aboriginal community or that Director-General within 28 days after the application and statement are sent in accordance with subclause (2).
- (4) In the instance of development in proximity to items or places identified in Schedule 6 or recorded or held by a local Aboriginal Land Council, consultation with the relevant local Aboriginal Land Council is required before consent may be granted. Consultation is sufficient for the purposes of this requirement if the consent authority has taken into consideration all comments received from the local Aboriginal Land Council within 28 days after a copy of the application and statement are sent to it by the consent authority.

51 Development affecting known or potential archaeological sites or relics of European heritage significance

- (1) Consent must not be granted for development that will be carried out on an archaeological site or potential archaeological site or a relic that has European heritage significance (whether or not it is also the site of a relic or potential relic of Aboriginal significance) unless the consent authority has considered a heritage impact statement explaining how the proposed development would affect the conservation of the place or site and any relic known or reasonably likely to be located at the place or site.
- (2) Except where the proposed development is integrated development, the consent authority must provide a copy of the development application and heritage impact statement to the Heritage Council within 14 days of receipt of the application.
- (3) Consent must not be granted to any such application unless the consent authority has taken into consideration any comments received by it from the Heritage Council within 28 days after the application and statement are sent in accordance with subclause (2).
- (4) 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.

52 Development in vicinity of a heritage item

- (1) Consent must not be granted for development in the vicinity of a heritage item unless the consent authority has considered a heritage impact statement that includes recommendations for the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works, and for any modification that will reduce the impact of the proposed development on the heritage significance of the heritage item.
- (2) Development is in the vicinity of a heritage item for the purposes of this clause if, in the opinion of the consent authority, the development:
 - (a) may have an impact on the setting of a heritage item, for example, by affecting a significant view to or from the item or by overshadowing, or
 - (b) may undermine or otherwise cause physical damage to a heritage item, or
 - (c) will otherwise have any adverse impact on the heritage significance of a heritage item or of any heritage conservation area within which it is situated.
- (3) Before granting consent for development to which this clause applies, the consent authority must take into account the impact of the proposed development on the heritage significance of the heritage item, on any heritage conservation area within which it is situated and on the visual curtilage and setting of the heritage item.
- (4) A heritage impact statement required by this clause should include

recommendations for the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works and details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item.

53 Conservation incentives

Consent may be granted to the use of a building that is a heritage item, or of the land on which such a building is erected (even though the use would be otherwise prohibited by this plan) if the consent authority is of the opinion that:

- (a) the retention of the heritage item depends on the granting of consent, and
- (b) the proposed use will be in accordance with a conservation management plan which has been prepared to the satisfaction of the Council, and
- (c) the granting of consent to the proposed use will ensure that all necessary conservation work identified in the conservation management plan is carried out, and
- (d) the proposed use will not adversely affect the heritage significance of the heritage item or its setting, and
- (e) the proposed use will not adversely affect the amenity of the surrounding area.

54 Development in heritage conservation areas

- (1) Before granting consent for the erection of a building within a heritage conservation area, the consent authority must be satisfied that the features of the proposed building will be compatible with the heritage significance of the heritage conservation area, having regard to the form of, and materials used in, buildings that contribute to the heritage significance of the heritage conservation area.
- (2) In forming that opinion, the consent authority must consider, where relevant:
 - (a) the scale, bulk and form, including detailing and articulation, of the building, and
 - (b) the pitch and form of the roof, and
 - (c) the style, size, proportion and position of the openings for windows or doors, and
 - (d) the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building, and
 - (e) any other matter that the consent authority considers relevant to the assessment of the application.

Part 7 Administrative provisions

55 Acquisition of land required for community purposes

- (1) The owner of land within Zone 2 (1), 3 (1), 4 (1), 4 (2), 5, 6 (1), 6 (2), 7 (1), 7 (2) or 10 and shown cross-hatched (but not otherwise hatched) on the map may, by notice in writing, require the Council to acquire the land.
- (2) On receipt of a notice referred to in subclause (1), but subject to subclause (3), the Council must acquire the land.
- (3) However, nothing in this plan, other than subclause (4), requires the Council to acquire land:
 - (a) if the land may be required to be dedicated to the Council as a condition of consent to the carrying out of development, or
 - (b) within Zone 6 (1) or 7 (2) if, in the opinion of the Council, the need for the open space has not yet been created by residential development in the vicinity.
- (4) On receipt of a notice referred to in subclause (1), the Council must acquire land within Zone 6 (1) or 7 (2) if the Council is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time.

Note. If land, other than land shown cross-hatched on the map, is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning is required to take action to enable the designation of the acquiring authority. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning (see section 21 of the *Land Acquisition (Just Terms Compensation) Act 1991*).

56 Interim development of land required for community purposes

- (1) A person must not carry out development without development consent on land within Zone 2 (1), 3 (1), 4 (1), 4 (2), 5, 6 (1), 6 (2), 7 (1), 7 (2) or 10, and shown by cross-hatching on the map, before it is acquired in accordance with this plan.
- (2) A person must not carry out development on land referred to in subclause (1) that may be required to be acquired by the Council so as to render the land unfit for the purpose for which it is zoned.
- (3) Consent must not be granted for development of land referred to in subclause (1) before it is acquired in accordance with this plan unless the consent authority has considered:
 - (a) the need for the proposed development on the land, and
 - (b) the impact of the proposed development on the existing and likely future use of the land, and
 - (c) the need to retain the land for its existing or likely future use, and
 - (d) the effect of the proposed development on the cost of acquisition, and
 - (e) the imminence of acquisition, and
 - (f) the cost of reinstatement of the land for the purpose for which

the land is to be acquired.

- (4) Conditions may be imposed on such a consent that limit the period during which development may be carried out in accordance with the consent and require:
- (a) the removal of any structure or work for which the consent was granted, and
 - (b) the reinstatement of the land or removal of any waste, refuse or contaminants,
- without the payment of compensation by the Council.

57 Acquisition of land required for State roads

- (1) The owner of any land within Zone 5 identified by hatching (other than cross-hatching) on the map may, by notice in writing, require the RTA to acquire that land.
- (2) On receipt of such a notice, the RTA must acquire the land if:
- (a) the land is vacant, or
 - (b) the land is not vacant but:
 - (i) is included in a 5 year works program of the RTA, current at the time of receipt of the notice, or
 - (ii) the RTA will not give concurrence required by clause 56 for development of the land, or
 - (iii) the RTA is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time.
- (3) The RTA is not required to acquire land if, because of development consent, that land could reasonably be expected to be dedicated for a State road.

58 Concurrence of RTA for interim development of land required for State roads

- (1) Consent may be granted for development of any land within Zone 5 that may be required to be acquired by the RTA before it is so acquired only with the concurrence of the RTA.
- (2) Before granting that concurrence, the RTA must take into consideration the following:
- (a) the effect of the proposed development on the cost of acquisition,
 - (b) the imminence of acquisition,
 - (c) the cost to reinstate the land for the purpose for which the land is to be acquired.

59 Acquisition of coastal land

- (1) This clause applies to land within Zone 7 (1) or 7 (4) shown by hatching (but not cross-hatching) on the map.
- (2) The owner of any land to which this clause applies may, by notice in writing, require the corporation to acquire the land.
- (3) On receipt of a notice referred to in subclause (2), the corporation must acquire the land, unless the land may be required to be provided as a condition of consent to the carrying out of development.
- (4) Despite any other provision of this plan, development may be carried out only with development consent on land to which this clause applies and only for the purpose of the following:
- (a) agriculture (and buildings incidental to the use of the land for agriculture),
 - (b) dams,
 - (c) drainage,
 - (d) dwelling houses.
- (5) Consent to the carrying out of development on land to which this clause applies may be granted only with the concurrence of the Minister.
- (6) Before granting that concurrence, the Minister must take into consideration the following:
- (a) the need for the proposed development on the land,
 - (b) the impact of the proposed development on the existing and likely future use of the land,
 - (c) the need to retain the land for its existing or likely future use,
 - (d) the effect of the proposed development on the cost of acquisition,
 - (e) the imminence of acquisition,
 - (f) the cost to reinstate the land for the purpose for which the land is to be acquired.

60 Development on land adjoining Zones 5, 7 (1), 7 (4) and 8

- (1) Consent must not be granted for development on land adjoining land within Zone 5 unless the consent authority is satisfied that the proposed development will be consistent with the efficient operation of the potential or existing infrastructure development within the zone.
- (2) Consent must not be granted to development on land adjoining or adjacent to land within Zone 7 (1) unless the consent authority is satisfied that the proposed development is consistent with the effective conservation of the land within Zone 7 (1) and its protection from adverse impacts, including stormwater run-off, erosion and sedimentation, pollution, weed infestation,

feral or domestic animals, chemicals, nutrients and the like.

(2A) Consent must not be granted to development on land adjoining or adjacent to land within Zone 7 (4) unless the consent authority is satisfied that the proposed development is consistent with:

- (a) the effective conservation of the coastal corridor and cultural heritage within the zone, and
- (b) the provision of the coastal walk and public access within the zone, and
- (c) the protection of land within the zone from:
 - (i) any adverse impacts on the scenic or visual values of the land, and
 - (ii) any stormwater runoff, erosion and sedimentation, pollution, weed infestation, feral or domestic animals, chemicals, nutrients and the like.

(3) Consent must not be granted to development on land adjoining or adjacent to land within Zone 8 unless the consent authority has sent a copy of the development application to the Director-General of the Department of Environment and Conservation and considered any response received from that Director-General within 28 days of sending the copy.

61 Reclassification of community land as operational land

- (1) The public land referred to in Schedule 3 is classified or reclassified as operational land for the purposes of the *Local Government Act 1993*.
- (2) In accordance with section 30 of the *Local Government Act 1993*, land described in Columns 1 and 2 of Schedule 3, 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 all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land except:
 - (a) those (if any) specified for the land in Column 3 of Schedule 3, and
 - (b) any reservations that except land out of a Crown grant relating to the land, and
 - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).
- (3) Before the relevant amending plan inserted a description of land in Schedule 3, the Governor approved of subclause (2) applying to the land.
- (4) In this clause, *the relevant amending plan*, in relation to land described in Schedule 3, means this plan or, if the description of the land is inserted into that Schedule by another local environmental plan, that plan.

62 Public infrastructure in urban release areas

(1) Aim

The aim of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure and public utility infrastructure before the subdivision of land in urban release areas to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.

(2) Application

This clause applies to land in an urban release area, but does not apply to any such land if the whole or any part of it is in a special contributions area (as defined by section 93C of the Act).

(3) This clause prevails over any other provision of this plan to the extent of any inconsistency.

(4) Arrangements for designated State public infrastructure

Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.

(4A) *State Environmental Planning Policy No 1—Development Standards* does not apply to the subdivision of land to which subclause (4) applies.

(5) Subclause (4) does not apply to:

- (a) any lot identified in the certificate as a residue lot, or
- (b) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utilities, educational facilities, or any other public purpose, or
- (c) a subdivision for the purpose only of rectifying an encroachment on any existing lot.

(6) Public utility infrastructure

Development consent must not be granted for development on land in an urban release area unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

(7) Subclause (6) does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

(8) Interpretation

In this clause:

designated State public infrastructure means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds:

- (a) State and regional roads,
- (b) bus interchanges, bus services and bus lanes,
- (c) rail infrastructure and land,
- (d) land required for regional open space,
- (e) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).

public utility infrastructure means infrastructure for any of the following purposes:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage.

urban release area means the land shown edged heavy black on the following maps:

Lake Macquarie Local Environmental Plan 2004 (Amendment No 14)—Sheet 3.

Lake Macquarie Local Environmental Plan 2004 (Amendment No 20)—Sheet 1

State Environmental Planning Policy (Major Projects—North Cooranbong) Amendment 2008—North Cooranbong Urban Release Area Map

Schedule 1 Exempt development

(Clause 8)

1 What is exempt development?

- (1) Development is exempt development if:
 - (a) it is described in Column 1 of the Table to this Schedule, and
 - (b) it is carried out within a zone specified for the development in Column 2 of that Table, and
 - (c) it complies with the criteria specified for the development in Column 3 of that Table.
- (2) However, development is not exempt development if:
 - (a) it is prohibited by this plan, or
 - (b) it is not of minimal environmental impact, or
 - (c) it is carried out on land described in clause 2 of this Schedule, or
 - (d) it does not comply with any of the relevant general criteria for

exempt development specified in clause 3 of this Schedule.

- (3) In measuring heights and maximum areas specified in the Table to this Schedule:
 - (a) height is measured from natural ground level, and
 - (b) a maximum area for a structure is the total of all areas occupied by the type of structure, unless otherwise stated.

2 Land on which there is no exempt development

- (1) Development is not exempt development if it is carried out on land that:
 - (a) is critical habitat (within the meaning of the *Threatened Species Conservation Act 1995*), or
 - (b) is, or is part of, a wilderness area (within the meaning of the *Wilderness Act 1987*), or
 - (c) is land below the 1 in 100 year flood level if it involves the erection or use of a structure with a habitable room, or land below the 1 in 20 year flood level if it involves the erection or use of a structure with rooms none of which is habitable, except where otherwise indicated in the Table to this Schedule, or
 - (d) is land to which *State Environmental Planning Policy No 14—Coastal Wetlands* applies, or
 - (e) is land to which *State Environmental Planning Policy No 26—Littoral Rainforests* applies, or
 - (f) is identified as an Aboriginal place or known Aboriginal relic on a register kept by the National Parks and Wildlife Service, or is dedicated or reserved under the *National Parks and Wildlife Act 1974*, or
 - (g) is identified by a bush fire risk management plan approved under the *Rural Fires Act 1997* as subject to medium or high bush fire risk, or
 - (h) is land with a slope greater than 15 degrees, or
 - (i) is identified as potential acid sulfate soil Class 1 or 2 on the Acid Sulfate Soil Planning Maps dated December 1997 and kept by the Council, except where the proposed development does not involve the movement of soils on the site, or
 - (j) is identified as potential acid sulfate soil Class 3 on the Acid Sulfate Soil Planning Maps dated December 1997 and kept by the Council, where any proposed excavation involved in the development is greater than 500mm, or
 - (k) is identified as potential acid sulfate soil Class 4 on the Acid Sulfate Soil Planning Maps dated December 1997 and kept by the Council, where any proposed excavation involved in the development is greater than 1.5 metres, or

- (l) is within a mine subsidence area, unless the proposed development has been formally approved, prior to commencement, by the relevant Mine Subsidence Board, or
- (m) is land on which a tree or native vegetation exists, where the proposed development involves clearing for which consent is required by clause 34, or
- (n) is the site of a heritage item or an item proposed by a draft environmental planning instrument to be a heritage item, or
- (o) is subject to an order under Division 2A of Part 6 of the *Environmental Planning and Assessment Act 1979* or Division 1 of Part 2 of Chapter 7 of the *Local Government Act 1993*, other than an order to demolish, that has not been complied with, or
- (p) is between a foreshore building line and the water body to which that line relates, or
- (q) is within 40 metres of a watercourse, river, stream, creek or lake—where excavation of the land (not including footings for minor structures) is proposed, or
- (r) is a remediation site within the meaning of the *Contaminated Land Management Act 1997* or land subject to an agreement with the Environment Protection Authority under section 26 of that Act for voluntary remediation.

3 Criteria that must be satisfied by all exempt development

Development is exempt development only if it complies with all of the following general criteria relevant to the form of development:

- (a) all structures comply with the *Building Code of Australia*, including the standards identified in that code,
- (b) all structures and activities comply with the Council's adopted building lines and setbacks, unless otherwise specified in the Table to this Schedule,
- (c) the development complies with all relevant development control plans and policies approved by the Council,
- (d) no existing condition of development consent or building approval affecting a site is contravened or compromised,
- (e) no structure is built over a sewer main, easement or natural watercourse and adequate clearance is provided to all sewer junction shafts, surcharge gullies, hot water service overflow pipes, and waste outlet pipes unless prior written agreement has been obtained from the Council or the local water and sewerage authority or supplier, as the case may require,
- (f) the development does not require the installation or alteration of a sewage management facility,
- (g) all structures have clearance from power lines in accordance with the relevant electricity authority or supplier,

- (h) all structures are built with new materials or second-hand materials which retain the structural adequacy and integrity of the material when new,
- (i) all structures are built with materials which match the design and appearance of any existing buildings on the site of the proposed development or in the immediate vicinity,
- (j) no structure or activity obstructs vehicular or human access,
- (k) no structure is located within the curtilage of a swimming pool which compromises the effectiveness of the swimming pool safety barrier or fence,
- (l) all structures and activities comply with relevant legislation affecting their use and with statutory and other requirements of the Council and any other relevant public authorities.

Table

Column 1 Erection (or installation) and use, or carrying out, of the following:	Column 2 Zones in which development is exempt	Column 3 Circumstances where exempt
Access ramp to a building (for able and disabled persons)	All zones	Maximum height of 1 metre (above natural ground level). Maximum grade 1:14 and otherwise in compliance with AS 1428.1. Located so that the structure and its use do not obstruct carparking or vehicular access. Where part of a strata development, the approval of the owners corporation has been given. Installation must not impact on existing carparking provision.
Advertising structures (see below for additional requirements for particular kinds of advertising structures)	All zones	General criteria—in addition to the criteria for particular kinds of structures listed below: (a) maximum area 2 square metres in Zone 4 (1), 4 (2) or 4 (3), and (b) maximum area 1 square metre in all other zones, and (c) one sign per premises, and (d) signs must not cover mechanical ventilation inlet or outlet vents, and (e) advertising structures over public road to be at least 600mm from kerb/roadway edge, and (f) signs must not be illuminated or use flashing lights or

similar devices for illumination,
and

(g) must meet all applicable performance criteria in Part 2.7.7 (Signs) of *Lake Macquarie Development Control Plan No 1—Principles of Development*, and

(h) not erected on a heritage item unless with agreement of the Council and by using existing fixings approved for the purpose by the Council.

Advertising structures used for display of the following:

- | | | |
|--|-----------------------|--|
| (a) Business identification signs in residential areas | Zones 2 (1) and 2 (2) | Satisfy general criteria above.
Maximum area 1 square metre. |
| (b) Business identification signs | Zones 3 (1) and 3 (2) | Suspended under awnings signs:
(a) satisfy general criteria above, and

(b) securely fixed by metal supports, and

(c) do not affect the structural integrity of the awning or building.

Vertical or horizontal projecting wall signs:
(a) satisfy general criteria above, and

(b) securely fixed by metal supports, and

(c) do not affect the structural integrity of the awning or building.

Flush wall signs:
(a) satisfy general criteria above, and

(b) securely fixed.

Top hamper signs:
(a) satisfy general criteria above, |

and

(b) securely fixed.

- | | | |
|--|--|--|
| (c) Business identification signs in industrial areas | Zones 4 (1), 4 (2), 4 (3) and 9 | Satisfy general criteria above.
Securely fixed by metal supports.
If over a public road, signs erected at a height no less than 2.6m above ground level. |
| (d) Real estate signs (advertising premises/land for sale or rent) in residential, environmental protection and rural zones | Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (4) and 7 (5) | Satisfy general criteria above.
For land in Zone 2 (1) or 2 (2), have a maximum area of:
(a) 1.2 square metres for a "For Sale" sign, or

(b) 2.5 square metres for an auction sign.

For rural, environmental protection or conservation land, have a maximum area of 2.5 square metres.
Only where it is attached to an existing approved structure eg fence, dwelling house or garage. |
| (e) Real estate signs (advertising premises/land for sale or rent) in commercial, tourist and industrial areas | Zones 3 (1), 3 (2), 4 (1), 4 (2), 4 (3), 5, 6 (2), 9 and 10 | Satisfy general criteria above.
Have a maximum area of 4.5 square metres. |
| Aerials/antennae/microwave antennae ancillary to lawful dwellings (not including satellite dishes—dealt with as separate provision below) | All zones | For domestic use only.
Only one (of each) per dwelling.
Must not project beyond property boundary.
Maximum height 6 metres above ridge of the roof or 10 metres above ground level if not attached to building.
Must not produce interference on nearby televisions, radios or electrical appliances. |
| Air conditioning units for a lawful dwelling or community building (attached to external wall or ground mounted) | All zones | Not located on the front facade of the dwelling.
Installation must not reduce the structural integrity of the building.
Any opening created is to be adequately weatherproofed.
Noise level not to exceed 5dbA above ambient background noise level measured at the property boundary or wall of any dwelling on adjoining properties.
Located wholly within the property boundaries of the subject site, not over any right-of-way or easement and not obstructing any essential accessway. |
| Amusement devices (being a small amusement device as defined in the <i>Local Government (Approvals) Regulation 1999</i> (eg dodgem cars, giant slides, jumping castles, merry-go-rounds etc) | Zones 3 (1), 3 (2), 6 (1) and 6 (2) | The device is to be installed and is used for 1 day/weekend events only.
The device is erected on level ground of sufficient bearing capacity to support the device.
The device is registered under the <i>Occupational Health and Safety Regulation 2001</i> .
The device is erected in accordance with all the conditions set out in its certificate of registration.
The device has a current logbook within the |

		<p>meaning of the <i>Occupational Health and Safety Regulation 2001</i>.</p> <p>The device is subject to a contract of insurance or indemnity to an unlimited amount or no less than \$10,000,000 for each person who would be liable for damages for death or personal injury arising out of the operation or use of the device and any total or partial failure or collapse of the device against that liability.</p> <p>The device meets with the operational requirements of the WorkCover Authority.</p>
Arcade amusement devices (eg pinball machines, virtual reality games etc)	Zones 3 (1), 3 (2) and 6 (2)	<p>Located wholly within the subject premises.</p> <p>A total of no more than 5 devices are installed.</p>
Automatic teller machines (ATM)	Zones 3 (1), 3 (2), 4 (1), 4 (2), 4 (3) and 6 (2)	<p>Wholly enclosed within an arcade or shopping mall or, if facing a public footpath or street, the ATM must provide capacity for queuing and not hinder free movement of pedestrians.</p> <p>It must:</p> <p>(a) be attached to the wall of a building, and</p> <p>(b) include a bin with adequate capacity to discourage littering.</p>
Awnings, canopies and storm blinds on existing dwellings for which consent or a building approval has been granted	All zones	<p>Maximum area of 30 square metres—for awnings. Located wholly within property boundaries. Minimum setback of 5 metres from side and rear boundaries in rural and environmental protection and conservation zones.</p> <p>Minimum setback of 900mm to side and rear boundaries in residential and commercial zones. Materials used are non-reflective. Roof water is discharged to street, easement, watercourse or otherwise without causing a nuisance. Maximum height of 2.7 metres. Complies with front boundary setbacks for the zone.</p>
Awnings over trade waste disposal points	Zones 4 (1), 4 (2) and 9	<p>Maximum of 30 square metres. Maximum height of 2.7 metres. Must facilitate maintenance of the trade waste device and enable all weather use. Constructed in materials which match and/or complement the design and appearance of existing buildings. Not located within front building setback. Complies with front building setbacks for the zone.</p>
Barbecues ancillary to a building for which consent or a building approval has been granted	All zones	<p>Maximum area of 4 square metres. Maximum height of 2 metres. Minimum setback of 900mm from side and rear boundaries. Minimum separation of 1,800mm from any adjoining dwelling.</p>
Bed and breakfast establishments up to 2 bedrooms	Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10	<p>Complies with Part 3.7.8 (Bed and Breakfast Establishment) of <i>Lake Macquarie Development Control Plan No 1—Principles of Development</i>. Premises must have been inspected by the Council, and the Council must have supplied written evidence of that inspection, before use commenced.</p>

Bird aviaries (for domestic purposes only and not for the keeping of fowls—see "Fowl House")	Zones 1 (1), 1 (2), 2 (1), 7 (3) and 7 (5)	<p>Maximum area of 10 square metres. Maximum height of 2.7 metres. Floor to be impervious. Located in rear yard. Minimum setback of 900mm to a property boundary.</p>
Bridges (pedestrian) and staircases installed in public parks and recreation spaces	Zones 2 (1), 5 and 6 (2)	<p>Bridges to a maximum span of 5 metres, maximum height of 2 metres above natural ground level (excluding height of handrails) and constructed by or for the Council. Designed, fabricated and installed in accordance with the <i>Building Code of Australia</i>, relevant Australian Standards and any requirements of the <i>Disability Discrimination Act 1992</i> of the Commonwealth.</p>
Bus shelters	All zones	<p>Must be suitably designed and constructed by or for the Council. Must reflect character and amenity of the area. Does not obstruct the line of sight of vehicular traffic. Located to enable safe and convenient access from both sides of the road by pedestrians including people with disabilities. Maximum area of 10 square metres. Non-reflective surface finishes. Advertising signs must not be attached.</p>
Bush regeneration, beach cleaning and raking, and riparian, littoral and foreshore stabilisation works	All zones	<p>Riparian and littoral foreshore stabilisation works must:</p> <p>(a) be undertaken by the Council or public authorities or by others on their behalf, and</p> <p>(b) be limited to beach reconstruction/shaping up to a maximum of 500 square metres in area, bank stabilisation up to a maximum of 500 square metres, rock revetment up to a maximum of 1 metre in height, foreshore planting of endemic species, and removal (in accordance with the Council's maintenance program) of silt deposition from storm water channels and outlets, and from artificial wetlands, and</p> <p>(c) involve only minor earthworks and site improvements, and</p> <p>(d) not cause or contribute to soil erosion or instability.</p>
Cabanas/gazebos and greenhouses	Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (3), 7 (5) and 10	<p>Maximum area of 20 square metres. Maximum height of 2.7 metres. Minimum setback of 900mm to side and rear boundaries in residential zones. Complies with the Council's front boundary</p>

Carports	Zones 1 (1), 1 (2), 2 (1), 2 (2), 3 (1), 3 (2), 4 (1), 4 (2), 4 (3), 7 (1), 7 (2), 7 (3), 7 (5), 9 and 10	setbacks for the zone. Minimum setback of 5 metres to side and rear boundaries in rural and environmental protection zones. Constructed in non-reflective materials. Minimum front building setback of 6 metres. Maximum area 36 square metres. Maximum height 2.7 metres. Minimum side and rear setback 900mm. Roof materials to be non-reflective. Roof water is discharged to street, easement, watercourse or otherwise without causing a nuisance. Where structure fronts the street, maximum width of carport opening of 6 metres or 50% of lot frontage, whichever is less. Does not interfere with vehicle movements on site.
Charity bins/clothing and recycling bins	Zones 3 (1), 3 (2), 4 (1), 4 (2) and 4 (3)	Must not result in more than three bins in any one location. Located wholly on private property and not in a public place.
Clothes hoist/line ancillary to a dwelling for which consent or a building approval has been granted	All zones	Minimum setback 900mm from side and rear boundaries for any part of the structure. Adequately screened from a public place or road. Not located in front setback.
Compost heaps	Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10	Maximum volume of 2 cubic metres in residential zones. Maximum volume of 8 cubic metres in rural conservation or environmental protection zones. Minimum side and rear setback for residential zones is 900mm. Minimum side and rear setback for rural conservation or environmental protection zones is 5 metres. Not located in front setback.
Cubby houses (see also "playground equipment")	Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10	Maximum height 2.4 metres. Maximum area 20 square metres. Minimum setback of 900mm to side and rear boundaries. Not associated with commercial premises. Not located within the front setback. Not located so as to compromise the effectiveness of pool fencing.
Decks attached to dwellings (roofed and/or unroofed and open and/or enclosed) patio abutting a dwelling	Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10	Maximum area 20 square metres. Finished floor level not greater than 1 metre above natural ground level. Maximum width of 4 metres. For a timber deck—minimum clearance to the ground of 400mm and compliance with AS 3660 (termite control). Complies with the Council's front boundary setbacks for the zone. Minimum setback of 900mm to side and rear boundaries in residential zones. Minimum setback of 5 metres to side and rear boundaries in rural, conservation and environmental protection zones. Roof water is discharged to street, easement, watercourse, or otherwise without causing a nuisance.
Demolition	All zones	Council has issued an order to demolish under Division 2A of Part 6 of the <i>Environmental Planning and Assessment Act 1979</i> or section 124 of the <i>Local Government Act 1993</i> . The structure did not or does not require

Different use resulting from change of use of shop to an office or other commercial premises, or vice versa	Zones 3 (1) and 3 (2)	development consent to be built, that is, its erection is exempt development. Demolition is carried out in accordance with Australian Standard AS 2601—2001, <i>Demolition of structures</i> . Consent was granted for the former use. Not where the current use is based on existing use rights, ie where the land use zone does not support the use. Different use does not include a brothel, a bottle shop, food premises, a drug use rehabilitation clinic, a methadone clinic or a safe injecting room. No change to arrangements for access/parking, loading and waste disposal. Does not increase the fire load in the structure. Must be a permitted use in the zone.
Different use resulting from change of use of an office to an office	Zones 3 (1) and 3 (2)	
Different use resulting from change of use of a shop to a shop	Zones 3 (1) and 3 (2)	Different use does not include food premises where food is stored or prepared or a bottle shop.
Different warehouse use resulting from change from another warehouse use	Zones 4 (1), 4 (2) and 3 (2)	Floor area of warehouse less than 500 square metres. Consent was granted for the former warehouse use. Different use is allowed by the zoning. No change to arrangements for access/parking, loading and waste disposal. Does not increase the fire load in the structure or affect the fire safety measures of the building. Different use does not involve food related operations (for example, preparation, packaging, storage etc of food products).
Earthworks (rural)	Zone 1 (1)	Where the earthworks constitute one or more of the following: (a) levelling of land to a maximum of 300mm, (b) maintenance of drainage works, (c) backfilling of dams with not more than 5 megalitres storage capacity, (d) desilting of dams, (e) maintenance of existing access roads within property boundaries.
Fences (all types)	All zones	General requirement in addition to the particular requirements listed for the different types of fences: (a) must be constructed so that they do not prevent the natural flow of stormwater drainage, (b) must not be located wholly or

		partly between a foreshore building line and the water body in relation to which the foreshore building line is fixed.
Fences—boundary (side, front and rear fences and on corner lots)	All zones	<p>Maximum height of 1 metre if constructed of brick or masonry.</p> <p>Maximum height of 1.8 metres for side or rear fences (unless constructed of brick or masonry).</p> <p>Maximum height of 1 metre for front fences.</p> <p>Front fences must comply with Part 2.7.8 (Fences) of <i>Lake Macquarie Development Control Plan No 1—Principles of Development</i>.</p> <p>Boundary fences on corner lots must comply with Acceptable Solution A1.4 in Part 2.7.8 (Fences) of <i>Lake Macquarie Development Control Plan No 1—Principles of Development</i>.</p>
Fences—electric	Zones 1 (1), 1 (2), 7 (1), 7 (2), 7 (3) and 7 (5)	<p>Where fence is to be erected in accordance with AS/NZS 3014:2003, <i>Electrical installations—Electric fences</i>.</p> <p>Maximum height of 1.8 metres.</p>
Fences—masonry or brick	All zones	Maximum height of 1 metre.
Fences—security	Zones 3 (1), 3 (2), 4 (1), 4 (2), 4 (3) and 9	Chain wire fences around industrial zoned land, construction/demolition sites or Council owned or operated compounds or depots. Maximum height of 3 metres.
Flagpoles	Zones 1 (1), 1 (2), 2 (1), 2 (2), 3 (1), 3 (2), 4 (1), 4 (2), 4 (3), 5, 6 (1), 6 (2), 9 and 10	<p>Maximum height of 9 metres above natural ground level.</p> <p>1 per site in residential zones, all other zones 1 per 20 metres of street frontage.</p> <p>Flag and pole wholly located within property boundary.</p>
Footway dining	Zones 3 (1), 3 (2), 4 (3), 5, 6 (1), 6 (2) and 7 (4)	Only if in accordance with a current footway dining licence issued by the Council under section 125 of the <i>Roads Act 1993</i> .
Fowl house (for the keeping of chickens)	Zones 1 (1), 1 (2), 2 (1), 7 (3) and 7 (5)	<p>Maximum area of 50 square metres.</p> <p>Maximum height of 3 metres.</p> <p>Minimum setback of 5 metres from side and rear boundary.</p> <p>Complies with the Council's <i>Guide for Keeping of Animals</i>.</p> <p>Behind front building line.</p> <p>Materials used must blend with the environment and be non-reflective.</p> <p>Adequate drainage to be provided.</p> <p>Design of structure to enable disposal of manure and waste water in a manner that does not harm or pollute the local or downstream environment.</p> <p>Design of structure to mitigate the effects of any noxious smell on the locality.</p> <p>Complies with Division 2 of Schedule 5 to the <i>Local Government (Orders) Regulation 1999</i> (Standards for keeping birds or animals—Keeping of poultry).</p>
Fuel tanks—used in conjunction with agricultural activities or home business for which consent granted	Zones 1 (1), 1 (2), 7 (2), 7 (3), 7 (5) and 9	<p>Maximum size of 5,000 litres.</p> <p>Located wholly within the boundaries of the property.</p> <p>Bunded with capacity to contain at least 110% of the capacity of the fuel tank.</p>

		Constructed of prefabricated metal, free-standing and not relying on other structures for support. Operated and maintained in accordance with AS 1940—1993, <i>The storage and handling of flammable and combustible liquids</i> . Not erected within 30 metres of a creek or boundary to the street or within 5 metres of a side or rear boundary. Minimum setback of 20 metres from adjoining dwellings.
Garden sheds (free standing and prefabricated)	Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (2), 7 (3), 7 (5) and 10	<p>Maximum floor area of 20 square metres.</p> <p>Maximum overall height of 2.4 metres above ground level.</p> <p>Minimum of 900mm from side or rear boundary.</p> <p>Located in the rear yard and not within front building setback.</p> <p>Constructed using non-reflective materials.</p> <p>Roof cladding is securely fixed to roof beams or rafters.</p> <p>Supporting posts are securely fixed to concrete footings or slabs.</p> <p>Roof water is discharged to street, easement, watercourse or otherwise without causing a nuisance.</p> <p>Maximum 2 sheds per property.</p>
Goal posts, sight screens, promotional signs and similar ancillary sporting structures on sporting or playing fields for use in the playing and/or performance of sporting events (excluding grandstands, dressing sheds and other such structures)	Zone 6 (1)	<p>Construction by or for the Council and installed in accordance with any relevant SAA standards.</p> <p>Located in public parks or recreation areas.</p> <p>Promotional signs not to face public road.</p> <p>Promotional signs only to be fixed to an existing structure.</p> <p>Promotional signs maximum height 1 metre and maximum width 3 metres.</p>
Hail protection	Zones 1 (1) and 1 (2)	Only if ancillary to agricultural use and consisting of light construction (eg poles, wire and mesh).
Home occupation	All zones	<p>Must be carried out in an existing dwelling for which consent or a building approval has been granted.</p> <p>Dwelling cannot be based on existing use rights (ie where the land zone does not support the use).</p> <p>No goods are sold from the premises.</p>
Horse stables and animal shelters keeping up to 4 horses	Zone 1 (1)	<p>Maximum area of 20 square metres.</p> <p>Maximum height of 3 metres.</p> <p>Minimum setback of 5 metres from side and rear boundary and not in front of the building line or in front of any dwelling.</p> <p>Constructed of timber (cut or round) or metal.</p> <p>Materials used must have non-reflective properties and earth tones and finishes which complement native vegetation.</p> <p>Adequate drainage to be provided.</p> <p>Design of structure to enable disposal of manure and waste water in a manner that does not harm or pollute the local or downstream environment.</p> <p>Design of structure to mitigate the effects of any noxious smell on the locality.</p> <p>Complies with any standards relating to the keeping of horses and cattle set out in regulations made under the <i>Local Government Act 1993</i> (being standards enforceable by the making of Order No 18 under section 124 of that Act).</p>
Horse stables and animal shelters keeping up to 2 horses	Zones 1 (2), 7 (3) and 7 (5)	<p>Maximum area of 10 square metres.</p> <p>Minimum setback of 5 metres from side and rear boundary and not in front of the building line or in</p>

		<p>front of any dwelling. Constructed of timber (cut or round) or metal. Materials used must have non-reflective properties and earth tones and finishes which complement native vegetation. Adequate drainage to be provided. Design of structure to enable disposal of manure and waste water in a manner that does not harm or pollute the local or downstream environment. Design of structure to mitigate the effects of any noxious smell on the locality. Complies with any standards relating to the keeping of horses and cattle set out in regulations made under the <i>Local Government Act 1993</i> (being standards enforceable by the making of Order No 18 under section 124 of that Act).</p>	<p>Internal alterations comprising office or shop fit-out</p> <p>Zones 3 (1) and 3 (2)</p> <p>Non-structural alterations only.</p> <p>Alterations must meet the relevant deemed-to-satisfy provisions of the <i>Building Code of Australia</i>.</p> <p>Alterations must not cause the existing building in which they are carried out to contravene the <i>Building Code of Australia</i>.</p> <p>No alterations to bottle shop or to food premises where food is stored or prepared.</p> <p>May only be carried out in road reserves, parks or on land containing a dwelling house.</p> <p>Landscaping does not include earthworks or the construction of retaining walls or other structures.</p> <p>Maximum height of 1 metre above ground level. Only 1 letterbox per occupancy. Appropriate numbering for each letterbox. Structurally stable with adequate footings located wholly within the site.</p> <p>Non-structural work only, such as: (a) replacement of door, wall, ceiling or floor linings, or deteriorated frame members with equivalent or improved quality materials, (b) renovations of bathrooms or kitchens, inclusion of built-in fixtures such as vanities cupboards and wardrobes.</p> <p>Alterations or renovations must be to completed buildings for which consent or a building approval has been granted. Work not to include changes to the configuration of rooms, whether by removal of existing walls, partitions or by other means. Work not to cause reduced window arrangements for light and ventilation needs, reduced doorways for egress purposes or involve enclosure of open areas.</p> <p>Construction by or for the Council and designed, fabricated and installed in accordance with any relevant SAA standards.</p>
<p>Park and street furniture, seats, bins, picnic tables, minor shelters and alterations, street</p>	<p>All zones</p>	<p>Construction by or for the Council and designed, fabricated and installed in accordance with any relevant SAA standards.</p>	<p></p>

		<p>signage (non promotional) and lighting</p> <p>Patio—at existing ground level and abutting a dwelling</p> <p>Pergola</p> <p>Plan of management sanctioned construction of minor structures, replacing a structure within the same footprint, or undertaking minor work as defined within an approved plan of management, and maintenance of any of the above</p> <p>Playground equipment on land classified as community land (where a plan of management for the structures approved by the Council exists) or on school land</p> <p>Playground equipment on land not controlled by the Council and not on school land</p>	<p>Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10</p> <p>Zones 1 (1), 1 (2), 2 (1), 7 (1), 7 (2), 7 (3), 7 (5) and 10</p> <p>Land classified as community in any zone</p> <p>Land classified as community land or land on which a school has been consented to</p> <p>Zones 1 (1), 1 (2), 2 (1), 2 (2), 3 (1), 3 (2), 4 (2), 4 (3), 6 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10</p>	<p>Located on land under control of Council, or on neighbourhood property under a neighbourhood scheme.</p> <p>Maximum area of 20 square metres. Maximum height of 1 metre above natural ground level. Stormwater from patio surface is discharged to street, easement, watercourse, or otherwise without causing a nuisance. Sufficient step down is to be provided to prevent the entry of water into the dwelling. Minimum setback of 900mm to side and rear boundaries in residential zones. Minimum setback of 5 metres to side and rear boundaries in rural conservation and environmental protection zones. Complies with the Council's front boundary setbacks for the zone.</p> <p>Maximum area of 30 square metres. Maximum height of 2.7 metres. If the roof is pitched, the maximum height of the pitched section is 3.5 metres. Minimum setback of 900mm to side and rear boundaries in residential zones. Minimum setback of 5 metres to side and rear boundaries in rural or environmental protection zones. If roofed, roof water is discharged to street, easement, watercourse, or otherwise without causing a nuisance. Complies with the Council's front building setbacks for the zone.</p> <p>Development is in accordance with plan of management approved by the Council.</p> <p>Construction by or for the Council or the Department of Education and Training, as applicable. Designed, fabricated and installed in accordance with AS 1924 and AS 2155. Initial installation of facilities only—if not sanctioned by an approved plan of management.</p> <p>If for residential use: (a) Maximum height of 2.1 metres. (b) Maximum ground coverage of 10 square metres.</p> <p>If for non-residential use: (a) Maximum height of 2.1 metres. (b) Maximum ground coverage of 10 square metres.</p>
--	--	---	---	---

		(c) Provision of soft landing surfaces.
		All equipment:
		(a) Designed, fabricated and installed in accordance with AS 1924 and AS 2155.
		(b) Installed in accordance with manufacturer's specifications.
Ponds/pools	Zones 1 (1), 1 (2), 2 (1), 2 (2), 3 (1), 3 (2), 4 (1), 4 (2), 4 (3), 6 (2), 7 (3) and 7 (5)	Pond or pool is less than 300mm in depth. Area of pond or pool is less than 10 square metres. Not located within front setback.
Privacy screens or trellises	All zones	Must be constructed so that they do not obstruct the natural flow of stormwater drainage. Must not be located wholly or partly between a foreshore building line and the water body in relation to which the foreshore building line is fixed. Maximum height of 1.8 metres. Must comply with <i>Lake Macquarie Development Control Plan No 1—Principles of Development</i> . The Class 9b building has development consent or a building approval. Where the meeting is conducted for a not-for-profit or other charity fundraiser. Notice of event provided in writing to the Council at least 14 days in advance. No structural alteration to the premises. Compliance with the <i>Food Act 2003</i> , where refreshments are served.
Public meetings—use of Class 9b buildings for this purpose	All zones	Located within a public road or footway or neighbourhood property under a neighbourhood scheme. Erected by or on behalf of the Council or the Roads and Traffic Authority.
Public signs (directional traffic advisory/warning and information signs)	All zones	Existing materials replaced with similar materials. Re-cladding not to involve structural alterations. Non-reflective materials used. Does not contravene the requirements of the Mine Subsidence Board for buildings in mine subsidence districts.
Re-cladding of roofs or walls including repair/maintenance of damaged materials	All zones	Additional requirements for roof replacement: (a) where an existing roof is being replaced with the same material (ie metal to metal or tile to tile) and does not include changing the pitch of the roof, (b) if the work involves a metal roof where no electrical earthing arrangement is in place, the recladding of the roof shall include installation

Retaining walls	All zones	of such an arrangement in accordance with AS 3000—1986. Maximum height 1 metre. Masonry walls to comply with: (a) AS 3700— <i>Masonry Code</i> , (b) AS 3600— <i>Concrete Structures</i> , (c) AS 1170— <i>Loading Code</i> . Timber walls to comply with: (a) AS 1720— <i>Timber Structures</i> , (b) AS 1170— <i>Loading Code</i> . All retaining walls are to be constructed so that redirected water is disposed of without causing a nuisance to adjoining properties, and allow for adequate release of water likely to build up behind the wall. Effective erosion and sediment control provisions must be designed and implemented.
Road works in, on, under or above a road, being:	All zones	(a) maintenance, of all works and structures within the road reserve, including rehabilitation and reconstruction of pavements, (b) installation of traffic lights, traffic calming devices and pedestrian facilities, (c) installation of kerb and gutter and associated drainage works, (d) minor drainage works, (e) making

driveway crossings,

(f) linemarking,

(g) signposting,

(h) sealing of gravel roads and areas,

(i) footpaving and associated works,

(j) minor intersection improvements or minor road widening.

Satellite dishes

All zones

Residential, rural and conservation/environmental protection zones:

(a) Maximum diameter of 900mm.

(b) Maximum height of 9 metres above existing ground level.

(c) The installation does not encroach on any easements, rights-of-way, vehicular access or parking required for the property.

All other zones:

(a) Maximum diameter 1,500mm.

(b) The installation does not encroach on any easements, rights-of-way, vehicular access or parking required for the property.

(c) The installation does not obscure any landscaping required for the property.

Shade structures—open weave fabric or mesh shade structures on residential properties, schools, childcare centres, public playgrounds, rural, conservation and environmental zones

Zones 1 (1), 1 (2), 2 (1), 2 (2), 3 (1), 3 (2), 4 (1), 4 (2), 4 (3), 5, and 6 (1)

Maximum height of support pole not to exceed 4 metres.

Average height of structure not to exceed 3 metres.

Maximum area not to exceed 30 square metres for residential properties and childcare centres in residential zones.

Maximum area not exceeding 60 square metres in other places except in a rural zone where the

structure is ancillary to the agricultural use of the land.

Located behind the dwelling or building.

Minimum setback of 900mm to side and rear boundaries in residential zones.

Minimum setback of 5 metres to side and rear boundaries in rural conservation and environmental protection zones.

Shade fabric is not to be placed vertically.

The fabric is properly tensioned to accommodate prevailing wind loads, prevent wind generated noise and to facilitate drainage.

Must be ancillary to agriculture.

Shade structures (bird nets and the like) Zone 1 (1)

Silos Zone 1 (1)

Maximum capacity 120 tonnes.

Maximum height 9 metres.

Constructed of prefabricated metal.

Freestanding and not relying on other structures for support and erected in accordance with the manufacturer's specifications and/or an engineer's certification.

Minimum setback to property boundary being equivalent to the height of the silo plus 1 metre.

Minimum front setback 30 metres.

Skylight roof windows (including solartube or similar type installations) Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10

Solar water heaters Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10

Stockyards and shelters used in conjunction with normal agricultural activities (excluding commercial or intensive uses) Zones 1 (1) and 1 (2)

Maximum yard area of 1 hectare.

Maximum height of shelters 3 metres.

Shelter constructed of timber or metal.

Minimum setback of 5 metres from side/rear boundary and not located in front of the building line or in front of any dwelling.

A minimum of 40 metres to any dwelling.

All runoff collected and treated to prevent pollution of any watercourse.

Minimum front setback of 30 metres for shelters.

Maximum area of shelter 120 square metres.

Constructed by or for the Council.

Designed, fabricated and installed in accordance with relevant SAA standards.

Subdivision certificate must be endorsed by the Council.

Street signs comprising name plates, directional signs and advance traffic warning signs All zones

Subdivision: All zones

(a) road widening,

(b) creating of public reserves,

(c) creating drainage reserves,

(d) consolidating allotments.

Subdivision works: Zones 2 (1) and 2 (2)

(a) Battleaxe driveways

Maximum length of battleaxe drive 50 metres.

Longitudinal grade < 16%.

The height of any cut or fill, or the total height of a combination of cut and fill for the driveway is a

- maximum of 1 metre.
To be constructed in accordance with Parts 1 and 2 (Subdivision and Development Engineering Guidelines) of Volume 2 of the guidelines supporting *Lake Macquarie Development Control Plan No 1—Principles of Development*.
Any stormwater flows which are concentrated, as a result of the works, must be directly connected to a formed drainage system.
- (b) Interallotment drainage Zones 2 (1) and 2 (2)
Where the interallotment drainage works will be only on the land being subdivided.
Where the interallotment drainage serves less than 4 lots.
To be constructed in accordance with Parts 1 and 2 (Subdivision and Development Engineering Guidelines) of Volume 2 of the guidelines supporting *Lake Macquarie Development Control Plan No 1—Principles of Development*.
Pipe to be 150mm minimum diameter and of UPVC sewer grade.
Connection to kerb must be via 2 × 90mm minimum diameter outlets or equivalent rectangular hollow section.
- Temporary site sheds—less than 6 months All zones
Maximum area 20 square metres.
Maximum height 2.7 metres.
Roof water is discharged to street, easement, watercourse or otherwise without causing a nuisance.
Where a formal development consent or complying development certificate is not in force for the site.
- Temporary structures:
(a) portaloos, All zones
Located wholly within property boundary.
Marquees and mini stages not in place longer than 1 week.
Maximum gross floor area is 20 square metres.
- (b) marquees,
(c) mini stages.
- Water heaters (excluding solar system)—new and replacement installations All zones
Located in rear or side yard.
Screened, if visible from the street.
Must not reduce the structural integrity of the building or involve structural alterations.
Installation to be carried out by a licensed person.
- Water tanks at or above ground level Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5), 9 and 10
Generally:
(a) The tank and any stand to be installed in accordance with manufacturers' specifications.
- (b) If within residential zones:
(i) Maximum diameter or width 3 metres.
(ii) (Repealed)
(iii) Maximum height 2.4 metres.
(iv) Located wholly behind the front building setback or, if there is more than

- one building frontage, wholly behind the building line of the frontage that is furthest away from the front boundary of the lot.
- (v) Noise from pumps not to exceed 5dbA at the wall of a dwelling on any adjoining property.
- (c) If within rural zones:
(i) Maximum diameter or width 4.5 metres.
(ii) Minimum setback 5 metres to side and rear boundaries.
(iii) Maximum height 2.4 metres.
(iv) Located wholly behind the front building setback or, if there is more than one building frontage, wholly behind the building line of the frontage that is furthest away from the front boundary of the lot.
- (v) Noise from pumps not to exceed 5dbA at the wall of a dwelling on any adjoining property.
- Windows, glazed areas and external doors Zones 1 (1), 1 (2), 2 (1), 2 (2), 3 (1), 3 (2), 4 (1), 4 (2), 4 (3), 7 (1), 7 (2), 7 (3) and 7 (5)
Replacement in residential premises with materials that comply with:
(a) AS 1288, *Glass in buildings—Selection and installation*, and
(b) AS 2208, *Safety Glazing Materials for Use in Buildings (Human Impact Considerations)*.
- No reduction in the area provided for light and

Windpumps (for pumping water etc but not for commercial power generation) Zones 1 (1) and 1 (2)

ventilation.
No removal of structural support members in affected walls.
Located wholly within the boundaries of the property and not to encroach onto any registered easement.
Freestanding and not relying on other structures for support.
Built in accordance with engineer's certification for the structure and footings.
Maximum height 9 metres.

Schedule 2 Subdivision standards

(Clause 24)

Note. The standards set out in the following table need to be read with the material at the end of the table headed "Explanation of entries in Table".

Zone and land use	Subdivisions not for the purpose of a strata, community, precinct or neighbourhood scheme		Subdivisions for the purpose of a neighbourhood scheme	
	Standard (rectangular) lot size	Battle axe lot size	Other irregular shaped lot	Site area and lot size
1 (1) Rural (Production)	20 hectares (frontage not specified).		Neighbourhood lots as per minimum applicable lot size opposite.	
1 (2) Rural (Living)	1 hectare (frontage not specified).		5 hectares and 8 lots/5 hectare 1,600m ² . eg 12 on 7.5 ha, Vehicular access 16 on 10 ha etc. from a neighbourhood lot to a public road must be via community property, precinct property or neighbourhood property (within the meaning of the <i>Community Land Development Act 1989</i>), unless a dwelling on the land comprised in the lot has vehicular access to a public road immediately before the lot is created.	
2 (1) Residential	Subdivision creating ≥10 lots is to provide a minimum of 20% of all lots as standard lots and 10% of all lots for small lot housing. Alternatively, all lots may be used for small lot housing if each lot is not less than 1,000m ² .			
Dwelling-house, not included in small lot housing or dual occupancy—	450m ² (14 metres), but corner lot (two street frontages, vacant land)	600m ² (4 metres 450m ² 12 × 25 for one, 5 metres metres (14 for two, battle axe metres). No more than two battle axe lots to	Neighbourhood lots as per minimum applicable lot size opposite.	

detached	principal frontage share a single and width of the access way). allotment).			
Small lot housing	≥250m ² and <450m ² (frontage not specified).	Prohibited.	≥250m ² and <450m ² (frontage not specified).	Neighbourhood lot size ≥250m ² and <450m ² .
Dual occupancy—detached development	600m ² (17 metres).		600m ² parent lot (17 metres).	Neighbourhood lots as per minimum applicable lot size.
Dual occupancy—attached development	500m ² (17 metres). Corner lot (two street frontages). Areas as specified above. (20 metres as width of the allotment).		500m ² (17 metres).	Neighbourhood lots as per minimum applicable lot size.
2 (2) Residential (Urban Living)				
Small lot housing	1,000m ² parent lot. All lots created must be ≥250m ² and <450m ² .	Prohibited.	1,000m ² parent lot. All lots created must be ≥250m ² and <450m ² .	Neighbourhood lot size must be ≥250m ² and <450m ² .
Multiple dwelling housing development	900m ² (25 metres), corner lot (two street frontages) 1,200m ² (30 metres—as width of the allotment).	2.5, 1,500m ² (8 metres). but metres). corner lot (two street frontages)	900m ² 20 × 30 metres (25 metres).	Neighbourhood lots as per minimum applicable lot size opposite.
Residential flat building	1,200m ² (30 metres), corner lot (two street frontages) 1,500m ² (30 metres—as width of the allotment).	2,000m ² (18 metres). but metres).	1,200m ² 25 × 35 metres (30 metres).	Neighbourhood lots as per minimum applicable lot size opposite.
3 (1) Urban Centre (Core)	No numeric standards.			
3 (2) Urban Centre (Support)	No numeric standards.			
4 (1) Industrial (Core)	4,000m ² (40 metres).	4,000m ² (12 metres).	4,000m ² 35 × 50 metres (40 metres).	Neighbourhood lots as per applicable lot size opposite.
4 (2) Industrial (General)	1,500m ² (25 metres).	1,500m ² (9 metres).	1,500m ² 20 × 35 metres (25 metres).	Neighbourhood lots as per applicable lot size opposite.
4 (3) Industrial (Urban Services)	1,500m ² (25 metres).	1,500m ² (9 metres).	1,500m ² 20 × 35 metres (25 metres).	Neighbourhood lots as per applicable lot size opposite.
5 Infrastructure	No numeric standards.			
6 (1) Open Space	No numeric standards.			
6 (2) Tourism	No numeric standards.			

and Recreation		
7 (1) Conservation (Primary)	40 hectares (frontage not specified), but 100 hectares (frontage not specified) within South Wallarah Peninsula being land east of the Pacific Highway and south of the land to which <i>Lake Macquarie Local Environmental Plan 2000—North Wallarah Peninsula</i> applies.	
7 (2) Conservation (Secondary)	40 hectares (frontage not specified) in all cases.	
7 (3) Environmental (General)	40 hectares (frontage not specified). Must be able to contain a minimum area of 40 × 40 metres on a less than 1 in 5 slope.	40 hectares and 4 lots/40 hectares 2,500m ² . eg 5 on 50 ha etc. Vehicular access from a neighbourhood lot to a public road must be via community property, precinct property or neighbourhood property (within the meaning of the <i>Community Land Development Act 1982</i>), unless a dwelling on the land comprised in the lot has vehicular access to a public road immediately before the lot is created.
7 (4) Environmental (Coastline)	No numeric standards.	
7 (5) Environmental (Living)	2 hectares (frontage not specified). Must include a minimum area of 40 × 40 metres with a less than 1 in 5 slope.	10 hectares and 10 lots/10 2,500m ² . hectares eg 15 on Vehicular access 15 ha etc. from a neighbourhood lot to a public road must be via community property, precinct property or neighbourhood property (within the meaning of the <i>Community Land Development Act 1989</i>), unless a dwelling on the land comprised in the lot has vehicular access to a public road immediately before the lot is created.
8 National Park	No numeric standards.	
9 Natural Resources	No numeric standards.	

10 Investigation	Prohibited.
Explanation of entries in Table	<p>Minimum area unless stated as a maximum. The figure in brackets is the minimum frontage to public road.</p> <p>Minimum area unless stated as a maximum. The figure in brackets is the minimum frontage to public road.</p> <p>Minimum area. To include a rectangular site of the specified size, the access way, where the street minimum lot frontage at the building setback. All lots created are to have frontage to a public road.</p> <p>Minimum area. To include a rectangular site of the specified size, the access way, where the street minimum lot frontage at the building setback. All lots created are to have frontage to a public road.</p> <p>Minimum site area and includes any existing dwellings to be retained as part of the development. Figure provided in as a ratio of neighbourhood lots is the site area.</p> <p>The remainder of the site area not included in as a ratio of neighbourhood lots is the site area.</p> <p>Each neighbourhood lot created in a rural or environmental zone is to have at least one common boundary with another neighbourhood lot as part of a "cluster" development.</p>

Schedule 3 Reclassification of community land as operational land

(Clause 61)

Column 1 Locality	Column 2 Description	Column 3 Trusts etc not discharged
Bennetts Green		
16 Pacific Highway	Lot 14, DP 1013486, as shown edged heavy black on Sheet 2 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 22)"	Nil.
18 Pacific Highway	Lot 13, DP 1013486, as shown edged heavy black on Sheet 2 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 22)"	Nil.
20 Pacific Highway	Lot 12, DP 1013486, as shown edged heavy black on Sheet 2 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 22)"	Nil.
22 Pacific Highway	Lot 11, DP 1013486, as shown edged heavy black on Sheet 2 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 22)"	Nil.
Cardiff		
175 Myall Road	Lot 11, DP 1097938, as shown edged heavy black on Sheet 1 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)"	Easement for drainage (DP 1097938) as noted on Certificate of Title Folio Identifier 11/1097938.
Cardiff South		

1A Water Street	Part of Lot 63, DP 570307, as shown edged heavy black on Sheet 1 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 3)".	Nil.
Charlestown		
2 Canberra Street	Lot 2, DP 727770, as shown edged heavy black on Sheet 3 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 19)".	Nil.
1 Frederick Street	Lot 4, DP 248597 and Lot 1, DP 47292, as shown edged heavy black on Sheet 3 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 19)".	Nil.
3 Frederick Street	Lot 3, DP 248597, as shown edged heavy black on Sheet 3 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 19)".	Nil.
128A Pacific Highway	Part of Lot 3, DP 1090261, as shown edged heavy black on Sheet 3 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 19)".	Easement for water supply pipeline (Government Gazette 14/12/1956) 3.05 wide as noted on Certificate of Title Folio Identifier 3/1090261.
Gateshead		
6A Pacific Highway	Part of Lot 10, DP 1013486, as shown edged heavy black on Sheet 2 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 22)".	Easement for water supply pipeline (DP165130) as noted on Certificate of Title Folio Identifier 10/1013486.
Glendale		
Lake Road	Lot 11, DP 865769, as shown edged heavy black on the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 13)".	Easement for transmission line (S447682; O171544); Easement for underground cables (S580540; Z646912); Two easements for watermains 7.5 wide and 3.66 wide (O189149), as noted on Certificate of Title Folio Identifier 11/865769.
Macquarie Hills		
2B Blaxland Road	Lot 51, DP 790843, as shown edged heavy black on Sheet 3 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 3)".	Easement for transmission line (K556111) as noted on Certificate of Title Folio Identifier 51/790843.
1A Lawson Road	Part of Lot PT4, DP 227813, as shown edged heavy black on Sheet 2 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 3)".	Nil.
Marks Point		
1A Findon Street	Lot 3, DP 505562, as shown edged heavy black on Sheet 1 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 12)".	Nil.
3A Findon Street	Part of Lot 120, DP 592220, as shown edged heavy black on Sheet 1 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 12)".	Easement for electricity purposes and right of carriage way (DP 592220) and Lease (3462625), as noted on Certificate of Title Folio Identifier 120/592220.
Morisset Park		

25 Chifley Road	Lot 8, DP 244002, as shown edged heavy black on Sheet 2 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)".	Nil.
Swansea		
4 Josephson Street	Lot 421, DP 785216, as shown edged heavy black on Sheet 3 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)".	Nil.
16 Josephson Street	Lot 41, DP 5688, as shown edged heavy black on Sheet 3 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)".	Nil.
22 Josephson Street	Lot 38, DP 5688, as shown edged heavy black on Sheet 3 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)".	Nil.
24 Josephson Street	Lot 37, DP 5688, as shown edged heavy black on Sheet 3 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)".	Nil.
26 Josephson Street	Lot 36, DP 5688, as shown edged heavy black on Sheet 3 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)".	Any lease that is registered by 30 June 2009 and noted on Certificate of Title Folio Identifier 36/5688.
27 Lake Road	Part of Lot 63, DP 18797, as shown edged heavy black on Sheet 2 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 12)".	Lease (8802695) and Transfer of Lease (9656620), as noted on Certificate of Title Folio Identifier 63/18797.
104c Pacific Highway	Lot 2, DP 529225, as shown edged heavy black on Sheet 3 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)".	Nil.
Toronto		
86A The Boulevard	Lot 2, DP 612606, as shown edged heavy black on Sheet 1 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 22)".	Nil.
32a Victory Parade	Lot 94, DP 9673, as shown edged heavy black on Sheet 4 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)".	Nil.
Warners Bay		
9 Ashton Close	Lot 526, DP 859786, as shown edged heavy black on Sheet 5 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)".	Nil.
5 Charles Street	Part of Lot 3, DP 584391, as shown edged heavy black on Sheet 3 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 12)".	Lease (1645011) and Mortgage of Lease (1946289), as noted on Certificate of Title Folio Identifier 3/584391.
7 Charles Street	Lots 1 and 2 DP 584391, as shown edged heavy black on Sheet 4 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 12)".	Lease (1645011) and Mortgage of Lease (1946289), as noted on Certificates of Title Folio Identifiers 1/584391 and 2/584391.
47 Charles Street	Lot 1, DP 797827, as shown edged heavy black on Sheet 6 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)".	Nil.

1c John Street	Lot 1, DP 661964, as shown edged heavy black on Sheet 6 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)"	Nil.
36 John Street	Lot 21, Section 28, DP 111125, as shown edged heavy black on Sheet 6 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)"	Easement for electricity (Book 3721 No 878) as noted on Certificate of Title Folio Identifier 21/28/111125.
38 John Street	Lot 20, DP 91634, as shown edged heavy black on Sheet 6 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)"	Right of carriageway (DP 1022769) as noted on Certificate of Title Folio Identifier 20/9/1634.
40 John Street	Lot 19, DP 738537, as shown edged heavy black on Sheet 6 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)"	Right of carriageway (DP 1022769) as noted on Certificate of Title Folio Identifier 19/738537.
42 John Street	Lot 1, DP 782508, as shown edged heavy black on Sheet 6 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)"	Nil.
57 King Street	Lot 50, DP 623626, as shown edged heavy black on Sheet 7 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)"	Lease to Warners Bay Early Learning and Care Incorporated (AA805618) (expires 7/12/08) as noted on Certificate of Title Folio Identifier 50/623626.
59 King Street	Lot 4, DP 1002071, as shown edged heavy black on Sheet 7 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)"	Lease to Warners Bay Early Learning and Care Incorporated (AA805618) (expires 7/12/08) as noted on Certificate of Title Folio Identifier 4/1002071.
61 King Street	Lot 1, DP 745901, as shown edged heavy black on Sheet 7 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)"	Lease to Warners Bay Early Learning and Care Incorporated (AA805618) (expires 7/12/08) as noted on Certificate of Title Folio Identifier 1/745901.
63 King Street	Lots 1 and 2, DP 521740, as shown edged heavy black on Sheet 6 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)"	Nil.

Schedule 4 Heritage items other than of indigenous origins and including potential archaeological sites

(Clause 49 and Dictionary)

Part 1 Heritage items other than of indigenous origins

In this Schedule, for the purpose of listing property descriptions, the symbol **S** means identified as of State significance, **R** means identified as of regional significance, **L** means identified as of local significance, **PO** means Permissive Occupancy, **MS** means miscellaneous, **MD** means Maitland and **SP** means strata plan.

Item No	Significance	Item	Address	Property description
Argentton				
AG-01	L	Newcastle Mines Rescue Station	533 Lake Rd	Lot 2, DP 599235
AG-02	L	Former Cockle Creek Railway Bridge	2 (over) Cockle Creek (also see RT-09)	
AG-03	L	Cockle Creek Railway	3 (over) Cockle Creek	

		Bridge	(also see RT-03)	
AG-05	L	Church Hall and Anglican Church	477 Lake Rd 475 Lake Rd	Lot 1, DP 125686 Lot 2, DP 125686
AG-06	L	Speers Point Tram Route	Frederick St (also see RT-02)	
Awaba				
AW-05	L	Gatekeeper's Cottage	1 Wilton Rd	Lot 1, DP 817297
Barnsley				
BY-02	L	Johnston Family Cemetery	14A Taylor Ave	Lot 100, DP 630296
BY-03	L	Former Barnsley Public School	91 Appletree Rd	Lot 2, DP 1001812
Belmont				
BM-01	L	House "Yarragee"	23 Bellevue Rd	Lot 1, DP 881605
BM-04	L	Captain Bain's House	15 George St	Lot 2, DP 13715
BM-05	L	House "The Bennals"	45 Walter St	Lot D, DP 402085
BM-08	L	Former Ferry Wharf	55 Brooks Pde	Belmont Wharf
Belmont North				
BN-01	L	Former John Darling Colliery	65 John Fisher Rd 85 John Fisher Rd 75 John Fisher Rd 55 John Fisher Rd John Darling Avenue	Lot 1, DP 814551 Lot 2, DP 814551 Lot 3, DP 814551 Lot 4, DP 814551 Lot 11, DP 1027724
BN-04	L	Former Staff Houses, Colliery Row	3 Maranatha Cl 7 Maranatha Cl 9 Maranatha Cl 21 Maranatha Cl	Lot 12, DP 848941 Lot 14, DP 848941 Lot 15, DP 848941 Lot 120, DP 853391
Blackalls Park				
BK-02	L	Railway Bridges	2 (over) Mudd Creek and 2 (over) Stony Creek (also see RT-11)	
BK-03	L	Railway Station	26 South Pde (also see RT-11)	
Blacksmiths				
BL-01	L	Fisherman's Cottage	167 Ungala Rd	Lot 3, DP 237547
Boolaroo				
BR-01	L	Group of 4 Cottages	8 Creek Reserve Rd 10 Creek Reserve Rd 12 Creek Reserve Rd 14 Creek Reserve Rd	Lot 11, DP 616785 Lot 1, DP 301687 Lot 3, DP 8704 Lot 4, DP 8704
BR-02	L	Former Boolaroo Post Office	91 Main Rd	Lot 2, DP 809177
BR-04	L	Former Motor Garage	19 Main Rd	Lot 1, DP 125272
BR-05	L	Commercial Hotel	2 Main Rd	Lot 1, Section A, DP 3494, Lot 2, Section A, DP 3494
BR-06	L	House "Alida"	Lakeview Rd	Lot 4, Section M, DP 3494
Booragul				
BU-01	L	Colliery Relics	155 Old Main Rd	Lot 33, DP 858667
BU-02	L	House "Awaba Park"	82 Marmong St 2b First St	Lot 120, DP 855520 Pt Lot 33, DP 755262

BU-03	L	Quigley Grave	24 Park Pde	Pt Lot 468, DP 774186
Cams Wharf				
CW-01	L	Lord of the Manor Cams Cottage	13 Cams Wharf Rd	Lot 2, DP 616354
Cardiff				
CF-01	L	Row of 4 Shops with Cottages	275 Main Rd 279 Main Rd	Lot 21, DP 544989 Lot 22, DP 544989
CF-02	L	Brick Shops	281 Main Rd	Lot 4, DP 10789
CF-04	L	Former Doctor's Surgery	8 Michael St	Lot 2, DP 214463
CF-05	L	House	6 Michael St	Lot 1, DP 214463
CF-08	L	Cardiff Masonic Hall	4 Margaret St	Lot 12, Section B, DP 8186
CF-09	L	House	309 Main Rd	Pt Lot 34, DP 755233
CF-15	L	St Kevin's Cottage	230 Main Rd	Lot 1, DP 1015805
CF-16	L	St Kevin's Church	226 Main Rd	Lot 3, Section A, DP 4143
CF-17	L	Former Miner's Cottage	251 Main Rd	Lot 1, DP 303203
Cardiff South				
CS-01	L	Former Colliery Tramway	14a Almora Cl 180 Macquarie Rd 235 Macquarie Rd (also see RT-15)	Lot 38, DP 827464 Lot 17, DP 727746 Lot 673, DP 805546
Catherine Hill Bay				
CH-03	L	Police Station and Lock Up	23-27 Clarke St	Lot 1, Section F, DP 163, Lot 3, Section F, DP 163, Lot 5, Section F, DP 163
CH-04	L	Wallerah Hotel	24 Clarke St	Lot 1, Section D, DP 163
CH-05	L	Cottages	10 Clarke St 12 Clarke St	Lot 71, DP 222717 Lot 72, DP 222717
CH-06	L	Cottages	21 Clarke St 19 Clarke St	Lot 78, DP 222717 Lot 79, DP 222717
CH-07	L	Cottage	17 Clarke St	Lot 80, DP 222717
CH-08	L	Cottages	9 Clarke St 7 Clarke St 5 Clarke St 3 Clarke St	Lot 84, DP 222717 Lot 85, DP 222717 Lot 86, DP 222717 Lot 87, DP 222717
CH-10	L	Cottage	3 Lindsley St	Lot 54, DP 222717
CH-12	L	Cottage	11 Lindsley St	Lot 58, DP 222717
CH-13	L	House "Wallerah House"	1a Keene St	Lot 2031, DP 841175
CH-14	L	Coal Loader Jetty	Southern end of the beach	Lot 2031, DP 841175
CH-16	L	Catherine Hill Bay Colliery Railway	Mine Camp to the coal loader jetty (also see RT-18)	
CH-17	L	House and 4 Norfolk Pines	38 Flowers Dr	Lot 22, DP 593154
CH-19	L	Anglican Church	71 Flowers Dr	Lot 21, DP 593154
CH-21	L	Group of cottages	27 Flowers Dr 29 Flowers Dr 31 Flowers Dr 33 Flowers Dr 35 Flowers Dr 37 Flowers Dr 42 Flowers Dr 44 Flowers Dr	Lot 14, DP 222943 Lot 15, DP 222943 Lot 16, DP 222943 Lot 17, DP 222943 Lot 18, DP 222943 Lot 19, DP 222943 Lot 41, DP 222943 Lot 42, DP 222943

			46 Flowers Dr 48 Flowers Dr 50 Flowers Dr 54 Flowers Dr 56 Flowers Dr 58 Flowers Dr	Lot 43, DP 222943 Lot 44, DP 222943 Lot 45, DP 222943 Lot 47, DP 222943 Lot 48, DP 222943 Lot 49, DP 222943
CH-22	L	Hall	1 Northwood Rd	Lot 1, DP 407474
CH-24	L	House	26 Flowers Dr	Lot 1, DP 952963
CH-27	L	House	38 Flowers Dr (off Colliery Rd)	Lot 22, DP 593154
CH-32	L	Cemetery	8 Northwood Rd	Lot 7079, DP 1029250
Charlestown				
CT-01	L	Miners' Cottages	300 Charlestown Rd 304 Charlestown Rd 306 Charlestown Rd 308 Charlestown Rd	Lot 2, DP 33470 Lot 4, DP 33470 Lot 5, DP 33470 Lot 6, DP 33470
CT-03	L	Cottage	32 Smith St	Lot 1, DP 213865
CT-04	L	Brick Cottage	36 Smith St	SP 43904
Coal Point				
CP-01	L	Threlkeld's Mine	359 Coal Point Rd	Lot 172, DP 1037893
Cooranbong				
CB-01	L	Grave "Frost's Rest"	1 Frost Rd	Lot 1, DP 919600
CB-02	L	Catholic Church and Cemetery	6 Martinsville Rd	Lot 1, DP 197852
CB-03	L	Former Post Office	41 Martinsville Rd	Lot 120, DP 755223
CB-06	L	House	9 Kings Rd	Lot 3, DP 549007
CB-07	L	House	8 Kings Rd	Lot 1, DP 798409
CB-08	L	North Corrubung Cemetery	100 Martinsville Rd	Land in Deed of Conveyors Vol 687, Fol 202
CB-09	L	Suspension Footbridge	Off Victory St— Crosses Dora Creek	
CB-17	L	Water Tower	15 Central Rd	Lot 20, DP 3534
CB-18	L	Bethel Hall	50 Central Rd	Lot 18, DP 129134
CB-21	L	College Hall	50 Central Rd	Lot 18, DP 129134
CB-22	L	Science Hall	50 Central Rd	Lot 18, DP 129134
CB-23	L	House "The Laurels"	50 Central Rd	Lot 18, DP 129134
CB-24	L	Auditorium	50 Central Rd	Lot 9, Section 7, DP 3533
CB-26	L	Sanitarium Health Foods Factory	70 Central Rd 70 Central Rd 50 Central Rd 50 Central Rd	Lots 6, 7 and 8, Section 1, DP 3533 Lot 1, DP 938761 Lot 18, DP 129134
CB-27	L	Sanitarium Dairy Farm	15 Central Rd	Lots 18 to 23, Section 3, DP 3533
CB-28	L	House "Three Bells"	597 Freemans Dr	Lot 201, DP 1059478
CB-29	L	Cottage	661 Freemans Dr	Lot A, DP 416525
CB-31	L	House "Sunnyside"	27 Avondale Rd	Lot 2, DP 204207
Dora Creek				
DC-02	L	House	16 Dora St	Lot 11, DP 533825
DC-03	L	Holmes Store	3 Watt St	Lot 38, DP 528601
Dudley				
DL-01	L	Cast Iron Reservoir	147 Ocean St	Lot 1, 446723
DL-03	L	Two Miner's Cottages	125 and 127 Ocean St	Lots 1, 2 and 3, Section D, DP 2657

DL-04	L	Dudley Public School	124 Ocean St	Lot 145, DP 755233
DL-06	L	Pensioners Hall	98 Ocean St	Lot 1, DP 931771
DL-07	L	Ocean View Hotel	85 Ocean St	Lot 20, Section A, DP 2304
DL-08	L	Royal Crown Hotel	94 Ocean St	Lot 18, Section B, DP 2304
DL-09	L	Former Miner's Cottage	31A Thomas St	Lot 9, Section D, DP 2657
DL-10	L	Former Miner's Cottage	29 Thomas St	Lot 11, Section D, DP 2657
Edgeworth				
EW-07	L	School Teacher's Residence	7 Minmi Rd	Lot 106, DP 755262
Eraring				
ER-01	L	Eraring Power Station	4 Cross St 22B MR 217, Myuna Bay 22C MR 217, Myuna Bay 20A MR 217, Myuna Bay 20 MR 17, Myuna Bay 22A MR 217, Myuna Bay	Lot 10, DP 1050120 Lot 20, DP 840668 Lot 211, DP 840670 Lot 50, DP 840671 Lot 51, DP 840671 Lot 11, DP 1050120
Fassifern				
FF-01	L	Fassifern Railway Cottage	Wallsend Rd	Lot 1, DP 854050
FF-02	L	Toronto Railway Overbridge	(over) Fassifern Rd (also see RT-11)	
FF-03	L	Fassifern Railway Station	29 Fassifern Rd	
Freemans Waterhole				
FW-01	L	Headframe Former Mining Museum	890A Freemans Dr	Lot 80, DP 610602
Glendale				
GD-01	L	Cardiff Railway Workshops	460 Main Rd	Lot 1, DP 1022127
Holmesville				
HV-04	L	Brick House	47 Appletree Rd	Lot 3, Section B, DP 4479
HV-06	L	Brick House	54 Appletree Rd	Lot 22, DP 740832
HV-07	L	House	20 William St	Lot 14, Section E, DP 5432
HV-08	L	Former Police Station	20 Charlotte St	Lot 15, Section E, DP 5432
HV-09	L	Post Office Store	18 George St	Lot 1, Section L, DP 3442
HV-11	L	Holmesville Hotel	21 George St	Lot 20, Section M, DP 3442
HV-20	L	House	32 Seaham St	Lot 42, Section B, DP 4479
HV-24	L	Railway Station	Killingworth Rd (also see RT-09)	
Kahibah				
KH-01	S L	Glenrock Railway and Mine Entrance and early coal mining sites	Glenrock State Recreation Area	Lot 1, DP 523208 and Lot 21, DP 575387
Killingworth				
KW-02	L	Elcom Newcastle Substation	101 Killingworth Rd	Lot 1, DP 619513 Lot 2, DP 619513
KW-03	L	Former Killingworth	39 Killingworth Rd	Lot 13, Section E, DP 4339

Hotel				
KW-05	L	Soldier's Memorial	26 The Broadway	Lot 1, Section D, DP 4339
Kotara South				
KS-01	L	South Waratah Colliery	31 Kirkdale Dr (also see RT-06)	Lot 132, DP 243393
Martinsville				
MV-01	L	Public School	2 Martinsville Rd	Lot 157, DP 823773
MV-02	L	House "Woodside"	32 Wilkinson Rd	Lot 1, DP 741192
MV-03	L	Dora Creek Bridge	Owens Rd	
MV-04	L	Farm House "Wonga Hill"	10a Owens Rd	Lot 63, DP 661760
Morisset				
MS-01	L	Stationmaster's House	58 Dora St	Pt Lot 1, DP 1002965
MS-08	L	Morisset High School	33 Bridge St	Lot 3, Section 40, DP 758707
MS-10	L	Tree—Morisset's Campsite	147 Macquarie St	Lot 7045, DP 93593
MS-12	S L	Morisset Hospital Wards 5 and 6	84 Bridge Street, Morisset	Lot 1, DP 880557
MS-13	S L	Morisset Hospital Ward 9, Clinical Dept	84 Bridge Street, Morisset	Lot 1, DP 880557
MS-14	S L	Morisset Hospital Ward 10	84 Bridge Street, Morisset	Lot 1, DP 880557
MS-15	S L	Morisset Hospital The Chapel	84 Bridge Street, Morisset	Lot 1, DP 880557
MS-16	S L	Morisset Hospital Recreation Hall	84 Bridge Street, Morisset	Lot 1, DP 880557
MS-17	S L	Morisset Hospital The Main Store	69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557
MS-19	S L	Morisset Hospital Residence No 1	69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557
MS-20	S L	Morisset Hospital Ward 17, General Psychiatry	69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557
MS-23	S L	Morisset Hospital Ward 12	69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557
MS-24	S L	Morisset Hospital Residence No 3	69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557
MS-25	S L	Morisset Hospital Maximum Security Division	69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557
MS-26	S L	Morisset Hospital Cottage Row Residence Nos 16, 17, 18, 19, 20 and 21	69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557
MS-29	S L	Morisset Hospital Water Supply Dam—Pourmalong Creek	69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557
Nords Wharf				
NW-01	L	Former Guesthouse "Kurrawilla"	127 Marine Pde	Lot 4 to 9, DP 23483
NW-02	L	"Nords Wharf"	43c Nords Wharf Rd	PO 1970/126
Pelican				
PF-01	L	Cabbage Trees	5 Soldiers Rd 25 Soldiers Rd 35 Soldiers Rd	Pt Lot 135, DP 755233 Lot 103, DP 755233 Lot 102, DP 755233

Railways and tramways

RT-01	L	West Wallsend Steam Tram Line	West Wallsend to Newcastle via Wallsend, Holmesville, Estelville, Edgeworth and Glendale	
RT-02	L	Speers Point Steam Tram Line	Newcastle to Speers Point via West Wallsend	
RT-03	L	Great Northern Railway	Line passes through Lake Macquarie from Garden Suburb to Wyee	
RT-04	L	Belmont Railway	Adamstown to Belmont, the New Redhead Estate and Coal Company Railway	
RT-05	L	Branch Lines from the Belmont Railway	Burwood No 3 Colliery, Lots 1, 2 and 9, DP 1038830 Whitebridge, Dudley Colliery, Dudley, Lambton Colliery, Redhead, John Darling Colliery, Belmont North, Belmont Colliery Sidings, Belmont	
RT-06	L	Raspberry Gully Line Railway	Opposite Dalpura Lane to the Main Northern Railway Line, near Adamstown along Styx Creek	
RT-09	L	Seaham, West Wallsend, Fairley and Killingworth Railway	Cockle Creek to Seaham No 1 Colliery at Seahampton with branches to Fairley and Killingworth	
RT-10	L	Rhondda Colliery Railway	From West Wallsend railway on the northside of Stockton Borehole Colliery to the Rhondda Colliery south of Rhondda Rd, Teralba	
RT-11	L	Fassifern to Toronto Branch Railway Line	Fassifern Railway Station to Toronto Railway Station and then Toronto Wharf	
RT-14	L	Wyee Coal Conveyor Railway Loop	North of Wyee to Vales Point Power Station	
RT-15	L	Cardiff South Colliery Tramway	Macquarie Rd, Cardiff South	
RT-18	L	Catherine Hill Bay Colliery Railway	From Mine Camp, north of the township, to the coal loader	
Rathmines				
RM-01	L	Catalina Memorial Nursing Home	171 Dorrington Rd	Lot 2, DP 226531
RM-02	L	Community Hall	1 Overhill Rd	Lot 64, DP 596913
RM-03	L	Catamaran Club	1 Overhill Rd	Lot 64, DP 596913
RM-04	L	Christadelphian School	2 Stilling St	Lot 5, DP 226534
RM-05	L	Flying Boat Ramps	1 Overhill Rd	Lot 64, DP 596913

RM-06	L	Rathmines Bowling Club	1 Stilling St	Lot 4, DP 226533
RM-07	L	Catalina War Memorial	1 Overhill Rd	Lot 64, DP 596913
RM-08	L	Rathmines Holiday Camp	3 Stilling St	Lot 1, DP 226530
RM-09	L	Brick Store	1 Overhill Rd	Lot 64, DP 596913
RM-10	L	Boat Slip	1 Overhill Rd	Lot 64, DP 596913
Redhead				
RH-01	L	Lambton Colliery	1 Geraldton Dr	Lot 68, DP 878840
RH-03	L	Under-Manager's House	17 Geraldton Dr	Lot 7, DP 878840
RH-04	L	"The Gables"	87 Redhead Rd	Lot 4, DP 737493
RH-07	L	Mine Manager's House	21 Elsdon St	Lot 100, DP 609787
Speers Point				
SP-03	L	House	10 Council St	Lot 1, DP 518527
SP-04	L	House	8 Council St	Lot 1, DP 521920
SP-08	L	House	18 Alley St	Lot 11, DP 525378
SP-09	L	House	37 Alley St	Lot 1, DP 587774
SP-10	L	Cottage	64 Speers St	Lot 1, DP 348879
SP-11	L	House	66 Speers St	Lot 3, DP 562487
SP-12	L	House	41 Albert St	Lot 1, DP 962726
SP-13	L	House	74 Speers St	Pt Lot 1, DP 956798
SP-14	L	House	214 The Esplanade	Lot 1, DP 108865
SP-16	L	House "The Knoll"	374 The Esplanade	Lot 3, DP 786053
SP-17	L	House	332 The Esplanade	Lot 4, DP 350608
SP-19	L	House	302 The Esplanade	Lot 32, DP 564214
SP-23	L	House	282 The Esplanade	Lot 145, DP 558308
SP-25	L	Former Lake Macquarie Council Chambers	143 Main Rd	Lot 13, DP 810700
SP-26	L	House	141 Main Rd	Lot 1, DP 368588
SP-29	L	Speers Point Garage	155 Main Rd	Lot 12, Section A, DP 4063
SP-30	L	House "Shangrila"	157 Main Rd	Lot 11, Section A, DP 4063
SP-31	L	House	159 Main Rd	Lot 10, Section A, DP 4063
SP-34	L	Lakeview Street Theatre	81 Lakeview St	Lot 14, Section B, DP 4063
SP-36	L	Shelter Shed	15 Park Rd	Lot 1, DP 998238
SP-37	L	Minenwerfer (or German Mortar)	15 Park Rd	Lot 1, DP 998238
Swansea				
SS-02	L	The Swansea Hotel	196 Pacific Hwy	Lot 2, DP 634759
Swansea Heads				
SD-02	L	Coast Guard Station	3a Lambton Pde	Lot 548, DP 39981
SD-03	L	Reid's Mistake, Head and Channel	7a Lambton Pde	Pt Reserve 88033
Teralba				
TA-03	L	Shop	10 Anzac Pde	Lot 1, DP 999965
TA-08	L	House "Moria"	59 York St	Lot 17, DP 816302
TA-09	L	Teralba Public School	57 York St	Lot 2, DP 795123
TA-10	L	Great Northern Hotel	2 Anzac Pde	Lot 7, Section A, DP 447469
TA-11	L	House "AS"	101 Railway St	Lot 261, DP 554269

TA-12	L	Station Master's Cottage	150 Railway St	Lot 3, DP 831957
TA-13	L	Teralba Cemetery Billygoat Hill	20 Pitt St	Lot 31, DP 858667
TA-16	L	Gartlee Mine	159 Railway St	Lot 1, DP 780614
TA-17	L	Rhondda Colliery	23a Unnamed Rd	Lot 76, DP 755262, Lot 13, DP 755262
Toronto				
TT-01	L	House "Manuka"	182 Excelsior Pde	Lot 461, DP 589541
TT-06	L	House "The Moorings"	2 Jarrett St	Lot A, DP 368417
TT-08	L	Toronto Cemetery	354 Awaba Rd	Lots 7044 to 7046, DP 1052029 and Lot 7058, DP 1052031
TT-09	L	Toronto Hotel	74 Victory Pde	Lot 201, DP 549239
TT-11	L	Former Railway Station	16 Victory Row	Lot 220, DP 1021925
TT-12	L	Frith's Store	66 The Boulevarde	Lot B, DP 390795
TT-15	L	Building Restaurant	24 Victory Pde	Lot 1, DP 301366
TT-16	L	Royal Motor Yacht Club Annexe	8 Arnott Ave	Lot 12 to 15, DP 456286
TT-17	L	Building Restaurant	6 Arnott Ave	Lot X, DP 406274, Pt Lot 424, DP 823708, Lot 1, DP 917503
TT-18	L	Boatman's Cottage Lakefront	4 Arnott Ave	Lot 1, DP 950464
TT-19	L	Boathouse and Winches Lakefront	4 Arnott Ave	Lot 1, DP 950464 PO 65/60
TT-20	L	House	4 Arnott Ave	Lot 1, DP 950464
TT-21	L	House "Burnbrae"	32 Renwick St	Lot 1, DP 122786
TT-22	L	Station Master's Cottage	98 Brighton Ave	Lot 1, DP 125979
TT-23	L	House "McGeachie's"	109 Brighton Ave	Lot 2, DP 515029
TT-29	L	Convent of Mercy	26 Renwick St	Lot 2, DP 314496
TT-30	L	House	23 Renwick St	Lot 2, DP 350492
TT-38	L	Cottage	6 Renwick St	Lot 21, Section 7, DP 4236
TT-42	L	House	16 Hunter St	Lot 111, DP 596414
TT-43	L	Winn's House	19 Hunter St	Lot 100, DP 717511
Wangi Wangi				
WG-01	S L	Wangi Power Station	80 Donnelly Rd	Lot 101, DP 880089
WG-04	L	House "Dobell House"	47 Dobell Dr	Lot 13, DP 8840
Warners Bay				
WB-01	L	House "Ali's Palace"	6 Fairfax Rd	Lot 2, DP 20222, Lot 34, DP 20222, Pt Lot 1, DP 20222
WB-02	L	First Orange Orchard	The slope with north eastern aspect falling from crest of hill at corner Beryl and Mills Sts down to creek and tranway	(WB-03)
WB-03	L	Mine Pithead and Coal Tramway to Lake	Follows creek from below Barbara St, to Lake between Howard and James Sts	
West Wallsend				
WW-01	L	West Wallsend Football Club Ground	3 Laidley St, Johnson Park	Lot 1, DP 421411

WW-02	L	West Wallsend (No 1) Colliery	off Wilson St	Pt Lot 106, DP 1000408
WW-05	L	Cottage	12 Carrington St	Lot 6, Section Z, DP 3809
WW-06	L	Cottage	15 Carrington St	Lot 15, Section D, DP 2252
WW-08	L	House "Earsdon Cottage"	20 Carrington St	Lot A, DP 370073
WW-10	L	Former Shop and Doctors surgery	47 Carrington St	Lot 16, Section C, DP 2252
WW-11	L	House	47 Carrington St	Lot 16, Section C, DP 2252
WW-12	L	Former Shop and House	52 Carrington St	Lot 2, Section G, DP 2252
WW-13	L	Post Office and Residence	54 Carrington St	Lot 1, Section G, DP 2252
WW-14	L	Catholic Church and Convent	5 Hyndes St	Lot 15, Section G, DP 2255, Lot 16, Section G, DP 2252, Lot 1, DP 500232, Lot 2, DP 500232
WW-15	L	Soldiers' Memorial and Park	49 Carrington St	Lot 1, DP 301342
WW-16	L	Workers' Club	51 Carrington St	Lot 11, DP 863266
WW-18	L	Clyde Inn Hotel	57 Carrington St	Lot 12, Section B, DP 2252
WW-19	L	House	59 Carrington St	Lot A, DP 382915
WW-23	L	Former School of Arts	65 Carrington St	Lot 21, DP 875161
WW-26	L	West Wallsend Co-Op	76a Carrington St 6 Withers St 8 Withers St	Lot 7, Section E, DP 2252 Lot 8, Section E, DP 2252 Lot 9, Section E, DP 2252
WW-31	L	West Wallsend Public School	49a Wallace St	Lot 5, Section J, DP 2252, Lot 6, Section J, DP 2252, Lot 7, Section J, DP 2252, Lot 8, Section J, DP 2252, Lot 9, Section J, DP 2252, Lot 10, Section J, DP 2252, Lot 11, Section J, DP 2252, Lot 12, Section J, DP 2252, Lot 1, DP 415746, Lot 1, DP 103681, Lot 1, DP 203314, Lot 1, DP 418805
WW-32	L	Miners' Memorial	49a Wallace St	Lot 8, Section J, DP 2252
WW-33	L	Presbyterian Church	48a Wallace St	Lot 1, Section O, DP 2253
WW-35	L	Baptist Church	49 Wallace St	Lot 15, Section K, DP 2252
WW-38	L	Former Northumberland Hotel	1 Hyndes St	Lot 11, DP 565278
WW-39	L	Cottage	53 Wilson St	Lot B, DP 315094
WW-40	L	Cottage	8 Laidley St	Lot B, DP 319636
WW-41	L	Museum Hotel	70 Wilson St	Lot 21, DP 700424
WW-46	L	Mt Sugarloaf and the Sugarloaf Range	Mt Sugarloaf Rd	Lot 1, DP 231108, Lot 2, DP 231108, Lot 21, DP 223395, Lot 1, DP 207238, Lot 1, DP 338999, Lot 121, DP 755262
WW-47	L	Mt Sugarloaf No 1 Colliery	Mt Sugarloaf Rd	Lot 7, DP 813135
WW-50	L	West Wallsend Cemetery	Cemetery Rd	Lots 980 and 981, DP 589701
WW-52	L	West Wallsend Valve House and Underground Reservoir	30a George Booth Dr, Estelville	Lot 1, DP 923587
Whitebridge				
WH-01	L	Whitebridge Cemetery	132a Dudley Rd	Lots 1697, 1698 and 1731, DP 755233
WH-02	L	House	105 Burwood Rd	Lot 7, DP 800730
WH-08	L	Railway Cutting and	Old Dudley Rd	

WH-09 L Bridge (also see RT-04)
Captain Bulls Garden 76 Bulls Garden Rd Lot 10, DP 220823

Wye
WY-02 L Wye Channel Extending north, from
the Wye Dam, passing
under Summerhayes Rd

Part 2 Potential archaeological sites other than of indigenous origins

Item No	Significance Item	Address	Property description
1	Wharf	Middle Camp Beach, Catherine Hill Bay	
2	Wallarah East Pit	Flowers Dr, Catherine Hill Bay	
3	Newstan Colliery	Fassifern Rd, Fassifern	
4	Lambton Colliery Redhead	Crown Land Redhead	Lot 2050, DP 823153
5	Arnos Bros, Quarry	Teralba	
6	North Burwood Colliery	Burwood Rd, Whitebridge	
AW-08 L	Railway Station cottage	34 Brisbane St, Awaba	

Schedule 5 Natural heritage items

(Clause 49)

Part 1 Items relating to fossils

Item No	Significance Item	Address	Property description
Blackalls Park			
BK-01 L	Fossil Tree Sections	Venetia Ave	Lot 6, DP 12604
BK-04 L	Fossil Tree Reserve	40 Aldon Cr	Reserve 38237
Swansea Heads			
NI L	Numerous fossil tree stumps preserved in situ—remains of fossil forest	Off Lambton Pde	Adjacent to Reserve 88033 and DP 39981
Tingira Heights			
TH-01 L	Nature Reserve and being permian fossil insect horizon	Burton Rd	Lot 180, DP 755233 and area from Belmont to Warners Bay depicted on Map prepared by OLEM Knight, titled <i>Permian Fossil Horizon Belmont— Warners Bay 1949</i> (Records of the Australian Museum 1950)

Part 2 Landmark of Aboriginal and European heritage significance supporting tree groups and individual trees

Item No	Significance Item	Address	Property description
LM-01 L	Pulbah Island		

Schedule 6 Places or potential places of Aboriginal heritage significance

(Clause 49)

Part 1 Places of Aboriginal heritage significance

Item No	Significance Item	Address	Property description
Various	All sites identified in the last edition of the National Parks and Wildlife Service's Aboriginal Sites Register available at the office of the Council		All property identified as an Aboriginal site in that Register

Part 2 Potential places of Aboriginal heritage significance

Item No	Significance Item	Address	Property description
Various	All sites, localities and landscapes identified in the <i>Lake Macquarie Aboriginal Heritage Study Report</i> available at the office of the Council		All properties identified as an Aboriginal site, locality or landscape as held in the records of Lake Macquarie City Council

Schedule 7 Additional development allowed on certain land

(Clause 39)

Item No	Column 1	Column 2
1	(Repealed)	
2	Land at Wye Point being Lot 48, DP 1035946.	Development for the purpose of eco-tourism facilities.
3	Land at Redhead, part of Lot 6001, DP 787875, Kalaroo Road, Redhead.	Long term residential occupation of movable dwellings.
4	Land at Wye Point, incorporating the parcels created by Strata Plans Nos SP 33591, SP 34019, SP 51315, SP 52847, SP 53446, SP 58403, SP 63806, SP 63807, SP 64978, SP 65565, 77 Rutleys Road, Wye Point.	Development providing permanent residential accommodation and other buildings, works and land uses predominantly providing a tourist destination as an integrated community containing tourist facilities and which may contain a range of accommodation types (including dwellings) and a combination of land uses including retailing, recreational and community activities appropriate to the community's needs.
5	Land in the vicinity of Rafferty's Road Cam's Wharf, shown in Deposited Plan Nos DP 270043, DP 285138, DP 285268, DP 285325, DP 285410, DP 285518, DP 285546, DP 285579, DP 285636.	Development predominantly providing a tourist destination as an integrated community containing tourist facilities and which may contain a range of accommodation types (including dwellings) and a combination of land uses including retailing, recreational and community activities appropriate to the community's needs.
6	Land at Cams Wharf, being Lot 1 DP 926581 and subdivided as Lots 321, 322, 323 and 324, DP 864517.	Erection of one dwelling house on each of the 4 lots within DP 864517.
7	So much of the land in the vicinity of Minimi Road, Cameron Park Drive and George Booth Drive, Edgeworth, in Lot 216, DP 1036819 as is within Zone 7 (2) and is not the subject of acquisition by the Council.	Development that results in cluster housing or tourist facilities (or both) on a site area consisting of land described in Column 1, but only if: (a) the ratio of the part (if any) of

the site area occupied by tourist facilities to the whole of the site area does not exceed 0.5:1, and

(b) not more than 2.5% of the site area is physically disturbed by the carrying out of development for the purpose of dwelling houses, and

(c) the density of the dwelling houses (if any) must not exceed one dwelling house for every 5 hectares of the site area.

If land is subdivided after any such development has been carried out on it, or if consent is granted for the carrying out of any such development on land at the same time as consent is given for subdivision of the land, the subdivision may be carried out only under the *Strata Schemes (Freehold Development) Act 1973*, the *Strata Schemes (Leasehold Development) Act 1986* or the *Community Land Development Act 1989*.

Any development that is allowed on land in the adjoining zone may be carried out, but only if the consent authority, before granting consent for any such development, has had regard to the guidelines and parameters adopted in the establishment of the relevant zone boundary (as evidenced by any environmental study, assessment or report prepared in relation to the creation of that zone boundary) and is satisfied:

(a) that the land is suitable having regard to all likely environmental impacts, including slope, access, drainage, bushfire hazard, conservation value, geotechnical instability, erosion hazard, visual significance, and

(b) that the development will not reduce the area of open space required to meet the needs of any population increase as a result of the development, and

(c) that the development will not reduce the conservation value of the locality required for the protection of flora and fauna species, having regard to all matters, including perimeter effects and the impact of the development on the total area

of land identified as relevant for conservation.

8	Land at Mirrabooka, being Lot 16, DP 28068, Hillcrest Road, Mirrabooka.	Subdivision into not more than 4 lots and the erection of a dwelling house on each lot so created.
9	Land at Mirrabooka, being Lot 17, DP 28068, Hillcrest Road, Mirrabooka.	Subdivision into not more than 2 lots and the erection of a dwelling house on each lot so created.
10	Land at Mirrabooka being Lots 18 and 20, DP 28068, Hillcrest Road, Mirrabooka.	Subdivision of each lot into not more than 2 lots and the erection of a dwelling house on each vacant lot so created.
11	Land at Morisset, Lot 9, DP 758707, Terrigal Street, Morisset.	Development for the purpose of a mortuary.
12	Land at Cam's Wharf, being a resubdivision of Lot 2, DP 517892, subdivided as Lots 1, 2 and 3, DP 1022805, Cam's Wharf Road, Cam's Wharf.	The erection of a dwelling house on each lot within DP 1022805.
13	Land at Morisset, Lot 401, DP 1001919.	Development for the purpose of a retail market, being operated on Saturday and Sunday between the hours 7:30am to 6:00pm, with a gross floor area no greater than 10,300 square metres.
14	Land at Fairfax Road, Warners Bay, being so much of Lot 22, DP 1015155 as is within Zone 7 (2).	Subdivision into not more than 3 lots, but only if each of the existing dwellings is located on a separate lot and the remaining lot is of such a size and configuration, and in such a location, as to satisfy drainage requirements and is reserved for drainage.

Schedule 8 Land subject to special development requirements

(Clause 42 (1))

Item No	Column 1	Column 2
1	Land at Buttaba being land in DP 1128, DP 12507, DP 584905 and DP 807936, zoned 2 (1) or 7 (1).	A development control plan must have been approved by the Council before consent is granted for any development. This development control plan must include recommendations about flora and fauna conservation, soil erosion and sedimentation control, drainage and water management, bushfire risk management, conservation of Aboriginal archaeology, urban design, subdivision pattern and development staging, and appropriate construction types and methods.
2	Land at Morisset Park, being Lot 38 DP 755242, as shown edged heavy black on the map marked "Lake Macquarie Local Environmental Plan 2004".	A master plan must have been adopted by the Council before consent is granted for any development. This master plan must include recommendations about the following: (a) measures to assess, support, manage and conserve places and items of cultural heritage, (b) measures to deliver a diversity of social and economic opportunities including employment, (c) a strategy for the staged delivery of social infrastructure and services,

- (d) measures that will achieve a balance between ecological, visual, scenic, cultural and heritage values and site sensitive development,
- (e) the application of ESD principles,
- (f) principles and a detailed strategy for the management of natural features, foreshore processes and hazards,
- (g) measures to achieve development that is complementary to and reflects the character of surrounding urban developments,
- (h) the location and design of development in a manner that complements the on-site and surrounding natural environment, including recommendations for the retention of vegetation,
- (i) the precise location of development within different parts of the site to allow detailed site planning to achieve the most appropriate configuration of buildings, roads and other works to minimise potential environmental and visual impacts,
- (j) providing for a diversity of built form that considers building height, form, massing, materials, colour and reflectivity, among others, in the design process with the intent of minimising impacts with surrounding developments and the lakeshore environment,
- (k) meeting the objectives of the NSW Coastal Policy in planning and design across the site,

- (l) retaining the natural form of the foreshore of Lake Macquarie and providing for public access links to the adjoining Lake Macquarie State Recreation Area,
- (m) an urban form and structure that encourages walking, cycling and public transport use,
- (n) the location and design of roads and pedestrian/cycleway systems to maximise the opportunity for public access to foreshore areas.

3

Land at Morisset Park in Zone 2 (1) as shown edged with a broken black line within the area edged heavy black on the map marked "Lake Macquarie Local Environmental Plan 2004", being part Lot 38, DP 755242.

For all land described opposite, the master plan referred to in item 2 above must include recommendations about the following additional matters:

- (a) location and design of development in a manner that allows site sensitive residential development that responds to existing vegetation values, ecological values and visual aspects of this part of the site,
- (b) location and design of developments in a manner that complements the on-site and surrounding natural environment, including retention of existing vegetation,
- (c) measures to locate and design development within this part of the site to conserve and enhance the visual, ecological and environmental values of the site, including recommendations for the retention of vegetation,
- (d) measures to provide for a diversity of built form that considers building height, form, massing, variable roof forms, materials, colour and reflectivity, among others, in the design and process and complements surrounding developments and the

lakeshore environment,

(e) measures to site, consolidate and/or cluster buildings to create built forms that maintain existing vegetation cover and minimise potential environmental and visual impacts.

- | | | |
|---|--|---|
| 4 | Land at Macquarie Hills, fronting Lawson Road, being part of Lots 1-3, DP 218658 and Lot 30, DP 879072. | A development control plan applying only to the land must have been adopted by the Council before consent is granted for any development. This development control plan must address, to the satisfaction of the Council, habitat corridors, slope stability, drainage, water quality management, visual impact and access to the proposed development. |
| 5 | Land at Bonnells Bay, fronting Fishery Point Road and Station Street, being Lot 43, DP 876821, Lot 1, DP 1086630 and Lot 7068, DP 1021263. | A development control plan for the land must have been adopted by the Council before consent is granted for any development. The development control plan must address, to the satisfaction of the Council, flora and fauna conservation, water quality management, visual impact and site access and mobility. |

Schedule 9 Consent to development subject to special requirements

(Clauses 42 (2))

Item No	Column 1	Column 2
1	Land at Warners Bay, being Lot 1, DP 204920, Myles Avenue, Warners Bay.	Provision for future vehicle and pedestrian access through Hillsborough Road, Warners Bay in a manner that is satisfactory to the Council.
2	Land at Estelville, being land in Lot 1, DP 877349, Part 301, DP 866450 and Part 1000, DP 870854, Cameron Park Drive, Cameron Park, being land in Zone 4 (1).	All stormwater must be detained and treated within the site boundaries. There must be no direct vehicular access to or egress from the site from or to the F3 Freeway, George Booth Drive or the Newcastle Link Road. There must be no direct vehicular or pedestrian access to Cameron Park Drive from lots fronting Cameron Park Drive. A vegetation buffer is to be established along the adjoining F3 Freeway, the Newcastle Link Road and Cameron Park Drive to the satisfaction of the Council.

Schedule 10 Development by public authorities

(Clause 10)

1 Rail transport

The carrying out by persons carrying on railway undertakings on land comprised in their undertakings of:

- (a) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant, and
- (b) the erection within the limits of a railway station of buildings for any

purpose, but excluding:

- (i) the construction of new railways, railway stations and bridges over roads, and
- (ii) the erection, reconstruction and alteration of buildings for purposes other than railway undertaking purposes outside the limits of a railway station and the reconstruction or alteration, so as materially to affect their design, of railway stations or bridges, and
- (iii) the formation or alteration of any means of access to a road, and
- (iv) 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 and gas

The carrying out by persons carrying on public utility undertakings, being water, sewerage, drainage, electricity or gas undertakings, of any of the following development, being development required for the purpose of their undertakings:

- (a) development of any description at or below the surface of the ground,
- (b) the installation of any plant inside a building or the installation or erection within the premises of a generating station or substation established before the appointed day of any plant or other structures or erections required in connection with the station or substation,
- (c) the installation or erection of any plant or other structures or erections by way of addition to, or replacement or extension of, plant or structures or erections already installed or erected, including the installation in an electrical transmission line of substations, feeder-pillars or transformer housing, but not including the erection of overhead lines for the 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 housing of stone, concrete or brickworks,
- (d) the provision of overhead service lines in pursuance of any statutory power to provide a supply of electricity,
- (e) the erection of service reservoirs on land acquired or in the process of being acquired for the purpose before the appointed day, provided reasonable notice of the proposed erection is given to the Council,
- (f) routine maintenance and emergency works,
- (g) any other development, except:
 - (i) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings, so as materially to affect their design or external appearance, or
 - (ii) the formation or alteration of any means of access to a road.

3 River transport

The carrying out by persons carrying on public utility undertakings, being water transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by water, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:

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

4 Air transport

The carrying out by persons carrying on public utility undertakings, being air transport undertakings, on land comprised in their undertakings within the boundaries of any aerodrome, of any development required in connection with the movement of traffic by air, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:

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

5 Road transport

The carrying out by persons carrying on public utility undertakings, being road transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by roads, including the construction, reconstruction, alteration, maintenance and repair of buildings, works and plant required for that purpose, except:

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

6 Mines

The carrying out by the owner or lessee of a mine (other than a mineral sands mine), on the mine, of any development required for the purpose of a mine, except:

- (a) the erection of buildings (not being plant or other structures or erections required for the mining, working, treatment or disposal of minerals) and the reconstruction, alteration or extension of buildings, so as materially to affect their design or external appearance, or
- (b) the formation of any means of access to a road.

7 Roads

The carrying out of any development required in connection with the construction,

reconstruction, improvement, maintenance or repair of any road, except the widening, realignment or relocation of such road.

8 Forestry

The carrying out of any forestry work by the Forestry Commission, a School Forest Trust or Community Forest Authorities empowered under relevant Acts to undertake afforestation, roading, protection, cutting and marketing of timber, and other forestry purposes under such Acts or upon any Crown land temporarily reserved from sale as a timber reserve under the *Forestry Act 1916*.

9 Rural land protection

The carrying out by a rural lands protection board of any development required for the improvement and maintenance of travelling stock and water reserves, except:

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or purpose, or
- (b) any development designed to change the use or purpose of any such reserve.

10 Water resources

The carrying out or causing to be carried out by the Council when engaged in flood mitigation works or by the Department of Infrastructure, Planning and Natural Resources of any work for the purposes of soil conservation, irrigation, afforestation, reafforestation, flood mitigation, water conservation or river improvement in pursuance of the provisions of the *Water Act 1912*, the *Farm Water Supplies Act 1946*, the *Rivers and Foreshores Improvement Act 1948* or the *Water Management Act 2000*, except:

- (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 materially to affect their design or external appearance, or
- (b) the formation or alteration of any means of access to a road.

Schedule 11 Restricted development

(Clause 42A)

Item No	Column 1	Column 2
1	Land at Cardiff South, being part of Lot 63, DP 570307, 1A Water Street, as shown edged heavy black on Sheet 1 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 3)".	Children's playground associated with the adjoining school.
2	Land at Macquarie Hills, being part of Lot PT4, DP 227813 (1A Lawson Road) and Lot 51, DP 790843 (2B Blaxland Road), as shown edged heavy black on Sheets 2 and 3, respectively, of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 3)".	Car parking (and any associated works, including retaining walls, landscaping and fencing) associated with the adjoining church.

Dictionary

(Clause 7 (1))

Acid Sulfate Soil Manual means the document with that title as last adopted by the Director-General.

acid sulfate soils means actual or potential acid sulfate soils, as defined in the *Acid Sulfate Soils Assessment Manual*.

Acid Sulfate Soils Planning Maps means the series of maps marked "Lake Macquarie Local Environmental Plan 2004—Acid Sulfate Soils Planning Maps" kept in the office of the Council.

advertising structure means a structure or vessel that is principally designed for, or that is used for, the display of an advertisement.

agriculture means:

- (a) the production of crops or fodder, or
- (b) the keeping or breeding of cattle, horses or birds, or
- (c) horticulture including fruit, vegetable and flower crop production, or
- (d) the grazing of livestock.

airline terminal means a building or place used for the assembly of passengers and goods prior to the transport of those passengers and goods either to or from an airport or an aerodrome.

airport means a place for the arrival and departure of aircraft by air and may include buildings associated with aircraft storage, maintenance and control.

animal establishment means a place used for the boarding, breeding, keeping or training of animals for business purposes, and includes a riding school.

appointed day means the day on which this plan commences.

aquaculture means the commercial breeding, hatching, rearing or cultivation of marine, estuarine or fresh water organisms, including aquatic plants or animals such as fin-fish, crustaceans, molluscs or other aquatic invertebrates.

archaeological site means a site of one or more relics.

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

Australian Height Datum (AHD), in relation to heights, means the level of the control point approved by the Surveyor-General for measuring the heights for the purpose of establishing Australian Height Datum.

Average Recurrence Interval (ARI) means the average period between the recurrence of a storm event of a given rainfall intensity. The ARI represents a statistical probability. For example, a 10-year ARI indicates an average of 10 events over a 100-year period.

bed and breakfast establishment means a dwelling house occupied by the permanent residents of same who provide overnight accommodation for visitors in no more than 5 bedrooms of that dwelling house, for a maximum period of 7 consecutive days and who

provide at least breakfast to those visitors.

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

bottle shop means premises to which an off-licence to sell liquor by retail (granted under the *Liquor Act 1982*) relates.

brothel means a building or place regularly used for the purposes of prostitution.

building frontage is the facade of the building that faces a street.

building products warehouse and showroom means a building used predominantly for warehousing or distribution of building materials, supplies, plumbing supplies, air-conditioning systems, swimming pools and the like, with an ancillary component for the sale of such goods, materials or supplies by retail or auction.

bulk store means a building or place used for the bulk storage of goods where the goods stored, or to be stored, are not required for use in a shop or commercial premises on the same parcel of land or on adjoining land in the same ownership.

bulky goods showroom means a building or place used for the sale by retail or auction of goods or materials that are of such a size, shape or weight as to require:

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

but does not include a building or place used for the sale of foodstuffs or clothing.

bus shelter means a small-scale structure or place used to pick up or set down passengers travelling by bus.

bus station means a building or place used as a terminal for the assembly and dispersal of passengers travelling by bus.

bushfire hazard reduction work means the reduction or modification (by controlled burning or by mechanical, chemical or manual means) of material that constitutes a bushfire hazard.

bushfire prone land has the same meaning as in the Act.

bushland regeneration means:

- (a) the removal of environmental weeds, and the rehabilitation of a degraded native vegetation community or ecosystem, using methods that do not damage the native vegetation or disturb the natural soil surface or hydrology, and
- (b) the planting of native vegetation that is indigenous to the site to establish a healthy population of that vegetation.

car parking facility means a building or place used for parking vehicles, whether operated for gain or not, and any manoeuvring space and access to that building or place, but does not include car parking ancillary to a permissible use.

car repair station means a building or place used for the purpose of carrying out repairs and/or detailing including washing, to motor vehicles, caravans, boats or agricultural

machinery and the like, not being:

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

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

cemetery or **crematorium** means a building or place for the burying or cremation of deceased people or animals and may include a chapel, temple or other religious place for conducting funeral services.

child care centre means a building or place, whether operated for gain or not, which is used for the purpose of educating, supervising or caring for children (whether or not any of the children are related to the owner or operator), where:

- (a) there are 6 or more children under 6 years of age who do not attend a government school or a registered non-government school within the meaning of the Education Act 1990, and
- (b) the building or place does not provide residential care for any of the children (other than those related to the owner or operator),

and which may operate before and after school hours as an out of school hours care centre for children over 6 years of age.

clear includes:

- (a) kill, destroy, poison, ringbark, uproot or burn a tree or native vegetation, or
- (b) cut down, fell, thin, log or remove a tree or native vegetation, or
- (c) underscrub a tree or native vegetation, or
- (d) sever or lop a branch, a limb, a stem or a trunk of a tree or native vegetation, or
- (e) damage a tree or native vegetation in any other way,

or cause or permit any of the above.

club means premises registered under the Registered Clubs Act 1976 that are also licensed to serve alcohol under the Liquor Act 1982.

commercial mooring has the same meaning as in the Lake Macquarie Mooring Management Plan prepared and adopted from time to time by the Maritime Authority of NSW.

commercial premises means a building or place used as an office or for other business or commercial purposes but, in the Table in Part 3, does not include a building or place elsewhere specifically defined in this clause.

community facility means a building or place owned or controlled by a public authority or non-profit community organisation, which provides for the physical, social, cultural or intellectual development, welfare or safety of the local community.

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

complying development is identified in clause 9.

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 mechanisms that are appropriate to enable that significance to be retained.

corporation has the same meaning as in the Act.

demolish a heritage item, or a building, work, archaeological site, tree or place in a heritage conservation area, means wholly or partly destroy, dismantle or deface the item or the building, work, archaeological site, tree or place.

Department has the same meaning as in the Act.

depot means a building or place used for the storage (but not sale) and maintenance of plant, machinery, goods or materials used or intended to be used by the owner or occupier of the building or place but, in the Table in Part 3, does not include a building or place elsewhere defined in this Dictionary.

development has the same meaning as in the Act.

DP high water mark for any land is the mean high water mark shown on the current plan (within the meaning of the Conveyancing Act 1919) for the land.

drainage means works carried out for the purpose of drainage which are not incidental or ancillary to development for which consent has been granted.

dual occupancy—attached means two dwellings in a single building on a single allotment of land.

dual occupancy—detached means two detached dwellings on a single allotment of land.

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

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

dwelling house—exhibition means a dwelling house used for the purpose of displaying to potential customers, the dwelling house, its contents and its surrounds for a limited period.

earthworks means a work involving the addition or removal of any solid matter on, to or from land, or any other work that will significantly alter:

- (a) the level of the land from the existing ground level, or
- (b) the character of the surface of that land, or
- (c) the drainage of the land.

eco-tourism facility means a building or place used primarily for tourist accommodation or recreation, or both, and may include holiday cabins, camp or caravan sites, where the total number of beds does not exceed 20, that is in a natural or rural setting and may involve education and interpretation of the natural environment, and does not have a deleterious effect on the ecology of its location.

educational establishment means a building used as a pre-school, school or tertiary institution within the meaning of a State or Commonwealth Act, whether or not accommodation for staff or students is provided, or a gallery or museum but, in the Table in Part 3, does not include a building or place elsewhere defined.

emergency services facility means a building or place used for the provision of police, fire and ambulance services or the like, and may include training rooms and administration buildings, and buildings or places used to store, service or repair vehicles or equipment.

energy generation works means a building or place used primarily for the purpose of making or generating forms of energy.

entertainment facility means a building or place used for the purpose of sport, entertainment, exhibitions, displays or cultural events, and includes:

- (a) sports stadiums, conference facilities, function centres, showgrounds, racecourses and the like, and
- (b) theatres, cinemas, music halls, concert halls and the like.

environmental facility means a structure or work that provides for:

- (a) nature study or display facilities, such as walking trails, board walks, observation decks, bird hides or the like, or
- (b) environmental management and restoration, such as bush restoration, wetland restoration, erosion and run off prevention works, dune restoration or the like,

and may include ancillary kiosks or cafes.

ESD—see principles of ecologically sustainable development.

exempt development is identified in clause 8.

extractive industry means:

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

extractive material means sand, gravel, clay, turf, soil, rock, stone or similar substances.

flood prone land means land affected by the 1% Average Recurrence Interval (ARI).

foreshore building line means a foreshore building line fixed under clause 7 of the *Environmental Planning and Assessment Model Provisions 1980*, as adopted by clause 22.

foreshore development means a boatshed, jetty, slipway, boat ramp, in-ground swimming pool, inclinators, landscaping, barbecues or other similar structures.

forestry includes arboriculture, silviculture, forest protection, the cutting, dressing and preparation, otherwise than in a sawmill, of wood and other forest products and the establishment of roads required for the removal of wood and forest products and for forest protection.

front building setback means the minimum distance from a lot's frontage to which the outermost projection of a structure may be built on the lot, as specified in Part 3 of *Lake Macquarie Development Control Plan No 1—Principles of Development*.

function centre means a building or place used to hold conferences, wedding receptions and the like, and may include a restaurant.

general store means a building or place for the retail sale of convenience goods that may include the facilities of a post office and/or for the sale of take-away food and that has a maximum gross floor area of 75 square metres but, in the Table in Part 3, does not include a building or place elsewhere defined.

gross floor area means the sum of the areas of each floor of a building, where the area of each floor is taken to be the area within the outer face of the external enclosing walls (as measured at a height of 1,400 millimetres above each floor level) excluding:

- (a) columns, fin walls, sun control devices and any elements, projections or works outside the general lines of the outer face of the external wall, and
- (b) lift towers, cooling towers, machinery and plant rooms, ancillary storage space and vertical air conditioning ducts, and
- (c) car parking needed to meet any requirements of the Council and any internal access to such parking, and
- (d) space for the loading and unloading of goods.

group home has the same meaning as in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

hazardous industry means an industry that, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality:

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

hazardous storage establishment means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality:

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

height in relation to a building or structure, means the distance measured vertically from the topmost element of the building or structure to the natural ground level immediately below that point.

helipad means an area or place, whether or not open to public use, set apart for the taking off and landing of helicopters.

heliport means an area or place open to public use that is licensed by the Commonwealth for the taking off and landing of helicopters and includes terminal buildings and facilities for the parking, servicing and repair of helicopters.

heritage conservation area means an area of land that is shown edged by a heavy black broken line on the map, and includes buildings, works, archaeological sites, trees and places situated on or within the land.

heritage impact statement means a document consisting of a statement demonstrating the heritage significance of a heritage item or heritage conservation area, or a building, work, archaeological site, tree or place within a heritage conservation area, and an assessment of the impact that proposed development will have on that significance and proposals for measures to minimise that impact.

heritage item means a building, work, archaeological site, potential archaeological site or place:

- (a) the site and nature of which is described in Schedule 4, 5 or 6, and
- (b) that is more particularly specified in an inventory of heritage items available at the office of the Council, and

in the case of an item described in Schedule 6 as a place or potential place of Aboriginal heritage significance, the item includes any component, fixture or fitting that is attached to it.

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

high technology industry means an enterprise which has as its primary function the manufacture, development, production, processing or assembly of, or research into, any of the following:

- (a) electronic and micro-electronic systems, goods and components,
- (b) information technology, computer software and hardware,
- (c) instrumentation and instruments,
- (d) biological, pharmaceutical, medical or paramedical systems, goods and components,
- (e) other goods, systems and components intended for use in science and technology.

home business means the use of part of a dwelling house or dwelling as an office or for business, where:

- (a) the use is ancillary to the residential use of, and is contained within, the main dwelling, and
- (b) the use is undertaken by the permanent residents of the dwelling, and
- (c) the use does not involve the employment of more than two persons on site in addition to those residents, and
- (d) the use does not cause any unacceptable impact on the environment or interference with the amenity of the surrounding area, and
- (e) the use does not involve the exhibition of any notice, advertisement or sign (other

than a non-illuminated notice or sign to indicate the name or occupation of the resident), and

- (f) the use does not involve the retailing of any items from the premises, and
- (g) the use is not as a brothel.

home industry means an industry carried on in a building (other than a dwelling house or a dwelling) where:

- (a) the building does not occupy a gross floor area exceeding 50 square metres and is erected within the curtilage of the dwelling house or dwelling occupied by the person carrying on the industry, or on adjoining land owned by that person, and
- (b) the industry does not involve the employment of more than one person on site in addition to those residents, and
- (c) the industry does not:
 - (i) interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit or oil, or otherwise, or
 - (ii) involve exposure to view from any adjacent premises or from any public place of any unsightly matter, or
 - (iii) require the provision of any essential service main of a greater capacity than that available in the locality, or
 - (iv) involve the sale of goods from the premises.

home occupation means an occupation carried on in a dwelling house or in a dwelling in a residential flat building by the permanent residents of the dwelling house or dwelling which does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit or oil, or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling house or dwelling to indicate the name and occupation of the resident), or
- (e) the sale of items (whether goods or materials) or the exposure or offer for sale of items, by retail.

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

- (a) ancillary facilities for the accommodation of nurses or other health care workers,

ancillary shops or refreshment rooms and ancillary accommodation for persons receiving health care or for their visitors, and

- (b) facilities situated in the building or at the place and used for educational or research purposes, whether or not they are used by hospital staff or health care workers, and whether or not any such use is a commercial use.

hotel means the premises to which a hotelier's licence granted under the *Liquor Act 1982* relates.

industry means the manufacturing, assembling, altering, formulating, repairing, renovating, preparing, ornamenting, finishing, cleaning, washing, breaking up or adapting of any goods or any articles or any part of a good or an article for trade or sale or gain but, in the Table in Part 3, does not include any other use specifically defined in this Dictionary.

intensive agriculture means a form of agriculture, involving:

- (a) intensive livestock enterprises such as piggeries, cattle feed lots or poultry farms, which requires particular treatment or practices for the management of wastes (including faeces or other by-products), or
- (b) other intensive rural production enterprises such as hydroponic crop production, glass house fruit, flowers and vegetables, and the like.

junk yard means land used:

- (a) for the collection, storage, abandonment or sale of scrap metals, waste paper, rags, bottles or other scrap materials or goods, or
- (b) for the collection, dismantling, storage, salvaging or abandonment of vehicles or machinery, or
- (c) for the sale of parts derived from those vehicles or machinery.

Lake means the lake known as Lake Macquarie.

Lake Macquarie Development Control Plan No 1—Principles of Development means *Lake Macquarie Development Control Plan No 1—Principles of Development—Revision 01* as adopted by the Council on 30 January 2006.

land has the same meaning as in the Act.

large-scale commercial premises means premises, or part of premises, that have a gross floor area of not less than 500 square metres, and are used for the purpose of an office, or any other commercial or business purpose, by a single occupancy, but does not include any other premises defined in this Dictionary.

light industry means an industry, not being a hazardous industry or offensive industry, in which the processes carried on, the transportation involved, or the machinery or materials used, do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise.

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

maintenance in Part 6 (Heritage provisions) means the ongoing protective care of a

heritage item or a building, work, archaeological site, tree or place within a heritage conservation area. It does not include alterations, such as carrying out extensions or additions, or the introduction of new materials or exotic species and artificial landscapes or technology.

manufactured home estate has the same meaning as it has in *State Environmental Planning Policy No 36—Manufactured Home Estates*.

marina means a pontoon, jetty, pier or similar structure operated for commercial gain and designed or adapted to provide moorings for boats used primarily for pleasure or recreation and may include ancillary works such as slipways, facilities for the hire, repair and maintenance of boats and the provision of fuel, accessories and parts for boats and foodstuff.

medical centre means a building or place used as an outpatient day surgery, health centre, pathology laboratory or collection centre, diagnostic centre or the like.

mine means any place, open cut, shaft, tunnel, pit, drive, level or other excavation, drift, gutter, lead, vein, lode or reef on, in or by which any operation is carried on for or in connection with the purpose of obtaining any metal, mineral or gas by any mode or method and includes any place on which any product of the mining there is stacked, stored, crushed or otherwise treated, but does not include a quarry.

mixed use development means development that comprises a combination of two or more of the following uses: dwellings; accommodation for tourists; shops; commercial premises; recreation facilities; restaurants.

motel means a building or buildings substantially used for the overnight accommodation of travellers and the vehicles used by them, whether or not the building or buildings are also used for the provision of meals to those people or the general public but, in the Table in Part 3, does not include any other building specifically defined in this Dictionary or used for a land use so defined.

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 displayed there.

multiple dwelling housing means three or more dwellings, not being a residential flat building, and may include villas, town houses and terraces.

native vegetation has the same meaning as it has in the *Native Vegetation Act 2003*, including scrub that is native vegetation but does not include any tree, sapling or shrub.

natural ground level means the ground level of a site before any development has been carried out that alters the naturally occurring height or contours of the site.

natural heritage means:

- (a) natural features consisting of physical and biological formations or groups of such formations, which are of identifiable value from the aesthetic or scientific point of view, or
- (b) geological and physiographical formations and delineated areas, which constitute the habitat of threatened species of animals and plants of identifiable value from the point of view of science or conservation, or
- (c) natural sites or delineated natural areas of identifiable value from the point of view

of science, conservation or natural beauty regardless of evidence of human intervention.

offensive industry means a development for the purposes of an industry which, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), would emit a polluting discharge (including, for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

offensive storage establishment means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), would emit a polluting discharge (including, for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

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

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 can (but need not) include heritage items (refer to Schedule 6) and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature that 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.

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

potential archaeological site means a site:

- (a) that is specified in Schedule 4 or 5 and described in that schedule as a potential archaeological site and shown on the map, or
- (b) that, in the opinion of the Council, has the potential to be an archaeological site even if it not so specified.

potential place of Aboriginal heritage significance means a place:

- (a) that is specified in Schedule 6 as a potential place of Aboriginal heritage significance, or
- (b) that, in the opinion of the Council, has the potential to have Aboriginal heritage significance, even if it is not so specified.

principles of ecologically sustainable development means the following statements of principle:

Ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes. Ecologically sustainable development can be achieved through the implementation of the following principles and programs:

- (a) the precautionary principle—namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:
 - (i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and
 - (ii) an assessment of the risk-weighted consequences of various options,
- (b) inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations,
- (c) conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration.
- (d) improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:
 - (i) polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,
 - (ii) the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,
 - (iii) environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.

professional consulting rooms means a room or a number of rooms forming either the whole or part of, attached to or within the curtilage of, an existing dwelling house and used by not more than 3 persons providing medical services, or similar health care services, and who employ not more than 3 employees connected with those particular services.

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

public utility undertaking means 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:

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

and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Government department, corporation, firm or authority carrying on the undertaking.

recreation facility means a building or place used for indoor recreation, whether used for the purpose of gain or not but, in the Table in Part 3, does not include any other building specifically defined in this Dictionary or used for a land use so defined.

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 Lake Macquarie City local government area 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 of that area, or
- (c) any deposit, object or material evidence of any age relating to the existence or evolution of fauna and flora species and geology and geomorphology.

residential flat building means a building that comprises or includes:

- (a) 3 or more storeys (not including levels below natural ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and
- (b) 4 or more self-contained dwellings,

but does not include a Class 1a building or Class 1b building within the meaning of the *Building Code of Australia*.

Note. Class 1a and Class 1b buildings are commonly referred to as "town houses" or "villas" where the dwelling units are side by side, rather than on top of each other.

restaurant means a building or place, principally providing food to seated paying customers and may include take-away, footway dining, kiosk and drive-through services.

restricted premises means premises (other than a newsagency or pharmacy) where:

- (a) publications classified Category 1 restricted, Category 2 restricted or RC under the *Classification (Publications, Films and Computer Games) Act 1995* of the Commonwealth are shown, exhibited, displayed, sold or otherwise made accessible or available to the public, or
- (b) a business to which section 578E of the *Crimes Act 1900* applies is conducted.

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

road means a public thoroughfare used for the passage of vehicles, pedestrians or animals and includes:

- (a) the airspace above the surface of the road, and
- (b) the soil beneath the surface of the road, and
- (c) any bridge, tunnel, causeway, road-ferry, ford or other work or structure forming

part of the road.

roadside stall means a building or place not exceeding 20 square metres in floor space or area respectively 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.

rural industry means the handling, treating, processing or packing of primary products and/or the servicing in a workshop of plant or equipment used for rural purposes.

sawmill means a mill handling, cutting and processing timber from logs or baulks.

service station means a building or place used for the fuelling of motor vehicles involving the sale by retail of petrol, oil, gas or other petroleum products, whether or not the building or place is also used for one or more of the following purposes:

- (a) the sale by retail of spare parts and accessories for motor vehicles, or the hiring of trailers or other vehicles,
- (b) washing and greasing of motor vehicles,
- (c) installation of accessories,
- (d) repairing and servicing of motor vehicles (other than repairing and servicing which involves top overhaul of motors, body building, panel beating, spray painting, or suspension, transmission or chassis restoration),
- (e) a shop.

shop means a building or place used for the purpose of selling, exposing or offering for sale by retail, food, goods, merchandise or materials but, in the Table in Part 3, does not include any other building or place specifically defined in this Dictionary.

sign means the display of symbols, messages or other devices for promotional purposes or for conveying information, instructions, directions or the like.

site area means the area of land to which an application for consent under the Act relates, exclusive of any land on which the development to which the application relates is not permitted by or under this plan.

small lot housing means a single dwelling on an allotment of land with an area of not less than 250 square metres but less than 450 square metres.

sporting facility means a building or place used for outdoor recreational activities, whether for the purpose of gain or not but, in the Table to Part 3, does not include any other building or place specifically defined in this Dictionary.

storage facility means a building or place used for the purpose of storing the belongings or materials of individuals in separate compartments.

storey means the space within a building that is situated between one floor level and the next floor level above, or if there is no floor level above, the ceiling or roof above, but does not include a space that only contains:

- (a) a lift shaft, stairway or metre rooms, or
- (b) a bathroom, laundry or similar room, or
- (c) parking accommodation intended for less than 3 vehicles, or

- (d) a combination of the items, rooms or accommodation referred to in paragraphs (a)–(c), or
- (e) a mezzanine floor.

stormwater management facility means a building or work used to control the quality of stormwater and includes detention basins, artificial wetlands, silt traps, gross pollutant traps, swales, channels and the like.

strata title subdivision means subdivision under the *Strata Schemes (Freehold Development) Act 1973*.

subdivision of land has the same meaning as in the Act.

sustainable generating works means a building or place used for the purpose of generating electricity using energy derived from water, wind or sun.

sustainable water cycle management means water cycle management that incorporates the principles and practice of water smart and water sensitive urban design philosophies.

telecommunications facility means a facility used to receive and transmit telecommunications including, but not limited to, towers, antennae, ground based and underground facilities.

the Act means the *Environmental Planning and Assessment Act 1979*.

the Council means the Council of the City of Lake Macquarie.

the map means the series of maps marked “Lake Macquarie Local Environmental Plan 2004”, as amended by the maps, or sheets of maps, marked as follows:

Editorial note. The amending maps are not necessarily listed in the order of gazettal. Information about the order of gazettal can be determined by referring to the Historical notes at the end of the plan.

Lake Macquarie Local Environmental Plan 2004 (Amendment No 1)

Lake Macquarie Local Environmental Plan 2004 (Amendment No 3)

Lake Macquarie Local Environmental Plan 2004 (Amendment No 4)

Lake Macquarie Local Environmental Plan 2004 (Amendment No 6)

Lake Macquarie Local Environmental Plan 2004 (Amendment No 7)

Lake Macquarie Local Environmental Plan 2004 (Amendment No 10)

Lake Macquarie Local Environmental Plan 2004 (Amendment No 12)—Sheet 3

Lake Macquarie Local Environmental Plan 2004 (Amendment No 14)—Sheets 1 and 2

Lake Macquarie Local Environmental Plan 2004 (Amendment No 15)

Lake Macquarie Local Environmental Plan 2004 (Amendment No 16)

Lake Macquarie Local Environmental Plan 2004 (Amendment No 17)

Lake Macquarie Local Environmental Plan 2004 (Amendment No 18)

Lake Macquarie Local Environmental Plan 2004 (Amendment No 19)—Sheets 1 and 2

Lake Macquarie Local Environmental Plan 2004 (Amendment No 20)

Lake Macquarie Local Environmental Plan 2004 (Amendment No 26)

Lake Macquarie Local Environmental Plan 2004 (Amendment No 30)

Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)—Sheets 1, 2 and 7

State Environmental Planning Policy (Major Projects—North Cooranbong) Amendment 2008—North Cooranbong Land Zoning Map

the Regulation means the *Environmental Planning and Assessment Regulation 2000*.

tourist resort means a building or place that provides accommodation for tourists together with any one or more of the following:

- (a) on-site facilities to satisfy the recreational, entertainment, dining and business needs of tourists,
- (b) a function centre.

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

tree includes:

- (a) any sapling or shrub that is more than 3 metres in height or has a trunk with a diameter, at ground level, of 75mm or more, and
- (b) any species of vegetation that existed in the State of New South Wales before European settlement, and
- (c) any vegetation listed on the Council’s *Significant Tree Register*.

Note.

The term **tree** includes any tree within the ordinary meaning of that term, such as the Norfolk Island Pine. The above definition extends the meaning of **tree** to include plants that might not otherwise be considered to be trees.

unzoned land means land not zoned by this plan.

utility installation means a building or work used for a public utility undertaking, but does not include a building designed wholly or principally as administrative or business premises or as a showroom.

veterinary hospital means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

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

waste management and/or recycling facility means a building or place used for the

collection, storage, abandonment, sorting and/or sale of waste materials and/or the preparation of those recycled materials for further use.

water cycle management means the handling of water and water resources in a manner that has regard to the whole of the hydrological process. This includes having regard to the quality and quantity of the resource from its various sources and its use and transport in the natural and built environment.

water pollution or **pollution of waters** has the same meaning as in the *Protection of the Environment Operations Act 1997*.

waterbody means:

- (a) a natural waterbody, including:
- (i) a lake or lagoon either naturally formed or artificially modified, or
 - (ii) a river or stream, whether perennial or intermittent, flowing in a natural channel with an established bed or in a natural channel artificially modifying the course of the river or stream, or
 - (iii) tidal waters including any bay, estuary or inlet, or
- (b) an artificial waterbody, including any constructed waterway, canal, inlet, bay, channel, dam, pond or lake, but does not include a dry detention basin or other construction that is only intended to hold water intermittently.

wetland means those areas where flora are dependent on, or are significantly adapted to living in, wet conditions for a significant part of their life cycle.

wholesale plant nursery means a building or place used for both the growing and wholesaling of plants.

Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
ClI	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

Table of amending instruments

Lake Macquarie Local Environmental Plan 2004 published in Gazette No 58 of 19.3.2004, p 1293 and amended as follows:

Statute Law (Miscellaneous Provisions) Act 2004 No 55. Assented to 6.7.2004. Date of commencement of Sch 2.18, assent, sec 2 (2).

Lake Macquarie Local Environmental Plan 2004 (Amendment No 1) (GG No 36 of 24.3.2005, p 905)

2005 No 64 **Statute Law (Miscellaneous Provisions) Act 2005**. Assented to 1.7.2005.

Date of commencement of Sch 2.29, assent, sec 2 (2).

(720) Lake Macquarie Local Environmental Plan 2004 (Amendment No 4). GG No 139 of 11.11.2005, p 9379.

Date of commencement, on gazettal.

2006 (128) Lake Macquarie Local Environmental Plan 2004 (Amendment No 16). GG No 37 of

- 24.3.2006, p 1552.
Date of commencement, on gazettal.
- (258) Lake Macquarie Local Environmental Plan 2004 (Amendment No 15). GG No 68 of 26.5.2006, p 3197.
Date of commencement, on gazettal.
- No 58 **Statute Law (Miscellaneous Provisions) Act 2006**. Assented to 20.6.2006.
Date of commencement of Sch 2.26, assent, sec 2 (2).
- (430) Lake Macquarie Local Environmental Plan 2004 (Amendment No 3). GG No 98 of 4.8.2006, p 6103.
Date of commencement, on gazettal.
- (565) Lake Macquarie Local Environmental Plan 2004 (Amendment No 6). GG No 114 of 8.9.2006, p 7915.
Date of commencement, on gazettal.
- (566) Lake Macquarie Local Environmental Plan 2004 (Amendment No 12). GG No 114 of 8.9.2006, p 7919.
Date of commencement, on gazettal.
- (567) Lake Macquarie Local Environmental Plan 2004 (Amendment No 13). GG No 114 of 8.9.2006, p 7923.
Date of commencement, on gazettal.
- 2007 (53) Lake Macquarie Local Environmental Plan 2004 (Amendment No 2). GG No 31 of 9.2.2007, p 770.
Date of commencement, on gazettal.
- (197) Lake Macquarie Local Environmental Plan 2004 (Amendment No 17). GG No 63 of 4.5.2007, p 2608.
Date of commencement, on gazettal.
- (318) Lake Macquarie Local Environmental Plan 2004 (Amendment No 7). GG No 83 of 29.6.2007, p 4232.
Date of commencement, on gazettal.
- (331) Lake Macquarie Local Environmental Plan 2004 (Amendment No 10). GG No 90 of 13.7.2007, p 4502.
Date of commencement, on gazettal.
- (366) Lake Macquarie Local Environmental Plan 2004 (Amendment No 22). GG No 94 of 27.7.2007, p 4870.
Date of commencement, on gazettal.
- (524) Lake Macquarie Local Environmental Plan 2004 (Amendment No 19). GG No 156 of 26.10.2007, p 8112.
Date of commencement, on gazettal.
- No 82 **Statute Law (Miscellaneous Provisions) Act (No 2) 2007**. Assented to 7.12.2007.
Date of commencement of Sch 3, assent, sec 2 (2).
- (583) Lake Macquarie Local Environmental Plan 2004 (Amendment No 18). GG No 180 of 7.12.2007, p 9323.
Date of commencement, on gazettal.
- (641) **State Environmental Planning Policy (Infrastructure) 2007**. GG No 185 of 21.12.2007, p 10003.
Date of commencement, 1.1.2008, cl 3.
- 2008 (5) Lake Macquarie Local Environmental Plan 2004 (Amendment No 26). GG No 4 of 11.1.2008, p 34.
Date of commencement, on gazettal.
- (77) Lake Macquarie Local Environmental Plan 2004 (Amendment No 30). GG No 36 of 20.3.2008, p 2435.
Date of commencement, on gazettal.
- (152) Lake Macquarie Local Environmental Plan 2004 (Amendment No 20). GG No 61 of 30.5.2008, p 4061.
Date of commencement, on gazettal.
- (406) State Environmental Planning Policy (Major Projects) 2005 (Amendment No 26). GG No 109 of 2.9.2008, p 9127.
Date of commencement, on gazettal.
- (544) Lake Macquarie Local Environmental Plan 2004 (Amendment No 14). GG No 152 of 28.11.2008, p 11393.
Date of commencement, on gazettal.
- (556) State Environmental Planning Policy (Major Projects—North Cooranbong) Amendment

2008. GG No 155 of 5.12.2008, p 11751.
Date of commencement, on gazettal.

(573) Lake Macquarie Local Environmental Plan 2004 (Amendment No 32). GG No 157 of
12.12.2008, p 12211.
Date of commencement, on gazettal.

Table of amendments

Cl 2	Am 2008 (406), Sch 2.2.
Cl 9	Am 2007 (53), Sch 1 [1].
Cl 15, table	Am 2006 No 58, Sch 2.26 [1]; 2007 (53), Sch 1 [2]-[16].
Cl 23	Am 2007 (53), Sch 1 [17].
Cl 24	Am 2007 (53), Sch 1 [18].
Cl 26	Am 2007 (53), Sch 1 [19]-[21].
Cl 27	Am 2007 (53), Sch 1 [22]-[24].
Cl 29	Am 2007 (53), Sch 1 [25] [26].
Cl 33	Am 2007 No 82, Sch 3.15 [1] [2].
Cl 34	Am 2007 (53), Sch 1 [27]-[31].
Cl 42A	Ins 2006 (430), Sch 1 [1].
Cl 55	Am 2007 (53), Sch 1 [32]; 2008 (556), Sch 1 [1].
Cl 60	Am 2007 (53), Sch 1 [33].
Cl 61	Am 2006 (430), Sch 1 [2].
Cl 62	Ins 2008 (152), Sch 1 [1]. Am 2008 (544), Sch 1 [1]; 2008 (556), Sch 1 [2]-[4].
Sch 1	Am 2005 No 64, Sch 2.29; 2007 (53), Sch 1 [34]-[69].
Sch 2	Am 2007 (53), Sch 1 [70]-[72].
Sch 3	Am 2006 (430), Sch 1 [3]; 2006 (566), Sch 1 [1]; 2006 (567), cl 4; 2007 (366), Sch 1; 2007 (524), Sch 1 [1]; 2008 (573), Sch 1 [1]-[4].
Sch 4	Am 2007 (53), Sch 1 [73]-[98].
Sch 7	Am 2007 (53), Sch 1 [99] [100].
Sch 8	Am 2007 (197), Sch 1 [1].
Sch 11	Ins 2006 (430), Sch 1 [4].
Dictionary	Am 2004 No 55, Sch 2.18; 24.3.2005; 2005 (720), cl 4; 2006 (128), cl 4; 2006 (258), cl 4; 2006 No 58, Sch 2.26 [2]; 2006 (430), Sch 1 [5]; 2006 (565), cl 4; 2006 (566), Sch 1 [2]; 2007 (53), Sch 1 [101]-[107]; 2007 (197), Sch 1 [2]; 2007 (318), cl 4; 2007 (331), cl 4; 2007 (524), Sch 1 [2]; 2007 (583), cl 4; 2007 (641), Sch 5.20; 2008 (5), cl 4; 2008 (77), cl 4; 2008 (152), Sch 1 [2]; 2008 (544), Sch 1 [2]; 2008 (556), Sch 1 [5]; 2008 (573), Sch 1 [5].

Top of page

Summary of draft Lake Macquarie Local Environmental Plan 2004 (Amendment No.28) for inclusion for 149 certificates.

Draft Lake Macquarie Local Environmental Plan (LMLEP) 2004 Amendment No.28 is a 'housekeeping' LEP that aims to address a range of administrative, policy, rezoning and land reclassifications matters.

The following is a summary of the proposed changes:

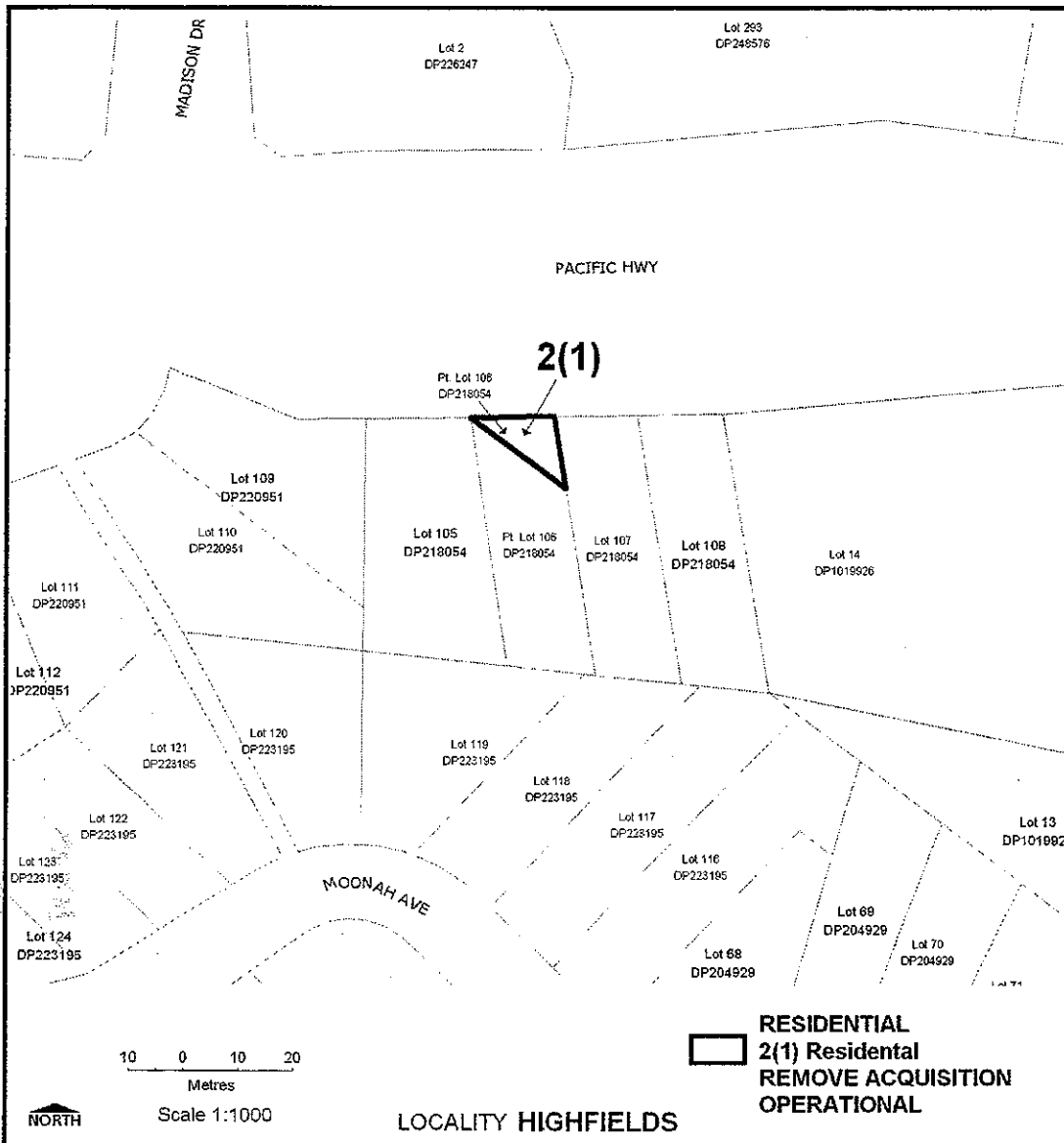
Amendment affects:	Proposed change
<i>Changes to the land use table</i>	
Clause 15 General controls for land within zones	<p>Insert 'hotel accommodation' as a permissible use in zone 3.(1) Urban Centre (Core) Zone and zone 3 (2) Urban Centre (Support) Zone.</p> <p>Insert 'hostels', 'backpackers' accommodation', 'hotel accommodation' and 'tourist and visitor accommodation' as permissible uses in zone 6 (2) Tourism and Recreation Zone.</p>
Clause 15 General controls for land within zones	Replace 'bulky goods showrooms' with 'bulky goods premises' in zone 3(2) Urban Centre (Support) Zone and 4(3) Industrial Zone.
Clause 15 General controls for land within zones	Insert 'high technology industries' as a new use in zone 4(3) Industrial (Urban Services) Zone.
<i>Administrative and policy changes</i>	
Clause 9 Complying development	Replace the clause with that of the Standard Instrument. The amended clause will also 'call up' a new schedule for complying development.
Clause 24 Subdivision	<p>Insert the requirement that subdivision certificates are issued for small lot housing <i>after</i> the dwellings are constructed to lock up stage.</p> <p>Omit the sub clause that prohibits the subdivision of small lot housing and dual occupancies if it results in the creation of battle axe lots.</p> <p>Amend the sub clause which relates to the subdivision of small lot housing in Zone 2 (2) to include Zone 2 (1).</p>
Clause 26 Dwelling houses and dual occupancies in Zone 1(1), 7(2), 7(3) or 10	Amend sub clause 26 (7). The amended sub clause sets requirements for the development of land comprising an existing holding.
Clause 27 Dwelling houses and dual occupancies in Zone 1 (2), 2 (1), 2 (2) or 7 (5)	<p>Amend the title to read: Clause 27 Dwelling houses, dual occupancies and small lot housing in Zone 1 (1), 2 (1), 2 (2), or 7 (5).</p> <p>Insert two new sub clauses that prohibit the erection or creation of dual occupancy- attached, dual occupancy-detached and small lot</p>

Amendment affects:	Proposed change
	housing on a battle axe lot.
Clause 36 Mixed use development	Amend clause 36 to allow a variation to the minimum 20% gross floor area set aside for commercial, retail or recreation facilities if Council is satisfied that the development provides an active street frontage. The amended clause defines active street frontage as a street frontage that enables direct visual and physical contact between the street and the interior of the building. Clearly defined entrances, windows and shop fronts are elements of the building façade that contribute to an active street frontage.
<p>New:</p> <p>Part 8 Development Standards</p> <p>Clause 62 Standards for residential development in Zone 2 (1)</p> <p>Clause 63 Standards for residential development in Zone 2 (2)</p>	<p>Introduce Part 8 and subsequent clauses to LMLEP 2004. The new part deals with development standards. The provisions have been relocated from Schedule 2 to the new part and clauses.</p> <p>The new clauses state the minimum land area required for the following types of residential development: dual occupancy-attached, dual occupancy-detached, small lot housing, multiple dwelling housing and residential flat buildings.</p>
Changes to schedules	
Schedule 1 Exempt development	<p>The draft Amendment makes a range of changes to provisions for many existing exempt development uses in Schedule 1 Exempt development, including the following:</p> <ul style="list-style-type: none"> ▪ Update the reference to the bushfire prone land maps in Schedule 1 Exempt development. ▪ Replace references to 'advertising structures' with 'signage'. The term 'signage' is consistent with the Standard Instrument – Principal Local Environmental Plan. ▪ Remove references to Development Control Plan No.1 and replace with relevant provisions in Schedule 1 Exempt development. ▪ Insert new exempt development uses and provisions for including 'real estate signage', 'directional real estate signage', 'floodlighting (installed by an energy service provider or Council)' and 'temporary structures (tents)'. <p>The changes aim to reduce the number of low-impact development types that require a development application. The changes reflect Council resolutions or internal / external stakeholder requests.</p>
Schedule 2 Subdivision standards	Simplify the format, remove development standards, amend minimum lot sizes for small lot housing, introduce minimum building areas, and provide additional provisions for Strata subdivision.

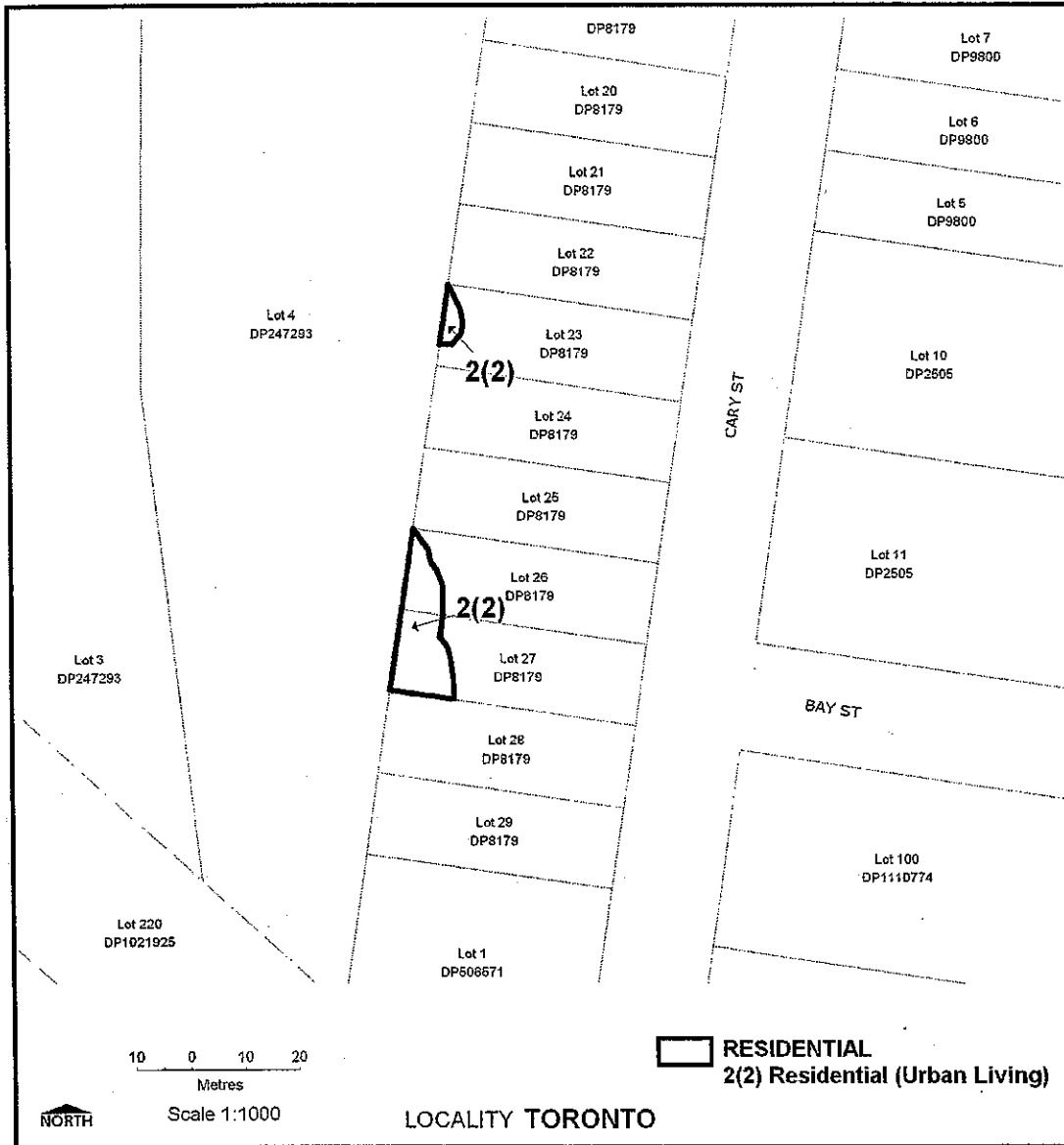
Amendment affects:	Proposed change
Schedule 3 Reclassification of community land as operational land	Update the schedule to reflect recent land reclassifications, and those that are proposed as part of this housekeeping amendment.
Schedule 4 Heritage items other than of indigenous origins and including potential archaeological sites	Amend incorrect property descriptions in the schedule.
Schedule 8 Land subject to special development requirements	Amend incorrect property descriptions in the schedule.
Schedule 9 Consent to development subject to special requirements	Amend incorrect property descriptions in the schedule.
New: Schedule 12 Complying development	<p>Insert a new schedule containing Complying Development provisions. The new schedule will be known as Schedule 12 Complying development. It will repeal and replace Development Control Plan No.2.</p> <p>This will assist the transition to the Standard Instrument, as it too includes a schedule for complying development.</p>
Dictionary changes	
Definitions	<p>The draft LEP introduces definitions for 'backpackers accommodation', 'hostel', 'hotel accommodation' and 'tourist and visitor accommodation'.</p> <p>The new definitions capture a wider range of tourist accommodations aimed at better representing the variety of accommodation types throughout the City.</p>
Definitions	<p>The draft Amendment amends the existing definitions of: 'boarding house', 'bulky goods showroom', 'home business', 'home industry', 'home occupation' and 'potential archaeological site'.</p> <p>The amended definitions are predominately consistent with the standard instrument. It is considered that these definitions better represent the land uses.</p>
Land rezoning / land reclassification / removal of acquisition Council's liability	
Rezoning and removal of acquisition	Rezone part of Lot 106 DP 218054 Pacific Highway Highfields from 6(1) Open Space Zone to 2(1) Residential Zone and remove Council's acquisition liability from that land. Refer to Sheet 1 of 12.
Rezoning	Rezone Lots 23, 26 and 27 DP 8179 Cary Street, Toronto from 7(2) Conservation (Secondary) Zone to 2(2) Residential Zone. Refer to Sheet 2 of 12.
Rezoning	Rezone Lots 2-4 DP 831958, Lot 1 DP 531366, Lot 1 DP 831957 and Lot 3 DP 831957 Railway Street, Teralba from 5 Infrastructure Zone to 2(1) Residential Zone. Refer to Sheet 3 of 12.

Amendment affects:	Proposed change
Rezoning	Rezone land known as 'road reserve' off Stingaree Point Drive, Dora Creek from 2(1) Residential to 7(3) Environmental (General) Zone. Refer to Sheet 4 of 12.
Rezoning and reclassification	Rezone part of Lots 6 and 7 DP 1066866 Leo Lewis Close, Toronto from 6(1) Open Space Zone to 4(2) Industrial (General) Zone and reclassify the land from Community Land to Operational Land. Refer to Sheet 5 of 12.
Rezoning and reclassification	Rezone part of Lot 1 DP 358543 Tudor Street, Belmont and Lot 2 DP 358543 Ross Street, Belmont from 6(1) Open Space Zone to 5 Infrastructure Zone and reclassify the land from Community Land to Operational Land. Refer to Sheet 6 of 12.
Reclassification	Reclassify Lot 157 DP 245903 Tona Close, Edgeworth and Lot 158 DP 245903 Huntly Close, Edgeworth from Community Land to Operational Land. Refer to Sheet 7 of 12.
Reclassification	Reclassify Lot 29 DP 745867 and Lot 131 DP 529234 John Street, Lot 130 DP 529234 Lake Street, Lot 1 DP 995571 and Lot 3 Section 28 DP 111125 Charles Street Warners Bay from Community Land to Operational Land. Refer to Sheet 8 of 12.
Rezoning and reclassification	Rezone part of Lot 36 DP 18797 Lake Road, Swansea from 6(1) Open Space Zone to 6(2) Tourism and Recreation Zone and reclassify the land from Community Land to Operational Land. Refer to Sheet 9 of 12.
Rezoning	Rezone part of Lot 41 DP 1054136, part of Lot 103 DP 855072, part of Lot 104 DP 862208, part of Lot 1 Sec A DP 216, part of SP 56227, part of Lot 100 DP 792853, Part of Lots 2 and 3 DP 581429, Charlestown Road, Charlestown and part of Lot 1 DP 800486 Pacific Highway, Charlestown from 5 Infrastructure Zone to 3(1) Urban Centre (Core) Zone. Refer to Sheet 10 of 12.
Removal of acquisition	Remove Council's acquisition liability (under clause 57 of the Lake Macquarie Local Environmental Plan 2004) from part of Lot 103 DP 855072, part of SP 56227, part of Lot 100 DP 792853, part of Lots 2 and 3 DP 581429 Charlestown Road, Charlestown and part of Lot 1 DP 800486 Pacific Highway, Charlestown. Refer to Sheet 11 of 12.
Rezoning	Rezone Lot 1001 DP 1092785 George Booth Drive, Cameron Park from 2(1) Residential Zone and 2(2) Residential (Urban Living) Zone to 3(1) Urban Centre (Core) Zone. Refer to Sheet 12 of 12.

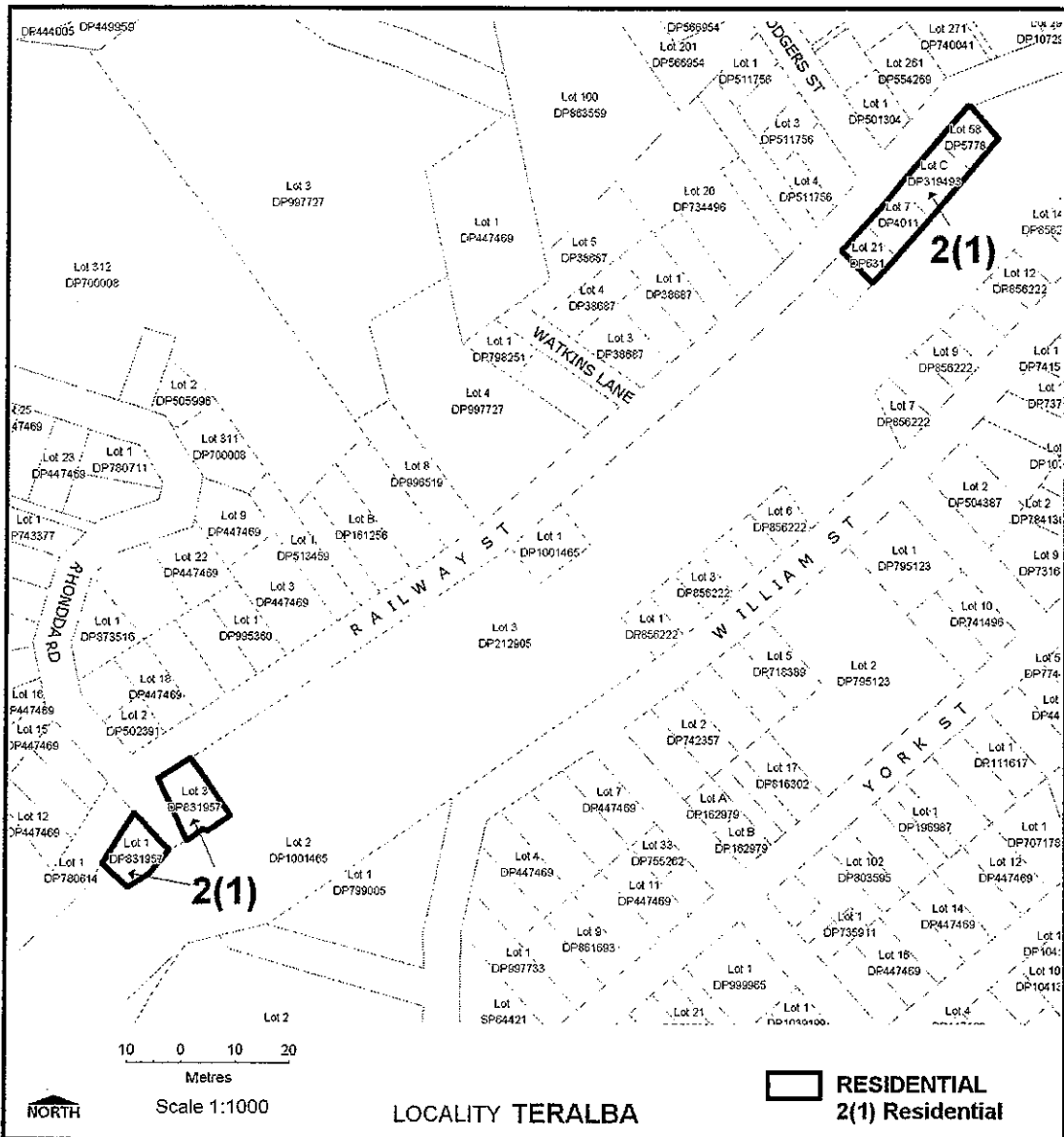
For more detailed information, please refer to our website www.lakemac.com.au



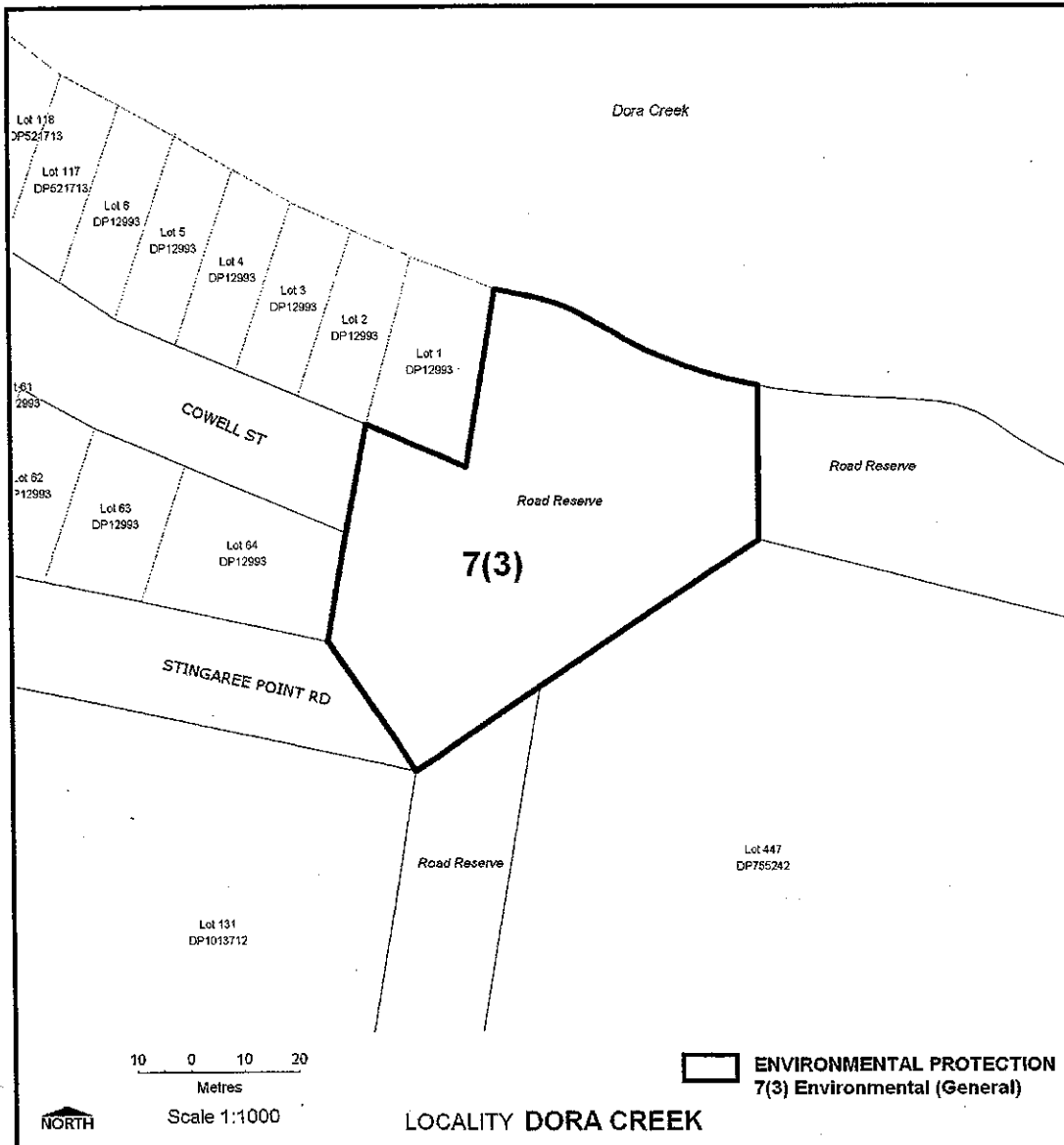
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 CITY OF LAKE MACQUARIE SHEET 1 OF 12 LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)			
DRAWN BY	GAH	DATE	02/08/2007
PLANNING OFFICER	EM	STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004	
FILE NO. COUNCIL	F2005/01993		
CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT		DATE	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979. AND REGULATIONS.
			GENERAL MANAGER DATE PUBLISHED IN GOVT GAZETTE NO. OF



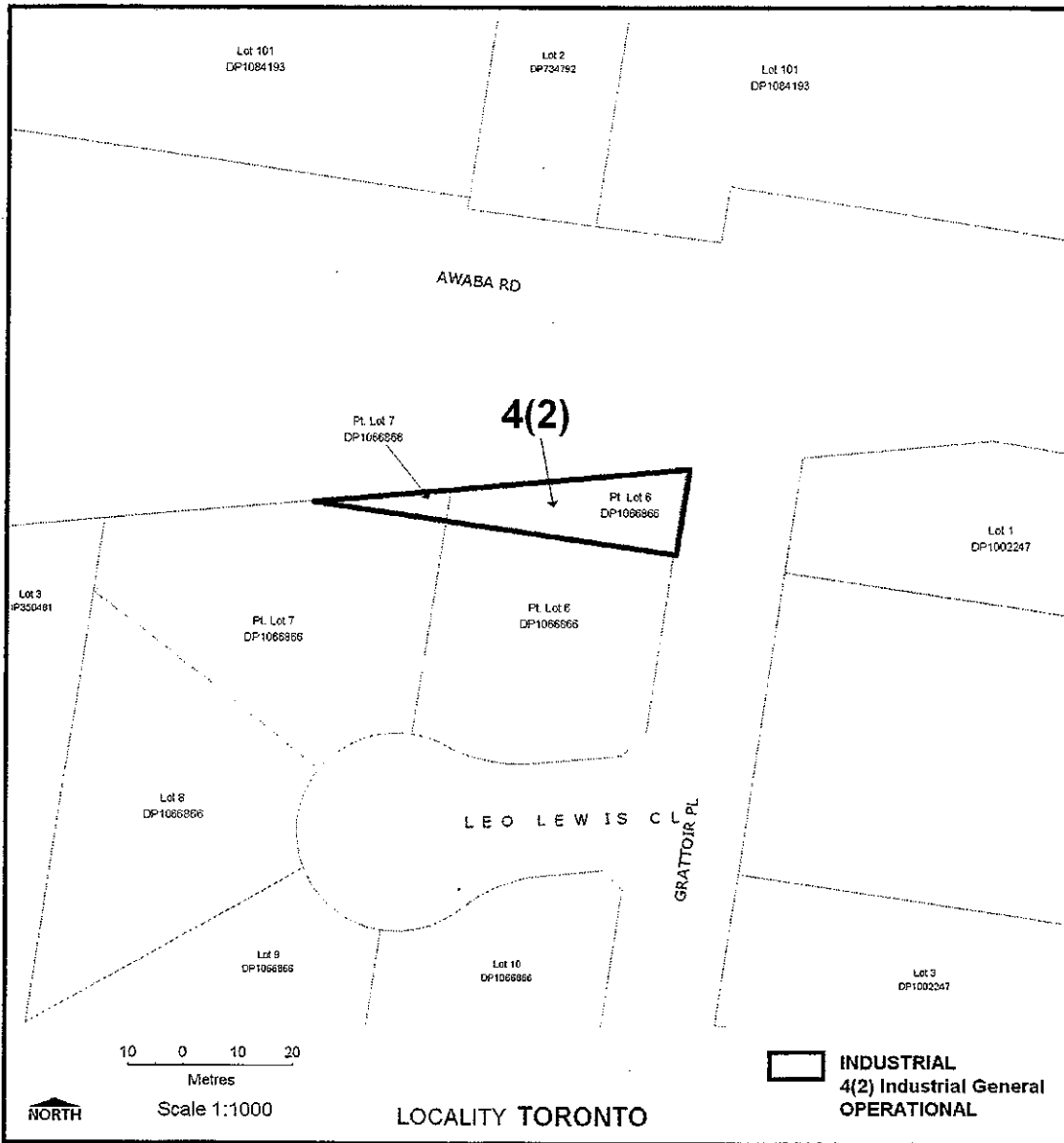
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 CITY OF LAKE MACQUARIE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)				SHEET 2 OF 12
DRAWN BY GAH	DATE 14/09/2007	STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004		
PLANNING OFFICER EM	DEPT. of PLANNING			
FILE NO. COUNCIL F2005/01993	DEPT. of PLANNING	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.		
CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT	DATE	GENERAL MANAGER	DATE	
		PUBLISHED IN GOVT GAZETTE NO.	OF	



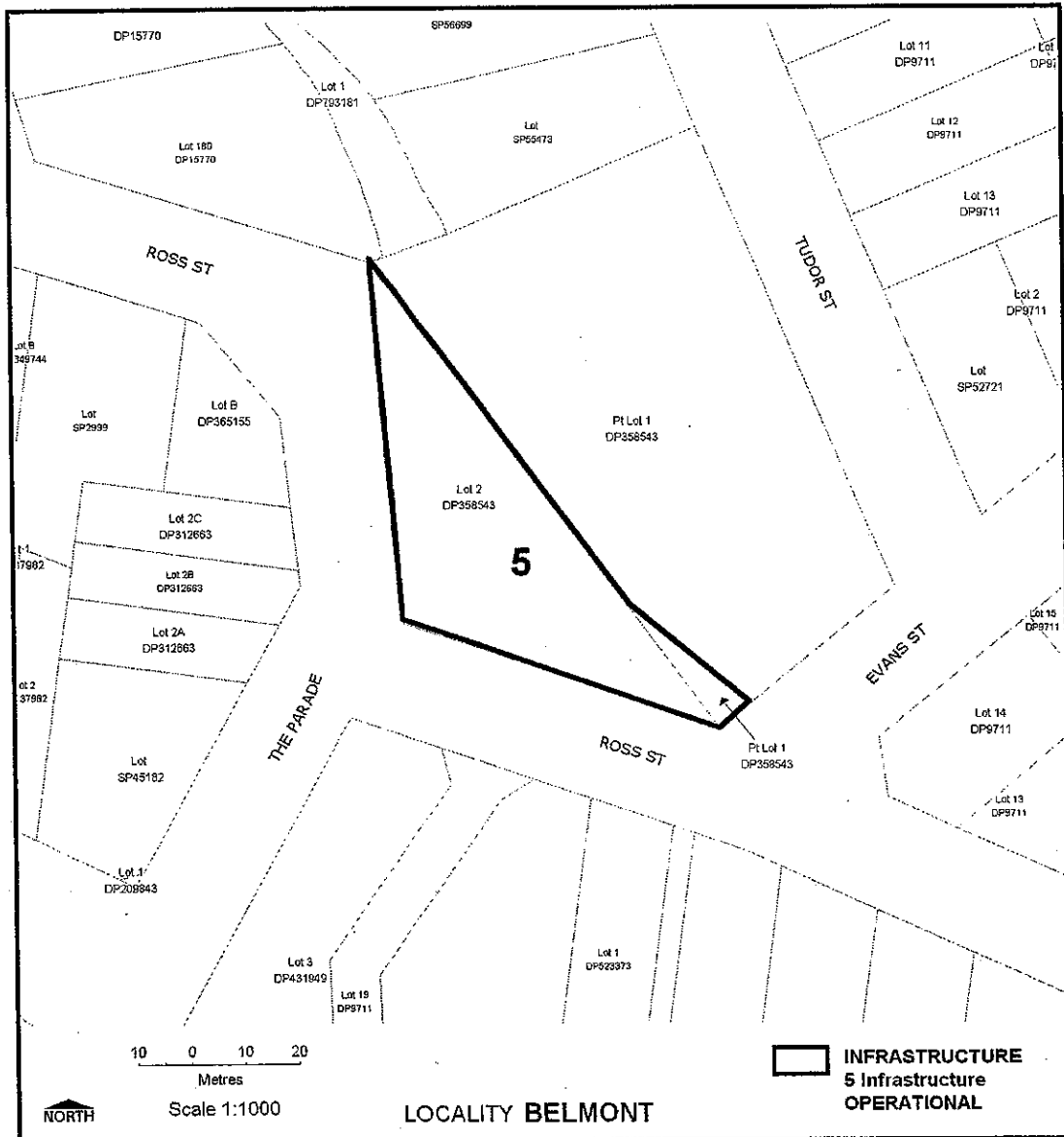
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 CITY OF LAKE MACQUARIE SHEET 3 OF 12 LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)			
DRAWN BY		GAH	DATE 02/08/2007
PLANNING OFFICER		EM	
FILE NO. COUNCIL	F2005/01993	DEPT. of PLANNING	
CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT		DATE	
STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004			
CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979. AND REGULATIONS.			GENERAL MANAGER DATE
PUBLISHED IN GOVT GAZETTE NO.			OF



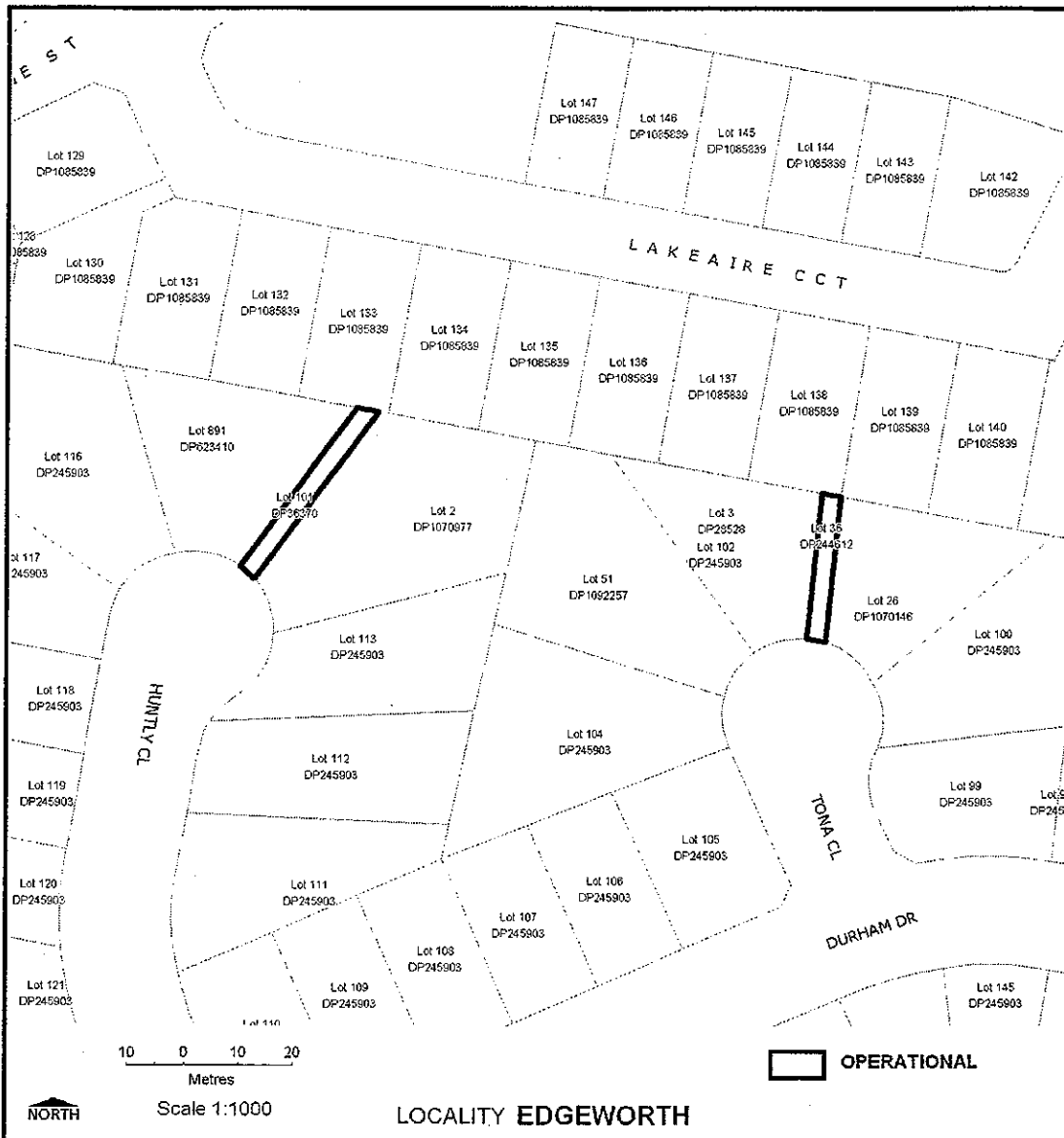
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979			
CITY OF LAKE MACQUARIE		SHEET 4 OF 12	
LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)			
DRAWN BY	GAH	DATE	02/08/2007
PLANNING OFFICER	EM	STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004	
FILE NO. COUNCIL	F2005/01993	DEPT. of PLANNING	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979. AND REGULATIONS.
CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT	DATE	GENERAL MANAGER	DATE
		PUBLISHED IN GOVT GAZETTE NO.	OF



ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 CITY OF LAKE MACQUARIE SHEET 5 OF 12 LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)			
DRAWN BY	GAH	DATE	02/08/2007
PLANNING OFFICER	EM	STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004	
FILE NO. COUNCIL	F2005/01993		
CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT		DATE	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979. AND REGULATIONS.
			GENERAL MANAGER DATE
			PUBLISHED IN GOVT GAZETTE NO. OF



ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979			
CITY OF LAKE MACQUARIE		SHEET 6 OF 12	
LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)			
DRAWN BY	GAH	DATE	02/08/2007
PLANNING OFFICER	EM	STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004	
FILE NO. COUNCIL	F2005/01993		
CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT		DATE	
		CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.	
		GENERAL MANAGER	DATE
		PUBLISHED IN GOVT GAZETTE NO.	OF



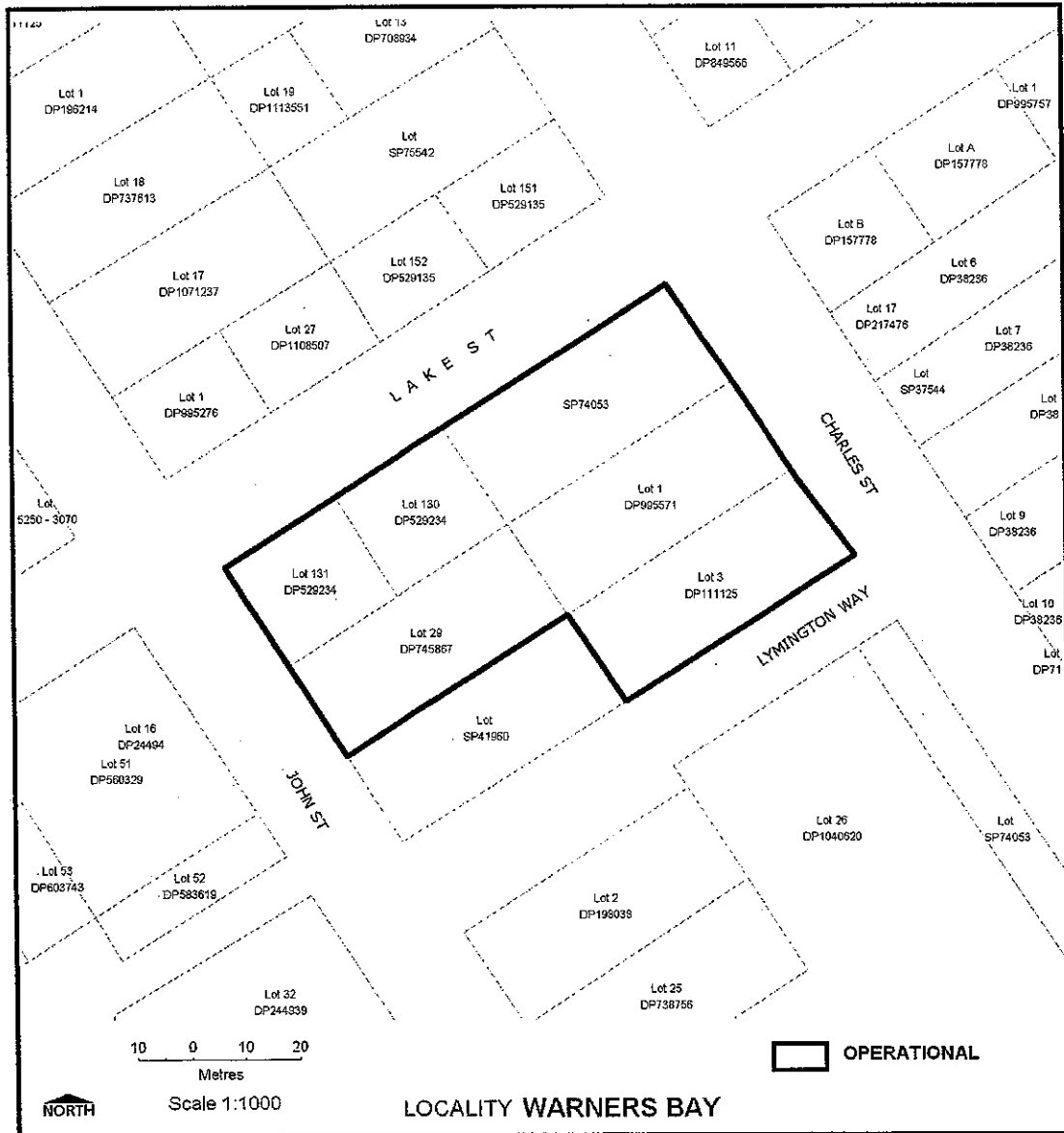
LOCALITY EDGEWORTH

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

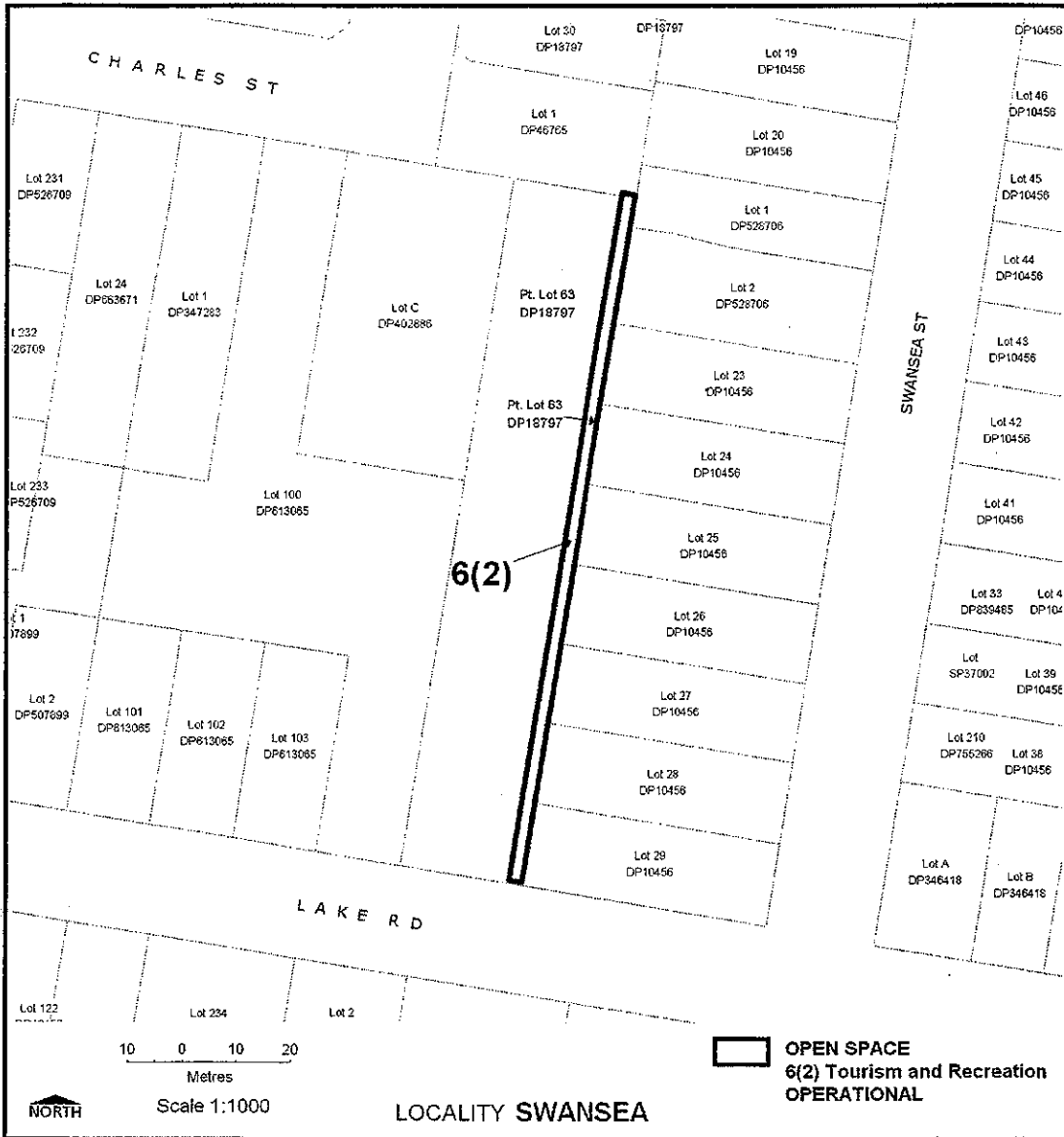
CITY OF LAKE MACQUARIE SHEET 7 OF 12

LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)

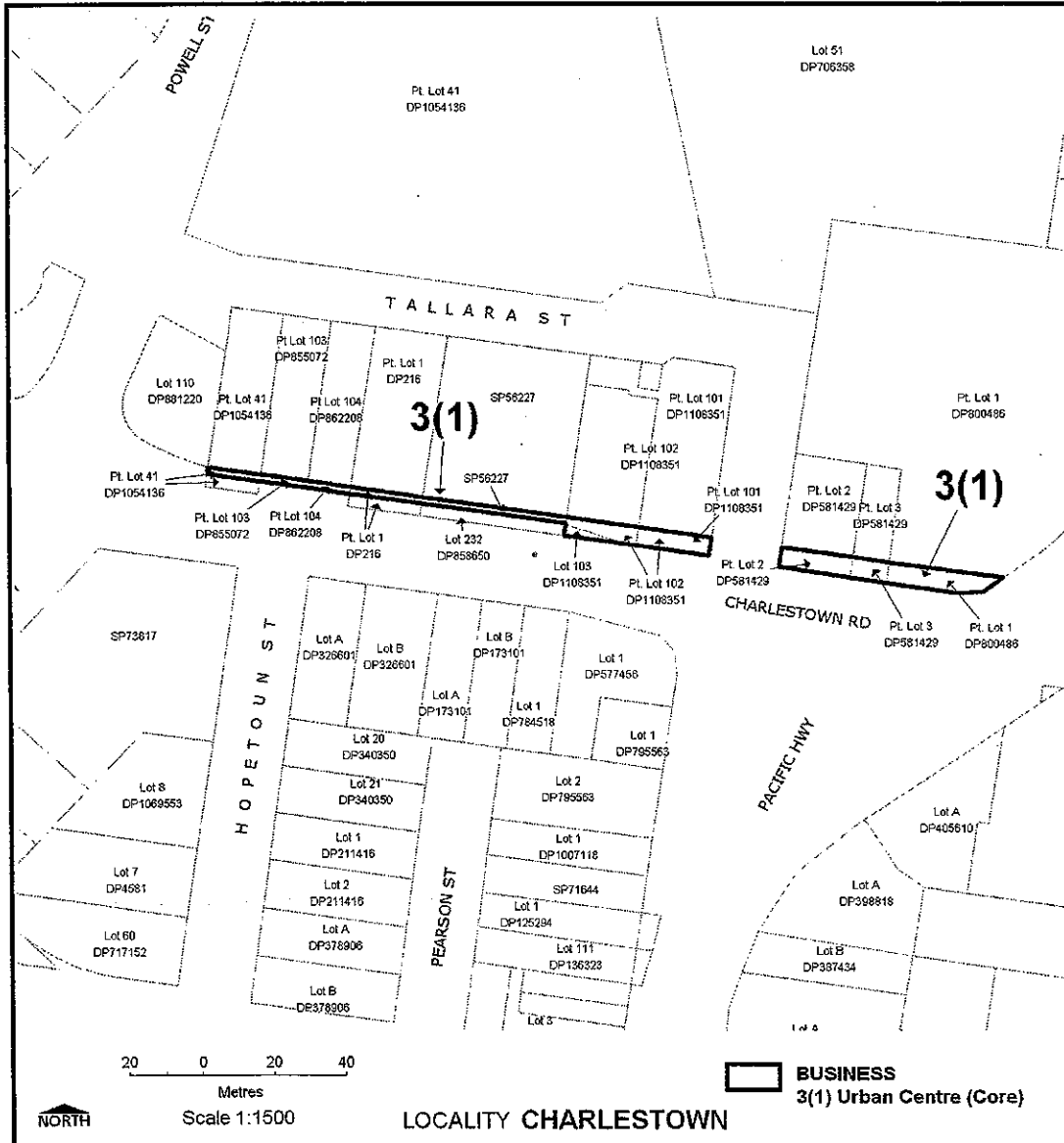
DRAWN BY	GAH	DATE	02/08/2007	STATEMENT OF RELATIONSHIP WITH OTHER PLANS <i>AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004</i>
PLANNING OFFICER	EM			
FILE NO. COUNCIL	F2005/01993	DEPT. of PLANNING		CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979. AND REGULATIONS. GENERAL MANAGER DATE
CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT		DATE		
			PUBLISHED IN GOVT GAZETTE NO.	OF



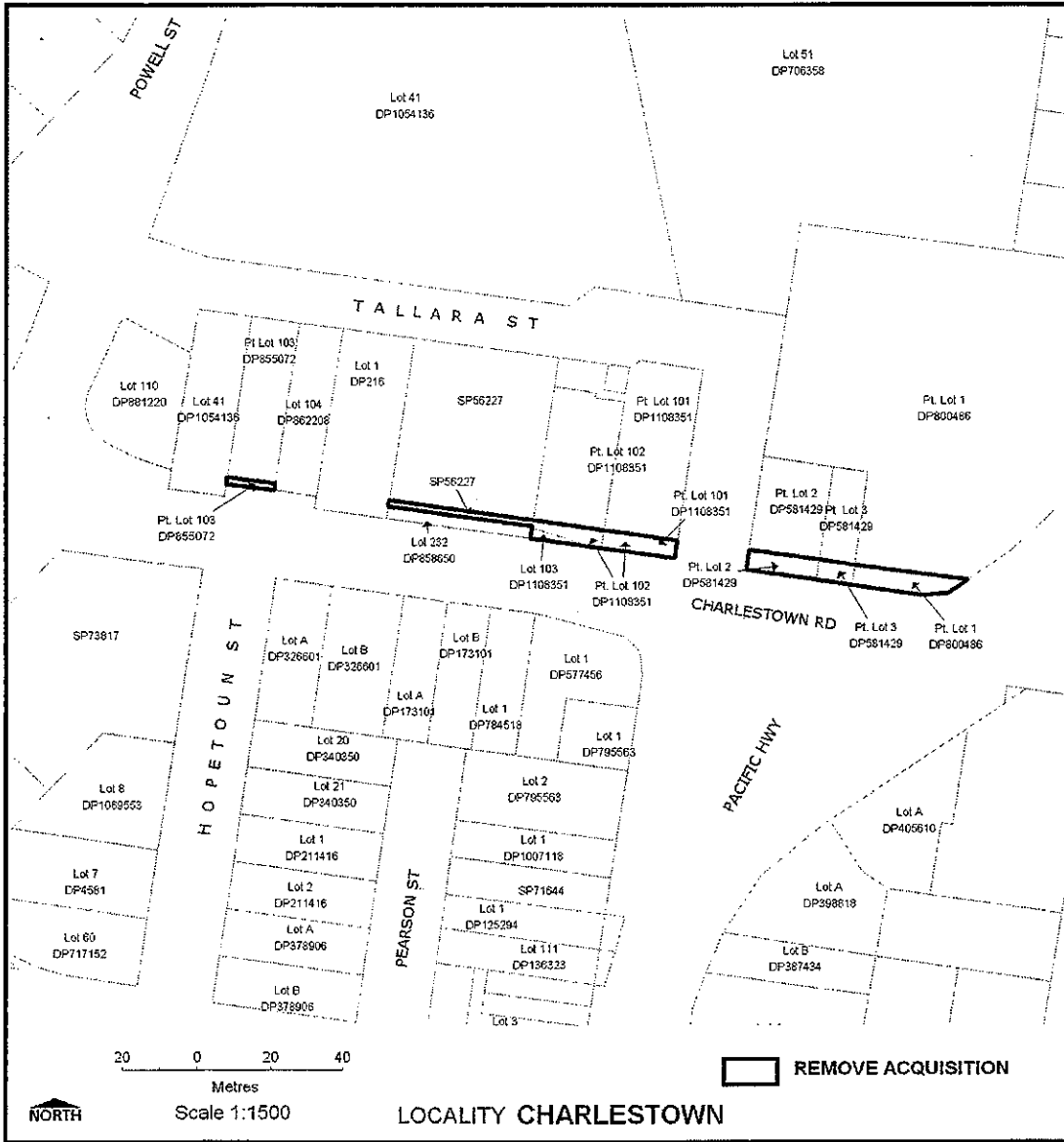
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 CITY OF LAKE MACQUARIE SHEET 8 OF 12 LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)			
DRAWN BY GAH		DATE 02/08/2007	
PLANNING OFFICER EM		STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004	
FILE NO. COUNCIL F2005/01993	DEPT. of PLANNING		
CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT		DATE	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS. GENERAL MANAGER DATE
		PUBLISHED IN GOVT GAZETTE NO.	OF




ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979			
CITY OF LAKE MACQUARIE		SHEET 9 OF 12	
LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)			
DRAWN BY	GAH	DATE	02/08/2007
PLANNING OFFICER	EM	STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004	
FILE NO. COUNCIL	F2005/01993		
CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT		DATE	
PUBLISHED IN GOVT GAZETTE NO.		OF	
		GENERAL MANAGER	DATE



ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 CITY OF LAKE MACQUARIE SHEET 10 OF 12 LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)			
DRAWN BY GAH		DATE 02/08/2007	
PLANNING OFFICER EM		STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004	
FILE NO. COUNCIL F2005/01993	DEPT. of PLANNING		
CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT		DATE	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS. GENERAL MANAGER DATE
		PUBLISHED IN GOVT GAZETTE NO.	OF



				ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 CITY OF LAKE MACQUARIE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)		SHEET 11 OF 12	
DRAWN BY	GAH	DATE	02/08/2007	STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004			
PLANNING OFFICER	EM						
FILE NO. COUNCIL	F2005/01993	DEPT. of PLANNING		CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.			
CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT		DATE					
				GENERAL MANAGER		DATE	
				PUBLISHED IN GOVT GAZETTE NO.		OF	

Property Details for 9 Ada Street BELMONT NSW 2280

<input type="checkbox"/>	Parcels	<p>Lot 973 DP 755233 Lot 974 DP 755233 Lot 975 DP 755233</p>
<input type="checkbox"/>	Alternate Addresses	There are no Alternate Addresses for this property
<input type="checkbox"/>	Status	Current
<input type="checkbox"/>	Ward	East Ward
<input type="checkbox"/>	Zoning	11 - 11 Lake and Waterways 6(2) - 6(2) Tourism and Recreation
<input type="checkbox"/>	Applications	<p>CC - 21 / 2001 - Verandah awning for eating area DA - 1579 / 2002 - Carpark extension DA - 28 / 2001 - Verandah awning over eating area DA - 881 / 1995 - BBQ Shelter and 12m Flagpole DA - 77 / 1993 - Acrylic Canopy Over Walkways DA - 514 / 1992 (A) - Alterations and additions to existing decking area - am... DA - 514 / 1992 - Alterations and additions to existing decking area DA - 44 / 1991 - Additional Office Space DA - 86 / 1986 - Meeting Room 68/27 DA - 51 / 1984 - Additions To Club 6 8/27(3) DA - 173 / 1983 - Extension To Existing Marina 68/27 DA - 194 / 1982 - Replacement Of Jetty & Enclosu Re File No: 68/27 ESS01 - 99 / 2006 - Lake Macquarie Yacht Club FOOD - 370 / 1997 - LAKE MACQUARIE YACHT CLUB LIMITED FOOD - 99 / 1994 - Restaurant CANCELLED - KITCHEN TAKEN OUT 3/52/304/080 LA - 82 / 1994 - Place of Public Entertainment POPE - 82 / 1994 - PLACE OF PUBLIC ENTERTAINMENT - YACHT CLUB PT - 3 / 2008 - Yacht Club Redevelopment ZBA - 2312 / 1997 - New kitchen facility ZBA - 4008 / 1995 - erection of 12 metre flagpole ZBA - 4661 / 1994 - Awning Over BBQ Area ZBA - 2296 / 1993 - Brick Store Room Addition ZBA - 1362 / 1993 - Acrylic Awnings ZBA - 3126 / 1992 - Timber Decking Sail Folding Area ZBA - 3126 / 1992 (A) - Timber Decking Sail Folding Area ZBA - 2057 / 1992 - Shop Fitout to Commercial Kitchen ZBA - 2012 / 1992 - Mechanical Ventilation ZBA - 3920 / 1990 - Addition Office Space H/p ZBA - 1062 / 1986 - Alt Club Ot ZBA - 452 / 1986 - Lifting Crane Ot ZBA - 1683 / 1984 - Marina Extension ZBA - 143 / 1984 - Addn To Club ZBA - 98 / 1983 - Add & Alt To Dwelling ZBA - 1242 / 1982 - Add To Club Cd 300</p>
<input type="checkbox"/>	State Environmental Planning Policies	<p>Parcel Conditions SEPP (Infrastructure) 2007 - 07/01/2008 SEPP (Temp Structures and POPE) 2007 - 26/10/2007 SEPP - (Building Sustainability Index: BASIX) 2004 - 11/07/2005 SEPP - (Major Projects) 2005 - 07/06/2005 SEPP - (Mining, Petrol Prod, Extractive Ind) 2007 - 21/02/2007 SEPP - (Seniors Living) 2004 - 19/05/2004 SEPP 1 - Development Standards - 19/05/2004 SEPP 10 - Low-Cost Rental Accommodation - 19/05/2004 SEPP 19 - Bushland in Urban Areas - 19/05/2004 SEPP 21 - Caravan Parks - 19/05/2004 SEPP 32 - Urban Consolidation - 19/05/2004 SEPP 33 - Hazardous and Offensive Development - 19/05/2004 SEPP 36 - Manufactured Home Estates - 19/05/2004 SEPP 4 - Development without Consent - 19/05/2004 SEPP 44 - Koala Habitat Protection - 19/05/2004 SEPP 50 - Canal Estates - 19/05/2004 SEPP 55 - Remediation of Land - 19/05/2004 SEPP 6 - Number of Storeys in a Building - 19/05/2004 SEPP 62 - Sustainable Aquaculture - 19/01/2006 SEPP 64 - Advertising and Signage - 19/05/2004 SEPP 71 - Coastal Protection - 13/12/2005 SEPP 1 - Development Standards - 19/05/2004 SEPP 4 - Development without Consent - 19/05/2004 SEPP 6 - Number of Storeys in a Building - 19/05/2004 SEPP 10 - Low-Cost Rental Accommodation - 19/05/2004 SEPP 19 - Bushland in Urban Areas - 19/05/2004 SEPP 21 - Caravan Parks - 19/05/2004 SEPP 32 - Urban Consolidation - 19/05/2004 SEPP 33 - Hazardous and Offensive Development - 19/05/2004 SEPP 36 - Manufactured Home Estates - 19/05/2004 SEPP 44 - Koala Habitat Protection - 19/05/2004 SEPP 50 - Canal Estates - 19/05/2004 SEPP 55 - Remediation of Land - 19/05/2004 SEPP 64 - Advertising and Signage - 19/05/2004 SEPP - (Seniors Living) 2004 - 19/05/2004</p>
<input type="checkbox"/>	Development Control Plans	<p>Parcel Conditions DCP 1 - Principles of Development - 01/09/2004 DCP 2 - Complying Development - 01/09/2004</p>
<input type="checkbox"/>	Major Conditions	<p>Parcel Conditions Acid Sulfate Soils Class 1 - 19/08/2005 Acid Sulfate Soils Class 3 - 19/08/2005 Coastal Zone - 23/11/2005 Draft Amendment No 28 to LEP 2004 - 10/03/2008 Fshore Bldg Line-36m DHWM - 15/08/2005 Low Lying Land - 19/08/1997 Low Lying Land - 19/08/1997 Low Lying Land - 19/08/1997</p>
<input type="checkbox"/>	Minor Conditions	<p>Parcel Conditions Amendment No 2 to LEP 2004 - 09/02/2007 CI 34 Trees and Native Vegetation - 16/08/2005 CI 41 Dev for purpose of Retirement Village - 15/08/2005 Draft SEPP (Appln of Development Standard) 2004 - 25/06/2007 Draft SEPP 1 - Development Standards (Amd 1) - 25/06/2007 Draft SEPP 66 - Land Use and Transport - 25/06/2007</p>

Geotechnical Zone T6 - 19/08/2005
Inventory Heritage Item - 04/08/2004
Lake Macquarie LEP 2004 - 01/09/2004
Scenic Management Zone B - 19/08/2005
Inventory Heritage Item - 13/10/1994
Properties on or below 2 metre contour - 19/08/1997
Properties on or below 2 metre contour - 19/08/1997
Properties on or below 2 metre contour - 19/08/1997

If the map data is different from the property's conditions, please contact Council for advice.

NOTE: This site contains maps in SVG format. You will need to download the [Adobe SVG Viewer](#) before these maps will display.

The maps take a few minutes to load. Thanks for your patience.

Map



The following error occurred loading the data.....System.IO.IOException: The process cannot access the file "E:\DAtracking152\mapserver\Cache\Eim64807.xml" because it is being used by another process. at System.IO._Error.WinIOError(Int32 errorCode, String str) at System.IO.FileStream..ctor(String path, FileMode mode, FileAccess access, FileShare share, Int32 bufferSize, Boolean useAsync, String msgPath, Boolean bFromProxy) at System.IO.FileStream..ctor(String path, FileMode mode, FileAccess access, FileShare share, Int32 bufferSize) at System.IO.StreamReader..ctor(String path, Encoding encoding, Boolean detectEncodingFromByteOrderMarks, Int32 bufferSize) at System.IO.StreamReader..ctor(String path) at System.IO.File.OpenText(String path) at MappingMaster.EimIMapMapping.GetSVGMap.OpenSVG(String cConn, Int32 nInteract, Int32 nSessionId, String homeDirectory, String cHighlightIds)

X: Y:

Appendix F
NSW DECC Notices Search Printout



Print



Close page

Search results

Your search for: LGA: Lake Macquarie City Council

Matched 13 notices relating to 5 sites.

Suburb	Address	Site Name	Notices related to this site
Boolaroo	Parts of Cockle Creek and Cockle Bay	Cockle Creek and Cockle Bay Sediments	3 current
Boolaroo	Main Road	Incitec Pivot	2 current
Boolaroo	Main Road	Pasminco Cockle Creek Smelter	2 current
Marks Point	768-772 Pacific Highway	Mobil Marks Point	3 current
Teralba	21 Racecourse Road	Scrap Metal Yard	1 current and 3 former

Page 1 of 1

17 December 2008

Appendix G
NSW WorkCover Records



Our Ref: D09/000196
Your Ref: Emma Coleman

20 January 2009

Attention: Ms Coleman
Coffey Environments Pty Ltd
19 Warabrook Blvd
Warabrook NSW 2304

Dear Ms Coleman

RE SITE: 9 Ada Street, Belmont NSW 2280

I refer to your site search request received by WorkCover NSW on 22nd December 2008, requesting information on licences to keep dangerous goods for the above site.

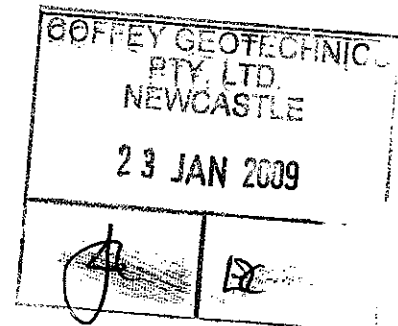
A search of the Stored Chemical Information Database (SCID) and the microfiche records held by WorkCover NSW has not located any records pertaining to the above-mentioned premises.

If you have any further queries please contact the Dangerous Goods Licensing Team on (02) 4321 5500.

Yours sincerely

Michelle Kidd

**Senior Licensing Officer
Dangerous Goods Team**



WorkCover. **Watching out for you.**

WorkCover NSW ABN 77 682 742 966 92-100 Donnison Street Gosford NSW 2250 Locked Bag 2906 Lisarow NSW 2252
Telephone 02 4321 5000 Facsimile 02 4325 4145 WorkCover Assistance Service **13 10 50**
DX 731 Sydney Website www.workcover.nsw.gov.au

Appendix H

Laboratory Reports

ANALYTICAL REPORT

14 April 2009

Coffey Environments Pty Ltd
Lot 101, 19 Warabrook Blvd
Warabrook
NSW 2304

Attention: Emma Coleman

Your Reference: ENVIWARA00234AB

Our Reference: 68330

Samples: 3 Waters, 13 Soils

Received: 01/04/09

Preliminary Report Sent: Not Issued

These samples were analysed in accordance with your written instructions.

For and on Behalf of:
SGS ENVIRONMENTAL SERVICES

Client Services:	Simon Matthews	Simon.Matthews@sgs.com
Sample Receipt:	Angela Mamalicos	AU.SampleReceipt.Sydney@sgs.com
Laboratory Manager:	Edward Ibrahim	Edward.Ibrahim@sgs.com

Results Approved and/or Authorised by:



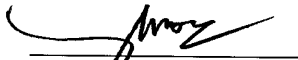
Edward Ibrahim
Laboratory Manager



Nick Salarinis
Inorganics Signatory



Ly Kim Ha
Organics Signatory



Huong Crawford
Metals Signatory



This document is issued in accordance with NATA's accreditation requirements. Accredited for compliance with ISO/IEC 17025. NATA accredited laboratory 2562 (4354). This report must not be reproduced except in full.

Page 1 of 29

BTEX in Soil Our Reference: Your Reference Sample Matrix Date Sampled Depth	UNITS ----- -----	68330-4 SB1 - 0.0 Soil 31/03/2009 0.0	68330-8 SB2 - 0.5 Soil 31/03/2009 0.5	68330-10 SB3 - 0.0 Soil 31/03/2009 0.0	68330-14 SB4 - 0.5 Soil 31/03/2009 0.5	68330-16 QC2 Soil 31/03/2009 -
Date Extracted (BTEX)		2/04/2009	2/04/2009	2/04/2009	2/04/2009	2/04/2009
Date Analysed (BTEX)		3/04/2009	3/04/2009	3/04/2009	3/04/2009	3/04/2009
Benzene	mg/kg	<0.5	<0.5	<0.5	<0.5	<0.5
Toluene	mg/kg	<0.5	<0.5	<0.5	<0.5	<0.5
Ethylbenzene	mg/kg	<0.5	<0.5	<0.5	<0.5	<0.5
m&p- Xylenes	mg/kg	<1.0	<1.0	<1.0	<1.0	<1.0
o- Xylene	mg/kg	0.6	<0.5	<0.5	<0.5	<0.5
Total Xylenes	mg/kg	<1.5	<1.5	<1.5	<1.5	<1.5
BTEX Surrogate (%)	%	72	75	74	71	81



This document is issued in accordance with NATA's accreditation requirements. Accredited for compliance with ISO/IEC 17025. NATA accredited laboratory 2562 (4354). This report must not be reproduced except in full.

TRH in soil with C6-C9 by P/T						
Our Reference:	UNITS	68330-4	68330-8	68330-10	68330-14	68330-16
Your Reference	-----	SB1 - 0.0	SB2 - 0.5	SB3 - 0.0	SB4 - 0.5	QC2
Sample Matrix	-----	Soil	Soil	Soil	Soil	Soil
Date Sampled		31/03/2009	31/03/2009	31/03/2009	31/03/2009	31/03/2009
Depth		0.0	0.5	0.0	0.5	-
Date Extracted (TRH C6-C9 PT)		2/04/2009	2/04/2009	2/04/2009	2/04/2009	2/04/2009
Date Analysed (TRH C6-C9 PT)		3/04/2009	3/04/2009	3/04/2009	3/04/2009	3/04/2009
TRH C ₆ - C ₉ P&T	mg/kg	<20	<20	<20	<20	<20
Date Extracted (TRH C10-C36)		3/04/2009	3/04/2009	3/04/2009	3/04/2009	3/04/2009
Date Analysed (TRH C10-C36)		3/04/2009	3/04/2009	3/04/2009	3/04/2009	3/04/2009
TRH C ₁₀ - C ₁₄	mg/kg	<20	<20	<20	<20	<20
TRH C ₁₅ - C ₂₈	mg/kg	<50	<50	<50	<50	<50
TRH C ₂₉ - C ₃₆	mg/kg	<50	<50	<50	<50	<50



This document is issued in accordance with NATA's accreditation requirements. Accredited for compliance with ISO/IEC 17025. NATA accredited laboratory 2562 (4354). This report must not be reproduced except in full.

PAHs in Soil Our Reference: Your Reference Sample Matrix Date Sampled Depth	UNITS ----- -----	68330-4 SB1 - 0.0 Soil 31/03/2009 0.0	68330-8 SB2 - 0.5 Soil 31/03/2009 0.5	68330-10 SB3 - 0.0 Soil 31/03/2009 0.0	68330-14 SB4 - 0.5 Soil 31/03/2009 0.5	68330-16 QC2 Soil 31/03/2009 -
Date Extracted		3/04/2009	3/04/2009	3/04/2009	3/04/2009	3/04/2009
Date Analysed		3/04/2009	3/04/2009	3/04/2009	3/04/2009	3/04/2009
Naphthalene	mg/kg	<0.10	<0.10	<0.10	<0.10	<0.10
2-Methylnaphthalene	mg/kg	<0.10	<0.10	<0.10	<0.10	<0.10
1-Methylnaphthalene	mg/kg	<0.10	<0.10	<0.10	<0.10	<0.10
Acenaphthylene	mg/kg	<0.10	<0.10	<0.10	<0.10	<0.10
Acenaphthene	mg/kg	<0.10	<0.10	<0.10	<0.10	<0.10
Fluorene	mg/kg	<0.10	<0.10	<0.10	<0.10	<0.10
Phenanthrene	mg/kg	<0.10	<0.10	<0.10	<0.10	<0.10
Anthracene	mg/kg	<0.10	<0.10	<0.10	<0.10	<0.10
Fluoranthene	mg/kg	<0.10	<0.10	<0.10	<0.10	<0.10
Pyrene	mg/kg	<0.10	<0.10	<0.10	<0.10	<0.10
Benzo[a]anthracene	mg/kg	<0.10	<0.10	<0.10	<0.10	<0.10
Chrysene	mg/kg	<0.10	<0.10	<0.10	<0.10	<0.10
Benzo[b,k]fluoranthene	mg/kg	<0.20	<0.20	<0.20	<0.20	<0.20
Benzo[a]pyrene	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05
Indeno[123-cd]pyrene	mg/kg	<0.10	<0.10	<0.10	<0.10	<0.10
Dibenzo[ah]anthracene	mg/kg	<0.10	<0.10	<0.10	<0.10	<0.10
Benzo[ghi]perylene	mg/kg	<0.10	<0.10	<0.10	<0.10	<0.10
Total PAHs (sum)	mg/kg	<1.7	<1.7	<1.7	<1.7	<1.7
Nitrobenzene-d5	%	90	108	83	101	97
2-Fluorobiphenyl	%	98	105	82	103	98
<i>p</i> -Terphenyl-d14	%	102	98	79	98	94



This document is issued in accordance with NATA's accreditation requirements. Accredited for compliance with ISO/IEC 17025. NATA accredited laboratory 2562 (4354). This report must not be reproduced except in full.

OC Pesticides in Soil	UNITS	68330-4	68330-8	68330-10	68330-14	68330-16
Our Reference:	-----	SB1 - 0.0	SB2 - 0.5	SB3 - 0.0	SB4 - 0.5	QC2
Your Reference:	-----	Soil	Soil	Soil	Soil	Soil
Sample Matrix						
Date Sampled		31/03/2009	31/03/2009	31/03/2009	31/03/2009	31/03/2009
Depth		0.0	0.5	0.0	0.5	-
Date Extracted		3/04/2009	3/04/2009	3/04/2009	3/04/2009	3/04/2009
Date Analysed		3/04/2009	3/04/2009	3/04/2009	3/04/2009	3/04/2009
HCB	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
<i>alpha</i> -BHC	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
gamma-BHC (Lindane)	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Heptachlor	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Aldrin	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
<i>beta</i> -BHC	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
<i>delta</i> -BHC	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Heptachlor Epoxide	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
<i>o,p</i> -DDE	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
<i>alpha</i> -Endosulfan	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
<i>trans</i> -Chlordane	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
<i>cis</i> -Chlordane	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
<i>trans</i> -Nonachlor	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
<i>p,p</i> -DDE	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Dieldrin	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Endrin	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
<i>o,p</i> -DDD	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
<i>o,p</i> -DDT	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
<i>beta</i> -Endosulfan	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
<i>p,p</i> -DDD	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
<i>p,p</i> -DDT	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Endosulfan Sulphate	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Endrin Aldehyde	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Methoxychlor	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Endrin Ketone	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
2,4,5,6-Tetrachloro-m-xylene (<i>Surrogate</i>)	%	108	98	109	102	109



This document is issued in accordance with NATA's accreditation requirements. Accredited for compliance with ISO/IEC 17025. NATA accredited laboratory 2562 (4354). This report must not be reproduced except in full.

Metals in Soil by ICP-OES		68330-4	68330-8	68330-10	68330-14	68330-16
Our Reference:	UNITS	68330-4	68330-8	68330-10	68330-14	68330-16
Your Reference:	-----	SB1 - 0.0	SB2 - 0.5	SB3 - 0.0	SB4 - 0.5	QC2
Sample Matrix:	-----	Soil	Soil	Soil	Soil	Soil
Date Sampled		31/03/2009	31/03/2009	31/03/2009	31/03/2009	31/03/2009
Depth		0.0	0.5	0.0	0.5	-
Date Extracted (Metals)		2/04/2009	2/04/2009	2/04/2009	2/04/2009	2/04/2009
Date Analysed (Metals)		2/04/2009	2/04/2009	2/04/2009	2/04/2009	2/04/2009
Arsenic	mg/kg	<3	<3	<3	<3	<3
Cadmium	mg/kg	0.6	0.6	<0.3	<0.3	0.6
Chromium	mg/kg	3.0	1.3	0.93	1.1	1.3
Copper	mg/kg	11	5.4	2.3	2.2	4.2
Lead	mg/kg	9	7	6	7	6
Nickel	mg/kg	0.7	<0.5	<0.5	<0.5	0.5
Zinc	mg/kg	33	22	11	15	18



This document is issued in accordance with NATA's accreditation requirements. Accredited for compliance with ISO/IEC 17025. NATA accredited laboratory 2562 (4354). This report must not be reproduced except in full.

Mercury Cold Vapor/Hg Analyser						
Our Reference:	UNITS	68330-4	68330-8	68330-10	68330-14	68330-16
Your Reference	-----	SB1 - 0.0	SB2 - 0.5	SB3 - 0.0	SB4 - 0.5	QC2
Sample Matrix	-----	Soil	Soil	Soil	Soil	Soil
Date Sampled		31/03/2009	31/03/2009	31/03/2009	31/03/2009	31/03/2009
Depth		0.0	0.5	0.0	0.5	-
Date Extracted (Mercury)		3/04/2009	3/04/2009	3/04/2009	3/04/2009	3/04/2009
Date Analysed (Mercury)		3/04/2009	3/04/2009	3/04/2009	3/04/2009	3/04/2009
Mercury	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05



This document is issued in accordance with NATA's accreditation requirements. Accredited for compliance with ISO/IEC 17025. NATA accredited laboratory 2562 (4354). This report must not be reproduced except in full.

Organtin Compounds					
Our Reference:	UNITS	68330-4	68330-8	68330-10	68330-14
Your Reference:	-----	SB1 - 0.0	SB2 - 0.5	SB3 - 0.0	SB4 - 0.5
Sample Matrix	-----	Soil	Soil	Soil	Soil
Date Sampled		31/03/2009	31/03/2009	31/03/2009	31/03/2009
Depth		0.0	0.5	0.0	0.5
Date Extracted		7/04/2009	7/04/2009	7/04/2009	7/04/2009
Date Analysed		7/04/2009	7/04/2009	7/04/2009	7/04/2009
Tributyltin	µgSn/kg	<0.5	2.3	<0.5	<0.5
Surrogate (Tripropyltin)	%	96	94	93	90



This document is issued in accordance with NATA's accreditation requirements. Accredited for compliance with ISO/IEC 17025. NATA accredited laboratory 2562 (4354). This report must not be reproduced except in full.

BTEX in Water ($\mu\text{g/L}$)	UNITS	68330-1	68330-2	68330-3
Our Reference:	-----	WS1	QC1	QCA
Your Reference	-----	Water	Water	Water
Sample Matrix				
Date Sampled		31/03/2009	31/03/2009	31/03/2009
Depth		-	-	-
Date Extracted (BTEX)		2/04/2009	2/04/2009	2/04/2009
Date Analysed (BTEX)		3/04/2009	3/04/2009	3/04/2009
Benzene	$\mu\text{g/L}$	<0.5	<0.5	<0.5
Toluene	$\mu\text{g/L}$	<0.5	<0.5	0.6
Ethylbenzene	$\mu\text{g/L}$	<0.5	<0.5	<0.5
m&p-Xylene	$\mu\text{g/L}$	<1	<1	<1
o-Xylene	$\mu\text{g/L}$	<0.5	<0.5	<0.5
Total Xylenes	$\mu\text{g/L}$	<1.5	<1.5	<1.5
Surrogate	%	78	77	80



This document is issued in accordance with NATA's accreditation requirements. Accredited for compliance with ISO/IEC 17025. NATA accredited laboratory 2562 (4354). This report must not be reproduced except in full.

WORLD RECOGNISED
ACCREDITATION

SGS Australia Pty Ltd
ABN 44 000 964 278

Page 9 of 29

Environmental Services Unit 16/33 Maddox Street Alexandria NSW 2015 Australia
t +61 (0)2 8594 0400 f + 61 (0)2 8594 0499
www.au.sgs.com

TRH in water with C6-C9 by P/T Our Reference: Your Reference Sample Matrix Date Sampled Depth	UNITS ----- -----	68330-1 WS1 Water 31/03/2009 -	68330-2 QC1 Water 31/03/2009 -	68330-3 QCA Water 31/03/2009 -
Date Extracted (TRH C6-C9 PT)		2/04/2009	2/04/2009	2/04/2009
Date Analysed (TRH C6-C9 PT)		3/04/2009	3/04/2009	3/04/2009
TPH C6-C9 P&T	µg/L	<40	<40	<40
Date Extracted (TRH C10-C36)		2/04/2009	2/04/2009	2/04/2009
Date Analysed (TRH C10-C36)		2/04/2009	2/04/2009	2/04/2009
TRH C ₁₀ - C ₁₄	µg/L	<100	<100	<100
TRH C ₁₅ - C ₂₈	µg/L	<200	<200	<200
TRH C ₂₉ - C ₃₆	µg/L	<200	<200	<200



This document is issued in accordance with NATA's accreditation requirements. Accredited for compliance with ISO/IEC 17025. NATA accredited laboratory 2562 (4354). This report must not be reproduced except in full.

PAHs in Water Our Reference: Your Reference Sample Matrix Date Sampled Depth	UNITS ----- -----	68330-3 QCA Water 31/03/2009 -
Date Extracted		2/04/2009
Date Analysed		2/04/2009
Naphthalene	µg/L	<0.50
2-Methylnaphthalene	µg/L	<0.5
1-Methylnaphthalene	µg/L	<0.5
Acenaphthylene	µg/L	<0.50
Acenaphthene	µg/L	<0.50
Fluorene	µg/L	<0.50
Phenanthrene	µg/L	<0.50
Anthracene	µg/L	<0.50
Fluoranthene	µg/L	<0.50
Pyrene	µg/L	<0.50
Benzo[a]anthracene	µg/L	<0.50
Chrysene	µg/L	<0.50
Benzo[b,k]fluoranthene	µg/L	<1.0
Benzo[a]pyrene	µg/L	<0.50
Indeno[123-cd]pyrene	µg/L	<0.50
Dibenzo[ah]anthracene	µg/L	<0.50
Benzo[ghi]perylene	µg/L	<0.50
Total PAHs (sum)	µg/L	<9
Nitrobenzene-d5	%	76
2-Fluorobiphenyl	%	90
<i>p</i> -Terphenyl-d14	%	99



This document is issued in accordance with NATA's accreditation requirements. Accredited for compliance with ISO/IEC 17025. NATA accredited laboratory 2562 (4354). This report must not be reproduced except in full.

Inorganics		
Our Reference:	UNITS	68330-1
Your Reference	-----	WS1
Sample Matrix	-----	Water
Date Sampled		31/03/2009
Depth		-
Date Extracted (Turbidity)		3/04/2009
Date Analysed (Turbidity)		3/04/2009
Turbidity	NTU	0.8
Date Extracted (pH)		2/04/2009
Date Analysed (pH)		2/04/2009
pH	pH Units	8.1



This document is issued in accordance with NATA's accreditation requirements. Accredited for compliance with ISO/IEC 17025. NATA accredited laboratory 2562 (4354). This report must not be reproduced except in full.

Anions in water		
Our Reference:	UNITS	68330-1
Your Reference	-----	WS1
Sample Matrix	-----	Water
Date Sampled		31/03/2009
Depth		-
Date Extracted		2/04/2009
Date Analysed		2/04/2009
Nitrate as N	mg/L	<2.5
Nitrite as N	mg/L	<2.5
Chloride, Cl	mg/L	20,000
Sulphate, SO ₄	mg/L	2,800



This document is issued in accordance with NATA's accreditation requirements. Accredited for compliance with ISO/IEC 17025. NATA accredited laboratory 2562 (4354). This report must not be reproduced except in full.

Trace HM (ICP-MS)-Dissolved Our Reference: Your Reference Sample Matrix Date Sampled Depth	UNITS ----- -----	68330-1 WS1 Water 31/03/2009 -	68330-2 QC1 Water 31/03/2009 -	68330-3 QCA Water 31/03/2009 -
Date Extracted (Metals-ICPMS)		2/04/2009	2/04/2009	2/04/2009
Date Analysed (Metals-ICPMS)		2/04/2009	2/04/2009	2/04/2009
Arsenic	µg/L	24	9	<1
Antimony	µg/L	<1	<2	[NA]
Barium	µg/L	8	10	[NA]
Beryllium	µg/L	<1	<2	[NA]
Boron	µg/L	5,000	5,000	[NA]
Cadmium	µg/L	<0.1	<0.2	<0.1
Chromium	µg/L	4	5	1
Cobalt	µg/L	3	2	[NA]
Copper	µg/L	9	25	3
Lead	µg/L	1	<2	<1
Manganese	µg/L	6	7	[NA]
Molybdenum	µg/L	13	15	[NA]
Nickel	µg/L	12	40	3
Selenium	µg/L	10	210	[NA]
Zinc	µg/L	34	77	43



This document is issued in accordance with NATA's accreditation requirements. Accredited for compliance with ISO/IEC 17025. NATA accredited laboratory 2562 (4354). This report must not be reproduced except in full.

Metals in water by ICP-OES			
Our Reference:	UNITS	68330-1	68330-2
Your Reference:	-----	WS1	QC1
Sample Matrix:	-----	Water	Water
Date Sampled		31/03/2009	31/03/2009
Depth		-	-
Date Extracted (Metals)		2/04/2009	2/04/2009
Date Analysed (Metals)		2/04/2009	2/04/2009
Tin (Dissolved)	mg/L	<0.10	<0.10
Phosphorus (Dissolved)*	mg/L	<0.10	<0.10



This document is issued in accordance with NATA's accreditation requirements. Accredited for compliance with ISO/IEC 17025. NATA accredited laboratory 2562 (4354). This report must not be reproduced except in full.

Mercury Cold Vapor/Hg Analyser				
Our Reference:	UNITS	68330-1	68330-2	68330-3
Your Reference	-----	WS1	QC1	QCA
Sample Matrix	-----	Water	Water	Water
Date Sampled		31/03/2009	31/03/2009	31/03/2009
Depth		-	-	-
Date Extracted (Mercury)		3/04/2009	3/04/2009	3/04/2009
Date Analysed (Mercury)		3/04/2009	3/04/2009	3/04/2009
Mercury (Dissolved)	mg/L	<0.0005	<0.0005	<0.0005



This document is issued in accordance with NATA's accreditation requirements. Accredited for compliance with ISO/IEC 17025. NATA accredited laboratory 2562 (4354). This report must not be reproduced except in full.

Moisture						
Our Reference:	UNITS	68330-4	68330-8	68330-10	68330-14	68330-16
Your Reference	-----	SB1 - 0.0	SB2 - 0.5	SB3 - 0.0	SB4 - 0.5	QC2
Sample Matrix	-----	Soil	Soil	Soil	Soil	Soil
Date Sampled		31/03/2009	31/03/2009	31/03/2009	31/03/2009	31/03/2009
Depth		0.0	0.5	0.0	0.5	-
Date Analysed (moisture)		2/04/2009	2/04/2009	2/04/2009	2/04/2009	2/04/2009
Moisture	%	22	25	22	24	24



This document is issued in accordance with NATA's accreditation requirements. Accredited for compliance with ISO/IEC 17025. NATA accredited laboratory 2562 (4354). This report must not be reproduced except in full.

WORLD RECOGNISED
ACCREDITATION

SGS Australia Pty Ltd
ABN 44 000 964 278

Page 17 of 29

Environmental Services Unit 16/33 Maddox Street Alexandria NSW 2015 Australia
t +61 (0)2 8594 0400 f + 61 (0)2 8594 0499 www.au.sgs.com

Method ID	Methodology Summary
SEO-018	BTEX / C6-C9 Hydrocarbons - Soil samples are extracted with methanol, purged and concentrated by a purge and trap apparatus, and then analysed using GC/MS technique. Water samples undergo the same analysis without the extraction step. Based on USEPA 5030B and 8260B.
SEO-017	BTEX/TRH C6-C9 - Determination by Purge and Trap Gas Chromatography with Flame Ionisation Detection (FID) and Photo Ionisation Detection (PID). The surrogate spike used is aaa-trifluorotoluene.
SEO-020	Total Recoverable Hydrocarbons - determined by solvent extraction with dichloromethane / acetone for soils and dichloromethane for waters, followed by instrumentation analysis using GC/FID. Where applicable Solid Phase Extraction Manifold technique is used for aliphatic / aromatic fractionation.
SEO-030	Polynuclear Aromatic Hydrocarbons - determined by solvent extraction with dichloromethane / acetone for soils and dichloromethane for waters, followed by instrumentation analysis using GC/MS SIM mode.
SEO-005	OC/OP/PCB - Determination of a suite of Organchlorine Pesticides, Chlorinated Organo-phosphorus Pesticides and Polychlorinated Biphenyls (PCB's) by liquid-liquid extraction using dichloromethane for waters, or mechanical extraction using acetone / hexane for soils, followed by instrumentation analysis using GC/ECD. Based on USEPA 8081/8082.
SEM-010	Determination of elements by ICP-OES following appropriate sample preparation / digestion process. Based on USEPA 6010C / APHA 21st Edition, 3120B.
SEM-005	Mercury - determined by Cold-Vapour AAS following appropriate sample preparation or digestion process. Based on APHA 21st Edition, 3112B.
Ext-041	Analysis subcontracted to Advanced Analytical Australia Pty Ltd. NATA Accreditation No. 15109.
PEO-800	PEO-800 - Volatile Organic Compounds and the C6-C9 Hydrocarbons fraction in waters, soils and sediments analysed by SGS Perth using Purge & Trap GC/MS. Method based on USEPA 8260, contained in SW846 Update 1, July 1992.
SEI-007	Turbidity - measured nephelometrically using a turbidimeter, in accordance with APHA 20th ED, 2130B.
AN101	pH - Measured using pH meter and electrode based on APHA 21st Edition, 4500-H+. For water analyses the results reported are indicative only as the sample holding time requirement specified in APHA was not met (APHA requires that the pH of the samples are to be measured within 15 minutes after sampling).
SEI-038	Anions - a range of anions are determined by Ion Chromatography, in accordance with APHA 21st Edition, 4110B.
AN318	Determination of elements at trace level in waters by ICP-MS technique, in accordance with USEPA 6020A.
AN002	Preparation of soils, sediments and sludges undergo analysis by either air drying, compositing, subsampling and 1:5 soil water extraction where required. Moisture content is determined by drying the sample at 105 ± 5°C.



This document is issued in accordance with NATA's accreditation requirements. Accredited for compliance with ISO/IEC 17025. NATA accredited laboratory 2562 (4354). This report must not be reproduced except in full.

Method ID	Methodology Summary
-----------	---------------------



This document is issued in accordance with NATA's accreditation requirements. Accredited for compliance with ISO/IEC 17025. NATA accredited laboratory 2562 (4354). This report must not be reproduced except in full.

QUALITY CONTROL	UNITS	LOR	METHOD	Blank	Duplicate Sm#	Duplicate Base + Duplicate + %RPD	Spike Sm#	Matrix Spike % Recovery Duplicate + %RPD
BTEX in Soil								
Date Extracted (BTEX)				02/04/09	68330-10	2/04/2009 2/04/2009	LCS	02/04/09
Date Analysed (BTEX)				03/04/09	68330-10	3/04/2009 3/04/2009	LCS	03/04/09
Benzene	mg/kg	0.5	SEO-018	<0.5	68330-10	<0.5 <0.5	LCS	94%
Toluene	mg/kg	0.5	SEO-018	<0.5	68330-10	<0.5 <0.5	LCS	91%
Ethylbenzene	mg/kg	0.5	SEO-018	<0.5	68330-10	<0.5 <0.5	LCS	88%
m&p- Xylenes	mg/kg	1.0	SEO-017	<1.0	68330-10	<1.0 <1.0	LCS	91%
o- Xylene	mg/kg	0.5	SEO-018	<0.5	68330-10	<0.5 <0.5	LCS	91%
Total Xylenes	mg/kg	1.5	SEO-018	<1.5	68330-10	<1.5 <1.5	LCS	91%
BTEX Surrogate (%)	%	0	SEO-018	94	68330-10	74 71 RPD: 4	LCS	92%

QUALITY CONTROL	UNITS	LOR	METHOD	Blank	Duplicate Sm#	Duplicate Base + Duplicate + %RPD	Spike Sm#	Matrix Spike % Recovery Duplicate + %RPD
TRH in soil with C6-C9 by P/T								
Date Extracted (TRH C6-C9 PT)				02/04/09	68330-10	2/04/2009 2/04/2009	LCS	02/04/09
Date Analysed (TRH C6-C9 PT)				03/04/09	68330-10	3/04/2009 3/04/2009	LCS	03/04/09
TRH C ₆ - C ₉ P&T	mg/kg	20	SEO-018	<20	68330-10	<20 <20	LCS	85%
Date Extracted (TRH C10-C36)				03/04/09	68330-10	3/04/2009 3/04/2009	LCS	03/04/09
Date Analysed (TRH C10-C36)				03/04/09	68330-10	3/04/2009 3/04/2009	LCS	03/04/09
TRH C ₁₀ - C ₁₄	mg/kg	20	SEO-020	<20	68330-10	<20 [N/T]	LCS	120%
TRH C ₁₅ - C ₂₈	mg/kg	50	SEO-020	<50	68330-10	<50 [N/T]	LCS	129%
TRH C ₂₉ - C ₃₆	mg/kg	50	SEO-020	<50	68330-10	<50 [N/T]	LCS	103%



This document is issued in accordance with NATA's accreditation requirements. Accredited for compliance with ISO/IEC 17025. NATA accredited laboratory 2562 (4354). This report must not be reproduced except in full.

QUALITY CONTROL	UNITS	LOR	METHOD	Blank	Duplicate Sm#	Duplicate Base + Duplicate + %RPD	Spike Sm#	Matrix Spike % Recovery Duplicate + %RPD
PAHs in Soil								
Date Extracted				03/04/09	68330-4	3/04/2009 3/04/2009	LCS	03/04/09
Date Analysed				03/04/09	68330-4	3/04/2009 3/04/2009	LCS	03/04/09
Naphthalene	mg/kg	0.1	SEO-030	<0.10	68330-4	<0.10 <0.10	LCS	103%
2-Methylnaphthalene	mg/kg	0.1	SEO-030	<0.10	68330-4	<0.10 <0.10	[NR]	[NR]
1-Methylnaphthalene	mg/kg	0.1	SEO-030	<0.10	68330-4	<0.10 <0.10	[NR]	[NR]
Acenaphthylene	mg/kg	0.1	SEO-030	<0.10	68330-4	<0.10 <0.10	LCS	103%
Acenaphthene	mg/kg	0.1	SEO-030	<0.10	68330-4	<0.10 <0.10	LCS	124%
Fluorene	mg/kg	0.1	SEO-030	<0.10	68330-4	<0.10 <0.10	[NR]	[NR]
Phenanthrene	mg/kg	0.1	SEO-030	<0.10	68330-4	<0.10 <0.10	LCS	105%
Anthracene	mg/kg	0.1	SEO-030	<0.10	68330-4	<0.10 <0.10	LCS	105%
Fluoranthene	mg/kg	0.1	SEO-030	<0.10	68330-4	<0.10 <0.10	LCS	111%
Pyrene	mg/kg	0.1	SEO-030	<0.10	68330-4	<0.10 <0.10	LCS	119%
Benzo[a]anthracene	mg/kg	0.1	SEO-030	<0.10	68330-4	<0.10 <0.10	[NR]	[NR]
Chrysene	mg/kg	0.1	SEO-030	<0.10	68330-4	<0.10 0.11	[NR]	[NR]
Benzo[b,k]fluoranthene	mg/kg	0.2	SEO-030	<0.20	68330-4	<0.20 <0.20	[NR]	[NR]
Benzo[a]pyrene	mg/kg	0.05	SEO-030	<0.05	68330-4	<0.05 <0.05	LCS	102%
Indeno[123-cd]pyrene	mg/kg	0.1	SEO-030	<0.10	68330-4	<0.10 <0.10	[NR]	[NR]
Dibenzo[ah]anthracene	mg/kg	0.1	SEO-030	<0.10	68330-4	<0.10 <0.10	[NR]	[NR]
Benzo[ghi]perylene	mg/kg	0.1	SEO-030	<0.10	68330-4	<0.10 <0.10	[NR]	[NR]
Total PAHs (sum)	mg/kg	1.75	SEO-030	<1.7	68330-4	<1.7 <1.76	[NR]	[NR]
Nitrobenzene-d5	%	0	SEO-030	109	68330-4	90 103 RPD: 13	LCS	102%
2-Fluorobiphenyl	%	0	SEO-030	109	68330-4	98 105 RPD: 7	LCS	102%
p -Terphenyl-d14	%	0	SEO-030	107	68330-4	102 110 RPD: 8	LCS	99%



This document is issued in accordance with NATA's accreditation requirements. Accredited for compliance with ISO/IEC 17025. NATA accredited laboratory 2562 (4354). This report must not be reproduced except in full.

QUALITY CONTROL	UNITS	LOR	METHOD	Blank	Duplicate Sm#	Duplicate Base + Duplicate + %RPD	Spike Sm#	Matrix Spike % Recovery Duplicate + %RPD
OC Pesticides in Soil								
Date Extracted				03/04/09	68330-8	3/04/2009 3/04/2009	LCS	03/04/09
Date Analysed				03/04/09	68330-8	3/04/2009 3/04/2009	LCS	03/04/09
HCB	mg/kg	0.1	SEO-005	<0.1	68330-8	<0.1 <0.1	[NR]	[NR]
<i>alpha</i> -BHC	mg/kg	0.1	SEO-005	<0.1	68330-8	<0.1 <0.1	[NR]	[NR]
gamma-BHC (Lindane)	mg/kg	0.1	SEO-005	<0.1	68330-8	<0.1 <0.1	[NR]	[NR]
Heptachlor	mg/kg	0.1	SEO-005	<0.1	68330-8	<0.1 <0.1	LCS	119%
Aldrin	mg/kg	0.1	SEO-005	<0.1	68330-8	<0.1 <0.1	LCS	116%
<i>beta</i> -BHC	mg/kg	0.1	SEO-005	<0.1	68330-8	<0.1 <0.1	[NR]	[NR]
<i>delta</i> -BHC	mg/kg	0.1	SEO-005	<0.1	68330-8	<0.1 <0.1	LCS	119%
Heptachlor Epoxide	mg/kg	0.1	SEO-005	<0.1	68330-8	<0.1 <0.1	[NR]	[NR]
<i>o,p</i> -DDE	mg/kg	0.1	SEO-005	<0.1	68330-8	<0.1 <0.1	[NR]	[NR]
<i>alpha</i> -Endosulfan	mg/kg	0.1	SEO-005	<0.1	68330-8	<0.1 <0.1	[NR]	[NR]
<i>trans</i> -Chlordane	mg/kg	0.1	SEO-005	<0.1	68330-8	<0.1 <0.1	[NR]	[NR]
<i>cis</i> -Chlordane	mg/kg	0.1	SEO-005	<0.1	68330-8	<0.1 <0.1	[NR]	[NR]
<i>trans</i> -Nonachlor	mg/kg	0.1	SEO-005	<0.1	68330-8	<0.1 <0.1	[NR]	[NR]
<i>p,p</i> -DDE	mg/kg	0.1	SEO-005	<0.1	68330-8	<0.1 <0.1	[NR]	[NR]
Dieldrin	mg/kg	0.1	SEO-005	<0.1	68330-8	<0.1 <0.1	LCS	108%
Endrin	mg/kg	0.1	SEO-005	<0.1	68330-8	<0.1 <0.1	LCS	114%
<i>o,p</i> -DDD	mg/kg	0.1	SEO-005	<0.1	68330-8	<0.1 <0.1	[NR]	[NR]
<i>o,p</i> -DDT	mg/kg	0.1	SEO-005	<0.1	68330-8	<0.1 <0.1	[NR]	[NR]
<i>beta</i> -Endosulfan	mg/kg	0.1	SEO-005	<0.1	68330-8	<0.1 <0.1	[NR]	[NR]
<i>p,p</i> -DDD	mg/kg	0.1	SEO-005	<0.1	68330-8	<0.1 <0.1	[NR]	[NR]
<i>p,p</i> -DDT	mg/kg	0.1	SEO-005	<0.1	68330-8	<0.1 <0.1	LCS	123%
Endosulfan Sulphate	mg/kg	0.1	SEO-005	<0.1	68330-8	<0.1 <0.1	[NR]	[NR]
Endrin Aldehyde	mg/kg	0.1	SEO-005	<0.1	68330-8	<0.1 <0.1	[NR]	[NR]
Methoxychlor	mg/kg	0.1	SEO-005	<0.1	68330-8	<0.1 <0.1	[NR]	[NR]
Endrin Ketone	mg/kg	0.1	SEO-005	<0.1	68330-8	<0.1 <0.1	[NR]	[NR]
2,4,5,6-Tetrachloro-m-xy lene (<i>Surrogate</i>)	%	0	SEO-005	102	68330-8	98 99 RPD: 1	LCS	107%



This document is issued in accordance with NATA's accreditation requirements. Accredited for compliance with ISO/IEC 17025. NATA accredited laboratory 2562 (4354). This report must not be reproduced except in full.

QUALITY CONTROL	UNITS	LOR	METHOD	Blank	Duplicate Sm#	Duplicate Base + Duplicate + %RPD	Spike Sm#	Matrix Spike % Recovery Duplicate + %RPD
Metals in Soil by ICP-OES								
Date Extracted (Metals)				2/04/2009	[NT]	[NT]	68330-1	2/04/2009
Date Analysed (Metals)				2/04/2009	[NT]	[NT]	68330-1	2/04/2009
Arsenic	mg/kg	3	SEM-010	<3	[NT]	[NT]	68330-1	90%
Cadmium	mg/kg	0.3	SEM-010	<0.3	[NT]	[NT]	68330-1	91%
Chromium	mg/kg	0.3	SEM-010	<0.3	[NT]	[NT]	68330-1	88%
Copper	mg/kg	0.5	SEM-010	<0.5	[NT]	[NT]	68330-1	88%
Lead	mg/kg	1	SEM-010	<1	[NT]	[NT]	68330-1	90%
Nickel	mg/kg	0.5	SEM-010	<0.5	[NT]	[NT]	68330-1	89%
Zinc	mg/kg	0.5	SEM-010	<0.5	[NT]	[NT]	68330-1	87%

QUALITY CONTROL	UNITS	LOR	METHOD	Blank	Duplicate Sm#	Duplicate Base + Duplicate + %RPD	Spike Sm#	Matrix Spike % Recovery Duplicate + %RPD
Mercury Cold Vapor/Hg Analyser								
Date Extracted (Mercury)				03/04/09	68330-4	3/04/2009 3/04/2009	68330-8	03/04/09
Date Analysed (Mercury)				03/04/09	68330-4	3/04/2009 3/04/2009	68330-8	03/04/09
Mercury	mg/kg	0.05	SEM-005	<0.05	68330-4	<0.05 <0.05	68330-8	106%

QUALITY CONTROL	UNITS	LOR	METHOD	Blank	Duplicate Sm#	Duplicate Base + Duplicate + %RPD	Spike Sm#	Matrix Spike % Recovery Duplicate + %RPD
Organotin Compounds								
Date Extracted				07/04/09	68330-4	7/04/2009 7/04/2009	68330-4	07/04/09
Date Analysed				07/04/09	68330-4	7/04/2009 7/04/2009	68330-4	07/04/09
Tributyltin	µgSn/kg	0.5	Ext-041	<0.5	68330-4	<0.5 0.6	68330-4	75%
Surrogate (Tripropyltin)	%		Ext-041	110	68330-4	96 94 RPD: 2	68330-4	99%



This document is issued in accordance with NATA's accreditation requirements. Accredited for compliance with ISO/IEC 17025. NATA accredited laboratory 2562 (4354). This report must not be reproduced except in full.

QUALITY CONTROL	UNITS	LOR	METHOD	Blank	Duplicate Sm#	Duplicate Base + Duplicate + %RPD	Spike Sm#	Matrix Spike % Recovery Duplicate + %RPD
BTEX in Water (µg/L)								
Date Extracted (BTEX)				02/04/09	[NT]	[NT]	LCS	02/04/09
Date Analysed (BTEX)				03/04/09	[NT]	[NT]	LCS	03/04/09
Benzene	µg/L	0.5	SEO-018	<0.5	[NT]	[NT]	LCS	104%
Toluene	µg/L	0.5	SEO-018	<0.5	[NT]	[NT]	LCS	106%
Ethylbenzene	µg/L	0.5	SEO-018	<0.5	[NT]	[NT]	LCS	105%
m&p-Xylene	µg/L	1	PEO-800	<2	[NT]	[NT]	LCS	105%
o-Xylene	µg/L	0.5	SEO-018	<0.5	[NT]	[NT]	LCS	105%
Total Xylenes	µg/L	1.5	SEO-018	<1.5	[NT]	[NT]	LCS	105%
Surrogate	%	0	SEO-018	85	[NT]	[NT]	LCS	77%

QUALITY CONTROL	UNITS	LOR	METHOD	Blank	Duplicate Sm#	Duplicate Base + Duplicate + %RPD	Spike Sm#	Matrix Spike % Recovery Duplicate + %RPD
TRH in water with C6-C9 by P/T								
Date Extracted (TRH C6-C9 PT)				02/04/09	[NT]	[NT]	LCS	02/04/09
Date Analysed (TRH C6-C9 PT)				03/04/09	[NT]	[NT]	LCS	03/04/09
TPH C6-C9 P&T	µg/L	40	SEO-018	<40	[NT]	[NT]	LCS	101%
Date Extracted (TRH C10-C36)				02/04/09	[NT]	[NT]	LCS	02/04/09
Date Analysed (TRH C10-C36)				02/04/09	[NT]	[NT]	LCS	02/04/09
TRH C ₁₀ - C ₁₄	µg/L	100	SEO-020	<100	[NT]	[NT]	LCS	101%
TRH C ₁₅ - C ₂₈	µg/L	200	SEO-020	<200	[NT]	[NT]	LCS	111%
TRH C ₂₉ - C ₃₆	µg/L	200	SEO-020	<200	[NT]	[NT]	LCS	106%



This document is issued in accordance with NATA's accreditation requirements. Accredited for compliance with ISO/IEC 17025. NATA accredited laboratory 2562 (4354). This report must not be reproduced except in full.

QUALITY CONTROL	UNITS	LOR	METHOD	Blank	Duplicate Sm#	Duplicate Base + Duplicate + %RPD	Spike Sm#	Matrix Spike % Recovery Duplicate + %RPD
PAHs in Water								
Date Extracted				02/04/09	[NT]	[NT]	LCS	02/04/09
Date Analysed				02/04/09	[NT]	[NT]	LCS	02/04/09
Naphthalene	µg/L	0.5	SEO-030	<0.50	[NT]	[NT]	LCS	91%
2-Methylnaphthalene	µg/L	0.5	SEO-030	<0.5	[NT]	[NT]	[NR]	[NR]
1-Methylnaphthalene	µg/L	0.5	SEO-030	<0.5	[NT]	[NT]	[NR]	[NR]
Acenaphthylene	µg/L	0.5	SEO-030	<0.50	[NT]	[NT]	LCS	93%
Acenaphthene	µg/L	0.5	SEO-030	<0.50	[NT]	[NT]	LCS	118%
Fluorene	µg/L	0.5	SEO-030	<0.50	[NT]	[NT]	[NR]	[NR]
Phenanthrene	µg/L	0.5	SEO-030	<0.50	[NT]	[NT]	LCS	109%
Anthracene	µg/L	0.5	SEO-030	<0.50	[NT]	[NT]	LCS	112%
Fluoranthene	µg/L	0.5	SEO-030	<0.50	[NT]	[NT]	LCS	115%
Pyrene	µg/L	0.5	SEO-030	<0.50	[NT]	[NT]	LCS	124%
Benzo[a]anthracene	µg/L	0.5	SEO-030	<0.50	[NT]	[NT]	[NR]	[NR]
Chrysene	µg/L	0.5	SEO-030	<0.50	[NT]	[NT]	[NR]	[NR]
Benzo[b,k]fluoranthene	µg/L	1	SEO-030	<1.0	[NT]	[NT]	[NR]	[NR]
Benzo[a]pyrene	µg/L	0.5	SEO-030	<0.50	[NT]	[NT]	LCS	115%
Indeno[123-cd]pyrene	µg/L	0.5	SEO-030	<0.50	[NT]	[NT]	[NR]	[NR]
Dibenzo[ah]anthracene	µg/L	0.5	SEO-030	<0.50	[NT]	[NT]	[NR]	[NR]
Benzo[ghi]perylene	µg/L	0.5	SEO-030	<0.50	[NT]	[NT]	[NR]	[NR]
Total PAHs (sum)	µg/L	9.0	SEO-030	<9	[NT]	[NT]	[NR]	[NR]
Nitrobenzene-d5	%	0	SEO-030	93	[NT]	[NT]	LCS	89%
2-Fluorobiphenyl	%	0	SEO-030	98	[NT]	[NT]	LCS	84%
p -Terphenyl-d14	%	0	SEO-030	104	[NT]	[NT]	LCS	103%



This document is issued in accordance with NATA's accreditation requirements. Accredited for compliance with ISO/IEC 17025. NATA accredited laboratory 2562 (4354). This report must not be reproduced except in full.

QUALITY CONTROL	UNITS	LOR	METHOD	Blank
Inorganics				
Date Extracted (Turbidity)				3/4/09
Date Analysed (Turbidity)				3/4/09
Turbidity	NTU	0.1	SEI-007	<0.1
Date Extracted (pH)				[NT]
Date Analysed (pH)				[NT]
pH	pH Units	0	AN101	[NT]

QUALITY CONTROL	UNITS	LOR	METHOD	Blank	Duplicate Sm#	Duplicate Base + Duplicate + %RPD	Spike Sm#	Matrix Spike % Recovery Duplicate + %RPD
Anions in water								
Date Extracted				02/04/09	[NT]	[NT]	68330-1	02/04/09
Date Analysed				02/04/09	[NT]	[NT]	68330-1	02/04/09
Nitrate as N	mg/L	0.05	SEI-038	<0.05	[NT]	[NT]	68330-1	103%
Nitrite as N	mg/L	0.05	SEI-038	<0.05	[NT]	[NT]	68330-1	103%
Chloride, Cl	mg/L	0.08	SEI-038	<0.1	[NT]	[NT]	68330-1	105%
Sulphate, SO4	mg/L	0.4	SEI-038	<0.4	[NT]	[NT]	68330-1	102%

QUALITY CONTROL	UNITS	LOR	METHOD	Blank	Duplicate Sm#	Duplicate Base + Duplicate + %RPD	Spike Sm#	Matrix Spike % Recovery Duplicate + %RPD
Trace HM (ICP-MS)-Dissolved								
Date Extracted (Metals-ICPMS)				2/04/2009	[NT]	[NT]	68330-1	2/04/2009
Date Analysed (Metals-ICPMS)				2/04/2009	[NT]	[NT]	68330-1	2/04/2009
Arsenic	µg/L	1	AN318	<1	[NT]	[NT]	68330-1	96%
Antimony	µg/L	1	AN318	<1	[NT]	[NT]	68330-1	127%
Barium	µg/L	1	AN318	<1	[NT]	[NT]	68330-1	98%
Beryllium	µg/L	1	AN318	<1	[NT]	[NT]	68330-1	98%
Boron	µg/L	1	AN318	<1	[NT]	[NT]	68330-1	99%
Cadmium	µg/L	0.1	AN318	<0.1	[NT]	[NT]	68330-1	107%
Chromium	µg/L	1	AN318	<1	[NT]	[NT]	68330-1	88%
Cobalt	µg/L	1	AN318	<1	[NT]	[NT]	68330-1	88%
Copper	µg/L	1	AN318	<1	[NT]	[NT]	68330-1	91%
Lead	µg/L	1	AN318	<1	[NT]	[NT]	68330-1	103%
Manganese	µg/L	1	AN318	<1	[NT]	[NT]	68330-1	95%
Molybdenum	µg/L	1	AN318	<1	[NT]	[NT]	68330-1	100%
Nickel	µg/L	1	AN318	<1	[NT]	[NT]	68330-1	92%



This document is issued in accordance with NATA's accreditation requirements. Accredited for compliance with ISO/IEC 17025. NATA accredited laboratory 2562 (4354). This report must not be reproduced except in full.

QUALITY CONTROL	UNITS	LOR	METHOD	Blank	Duplicate Sm#	Duplicate	Spike Sm#	Matrix Spike % Recovery
Trace HM (ICP-MS)-Dissolved						Base + Duplicate + %RPD		Duplicate + %RPD
Selenium	µg/L	2	AN318	<2	[NT]	[NT]	68330-1	101%
Zinc	µg/L	1	AN318	<1	[NT]	[NT]	68330-1	96%

QUALITY CONTROL	UNITS	LOR	METHOD	Blank	Duplicate Sm#	Duplicate	Spike Sm#	Matrix Spike % Recovery
Metals in water by ICP-OES						Base + Duplicate + %RPD		Duplicate + %RPD
Date Extracted (Metals)				2/04/2009	[NT]	[NT]	68330-1	2/04/2009
Date Analysed (Metals)				2/04/2009	[NT]	[NT]	68330-1	2/04/2009
Tin (Dissolved)	mg/L	0.1	SEM-010	<0.10	[NT]	[NT]	68330-1	96%
Phosphorus (Dissolved)*	mg/L	0.1	SEM-010	<0.10	[NT]	[NT]	68330-1	101%

QUALITY CONTROL	UNITS	LOR	METHOD	Blank	Duplicate Sm#	Duplicate	Spike Sm#	Matrix Spike % Recovery
Mercury Cold Vapor/Hg Analyser						Base + Duplicate + %RPD		Duplicate + %RPD
Date Extracted (Mercury)				03/04/09	[NT]	[NT]	68330-1	03/04/09
Date Analysed (Mercury)				03/04/09	[NT]	[NT]	68330-1	03/04/09
Mercury (Dissolved)	mg/L	0.0005	SEM-005	<0.0005	[NT]	[NT]	68330-1	102%

QUALITY CONTROL	UNITS	LOR	METHOD	Blank
Hold sample- NO test required				
Sample on HOLD		[NT]		[NT]

QUALITY CONTROL	UNITS	LOR	METHOD	Blank
Moisture				
Date Analysed (moisture)				[NT]
Moisture	%	1	AN002	<1



This document is issued in accordance with NATA's accreditation requirements. Accredited for compliance with ISO/IEC 17025. NATA accredited laboratory 2562 (4354). This report must not be reproduced except in full.

QUALITY CONTROL TRH in soil with C6-C9 by P/T	UNITS	Dup. Sm#	Duplicate Base + Duplicate + %RPD
Date Extracted (TRH C6-C9 PT)		68330-4	2/04/2009 [N/T]
Date Analysed (TRH C6-C9 PT)		68330-4	3/04/2009 [N/T]
TRH C ₆ - C ₉ P&T	mg/kg	68330-4	<20 [N/T]
Date Extracted (TRH C10-C36)		68330-4	3/04/2009 3/04/2009
Date Analysed (TRH C10-C36)		68330-4	3/04/2009 3/04/2009
TRH C ₁₀ - C ₁₄	mg/kg	68330-4	<20 <20
TRH C ₁₅ - C ₂₈	mg/kg	68330-4	<50 <50
TRH C ₂₉ - C ₃₆	mg/kg	68330-4	<50 <50



This document is issued in accordance
with NATA's accreditation requirements.
Accredited for compliance with ISO/IEC 17025.
NATA accredited laboratory 2562 (4354).
This report must not be reproduced except in full.

Result Codes

[INS]	: Insufficient Sample for this test	[RPD]	: Relative Percentage Difference
[NR]	: Not Requested	*	: Not part of NATA Accreditation
[NT]	: Not tested	[N/A]	: Not Applicable

Report Comments

METALS DISSOL_W : LORs raised 2x due to sample matrix.

METALS TRACE_W : LORs raised 2x for sample 2 due to sample matrix.

TBT analysed by Advanced analytical, report No. A09/1044.

Samples analysed as received. Solid samples expressed on a dry weight basis.

Date Organics extraction commenced: 02/04/09

NATA Corporate Accreditation No. 2562, Site No 4354

Note: Test results are not corrected for recovery (excluding Dioxins/Furans*)

This document is issued, on the Client's behalf, by the Company under its General Conditions of Service available on request and accessible at http://www.sgs.com/terms_and_conditions.htm. The Client's attention is drawn to the limitation of liability, indemnification and jurisdiction issues defined therein.

Any other holder of this document is advised that information contained hereon reflects the Company's findings at the time of its intervention only and within the limits of Client's instructions, if any. The Company's sole responsibility is to its Client and this document does not exonerate parties to a transaction from exercising all their rights and obligations under the transaction documents.

Quality Control Protocol

Method Blank: An analyte free matrix to which all reagents are added in the same volume or proportions as used in sample processing. The method blank should be carried through the complete sample preparation and analytical procedure. A method blank is prepared every 20 samples.

Duplicate: A separate portion of a sample being analysed that is treated the same as the other samples in the batch. One duplicate is processed at least every 10 samples.

Surrogate Spike: An organic compound which is similar to the target analyte(s) in chemical composition and behavior in the analytical process, but which is not normally found in environmental samples. Surrogates are added to samples before extraction to monitor extraction efficiency and percent recovery in each sample.

Internal Standard: Added to all samples requiring analysis for organics (where relevant) or metals by ICP after the extraction/digestion process; the compounds/elements serve to give a standard of retention time and/or response, which is invariant from run-to-run with the instruments.

Laboratory Control Sample: A known matrix spiked with compound(s) representative of the target analytes. It is used to document laboratory performance. When the results of the matrix spike analysis indicates a potential problem due to the sample matrix itself, the LCS results are used to verify that the laboratory can perform the analysis in a clean matrix.

Matrix Spike: An aliquot of sample spiked with a known concentration of target analyte(s). The spiking occurs prior to sample preparation and analysis. A matrix spike is used to document the bias of a method in a given sample matrix.

Quality Acceptance Criteria

The QC criteria are subject to internal review according to the SGS QAQC plan and may be provided on request or alternatively can be found here: <http://www.au.sgs.com/sgs-mp-au-env-qu-022-qa-qc-plan-en-09.pdf>



This document is issued in accordance with NATA's accreditation requirements. Accredited for compliance with ISO/IEC 17025. NATA accredited laboratory 2562 (4354). This report must not be reproduced except in full.

Appendix I

Data Validation Report

DATA COMPLETENESS

Field Considerations

	Yes / No	Comment
Were all critical locations sampled?	Yes	
Were all critical depths sampled?	Yes	Deeper samples unable to be retrieved in some instances.
Were the SOPs appropriate and complied with?	Yes	
Was the sampler adequately experienced?	Yes	
Was the field documentation complete?	Yes	
Is a copy of the signed chain of custody form for each batch of samples included?	Yes	Refer to Appendix H.

Laboratory Considerations

	Yes / No	Comment
Were all critical samples analysed according to sampling plan?	Yes	Samples analysed from shallower depths to target potential contamination.
Were analytes analysed as per sampling plan?	Yes	
Were the laboratory methods appropriate?	Yes	
Were the laboratory methods adopted NATA endorsed?	Yes	
Was the NATA Seal on the laboratory reports?	Yes	
Were the laboratory reports signed by an authorised person?	Yes	
Were the laboratory PQLs below the criteria?	No	Seven analyte PQLs were above adopted criteria for OCPs and PAH. These analytes had

		concentrations below the PQL.
Was sample documentation complete?	Yes	
Were sample holding times complied with?	Yes	

COMPLETENESS CONCLUSION

	Yes / No	Comment
Was data adequately complete?	Yes	

DATA COMPARABILITY

Field considerations

	Yes / No	Comment
Was there more than one sampling round?	No	
Were the same sampling methodology and SOPs used for all sampling?	Yes	
Was all sampling undertaken by the same sampler?	Yes	
Were sample containers, preservation, filtering the same?	Yes	
Could climatic conditions (temperature, rainfall, wind) have influenced data comparability?	Yes	Waters of Lake Macquarie are well mixed and highly mobile. This is not considered to effect the sediment samples however.
Were the same types of samples collected (filtered, size fractions etc) for each media?	Yes	

Laboratory Considerations

	Yes / No	Comment
Were the same analytical methods used (including clean up)?	Yes	
Were the PQLs the same?	Yes	
Were the same laboratories used?	No	Analysis of Tributyltin subcontracted to Advanced Analytical Australia by SGS.
Were the units reported the same?	Yes	

COMPARABILITY CONCLUSION

	Yes / No	Comment
Was data adequately comparable?	Yes	

DATA REPRESENTATIVENESS**Field Considerations**

	Yes / No	Comment
Was appropriate media sampled?	Yes	
Was all media identified sampled?	Yes	Lake sediment and water sampled as per sampling plan.
Were the samples properly and adequately preserved? This includes keeping the samples chilled, where applicable.	Yes	
Were the samples in proper custody between the field and reaching the laboratory?	Yes	
Were the samples received by the laboratory in good condition?	Yes	

Laboratory Considerations

	Yes / No	Comment
Were all samples analysed according to SAQP?	NA	There was no SAQP for this assessment.

REPRESENTATIVENESS CONCLUSION

	Yes / No	Comment
Was data adequately representative?	Yes	

DATA PRECISION AND ACCURACY**Field considerations**

	Yes / No	Comment
Were the SOPs appropriate and complied with?	Yes	Based on available Coffey Environments Standard Operating Procedures.

Trip Blank	NA	NA	NA	NA	NA	NA	NA	NA
Wash Blanks	NA	NA	NA	NA	NA	NA	NA	NA
LAB QA/QC								
Lab Blanks	1	1	0	0	0	0	0	0
Lab Dups	0	0	0	1	0	1	0	1
Matrix Spikes	0	0	1	1	1	1	0	1
Lab Control	1	1	0	0	0	0	0	0
Surrogate	0	1	0	0	0	0	0	0

	Yes / No	Comment
Field QA/QC		
Were an adequate number of field duplicates analysed?	Yes	Refer to above table. Soil duplicate samples exceeded the requirement of 1 duplicate per 10 primary samples.
Were the RPDs of the field duplicates within control limits?	No	RPDs for metals exceeded the control limit in the following samples: <ul style="list-style-type: none"> • Duplicate pair SB1 0.0m and QC2 recorded RPDs for chromium (70%), copper (89%), lead (40%) and zinc (59%). These are considered to be due to heterogeneous distribution of metals within the sediments; • Duplicate pair WS1 and QC1 recorded RPDs for arsenic (91%), copper (94%), nickel (108%), selenium (182%), and zinc (77%).
Were an adequate number of trip blanks analysed?	No	No trip blanks were dispatched with the samples
Were the trip blanks free of contaminants	NA	
Were an adequate number of trip spikes analysed?	No	No trip spikes were dispatched with the samples
Were the trip spikes recoveries within control limits?	NA	
Were an adequate number of wash blanks analysed?	Yes	One wash blank analysed for one day of sampling.
Were the wash blanks free of contaminants?	No	Trace metals and toluene were detected. This may be due to grease being present on the piston sampler or within the wash blank water. Taking into account the concentrations of metals and toluene in the sediment samples, it is considered that their detection in the wash blank does not affect the usability of the data.
Lab QA/QC		
Were an adequate number of laboratory blank samples	Yes	

analysed?		
Were the blanks free of contaminants?	Yes	

Were an adequate number of laboratory matrix spikes and laboratory control samples analysed?	Yes	
Were an adequate number of surrogate spike samples analysed?	Yes	
Were the spikes recoveries within control limits?	Yes	
Were an adequate number of laboratory duplicates analysed?	Yes	
Were the laboratory duplicate RPDs within control limits?	Yes	

PRECISION AND ACCURACY CONCLUSION

	Yes / No	Comment
Was soil data adequately precise?	Yes	
Was soil data adequately accurate?	Yes	
Was groundwater data adequately precise?	Yes	
Was groundwater data adequately accurate?	Yes	

Table D1: Laboratory Methodologies (SGS)

Analysis	Method Based On	NATA Registered
TPH C6-C9/BTEX	Based on USEPA 8260	Yes
TPH C10-C36	Based on USEPA 8015B	Yes
PAH	Based on USEPA 8270	Yes
Metals	Based on USEPA 200.7 (soil) / USEPA 6020A (water)	Yes
OCP	Based on USEPA 8080/8140	Yes
PCB	Based on USEPA 8080	Yes

Table D2: Holding Times (SGS)

Soil Analysis	Holding Time	Maximum Time Between Sampling and Extraction	Holding Times Met
TPH C6-C9/BTEX	14 days	1 days	Yes
TPH C10-C36	14 days	3 days	Yes
PAH	14 days	3 days	Yes
Metals	6 months	2 days	Yes
OCP	14 days	3 days	Yes