



New South Wales

Great Lakes Local Environmental Plan 1996 (Amendment No 55)

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*. (NEW0000372PC)

FRANK SARTOR, M.P.,
Minister for Planning

2008 No 370

Clause 1 Great Lakes Local Environmental Plan 1996 (Amendment No 55)

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under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Great Lakes Local Environmental Plan 1996 (Amendment No 55)*.

2 Aims of plan

This plan aims:

- (a) to give effect to the revised *Development Control Plan No 28—Exempt and Complying Development*, as adopted by Great Lakes Council on 13 May 2008, to enable minor development activities to be undertaken without the need to obtain development consent, and
- (b) to provide for an appropriate level of development assessment for certain small scale businesses and agricultural buildings.

3 Land to which plan applies

This plan applies to all land to which *Great Lakes Local Environmental Plan 1996* applies.

4 Amendment of Great Lakes Local Environmental Plan 1996

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

Schedule 1 Amendments

(Clause 4)

[1] Clause 8 Zone objectives and development control table

Insert “family day care homes;” and “home businesses;” in alphabetical order in item 3 of the matter relating to Zones Nos 1 (d), 1 (d1), 2 (a), 2 (b) and 2 (c).

[2] Clause 8, Development Control Table

Omit “; family day care homes; home occupations” from item 2 of the matter relating to Zone No 2 (f).

[3] Clause 14 Exempt and complying development

Omit “24 August 1999” from clause 14 (1). Insert instead “13 May 2008”.

[4] Clauses 14B and 14C

Insert after clause 14A:

14B Buildings associated with agriculture

Objective of Provision

To identify certain activities which require the consent of the Council.

Buildings associated with agriculture

- (1) Despite any other provision of this plan, a person must not erect a building, other than a fence or gate, for the purposes of agriculture on land within Zone No 1 (a) or 4 (a) except with development consent.
- (2) Nothing in subclause (1) prevents the carrying out of development that is exempt development or complying development under clause 14.

14C Home occupation

Despite any other provision of this plan, development for the purposes of a home occupation is permitted without development consent.

[5] Dictionary

Insert in alphabetical order:

family day care home means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and that satisfies the following conditions:

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Schedule 1 Amendments

- (a) the service is appropriately licensed under the *Children and Young Persons (Care and Protection) Act 1998*,
- (b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

home business means a business carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

- (a) the employment of more than 2 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, grit or oil, traffic generation or otherwise, or
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the business carried on in the dwelling), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building, or
- (f) the use of more than 50 square metres of floor area to carry on the business,

but does not include a bed and breakfast establishment or the use of premises for the provision of sexual services in exchange for payment.

home occupation means an occupation carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that 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, grit or oil, traffic generation 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 to indicate the name of the resident and the occupation carried on in the dwelling), or

(e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include a bed and breakfast establishment or the use of premises for the provision of sexual services in exchange for payment.