DISCLAIMER

When preparing and assessing development applications, the summarised changes outlined in the revision history to this Development Control Plan (DCP) and their implications for development must be read in conjunction with the provisions contained within the whole of Lake Macquarie Development Control Plan 2014 and the provisions of Lake Macquarie Local Environmental Plan 2014.

REVISION HISTORY

<table>
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<tr>
<th>Rev No.</th>
<th>Date Changed</th>
<th>Modified by</th>
<th>Details/Comments</th>
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<td>Master</td>
<td>June 2013</td>
<td>Integrated Planning</td>
<td>Adopted by Council 11 June 2013</td>
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<td>August 2014</td>
<td>Integrated Planning</td>
<td>Part 1 and Part 4 amended to include reference to Warners Bay and the Warners Bay Town Centre Area Plan. Warners Bay Town Centre Area Plan inserted into Part 10</td>
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Part 1 – Introduction
Exhibition Document
1 INTRODUCTION

1.1 NAME OF THIS PLAN
The name of this Plan is Lake Macquarie Development Control Plan 2014 (abbreviated as LM DCP 2014).

1.2 LAND TO WHICH THIS PLAN APPLIES
LM DCP 2014 applies to the Local Government Area of Lake Macquarie City Council as covered by Lake Macquarie Local Environmental Plan 2014 (abbreviated as LMLEP 2014) and any other LEP still operating in the Lake Macquarie LGA.

1.3 DATE OF COMMENCEMENT
LM DCP 2014 – Revision 34 was adopted by Council on 10 February 2014. LM DCP 2014 commenced on XXXXX.

1.4 OBJECTIVES OF THIS PLAN
The purpose of LM DCP 2014 is to implement Council’s Lifestyle 2030 Strategy (LS 2030 Strategy) and LMLEP 2014 by facilitating ecologically sustainable development.

The overall objectives of LM DCP 2014 are to:

- Promote ecologically sustainable and quality development in the City,
- Elaborate on the requirements of LMLEP 2014, as a key tool in the LEP’s implementation,
- Provide detailed guidance to a range of stakeholders (including applicants and the general public) of Council’s requirements for building, subdivision, and land development, and
- Provide detailed criteria to assist Council in assessing Development Applications (as required by Section 79C (1)(a) of the Environmental Planning and Assessment Act, 1979) (EP&A Act).

1.5 RELATIONSHIP TO OTHER DOCUMENTS
LM DCP 2014 must be read in conjunction with and development must comply with:

- LM LEP 2014,
- other relevant Environmental Planning Instruments, such as a State Environmental Planning Policy (SEPP) or Regional Environmental Planning Policy (REPP) applying to the land.
- Council policies, guidelines and Plans of Management,
- Commonwealth and State legislation,
- Government publications and
- Relevant Australian Standards.

These documents provide additional information and/or criteria required to be considered during the development process. Where there is an inconsistency between LM DCP 2014 and any Environmental Planning Instrument (such as LMLEP 2014) applying to the same land, then the provisions of the Environmental Planning Instrument shall prevail.

1.6 STATUTORY CONTEXT
The DCP is titled “Lake Macquarie Development Control Plan 2014”. LM DCP 2014 is a development control plan prepared under Section 74C of the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulations 2000. For the purposes of interpreting certain clauses in the LMLEP 2014, reference in Section 79C (1)(a)(iii) of the EP&A Act requires Council (or any other consent authority) to consider this DCP when determining development applications that are covered by this DCP.
Part 10 – Town Centre Area Plans. This part contains specific development controls applying to Town Centres. The provisions in the area plans are in addition to the provision in part 2 to 9 and apply when development is proposed in an area covered by an area plan. Where inconsistencies arise, the controls in area plans prevail over controls in parts 2 to 9 of this DCP. The Town Centre Area Plans include:

- Charlestown Regional Centre Area Plan
- Belmont Town Centre Area Plan
- Toronto Town Centre Area Plan
- Morisset Town Centre Area Plan
- Mount Hutton Town Centre Area Plan
- Pambulong Forest Area Plan
- Warners Bay Town Centre Area Plan

Part 11 – Heritage Area Plans. This part contains specific development controls applying to Council’s Heritage precincts. The provisions in the area plans are in addition to the provision in part 2 to 9 and apply when development is proposed in an area covered by an area plan. Where inconsistencies arise, the controls in area plans prevail over controls in parts 2 to 9 of this DCP. The Heritage area plans include:

- Boolaroo - Heritage Precinct Area Plan
- West Wallsend / Holmesville - Heritage Precinct Area Plan
- Teralba - Heritage Precinct Area Plan
- Toronto - Heritage Precinct Area Plan
- Rathmines - RAAF Base Area Plan
- Dudley Area Plan
- Morisset Hospital Grounds and Farm Area Plan
- Catherine Hill Bay Heritage Conservation Area Plan

Part 12 – Precinct Area Plans. This part contains site or area specific development controls. The provisions in the area plans are in addition to the provision in part 2 to 9 and apply when development is proposed in an area covered by an area plan. Where inconsistencies arise, the controls in area plans prevail over controls in parts 2 to 9 of this DCP. The precinct area plans include:

- Cooranbong - Seventh Day Adventist Community Area Plan
- Lawson Road Macquarie Hills Area Plan
- North Buttaba Hills Estate Area Plan
- Thompson Road Speers Point Area Plan
- Martinsville Area Plan
- East Munibung Hill Area Plan
- Mount Hutton Precinct Area Plan
- North Morisset Area Plan
- Development on Flood Prone Land at Dora Creek
- Gimberts Road Morisset Area Plan
Lake Macquarie Development Control Plan 2014 – Revision 43

Part 4 – Development in Business Zones

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1.4 **B3 COMMERCIAL CORE**

Charlestown, Glendale and Morisset

The B3 Commercial Core Zone is intended to provide the greatest concentration of commercial floor space, services and facilities for the wider community. The core activities in this zone are commercial and retail, supported by government services, with residential, community, recreational, educational, entertainment, tourist and open space uses.

Preferred land uses are retail premises, business premises, food and drink premises, entertainment facilities, and office premises at street level with office premises, tourist accommodation or apartments above.

See Charlestown Major Regional Centre Area Plan and Morisset Town Centre Area Plan for additional background and controls.

1.5 **B2 LOCAL CENTRES**

Swansea, Belmont, Warners Bay, Toronto, Mount Hutton and Cameron Park/Pambululong.

The B2 Local Centre Zone is intended to provide a range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local community.

Preferred land uses are retail premises, business premises, and food and drink premises. Also preferred are office premises at street level with office premises, tourist accommodation or apartments above.

See Belmont Town Centre Area Plan, Warners Bay Town Centre Area Plan, Toronto Town Centre Area Plan and Mount Hutton Centre Area Plan for additional background and controls.

1.6 **B1 NEIGHBOURHOOD CENTRES**

B1 Neighbourhood Centres include, Kahibah, Whitebridge, Dudley, Redhead, Windale, Jewells, Boolaroo, Northlakes, West Wallsend, Teralba, Woodrising, Bonnells Bay, Wangi Wangi and Wyee Point

The B1 Neighbourhood Centre Zone is intended to provide a limited range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.

Preferred land uses are small retail premises, food and drink premises, and smaller office premises at street level with office premises or housing above.

1.7 **B4 MIXED USE ZONE**

The B4 Mixed Use Zone is intended to complement and enhance the activity of the local and regional centres, and to serve as a transition between the centre and surrounding residential zones.

*B4 areas are located at Charlestown, Glendale, Cardiff, Belmont, Mount Hutton, Warners Bay, Swansea, Toronto, Morisset, Cooranbong, Argenton, Cockle Creek, Wangi Wangi, Belmont North and Caves Beach.*

The preferred mix of land uses is either business or office premises, retail premises, or food and drink premises at street level, with office premises, shop-top housing or apartments above. Activity in the centre should be supported by development of community, recreational, educational, entertainment, tourist and open space facilities.