



Lake Macquarie City Council

Lake Macquarie Development Control Plan 2014  
– Revision 27

Adopted by Council 9 August 2021

**LAKE**  
MACQUARIE  
**CITY**

## 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

Rev No.	Date Changed	Modified by	Details/Comments
27	August 2021	Integrate Planning	Part 10 Area Plans – Inclusion of new Cardiff Town Centre Area Plan
26	July 2021	Integrated Planning	Part 12 - Area Plans –North Wallarah Peninsula Area Plan - Revision to Part 5 to include planning controls for the Central Precinct within the Northern Sector.  Part 12 - Area Plans – Inclusion of new Killingworth Paper Subdivision Area Plan
25	September 2020	Integrated Planning	General Amendment that covers:  Part 1 – reversing the order of the Revision History for improved readability.  Parts 2 to 8 - Updates side setbacks in environmental zones. Introduces references to Geotechnical Guidelines.
24	March 2020	Integrated Planning	Part 12 – Precinct Area Plans – Inclusion of new Windale Area Plan
23	April 2020	Environmental Systems	Amendments to Contaminated Land Controls General (parts 2 – 7) including the introduction of Standard Remedial Action Plans for residential development within the Pasminco Lead Abatement Strategy Area, and management of Pasminco Black Slag wherever it occurs in the City.
22	February 2020	Integrated Planning	Part 12 – Precinct Area Plans – Mount Hutton Precinct Area Plan updated.
21		Waste Services (Strategic Waste)	General amendments to Waste Management Objectives and Controls in Parts 2-7 (zones), 8 (subdivisions), and 9 (specific land uses) and general amendments to Waste Management Guidelines including the Waste Management Plans and Residential Application Checklist
		Environmental Systems	Include reference to the Guidelines for the Preparation of Rehabilitation Plans for Degraded Watercourses or Waterbodies to Sections 2.2.10; 3.2.10; 4.2.11; 5.2.10; 6.2.11;7.2.10; 8.2.11;
		Integrated Planning	Part 12 – Precinct Area Plans – Inclusion of new Edgeworth Area 3 Area Plan
20	October 2018	Integrated Planning	Part 10 – Area Plans – Mount Hutton Town Centre – whole section updated.
19	June 2018	Integrated	Part 9 Specific Land Uses - Dual Occupancy – whole

Rev No.	Date Changed	Modified by	Details/Comments
		Planning	section updated
18	June 2018	Integrated Planning	General Amendment that covers some sections within; Part 1, Part 2, Part 3, Part 4, Part 5, Part 6, Part 7, Part 8, Part 9.5 - Dwelling House in Rural and Environmental Zones, and Part 9.17 - Signage; Part 9.4 - Child Care Centres (repealed); Part 11 - Heritage Area Plans - Cooranbong Seventh-day Adventist Site Heritage Area Plan updated.
17	March 2018	Integrated Planning	Part 12 – Precinct Area Plans – Inclusion of new Lake Road Swansea Area Plan  EP&A Act Section references updated as per EP&A Act Amendment 2018
16	July 2017	Integrated Planning	Part 12 – Precinct Area Plans – Inclusion of new Edgeworth Area 2 Area Plan
15	June 2017	Integrated Planning	General Amendment that covers some sections within Part 1; Part 2; Part 3; Part 4; Part 5; Part 6; Part 7; Part 8; Part 9 – Child Care Centres; Part 9 – Dual Occupancy Development; Part 9 – Foreshore and Waterway Development and Tree Preservation and Management Guidelines.
14	April 2017	Integrated Planning	Replacement of the existing Dora Creek Flood Prone Land Precinct Area Plan in Part 12.8 with the newly titled, Precinct Area Plan - Dora Creek Township Flood Prone Land, being consistent with the Dora Creek Floodplain Risk Management Study and Plan adopted by Council in 2015.
13	March 2017	Integrated Planning	Inclusion of Marks Point Belmont South Area Plan into Part 12 – Precinct Area Plans  Part 12 – Belmont South - Foreshore Precinct Area Plan - Repealed
12	December 2016	Integrated Planning	Inclusion of Buttaba Hills South Area Plan into Part 12 – Precinct Area Plans
11	August 2016	Integrated Planning	Inclusion of Appletree Grove Estate controls into Part 11.2 West Wallsend/Holmesville Heritage Precinct
10	May 2016	Integrated Planning	Inclusion of Ada Street Cardiff Area Plan into Part 12 – Precinct Area Plans
9	May 2016	Integrated Planning	Inclusion of Edgeworth Area 1 Area Plan into Part 12 – Precinct Area Plans
8	April 2016	Integrated Planning	Inclusion of Munibung Hill Speers Point Quarry into Part 12 – Precinct Area Plans
7	February 2016	Integrated Planning	Part 11 – Heritage Area Plans – Wangi Power Station Complex Area Plan added.  <i>Added 'Tree Preservation and Native Vegetation Management Guidelines – STR Item No. 0088 removed from in the Significant Tree Register' to the comments section of DCP Revision History –</i>

Rev No.	Date Changed	Modified by	Details/Comments
			Revision 5. Text omitted at the time.  Removed 'Tree Preservation and Native Vegetation Management Guidelines – amendments to Sections 2.2 and 2.3' from comments section of DCP Revision History – Revision 6. Changes were not made to guidelines.
6	December 2015	Integrated Planning	Part 3 – Corrections made to sequencing of section numbers and minor editing to correct spelling.  Part 10 – Town Centre Area Plans – Glendale Regional Centre Area Plan added.  Part 12 – Precinct Area Plans – Wyee West Area Plan added.
5	August 2015	Integrated Planning	General Amendment that covered some sections within Part 1; Part 2; Part 3; Part 4; Part 5; Part 6; Part 7; Part 8; Part 9 – Attached Dwellings; Part 9 – Child Care Centres; Part 9 – Dwelling Houses in Rural and Environmental Zones; Part 9 – Dual Occupancy Development; Part 9 – Foreshore and Waterway Development; Part 9 – Multi Dwelling Housing; Part 9 – Residential Flat Buildings; Part 9 – Secondary Dwellings, Part 9 – Housing on Small and Narrow Lots; Part 10 – Pambulong Forest; Part 11 – Morisset Hospital Grounds Heritage Precinct; Part 12 – Lawson Road Precinct; Part 12 – North Buttaba Hills Estate Precinct; Part 12 – North Morisset Precinct; Part 12 – North Wallarah Peninsula; Part 13 – Dictionary  Tree Preservation and Native Vegetation Management Guidelines – STR Item No. 0088 removed from in the Significant Tree Register
4	May 2015	Integrated Planning	DCP Revision adopted by Council 11 May 2015 – not effective until LMLEP 2014 Amendment published
3	February 2014	Integrated Planning	Parts 1 to 7 amended to reference the Development Guidelines for Resilient Housing for Lake Macquarie  Development Guidelines for Resilient Housing for Lake Macquarie added to supporting Guidelines of DCP 2014.
1	August 2013	Integrated Planning	Part 1 – Table of Contents – addition of <i>Development Guidelines for Resilient Housing for Lake Macquarie</i>  Part 1 – Introduction - Section 1.7– addition of <i>Development Guidelines for Resilient Housing for Lake Macquarie</i> to list of Guidelines to DCP 2014  Parts 2-7 – Lake flooding and tidal inundation section – add control referencing <i>Development Guidelines for Resilient Housing for Lake Macquarie</i>
Master	June 2013	Integrated Planning	Adopted by Council 11 June 2013

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	Multi Dwelling Housing
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	Tourist and Visitor Accommodation
	Housing on Small and Narrow Lots
<b>Part 10</b>	<b>Town Centre Area Plans</b>
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Pambulong Forest Town Centre Area Plan (repealed)

Glendale Regional Centre Area Plan

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**Part 11 Heritage Area Plans**

Boolaroo - Heritage Precinct Area Plan

West Wallsend / Holmesville - Heritage Precinct Area Plan

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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

Cooranbong - Seventh Day Adventist Community Area Plan

Wangi Power Station Complex Area Plan

**Part 12 Precinct Area Plans**

Lawson Road Macquarie Hills Area Plan (*Repealed*)

North Buttaba Hills Estate Area Plan (*Repealed*)

Thompson Road Speers Point Area Plan

Martinsville Area Plan

East Munibung Hill Area Plan

Mount Hutton Precinct Area Plan

North Morisset Area Plan

Dora Creek Township Flood Prone Land

Gimberts Road Morisset Area Plan

Coorumbung Road Dora Creek Area Plan

Belmont South - Foreshore Precinct Area Plan (*Repealed*)

North Cooranbong Area Plan

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Highland Avenue Cooranbong Area Plan

Pasminco Area Plan

North Wallarah Peninsula Area Plan

Wyee West Area Plan

Munibung Hill Speers Point Quarry

Edgeworth Area 1 Area Plan

Ada Street Cardiff Area Plan

Buttaba Hills South Area Plan



Marks Point Belmont South Area Plan  
Edgeworth Area 2 Area Plan  
Lake Road Swansea Area Plan  
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Windale Area Plan  
Killingworth Paper Subdivision Area Plan

**Part 13 Dictionary**

**Appendix A – Local Road Reservations Map**

## Guidelines to Lake Macquarie DCP 2014

- Flora and Fauna Survey Guidelines 2013
- Tree Preservation and Native Vegetation Management Guidelines
- Energy Efficiency Design Guidelines for Commercial and Industrial Development
- Foreshore Stabilisation and Rehabilitation Guidelines
- Heritage Guidelines
- Scenic Management Guidelines
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- Waste Management Guidelines
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- Lake Macquarie *Tetratheca juncea* CMP, Nov 2004
- Engineering Guidelines – Part 1 Design Specification
- Engineering Guidelines – Part 2 Construction
- Engineering Guidelines – Part 3 SQID Guidelines
- Engineering Guidelines – Part 4 Handbook of Drainage Design Criteria
- Development Guidelines for Resilient Housing for Lake Macquarie
- Engineering Guidelines – Part 5 Batter Slope Treatments
- Engineering Guidelines – Part 6 Standard Drawings
- Economic Impact Assessment Guidelines
- Non-Discriminatory Access Audit Guidelines
- Subdivision Guidelines
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- Erosion and Sediment Control Guidelines
- CPTED Guidelines
- Vegetation Management Plan Guidelines
- Natural Heritage Guidelines
- Estuarine Creekbank Stabilisation and Rehabilitation Guidelines
- Traffic Impact Statement and Vehicle Access Guidelines
- Site Analysis Guidelines
- Social Impact Assessment Guidelines
- Geotechnical Slope Stability Guidelines



A young boy is sitting on a wooden structure, possibly a boat or dock, with a green overlay. The boy is wearing a dark shirt and shorts, and is looking down at something in his hands. The background is a bright, overexposed outdoor setting.

Lake Macquarie Development Control Plan 2014  
– Revision 27

Part 1 – Introduction

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## 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 27 was adopted by Council on 9 August 2021. LM DCP 2014 commenced on 6 September 2021.

### 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 4.15 (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:

- LMLEP 2014,
- other relevant Environmental Planning Instruments, such as a State Environmental Planning Policy (SEPP).
- 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 3.43 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 4.15 (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.

## 1.7 LAKE MACQUARIE DCP 2014 STRUCTURE

LM DCP 2014 consists of a written document and associated maps that contain the detailed planning controls for the use of land across the Lake Macquarie LGA. Together, the strategic direction of Council's LS 2030 Strategy, the statutory provisions of LMLEP 2014 and LM DCP 2014 represent the blueprint for development in Lake Macquarie.

LM DCP 2014 is divided into a number of parts based on landuse zone groups identified in LMLEP 2014 and within each part, there are sections that provide the controls for development in the city. The following provides an overview of each part of LM DCP 2014:

**Part 1 - Introduction.** This part contains information on how to use the plan, land to which the plan applies, commencement, details of LM DCP 2014 structure, interpretation of provisions, variations from controls, relationship to other documents and notification requirements among other procedural matters.

**Part 2 - Development in Rural Zones.** This part applies to all development in the RU2, RU3, RU4 and RU6 zones under LMLEP 2014.

**Part 3 - Development in Residential Zones.** This part applies to all development in the R2 and R3 zones under LMLEP 2014.

**Part 4 - Development in Business Zones.** This part applies to all development in the B1, B2, B3 and B4 zones under LMLEP 2014.

**Part 5 - Development in Industrial, Business Park and Infrastructure Zones.** This part applies to all development in the IN1, IN2, IN4, B7, SP1 and SP2 zones under *LM LEP2014*.

**Part 6 - Development in Recreation and Tourist Zones.** This part applies to all development in the RE1, RE2 and SP3 zones under LMLEP 2014.

**Part 7 - Development in Environment Protection Zones.** This part applies to all development in the E2, E3 and E4 zones under LMLEP 2014.

**Part 8 - Subdivision Development.** This part applies when subdivision is proposed (excluding strata subdivision) in all land use zones. All subdivision must refer to this part.

**Part 9 - Specific Land Uses.** This part contains specific controls for particular land uses. The provisions in individual land uses are in addition to the provisions in the relevant DCP part and apply when a particular land use is proposed. Where inconsistencies arise, the controls in this part prevail over controls in parts 2 to 8 of this DCP. The uses covered in this part include:

• Attached Dwellings	• Multi Dwelling Housing
• Bed and Breakfast / Farm Stay Accommodation	• Places of Public Worship
• Caravan Parks and Manufactured Homes	• Residential Flat Buildings
• Dual Occupancy	• Secondary Dwelling
• Dwelling House in Rural and Environmental Zones	• Service Stations
• Foreshore and Waterway Development	• Sex Services Premises
• Health Consulting Rooms	• Signage
• Home Business and Home Industry	• Tourist and Visitor Accommodation
• Intensive Agriculture	• Housing on Small and Narrow Lots

**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
- Warners Bay Town Centre Area Plan
- Toronto Town Centre Area Plan
- Morisset Town Centre Area Plan
- Mount Hutton Town Centre Area Plan
- Pambulong Forest Area Plan (*repealed*)
- Glendale Regional Centre Area Plan
- Glendale town Centre Area Plan
- Cardiff 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
- Cooranbong Seventh Day Adventist Heritage Precinct
- Wangi Power Station Complex 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:

- Lawson Road Macquarie Hills Area Plan (*repealed*)
- North Buttaba Hills Estate Area Plan (*repealed*)
- Thompson Road Speers Point Area Plan
- Martinsville Area Plan
- East Munibung Hill Area Plan
- Mount Hutton Precinct Area Plan
- North Morisset Area Plan

- Dora Creek Township Flood Prone Land
- Gimberts Road Morisset Area Plan
- Coorumbung Road Dora Creek Area Plan
- Belmont South - Foreshore Precinct Area Plan (repealed)
- North Cooranbong Area Plan
- Lake Macquarie Coastline
- Highland Avenue Cooranbong Area Plan
- Pasmenco Area Plan
- North Wallarah Peninsula Area Plan
- Wyee West Area Plan
- Munibung Hill Speers Point Quarry
- Edgeworth Area 1 Area Plan
- Ada Street Cardiff Area Plan
- Buttaba Hills South Area Plan
- Marks Point Belmont South Area Plan
- Edgeworth Area 2 Area Plan
- Lake Road Swansea Area Plan
- Edgeworth Area 3 Area Plan
- Killingworth Area Plan

**Part 13 - Dictionary.** This part contains the meanings of key words used in LM DCP 2014.

**Appendix A – Local Road Reservations Map.** This map shows the location of future roads that are required to facilitate orderly development.

**Guidelines to DCP 2014.** Guidelines are provided to supply detailed information on the technical requirements for specific matters. The guidelines to LM DCP 2014 are outlined below:

<ul style="list-style-type: none"> <li>• Flora and Fauna Survey Guidelines 2013</li> </ul>	<ul style="list-style-type: none"> <li>• Engineering Guidelines – Part 5 Batter Slope Treatments</li> </ul>
<ul style="list-style-type: none"> <li>• Native Vegetation and Tree Preservation Guidelines</li> </ul>	<ul style="list-style-type: none"> <li>• Engineering Guidelines – Part 6 Standard Drawings</li> </ul>
<ul style="list-style-type: none"> <li>• Energy Efficiency Design Guidelines for Commercial and Industrial Development</li> </ul>	<ul style="list-style-type: none"> <li>• Economic Impact Assessment Guidelines</li> </ul>
<ul style="list-style-type: none"> <li>• Foreshore Stabilisation and Rehabilitation Guidelines</li> </ul>	<ul style="list-style-type: none"> <li>• Non-Discriminatory Access Audit Guidelines</li> </ul>
<ul style="list-style-type: none"> <li>• Heritage Guidelines</li> </ul>	<ul style="list-style-type: none"> <li>• Subdivision Guidelines</li> </ul>
<ul style="list-style-type: none"> <li>• Scenic Quality Guidelines</li> </ul>	<ul style="list-style-type: none"> <li>• Flood Management Guidelines</li> </ul>
<ul style="list-style-type: none"> <li>• Landscape Design Guidelines</li> </ul>	<ul style="list-style-type: none"> <li>• Erosion and Sediment Control Guidelines</li> </ul>

<ul style="list-style-type: none"> <li>Waste Management Guidelines</li> </ul>	<ul style="list-style-type: none"> <li>CPTED Guidelines</li> </ul>
<ul style="list-style-type: none"> <li>Water Cycle Management Guidelines</li> </ul>	<ul style="list-style-type: none"> <li>Vegetation Management Plan Guidelines</li> </ul>
<ul style="list-style-type: none"> <li>Lake Macquarie <i>Tetratheca juncea</i> CMP, Nov 2004</li> </ul>	<ul style="list-style-type: none"> <li>Natural Heritage Guidelines</li> </ul>
<ul style="list-style-type: none"> <li>Engineering Guidelines – Part 1 Design Specification</li> </ul>	<ul style="list-style-type: none"> <li>Estuarine Creekbank Stabilisation and Rehabilitation Guidelines</li> </ul>
<ul style="list-style-type: none"> <li>Engineering Guidelines – Part 2 Construction</li> </ul>	<ul style="list-style-type: none"> <li>Traffic Impact Statement and Vehicle Access Guidelines</li> </ul>
<ul style="list-style-type: none"> <li>Engineering Guidelines – Part 3 SQID Guidelines</li> </ul>	<ul style="list-style-type: none"> <li>Site Analysis Guidelines</li> </ul>
<ul style="list-style-type: none"> <li>Engineering Guidelines – Part 4 Handbook of Drainage Design Criteria</li> </ul>	<ul style="list-style-type: none"> <li>Social Impact Assessment Guidelines</li> </ul>
<ul style="list-style-type: none"> <li>Development Guidelines for Resilient Housing for Lake Macquarie</li> </ul>	<ul style="list-style-type: none"> <li>Geotechnical Slope Stability Guidelines</li> </ul>

## 1.8 HOW TO USE THIS PLAN

LM DCP 2014 is one of the primary documents used by Council's development assessment and compliance staff to assess development applications. Applicants will need to:

1. Determine the land use zone that applies to the development site (refer to LMLEP 2014).
2. Refer to the Part of LM DCP 2014 that contains controls for the zone where the development is proposed (Parts 2 to 7).
3. Refer to Part 8 – Subdivision development if the subdivision of land is proposed (excluding strata subdivision).
4. Check if specific land use provisions apply to the proposed development (Part 9).
5. Check if an Area Plan applies to the proposed development site (Parts 10, 11 or 12).

The development controls contained within each part and section, seek to achieve desired land use, conservation and/or built outcomes consistent with corresponding LMLEP 2014 zone objectives and aims in each part of LM DCP 2014.

Each part of LM DCP 2014 is structured to promote a development process where the site and context analysis informs the design of the development. Parts 2 to 8 of this DCP generally have the following main headings:

- **Introduction** – provides information about the particular part of the DCP, how to use the DCP and aims for development within the particular zone group.
- **Context and Setting** – outlines the site issues and environmental opportunities and constraints that need to be addressed in the development application.
- **Development Design** - provides Council's detailed design related requirements.
- **Operational Requirements** – provides Council's detailed requirements associated with the construction and ongoing operation of the development.

The detailed provisions of each subsection in each part of LM DCP 2014 are presented as follows:

- **Objectives** - state what outcomes Lake Macquarie City Council is seeking new development to achieve along with providing the intent behind the controls, and



- **Controls** - advise the requirements for achieving outcomes and the desired future character identified by the aims and objectives.

Additionally, parts 2 to 8 contain specific aims, which LM DCP 2014 seeks to achieve. Where specific controls are not provided, the Aims of the part will be used to provide direction for a merits based assessment of a development application.

## 1.9 HOW TO INTERPRET THE PROVISIONS OF LM DCP 2014

Council must take the provisions of LM DCP 2014 into consideration in determining development applications. However, compliance with the provisions of LM DCP 2014 does not necessarily imply that Council will consent to an application. Council must consider the full range of matters listed under Section 4.15 of the *EP&A Act 1979*. Each application will be considered on its merits, taking into account a site's characteristics and surrounds.

### 1.10 DEPARTURES AND VARIATIONS FROM THE PROVISION OF LM DCP 2014

Council acknowledges that it is not possible for LM DCP 2014 to account for all possible situations and development scenarios. Any proposed departure from the DCP controls, or any proposal not catered for by this document, should be discussed at the earliest possible stage with Lake Macquarie City Council development assessment and compliance staff at a development concept or pre-lodgement meeting (see section 1.13 for further information). This will clarify procedural requirements and facilitate assessment of your development proposal.

Variations to a DCP control may be considered where the variation meets the relevant objective(s) and results in a better outcome than would have been achieved by complying with the control. Any application seeking a variation to a control must be in writing and should:

1. Identify the specific control which is proposed to be varied, and the extent of the proposed variation;
2. Outline the reasons for the variation to the control;
3. Outline how the proposed variation satisfies the objectives of that section and the aims of that part of the plan;
4. Identify the benefits to the streetscape, surrounding properties and the development that will result from the proposed variation;
5. Demonstrate the above benefits using relevant models, photomontages, plans, sections, and/or specialist reports where required; and
6. Identify any adverse impacts of the proposed variation on the proposed development or surrounding properties and demonstrate how these adverse impacts have been minimised.

This variation can be justified in the Statement of Environmental Effects accompanying the development application.

### 1.11 PLANNING PRINCIPLES

The Land and Environment Court (LEC) has established a series of planning principles that are considered best practice when dealing with specific planning matters. This DCP incorporates or refers to specific planning principles within its provisions.

A planning principle is a statement of a desired outcome based on a chain of reasoning aimed at reaching a list of appropriate matters to be considered in making a planning decision. While planning principles are stated in general terms, they may be applied to particular cases to promote consistency in making a planning decision.

The full list of planning principles can be found on the [LEC Website](#).

### 1.12 DEVELOPER CONTRIBUTIONS

Section 7.11 of the *EP&A Act 1979* allows councils to levy new development a contribution towards the provisions of local infrastructure and community facilities required to meet the demands generated by the development. When undertaking new development (including, but not limited to, dwelling house, subdivision, mixed use development and industrial development) the applicant is required to pay a contribution towards local infrastructure and community facilities as set out in the relevant Lake Macquarie City Council section 7.11 developer contributions plan. Please refer to the relevant section 7.11 contributions plan for the contribution required for different types of development or contact Council's developer contributions officers.

Council will not reduce or provide a concession on the section 7.11 contribution payable by a development because of infrastructure or services that are a requirement of that development. For example, a development may require the provision of private open space, footpath upgrades or road works. The only circumstances where Council will entertain a reduction or concession on the section 7.11 contribution payable will be where the applicant provides works in kind, dedication of land or a planning agreement that delivers something identified in the applicable section 7.11 contributions plan.

In addition to the contribution towards local infrastructure and community facilities, an applicant may be required to contribute towards state and/or regional infrastructure depending on the scale of the proposed development.

Additionally, other means of contributing towards the provision of local infrastructure and community facilities may be accepted. These include conditions of consent, works in kind, dedication of land and planning agreements.

### 1.13 DEVELOPMENT CONCEPT AND PRE – LODGEMENT MEETINGS

In order to improve the quality of a development application and expedite the assessment of development applications, Council offers and strongly encourages applicants to use development concept meetings and pre-lodgement meetings.

#### Development Concept Meeting:

The meeting aims to provide site constraints and preliminary discussion for a proposed development. The meeting is informal with no fixed agenda and no detailed plans are required. Applicants are encouraged to use this service early in their development process. If you have preliminary sketches or plans you wish to discuss in the meeting, you should lodge these at the time of booking. Details of the key issues you would like to address in the meeting should be given to the booking officer. This assists us to ensure the appropriate technical officers attend your meeting.

Key points from the meeting will be documented and distributed to attendees. This information will assist applicants develop the application to pre-lodgement stage. The concept meeting should be used as a precursor to a pre-lodgement meeting. More detailed advice is available during a pre-lodgement meeting.

#### Pre - Lodgement Meeting:

Lake Macquarie City Council's pre-lodgement meeting service enables applicants to meet with the relevant council officers to discuss their development prior to lodging a development application.

The purpose of these meetings is to assist the applicant to prepare a full and detailed development application. Council recommends using its [Development Planning](#) service to first research and obtain preliminary application requirements and planning controls for your proposal. These will be used at your pre-lodgement meeting.

Council cannot guarantee a favourable determination for your development application however, a pre-lodgement meeting is beneficial as council officers can provide early comments on your proposal and specific investigations, and highlight any major concerns/issues that you need to address prior to lodging an application.

Please refer to Council's website ([www.lakemac.com.au](http://www.lakemac.com.au)) or contact Council's Development Assessment and Compliance department for fees, further information on documentation required to be submitted prior to the meeting and to make an appointment.

## 1.14 APPLICATION SUBMISSION REQUIREMENTS

Schedule 1 of the *Environmental Planning and Assessment Regulation 2000*, sets out the minimum submission requirements. Studies, reports or assessments conducted by suitable qualified professional are to be submitted with development applications where required by relevant Controls contained in parts 2 to 12 of LM DCP 2014, in LMLEP 2014 or when requested by Council. The detail of these documents will depend on the scale and complexity of the proposal. These documents may include, but are not limited to:

- Statement of Environmental Effects,
- Site Analysis Plan,
- Flora and Fauna Assessment, a Species Impact Statement and a Significance Test where applicable,
- Visual Impact Assessment,
- Bushfire Risk Assessment and Bushfire Management Plan,
- Flood Study,
- Geotechnical Report,
- Preliminary Acid Sulphate Soil Assessment and Management Plan,
- Erosion and Sediment Control Plan,
- Contamination Assessment,
- Acoustic Assessment,
- Waste Management Plan,
- Social Impact Assessment,
- Crime Risk Assessment,
- Economic Impact Assessment,
- Heritage Report and/or Aboriginal Archaeology Report,
- Water Quality and Stormwater Management Plan,
- Traffic and Transport Study,
- Landscape Plan, and
- Engineering Design Plans.

## 1.15 DEVELOPMENT NOTIFICATION REQUIREMENTS

### 1.15.1 WHEN NOTIFICATION IS REQUIRED

Council notification is required for all Development Applications, except:

1. Designated Development;
2. State Significant Development;
3. Integrated Development;
4. Advertised Development, which includes the demolition of a building, work, tree or place listed as a scheduled Heritage Item as identified and/or located within a Heritage Conservation Area; and
5. Complying Development.

Designated, State Significant, Integrated and Advertised development types have specific notification and consultation requirements that are detailed in the *EP&A Act 1979*, and are above and beyond Council's notification requirements.

### 1.15.2 NOTIFICATION PROCESS

1. The notification period shall be a minimum of 14 calendar days.
2. Written notice of the application is to be sent to the person(s) as appear to:
  - i. own land that adjoins the land to which the development application relates; or
  - ii. own land that in the opinion of the consent authority may be affected by the development application.

**Note** – Where the land is a parcel created under the Community Land Development Act, Strata Titles, or Strata Titles (Leasehold) Acts, a written notice to the Governing Association is taken to be the owner. Where more than one person is listed as the owner, a written notice to one of the owners is taken to be a notice to the owner.

3. Notice of a development application shall include:
  - i. Where applicable a site plan (notification plan) of the proposed work. (Note: the provision of a notification plan may be in the form of advising where the plan can be viewed rather than providing a physical copy. A physical copy will be provided for free upon request.)
  - ii. The address of the land on which the development is proposed.
  - iii. A description of the proposed development.
  - iv. A statement that the plans may be inspected at Council during ordinary office hours, free of charge.
  - v. The period during which a submission may be made.
  - vi. A statement that if a submission is to be made by way of objection, it must be in writing and include the grounds for the objection.

### 1.15.3 NOTIFICATION REQUIREMENTS

A Notification plan must include a site plan and elevation plans.

Site plan requirements:

A site plan for notification purposes must be provided as part of any development application by the applicant and incorporates:

- The dimensions of the subject land,
- The distance between each part of the development and the boundary,
- The position of buildings on adjoining properties to the subject land,
- A north point, an indication of views and prevailing breezes,
- Means of access,
- Position of easements
- Existing buildings, trees, landscaping, retaining walls and fencing.

Elevation plan requirements:

An elevation plan(s) for notification purposes must be provided as part of any development application by the applicant and incorporate an elevation of each side of the proposed development indicating:

- The gradient of the land adjacent to the elevation and the existing ground surface,
- The overall height of the walls measured from existing ground surface,
- The height of the proposed roof measured from the top of the wall to the ridgeline or highest point,
- The size, position and shape of any openings, windows and doors,
- The position, size and shape of verandahs, landings, decks and outdoor living areas.

**Note** – The applicant is required to provide at least one notification plan at lodgement of the DA.

**1.15.4 CIRCUMSTANCES FOR DISPENSING WITH NOTIFICATION REQUIREMENTS**

Notification may be dispensed with, except in relation to Heritage Items or Heritage Conservation Areas, when:

1. Council is of the opinion that an amended or substituted application (s4.55 or s8.3 application) varies only in a minor respect from the original application that was previously notified.
2. Council is of the opinion that the proposed development is of a minor nature that will not adversely affect the amenity of adjoining land or the locality.
3. The application is for a Temporary Use as detailed in LMLEP 2014 - Temporary Use of Land and in the opinion of Council will not adversely affect the amenity of the locality.
  - a. Development is for a new residential dwelling house and/or ancillary development up to and including two storeys, with a maximum height of 8.5 metres measured from existing ground level **and the external wall is not built to the boundary**. Development is for additions to a residential dwelling house and/or ancillary development up to and including two storeys, with a maximum height of 8.5 metres measured from existing ground level **and the external wall is not built to the boundary**.

**1.15.5 EXTENSION OF NOTIFICATION PERIOD**

Council may extend the notification period without further notification to those already notified.