



Maclean Local Environmental Plan 2001 (Amendment No 5)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (G01/00180/PC)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

2003 No 227

Clause 1 Maclean Local Environmental Plan 2001 (Amendment No 5)

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1 Name of plan

This plan is *Maclean Local Environmental Plan 2001 (Amendment No 5)*.

2 Aims of plan

This plan aims to amend *Maclean Local Environmental Plan 2001* in order:

- (a) to include a definition of *ecotourism facility*, and
- (b) to permit, with consent, use of land within the following zones for the purposes of ecotourism:
 - (i) Zone No 1 (b), Rural (General Rural Land) Zone,
 - (ii) Zone No 1 (i), Rural (Investigation) Zone,
 - (iii) Zone No 1 (s), Rural (Small Holdings) Zone,
 - (iv) Zone No 1 (t), Rural (Tourist) Zone, and
- (c) to require the Council to be satisfied of a number of matters before granting consent to the use of land for the purposes of ecotourism.

3 Land to which plan applies

This plan applies to all land to which *Maclean Local Environmental Plan 2001* applies.

4 Amendment of Maclean Local Environmental Plan 2001

Maclean Local Environmental Plan 2001 is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 7 Dictionary

Insert in alphabetical order in clause 7 (1):

ecotourism facility means a tourist facility with a primary focus on experiencing natural areas and that fosters environmental and cultural understanding, appreciation and conservation.

[2] Clause 31 Rural zones applying in this plan, zone objectives and development control table

Insert in alphabetical order in item 4 in Zone No 1 (b) Rural (General Rural Land) Zone set out in the Table to the clause:

ecotourism facility;

[3] Clause 31, Table, Zone No 1 (i) Rural (Investigation) Zone

Insert in alphabetical order in item 4:

ecotourism facility;

[4] Clause 31, Table, Zone No 1 (s) Rural (Small Holdings) Zone

Insert in alphabetical order in item 4:

ecotourism facility;

[5] Clause 31, Table, Zone No 1 (t) Rural (Tourist) Zone

Insert in alphabetical order in item 4:

ecotourism facility;

[6] Clause 45A

Insert after clause 45:

45A Development of land for ecotourism

- (1) Consent must not be granted to development for the purpose of an ecotourism facility unless the consent authority is satisfied of each of the following:

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Schedule 1 Amendments

- (a) that a management plan has been submitted with the development application that demonstrates that the development will be for the purpose of ecotourism,
 - (b) that the facilities to be provided on the land or on nearby land will enable people to experience natural areas,
 - (c) that the development will not adversely affect any natural areas with high conservation value,
 - (d) that the development will have minimal impact on natural areas,
 - (e) that any buildings that are to be part of the development will be located on the least environmentally sensitive areas of the land,
 - (f) that the developer will restore habitat areas on the land,
 - (g) that the only permanent accommodation on the land will be for people managing or operating the ecotourism facilities,
 - (h) that the development will not adversely affect the existing agricultural productivity of the land or nearby land,
- (2) In this clause, *natural areas* means land where natural processes are maintained and natural ecosystems continue to exist to some extent and have some capacity for self-regeneration.

BY AUTHORITY
