



New South Wales

# **Great Lakes Local Environmental Plan 1996 (Amendment No 44)**

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*. (S03/00771/S69)

FRANK SARTOR, M.P.,  
Minister for Planning

## 2006 No 2

Clause 1 Great Lakes Local Environmental Plan 1996 (Amendment No 44)

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### **Great Lakes Local Environmental Plan 1996 (Amendment No 44)**

under the

Environmental Planning and Assessment Act 1979

#### **1 Name of plan**

This plan is *Great Lakes Local Environmental Plan 1996 (Amendment No 44)*.

#### **2 Aims of plan**

This plan aims:

- (a) to introduce a new zone into *Great Lakes Local Environmental Plan 1996 (the 1996 plan)*, namely, Zone No 7 (a1) (the Environmental Protection Zone), and
- (b) to rezone the land to which this plan applies from partly Zone No 1 (a) (the Rural Zone) and partly Zone No 7 (a) (the Wetlands and Littoral Rainforest Zone) to Zone No 7 (a1) (the Environmental Protection Zone) under the 1996 plan.

#### **3 Land to which plan applies**

- (1) This plan applies to land at Myall River Downs, Tea Gardens, as shown edged heavy red and lettered "7 (a1)" on the map marked "Great Lakes Local Environmental Plan 1996 (Amendment No 44)" deposited in the offices of Great Lakes Council.
- (2) This plan does not apply to the land at Myall River Down, Tea Gardens, as shown edged heavy red, hatched and lettered "Deferred Matter" on that map, being deferred matter within the meaning of section 68 (5) of the *Environmental Planning and Assessment Act 1979*.

#### **4 Amendment of Great Lakes Local Environmental Plan 1996**

*Great Lakes Local Environmental Plan 1996* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 4)

**[1] Clause 7 What zones apply in this plan?**

Insert after the matter relating to Zone No 7 (a):

Zone No 7 (a1) (Environmental Protection Zone)

**[2] Clause 8 Zone objectives and development control table**

Insert after the matter relating to Zone No 7 (a) in the Table to the clause:

**Zone No 7 (a1) (Environmental Protection Zone)**

**1 What are the objectives of the zone?**

The objective of the zone is to restrict development to that which:

- (a) will protect the special ecological, scientific, educational or aesthetic values of the terrestrial or aquatic ecosystem, and
- (b) will protect areas of significant vegetation and promote the regeneration of native plant communities, and
- (c) will protect the biodiversity of the land, including threatened or migratory species and their habitat, and
- (d) will protect significant conservation nodes, conservation reserves and linking corridors, and
- (e) will protect ecological processes and systems.

**2 What is permitted without development consent?**

Nil.

**3 What is permitted only with development consent?**

Development for the purpose of:

bushfire hazard reduction; dwelling-houses; environmental facilities; roads; utility installations.

**4 What is prohibited?**

Any development not included in Item 2 or 3.

**[3] Clause 14A Bed and breakfast establishments**

Insert "or 7 (a1)" after "7 (a)".

## 2006 No 2

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Schedule 1 Amendments

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### [4] Clause 15A

Insert after clause 15:

#### **15A Bushfire hazard reduction on land within Zone No 7 (a1)**

##### **Objective of Provision**

To identify bushfire hazard reduction on land within Zone No 7 (a1) as not requiring the consent of the Council when it is consistent with a bush fire risk management plan.

##### **Bushfire hazard reduction on land within Zone No 7 (a1)**

Nothing in this plan restricts, prohibits or requires development consent for the purpose of bushfire hazard reduction on land within Zone No 7 (a1) when it is consistent with a bush fire risk management plan within the meaning of the *Rural Fires Act 1997*.

### [5] Clause 17 Subdivision

Insert "7 (a1)," after "7 (a)," in clause 17 (3).

### [6] Clause 19 Dwelling-houses in Zones Nos 1 (a), 7 (a1) and 7 (b)

Omit "Zone No 1 (a) or Zone No 7 (b)" wherever occurring.

Insert instead "Zone No 1 (a), 7 (a1) or 7 (b)".

### [7] Clause 19

Omit "Dwelling-houses in Zone No 1 (a)".

Insert instead "Dwelling-houses in Zone No 1 (a), 7 (a1) or 7 (b)".

### [8] Clause 32 Specific developments

Insert at the end of the Table to the clause:

#### **4 Development at Myall River Downs, Tea Gardens**

- (1) This clause applies to land at Myall River Downs, Tea Gardens, as shown edged heavy red and lettered "7 (a1)" on the map marked "Great Lakes Local Environmental Plan 1996 (Amendment No 44)".
- (2) Despite any other provision of this plan, the Council must not consent to the carrying out of drainage works on the land to which this clause applies unless it has adopted a water management strategy in respect of any development on so much of Lot 404, DP 1048133 as is within Zone No 7 (a1), that, in its opinion, will achieve the following minimum performance objectives:

- (a) drains developed areas in a manner that does not compromise public safety, threatened species habitat and key fauna corridors and minimises the occurrence of nuisance flooding,
- (b) maintains peak run-off from the site at existing levels for major and minor storm events,
- (c) ensures that flooding problems upstream of the site are not worsened or are improved by the strategy,
- (d) maintains the quality of water discharged to sensitive downstream waterways at levels that would not adversely impact on downstream ecosystems, with treated water quality closely approximating natural baseline levels,
- (e) maintains the surface and ground water flow regimes in a manner that ensures the integrity of the downstream wetlands and associated vegetation communities,
- (f) allows for maintenance of the water system so that it would perform as designed.

**[9] Dictionary**

Insert in alphabetical order:

*Environmental facility* means a structure or work that provides for:

- (a) nature or scientific study or display facilities such as walking tracks, cycleways, boardwalks, observation decks, bird hides or the like, or
- (b) environmental management or restoration facilities such as those for bush regeneration, swamp restoration, erosion and run-off prevention works, restoration of dunes or the like, but does not include a structure or work for the purpose of drainage or flood mitigation.

**[10] Dictionary, definition of “Map”**

Insert in appropriate order:

Great Lakes Local Environmental Plan 1996 (Amendment No 44)