



New South Wales

Greater Taree Local Environmental Plan 2010

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, pursuant to section 33A of the *Environmental Planning and Assessment Act 1979*, adopt the mandatory provisions of the *Standard Instrument (Local Environmental Plans) Order 2006* and prescribe matters required or permitted by that Order so as to make a local environmental plan as follows. (S07/01227/PC)

TONY KELLY, MLC
Minister for Planning

2010 No 287

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Greater Taree Local Environmental Plan 2010

under the

Environmental Planning and Assessment Act 1979

Part 1 Preliminary

1.1 Name of Plan

This Plan is *Greater Taree Local Environmental Plan 2010*.

1.1AA Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

1.2 Aims of Plan

- (1) This Plan aims to make local environmental planning provisions for land in Greater Taree City in accordance with the relevant standard environmental planning instrument under section 33A of the Act.
- (2) The particular aims of this Plan are as follows:
 - (a) to promote and encourage the ecologically sustainable development of Greater Taree City,
 - (b) to encourage the proper management, development and conservation of natural and human made resources (including natural areas, forests, coastal areas, water, groundwater dependent ecosystems, agricultural land, extractive resources, towns, villages, and cultural amenities) for the purpose of promoting the social and economic welfare of the community, protecting ecological and cultural heritage and achieving a better environment,
 - (c) to promote and co-ordinate the orderly and economic use and development of land, and to minimise conflict between adjacent land uses,
 - (d) to facilitate the provision and co-ordination of community services and facilities,

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- (e) to encourage the protection of the environment, including the protection and conservation of native animals and plants, threatened species and endangered ecological communities and their habitats,
- (f) to minimise the exposure of development to natural hazards and natural risks,
- (g) to seek the provision of adequate and appropriate infrastructure to meet the needs of future development,
- (h) to encourage a strong, growing and diversified economy that promotes local self-reliance, and recognises and strengthens the local community and its social capital in ways that safeguard the quality of life of future generations.

1.3 Land to which Plan applies

This Plan applies to the land identified on the Land Application Map.

1.4 Definitions

The Dictionary at the end of this Plan defines words and expressions for the purposes of this Plan.

1.5 Notes

Notes in this Plan are provided for guidance and do not form part of this Plan.

1.6 Consent authority

The consent authority for the purposes of this Plan is (subject to the Act) the Council.

1.7 Maps

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name:
 - (a) approved by the Minister when the map is adopted, and
 - (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.

- (4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.

Note. The maps adopted by this Plan are to be made available on the official NSW legislation website in connection with this Plan. Requirements relating to the maps are set out in the documents entitled *Standard technical requirements for LEP maps* and *Standard requirements for LEP GIS data* which are available on the Department of Planning's website.

1.8 Repeal of other local planning instruments applying to land

- (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Plan applies are repealed.

Note. The following local environmental plans are repealed under this provision:
Greater Taree Local Environmental Plan 1995

- (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other land cease to apply to the land to which this Plan applies.

1.8A Savings provision relating to pending development approvals

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

Note. However, under Division 4B of Part 3 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant development is appropriately amended or if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.

1.9 Application of SEPPs

- (1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 36 of the Act.
- (2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies:

State Environmental Planning Policy No 1—Development Standards
State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development
(clause 6 and Parts 3 and 4)

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State Environmental Planning Policy No 60—Exempt and Complying Development

1.9A Suspension of covenants, agreements and instruments

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a development consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply:
 - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
 - (b) to any prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, or
 - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
 - (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
 - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
 - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or
 - (g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

Part 2 Permitted or prohibited development

2.1 Land use zones

The land use zones under this Plan are as follows:

Rural Zones

- RU1 Primary Production
- RU3 Forestry
- RU4 Rural Small Holdings
- RU5 Village

Residential Zones

- R1 General Residential
- R2 Low Density Residential
- R5 Large Lot Residential

Business Zones

- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- B6 Enterprise Corridor

Industrial Zones

- IN1 General Industrial
- IN2 Light Industrial
- IN4 Working Waterfront

Special Purpose Zones

- SP2 Infrastructure
- SP3 Tourist

Recreation Zones

- RE1 Public Recreation
- RE2 Private Recreation

Environment Protection Zones

- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management

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Clause 2.2 Greater Taree Local Environmental Plan 2010

Part 2 Permitted or prohibited development

Waterway Zones

W2 Recreational Waterways

W3 Working Waterways

2.2 Zoning of land to which Plan applies

For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.

2.3 Zone objectives and Land Use Table

- (1) The Land Use Table at the end of this Part specifies for each zone:
 - (a) the objectives for development, and
 - (b) development that may be carried out without consent, and
 - (c) development that may be carried out only with consent, and
 - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.
- (3) In the Land Use Table at the end of this Part:
 - (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
 - (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.
- (4) This clause is subject to the other provisions of this Plan.

Notes.

- 1 Schedule 1 sets out additional permitted uses for particular land.
- 2 Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act or, if applicable, Part 3A of the Act.
- 3 Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).
- 4 Clause 2.6 requires consent for subdivision of land.
- 5 Part 5 contains other provisions which require consent for particular development.

2.4 Unzoned land

- (1) Development may be carried out on unzoned land only with consent.
- (2) Before granting consent, the consent authority:
 - (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
 - (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

2.5 Additional permitted uses for particular land

- (1) Development on particular land that is described or referred to in Schedule 1 may be carried out:
 - (a) with consent, or
 - (b) if the Schedule so provides—without consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.
- (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

2.6 Subdivision—consent requirements

- (1) Land to which this Plan applies may be subdivided, but only with consent.
- (2) However, consent is not required for a subdivision for the purpose only of any one or more of the following:
 - (a) widening a public road,
 - (b) a minor realignment of boundaries that does not create:
 - (i) additional lots or the opportunity for additional dwellings, or
 - (ii) lots that are smaller than the minimum size shown on the Lot Size Map in relation to the land concerned,
 - (c) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
 - (d) rectifying an encroachment on a lot,
 - (e) creating a public reserve,
 - (f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.

Note. If a subdivision is exempt development, the Act enables the subdivision to be carried out without consent.

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Clause 2.6BB Greater Taree Local Environmental Plan 2010

Part 2 Land Use Table

2.6AA Demolition requires consent

The demolition of a building or work may be carried out only with consent.

Note. If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, as exempt development, the Act enables it to be carried out without consent.

2.6BB Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that:
 - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
 - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
 - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
 - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
- (5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

Land Use Table

Note. A type of development referred to in the Land Use Table is a reference to that type of development only to the extent it is not regulated by an applicable State environmental

planning policy. The following State environmental planning policies in particular may be relevant to development on land to which this Plan applies:

State Environmental Planning Policy (Affordable Rental Housing) 2009 (including provision for secondary dwellings)

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

State Environmental Planning Policy (Infrastructure) 2007 (relating to public facilities such as those for air transport, correction, education, electricity generation, health services, ports, railways, roads, waste management and water supply systems)

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (Rural Lands) 2008

State Environmental Planning Policy No 33—Hazardous and Offensive Development

State Environmental Planning Policy No 50—Canal Estate Development

State Environmental Planning Policy No 62—Sustainable Aquaculture

State Environmental Planning Policy No 64—Advertising and Signage

Zone RU1 Primary Production

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To permit small scale rural tourism uses associated with primary production and environmental conservation with minimal impact on primary production and the scenic amenity of the area.
- To maintain the rural landscape character of the land.
- To protect and enhance the native flora, fauna and biodiversity links.

2 Permitted without consent

Extensive agriculture; Forestry; Home occupations; Horticulture; Viticulture

3 Permitted with consent

Agriculture; Bed and breakfast accommodation; Cellar door premises; Cemeteries; Correctional centres; Crematoria; Dual occupancies (attached); Dwelling houses; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay

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Part 2 Land Use Table

accommodation; Flood mitigation works; Funeral chapels; Funeral homes; Helipads; Home-based child care; Home businesses; Home industries; Mining; Restriction facilities; Roads; Roadside stalls; Rural industries; Rural workers' dwellings

4 Prohibited

Livestock processing industries; Any other development not specified in item 2 or 3

Zone RU3 Forestry

1 Objectives of zone

- To enable development for forestry purposes.
- To enable other development that is compatible with forestry land uses.

2 Permitted without consent

Uses authorised under the *Forestry Act 1916*

3 Permitted with consent

Roads; Rural industries; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3

Zone RU4 Rural Small Holdings

1 Objectives of zone

- To enable sustainable primary industry and other compatible land uses.
- To maintain the rural and scenic character of the land.
- To ensure that development does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.

2 Permitted without consent

Extensive agriculture; Forestry; Home occupations; Horticulture

3 Permitted with consent

Agricultural produce industries; Agriculture; Bed and breakfast accommodation; Building identification signs; Business identification

signs; Cellar door premises; Dual occupancies (attached); Dwelling houses; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Home-based child care; Home businesses; Home industries; Restriction facilities; Roads; Roadside stalls; Schools

4 Prohibited

Any development not specified in item 2 or 3

Zone RU5 Village

1 Objectives of zone

- To provide for a range of land uses; services and facilities that are associated with a rural village.
- To promote businesses and neighbourhood activities that serve the needs of the local community.
- To enhance the village character and amenity.

2 Permitted without consent

Home occupations

3 Permitted with consent

Amusement centres; Backpackers' accommodation; Bed and breakfast accommodation; Boat launching ramps; Boat repair facilities; Boat sheds; Business premises; Car parks; Charter and tourism boating facilities; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Entertainment facilities; Environmental facilities; Environmental protection works; Function centres; Home-based child care; Home businesses; Home industries; Horticulture; Information and education facilities; Jetties; Landscape and garden supplies; Marinas; Moorings; Neighbourhood shops; Office premises; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Restricted premises; Retail premises; Roads; Rural supplies; Schools; Secondary dwellings; Service stations; Shop top housing; Timber and building supplies; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

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Part 2 Land Use Table

Zone R1 General Residential

1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Boarding houses; Child care centres; Community facilities; Dwelling houses; Group homes; Home businesses; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Restaurants; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Boat repair facilities; Business premises; Canal estate development; Charter and tourism boating facilities; Depots; Electricity generating works; Entertainment facilities; Farm buildings; Forestry; Freight transport facilities; Function centres; Helipads; Home occupations (sex services); Industries; Liquid fuel depots; Marinas; Office premises; Passenger transport facilities; Port facilities; Public administration buildings; Recreation facilities (major); Registered clubs; Retail premises; Rural industries; Rural workers' dwellings; Sex services premises; Transport depots; Truck depots; Warehouse or distribution centres; Waste disposal facilities; Waste or resource management facilities

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Boat sheds; Dual occupancies; Dwelling houses; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Jetties; Places of public worship; Recreation areas; Roads; Schools

4 Prohibited

Any development not specified in item 2 or 3

Zone R5 Large Lot Residential

1 Objectives of zone

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential allotments do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.

2 Permitted without consent

Extensive agriculture; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Dual occupancies (attached); Dwelling houses; Environmental protection works; Home-based child care; Home businesses; Home industries; Recreation areas; Roads

4 Prohibited

Any development not specified in item 2 or 3

Zone B1 Neighbourhood Centre

1 Objectives of zone

- To provide a range of small-scale retail, business and community uses which serve the needs of people who live and work in the surrounding neighbourhood.

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Part 2 Land Use Table

- To allow residential and tourist and visitor accommodation above retail, business and office uses to bring a higher level of vibrancy to the centre.
- To strengthen the local community and support the role of the local centres.

2 Permitted without consent

Home occupations

3 Permitted with consent

Boarding houses; Business premises; Child care centres; Community facilities; Home industries; Neighbourhood shops; Roads; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Boat repair facilities; Bulky goods premises; Canal estate development; Caravan parks; Cemeteries; Charter and tourism boating facilities; Depots; Electricity generating works; Entertainment facilities; Farm buildings; Forestry; Freight transport facilities; Funeral homes; Helipads; Home occupations (sex services); Industries; Liquid fuel depots; Marinas; Mortuaries; Port facilities; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Sex services premises; Timber and building supplies; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle repair stations; Vehicle sales or hire premises; Waste disposal facilities; Waste or resource management facilities

Zone B2 Local Centre

1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To allow residential and tourist and visitor accommodation above retail, business and office uses to bring a higher level of vibrancy to the centre.
- To support the role of the Taree central business district.

2 Permitted without consent

Home occupations

3 Permitted with consent

Boarding houses; Business premises; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Boat repair facilities; Canal estate development; Caravan parks; Cemeteries; Depots; Electricity generating works; Farm buildings; Forestry; Freight transport facilities; Helipads; Home occupations (sex services); Industries; Liquid fuel depots; Marinas; Mortuaries; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Residential accommodation; Sex services premises; Transport depots; Truck depots; Vehicle repair stations; Waste disposal facilities; Waste or resource management facilities

Zone B3 Commercial Core**1 Objectives of zone**

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses which serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To encourage residential accommodation above retail, business and office uses to bring a higher level of vibrancy to the centre.
- To reinforce the role of the Taree central business district as the major regional centre.

2 Permitted without consent

Home occupations

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Part 2 Land Use Table

3 Permitted with consent

Business premises; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Bed and breakfast accommodation; Canal estate development; Caravan parks; Cemeteries; Depots; Electricity generating works; Farm buildings; Forestry; Freight transport facilities; Home occupations (sex services); Industries; Liquid fuel depots; Mortuaries; Recreation facilities (outdoor); Residential accommodation; Sex services premises; Transport depots; Truck depots; Vehicle repair stations; Waste disposal facilities; Waste or resource management facilities

Zone B4 Mixed Use

1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

2 Permitted without consent

Home occupations

3 Permitted with consent

Boarding houses; Business premises; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Light industries; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Canal estate development; Caravan parks; Cemeteries; Depots; Electricity generating works; Farm buildings; Forestry; Freight transport facilities; Home occupations (sex services); Industries; Liquid fuel depots; Mortuaries; Rural workers' dwellings; Sex services

premises; Transport depots; Truck depots; Warehouse or distribution centres; Waste disposal facilities; Waste or resource management facilities

Zone B5 Business Development**1 Objectives of zone**

- To enable a mix of business and warehouse uses, and specialised retail uses that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To enable commercial and retail uses that require a large floor area for handling, display or storage and maintain the economic strength of centres by limiting the retailing of food and clothing.

2 Permitted without consent

Nil

3 Permitted with consent

Bulky goods premises; Child care centres; Landscape and garden supplies; Passenger transport facilities; Roads; Rural supplies; Timber and building supplies; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Boat repair facilities; Canal estate development; Caravan parks; Cemeteries; Charter and tourism boating facilities; Depots; Electricity generating works; Farm buildings; Forestry; Freight transport facilities; Home-based child care; Home occupations (sex services); Industries; Liquid fuel depots; Marinas; Mortuaries; Office premises; Places of public worship; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Residential accommodation; Retail premises; Sex services premises; Tourist and visitor accommodation; Transport depots; Truck depots; Waste disposal facilities; Waste or resource management facilities

Zone B6 Enterprise Corridor**1 Objectives of zone**

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses) and residential uses (but only as part of a mixed use development).

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- To maintain the economic strength of centres by limiting retailing activity.

2 Permitted without consent

Home occupations

3 Permitted with consent

Backpackers' accommodation; Bulky goods premises; Business premises; Community facilities; Hotel or motel accommodation; Landscape and garden supplies; Light industries; Passenger transport facilities; Roads; Rural supplies; Shop top housing; Timber and building supplies; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Boat repair facilities; Canal estate development; Caravan parks; Cemeteries; Electricity generating works; Farm buildings; Forestry; Home occupations (sex services); Industries; Liquid fuel depots; Marinas; Port facilities; Recreation facilities (outdoor); Registered clubs; Residential accommodation; Retail premises; Sex services premises; Tourist and visitor accommodation; Transport depots; Truck depots; Waste disposal facilities; Waste or resource management facilities

Zone IN1 General Industrial

1 Objectives of zone

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To encourage innovation and sustainability in industry.

2 Permitted without consent

Nil

3 Permitted with consent

Depots; Freight transport facilities; Landscape and garden supplies; Light industries; Neighbourhood shops; Roads; Service stations; Takeaway food and drink premises; Timber and building supplies; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Bulky goods premises; Canal estate development; Caravan parks; Charter and tourism boating facilities; Entertainment facilities; Farm buildings; Forestry; Function centres; Home-based child care; Hospitals; Information and education facilities; Marinas; Medical centres; Office premises; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Retail premises; Schools; Tourist and visitor accommodation

Zone IN2 Light Industrial**1 Objectives of zone**

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To encourage innovation and sustainability in industry.

2 Permitted without consent

Nil

3 Permitted with consent

Depots; Food and drink premises; Landscape and garden supplies; Light industries; Neighbourhood shops; Roads; Timber and building supplies; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Bulky goods premises; Business premises; Canal estate development; Caravan parks; Charter and tourism boating facilities; Entertainment facilities; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industries; Home-based child care; Hospitals; Information and education facilities; Liquid fuel depots; Marinas; Mortuaries; Office premises; Port facilities; Pubs; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Retail premises; Rural industries; Schools; Tourist and visitor accommodation

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Clause 2.6BB Greater Taree Local Environmental Plan 2010

Part 2 Land Use Table

Zone IN4 Working Waterfront

1 Objectives of zone

- To retain and encourage waterfront industrial and maritime activities.
- To identify sites for maritime purposes and for activities that require direct waterfront access.
- To ensure that development does not have an adverse impact on the environmental and visual qualities of the foreshore.
- To encourage employment opportunities.
- To minimise any adverse effect of development on land uses in other zones.

2 Permitted without consent

Nil

3 Permitted with consent

Aquaculture; Boat launching ramps; Boat repair facilities; Food and drink premises; Jetties; Light industries; Roads; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Business premises; Canal estate development; Caravan parks; Cemeteries; Child care centres; Depots; Electricity generating works; Entertainment facilities; Farm buildings; Forestry; Function centres; Home-based child care; Hospitals; Industries; Mortuaries; Office premises; Places of public worship; Recreation facilities (indoor); Recreation facilities (major); Residential accommodation; Retail premises; Schools; Sex services premises; Tourist and visitor accommodation; Truck depots; Waste disposal facilities; Waste or resource management facilities

Zone SP2 Infrastructure

1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To encourage a range of airport-related uses within the Taree Airport.

2 Permitted without consent

Roads

3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

Zone SP3 Tourist

1 Objectives of zone

- To provide for a variety of tourist-oriented development and related uses.
- To facilitate and encourage tourist-based development so as to increase the economic base within the City of Greater Taree.
- To provide employment opportunities in the tourism sector as part of a balanced growth strategy for the City.
- To facilitate the provision of limited permanent accommodation to improve off-season viability of tourist-based development.

2 Permitted without consent

Nil

3 Permitted with consent

Business premises; Car parks; Caravan parks; Charter and tourism boating facilities; Child care centres; Community facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Food and drink premises; Function centres; Information and education facilities; Kiosks; Marinas; Neighbourhood shops; Passenger transport facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Roads; Tourist and visitor accommodation; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3

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Part 2 Land Use Table

Zone RE1 Public Recreation

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To provide for a range of educational, environmental, community and cultural uses for the benefit of the community.

2 Permitted without consent

Environmental protection works; Flood mitigation works

3 Permitted with consent

Boat sheds; Building identification signs; Caravan parks; Charter and tourism boating facilities; Child care centres; Community facilities; Environmental facilities; Helipads; Information and education facilities; Kiosks; Marinas; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Restaurants; Roads; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3

Zone RE2 Private Recreation

1 Objectives of zone

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Caravan parks; Car parks; Charter and tourism boating facilities; Community

facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Helipads; Kiosks; Pubs; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Restaurants; Roads; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3

Zone E1 National Parks and Nature Reserves

1 Objectives of zone

- To enable the management and appropriate use of land that is reserved under the *National Parks and Wildlife Act 1974* or that is acquired under Part 11 of that Act.
- To enable uses authorised under the *National Parks and Wildlife Act 1974*.
- To identify land that is to be reserved under the *National Parks and Wildlife Act 1974* and to protect the environmental significance of that land.

2 Permitted without consent

Uses authorised under the *National Parks and Wildlife Act 1974*

3 Permitted with consent

Nil

4 Prohibited

Any development not specified in item 2 or 3

Zone E2 Environmental Conservation

1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

2 Permitted without consent

Home occupations

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Part 2 Land Use Table

3 Permitted with consent

Dwelling houses; Environmental facilities; Environmental protection works; Flood mitigation works; Roads

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone E3 Environmental Management

1 Objectives of zone

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.

2 Permitted without consent

Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Dwelling houses; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Forestry; Roads

4 Prohibited

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone W2 Recreational Waterways

1 Objectives of zone

- To protect the ecological, scenic and recreation values of recreational waterways.
- To allow for water based recreation and related uses.
- To provide for sustainable fishing industries and recreational fishing.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Aquaculture; Boat sheds; Environmental facilities; Extractive industries; Kiosks; Marinas; Water recreation structures

4 Prohibited

Industries; Multi dwelling housing; Residential flat buildings; Seniors housing; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone W3 Working Waterways

1 Objectives of zone

- To enable the efficient movement and operation of commercial shipping, water-based transport and maritime industries.
- To promote the equitable use of waterways, including appropriate recreational uses.
- To minimise impacts on ecological values arising from the active use of waterways.
- To provide for sustainable fishing industries.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Aquaculture; Boat repair facilities; Boat sheds; Environmental facilities; Extractive industries; Port facilities; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3

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Clause 3.1 Greater Taree Local Environmental Plan 2010

Part 3 Exempt and complying development

Part 3 Exempt and complying development

3.1 Exempt development

Note. Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act.

The section states that exempt development:

- (a) must be of minimal environmental impact, and
 - (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), and
 - (c) cannot be carried out in a wilderness area (identified under the *Wilderness Act 1987*).
- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
 - (2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.
 - (3) To be exempt development, the development:
 - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia* or, if there are no such relevant provisions, must be structurally adequate, and
 - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
 - (c) must not be designated development, and
 - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.
 - (4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9 is exempt development only if:
 - (a) the building has a current fire safety certificate or fire safety statement, or
 - (b) no fire safety measures are currently implemented, required or proposed for the building.
 - (5) To be exempt development, the development must:
 - (a) be installed in accordance with the manufacturer's specifications, if applicable, and

- (b) not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent.

Note. A permit for the removal or pruning of a tree or other vegetation may be granted under this Plan. A development consent for the removal of native vegetation may be granted where relevant under the *Native Vegetation Act 2003*.

- (6) A heading to an item in Schedule 2 is part of that Schedule.

3.2 Complying development

Note. Under section 76A of the Act, development consent for the carrying out of complying development may be obtained by the issue of a complying development certificate.

The section states that development cannot be complying development if:

- (a) it is on land that is critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), or
 - (b) it is on land within a wilderness area (identified under the *Wilderness Act 1987*), or
 - (c) the development is designated development, or
 - (d) the development is on land that comprises, or on which there is, an item of environmental heritage (that is listed on the State Heritage Register or in Schedule 5 to this Plan or that is subject to an interim heritage order under the *Heritage Act 1977*), or
 - (e) the development requires concurrence (except a concurrence of the Director-General of the Department of Environment, Climate Change and Water in respect of development that is likely to significantly affect a threatened species, population, or ecological community, or its habitat (identified under the *Threatened Species Conservation Act 1995*)), or
 - (f) the development is on land identified as an environmentally sensitive area.
- (1) The objective of this clause is to identify development as complying development.
 - (2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with:
 - (a) the development standards specified in relation to that development, and
 - (b) the requirements of this Part,
 is complying development.

Note. See also clause 5.8 (3) which provides that the conversion of fire alarms is complying development in certain circumstances.

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Clause 3.3 Greater Taree Local Environmental Plan 2010

Part 3 Exempt and complying development

- (3) To be complying development, the development must:
 - (a) be permissible, with consent, in the zone in which it is carried out, and
 - (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (c) have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land, and
- (c1) not be on land in a heritage conservation area, and
- (c2) not be on land to which clause 7.2 applies, and
- (c3) not be on land to which clause 7.1 applies.
- (4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out in Part 2 of that Schedule.
- (5) A heading to an item in Schedule 3 is part of that Schedule.

3.3 Environmentally sensitive areas excluded

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.
- (2) For the purposes of this clause:
environmentally sensitive area for exempt or complying development means any of the following:
 - (a) the coastal waters of the State,
 - (b) a coastal lake,
 - (c) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies,
 - (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
 - (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
 - (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
 - (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,

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- (h) land reserved as a state conservation area under the *National Parks and Wildlife Act 1974*,
 - (i) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
 - (j) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

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Clause 4.1 Greater Taree Local Environmental Plan 2010

Part 4 Principal development standards

Part 4 Principal development standards

4.1 Minimum subdivision lot size

- (1) The objectives of this clause are as follows:
 - (a) to encourage the efficient use of land and its resources,
 - (b) to protect and enhance the built and natural environment of Greater Taree City,
 - (c) to minimise any potential land conflicts.
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

4.1A Subdivision of certain residential lots

Development consent must not be granted to the subdivision of the following land unless the consent authority is satisfied that each lot to be created by the subdivision will be connected to a reticulated water and sewerage system:

- (a) land in Zone RU5 Village,
- (b) land in Zone R5 Large Lot Residential that is shown on the Lot Size Map as having a minimum lot size of 4,000 square metres,
- (c) land in Zone R1 General Residential,
- (d) land in Zone R2 Low Density Residential.

4.2 Rural subdivision

- (1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.
- (2) This clause applies to the following rural zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone RU4 Rural Small Holdings,
 - (d) Zone RU6 Transition.

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- (3) Land in a zone to which this clause applies may, with consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.
 - (4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.
 - (5) A dwelling cannot be erected on such a lot.
Note. A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).

4.2A Erection of dwelling houses on land in certain rural and environmental protection zones

- (1) The objectives of this clause are as follows:
 - (a) to minimise the introduction of unplanned rural residential development, and
 - (b) to enable the replacement of lawfully erected dwelling houses in rural zones.
- (2) This clause applies to land in the following zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU3 Forestry,
 - (c) Zone RU4 Rural Small Holdings,
 - (d) Zone E2 Environmental Conservation,
 - (e) Zone E3 Environmental Management.
- (3) Development consent must not be granted for the erection of a dwelling house on a lot in a zone to which this clause applies, and on which no dwelling house has been legally erected, unless the lot is:
 - (a) a lot that is at least the minimum lot size specified for that lot by the Lot Size Map, or
 - (b) a lot created before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or
 - (c) a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible immediately before that commencement, or
 - (d) an existing holding.

Note. A dwelling cannot be erected on a lot created under clause 9 of *State Environmental Planning Policy (Rural Lands) 2008* or clause 4.2.

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- (4) Despite any other provision of this clause, development consent may be granted for the erection of a dwelling house on land in a zone to which this clause applies if:
- (a) there is, or there was in the 5 years before the commencement of this Plan, a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing or previous dwelling house, or
 - (b) the land would have been a lot or a holding referred to in subclause (3) had it not been affected by:
 - (i) a minor realignment of its boundaries that did not create an additional lot, or
 - (ii) a subdivision creating or widening a public road or public reserve or for another public purpose.

- (5) In this clause:

existing holding means:

- (a) all adjoining land, even if separated by a road or railway, held in the same ownership:
 - (i) on 2 June 1967, and
 - (ii) at the time of lodging a development application for the erection of a dwelling house under this clause, or
- (b) where a lot was not held in ownership with any other adjoining lot constituting part of any existing holding, the same lot, portion or parcel of land as it was on 2 June 1967.

Note. The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on 2 June 1967.

4.2B No strata or community title subdivisions in certain rural or environmental protection zones

- (1) The objective of this clause is to ensure that land this clause applies to is not fragmented by subdivision that would create additional dwelling entitlements.
- (2) This clause applies to the subdivision of land:
 - (a) under a strata title or community title scheme, and
 - (b) that requires development consent, and
 - (c) in Zone RU1 Primary Production, Zone RU4 Rural Small Holdings, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation or Zone E3 Environmental Management, and

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- (d) that is being used, or is proposed to be used, for the purpose of residential accommodation or tourist and visitor accommodation, and
 - (e) carried out after the commencement of this Plan.
- (3) The size of each lot resulting from the subdivision must not be less than the minimum size shown on the Lot Size Map in relation to that land.

4.3 Height of buildings

- (1) The objectives of this clause are as follows:
- (a) to ensure that the height of a building is appropriate for the site,
 - (b) to ensure that the height of a building complements the streetscape or rural character of the area in which the building is constructed.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

4.4 Floor space ratio

- (1) The objectives of this clause are as follows:
- (a) to ensure that the density, bulk and scale of development is appropriate for a site,
 - (b) to ensure that the density, bulk and scale of development integrates with the streetscape and character of the area in which the development is located.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

4.5 Calculation of floor space ratio and site area

(1) **Objectives**

The objectives of this clause are as follows:

- (a) to define *floor space ratio*,
- (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:
 - (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
 - (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and

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- (iii) require community land and public places to be dealt with separately.

(2) **Definition of “floor space ratio”**

The *floor space ratio* of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) **Site area**

In determining the site area of proposed development for the purpose of applying a floor space ratio, the *site area* is taken to be:

- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
- (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

(4) **Exclusions from site area**

The following land must be excluded from the site area:

- (a) land on which the proposed development is prohibited, whether under this Plan or any other law,
- (b) community land or a public place (except as provided by subclause (7)).

(5) **Strata subdivisions**

The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

(6) **Only significant development to be included**

The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

(7) **Certain public land to be separately considered**

For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected

by the proposed development, and may not include any other area on which the proposed development is to be carried out.

(8) **Existing buildings**

The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.

(9) **Covenants to prevent “double dipping”**

When consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.

(10) **Covenants affect consolidated sites**

If:

- (a) a covenant of the kind referred to in subclause (9) applies to any land (*affected land*), and
- (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

(11) **Definition**

In this clause, *public place* has the same meaning as it has in the *Local Government Act 1993*.

4.6 Exceptions to development standards

- (1) The objectives of this clause are:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.

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However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

- (3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General must consider:
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (6) Consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, RU2 Rural Landscape, RU3 Forestry, RU4 Rural Small Holdings, RU6 Transition, R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental Management or E4 Environmental Living if:
 - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

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- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
 - (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
 - (8) This clause does not allow consent to be granted for development that would contravene any of the following:
 - (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,
 - (c) clause 5.4,
 - (c1) clauses 6.1 and 6.2.

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Clause 5.1 Greater Taree Local Environmental Plan 2010

Part 5 Miscellaneous provisions

Part 5 Miscellaneous provisions

5.1 Relevant acquisition authority

- (1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991* (**the owner-initiated acquisition provisions**).

Note. If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires the authority to acquire the land.

- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

Type of land shown on Map	Authority of the State
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 8 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Roads and Traffic Authority
Zone E1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <i>National Parks and Wildlife Act 1974</i>
Zone E2 Environmental Conservation and marked "Coastal lands acquisition"	The corporation constituted under section 8 of the Act
Zone SP2 Infrastructure and marked "Public carpark"	Council
Land marked "Local road"	Council

- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

5.2 Classification and reclassification of public land

- (1) The objective of this clause is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.
- Note.** Under the *Local Government Act 1993*, “public land” is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.
- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4:
- (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
- (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
 - (b) any reservations that except land out of the Crown grant relating to the land, and
 - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).

Note. In accordance with section 30 (2) of the *Local Government Act 1993*, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4.

5.3 Development near zone boundaries

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on

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the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 100 metres for land in Zone RU1 Primary Production, Zone RU3 Forestry and Zone RU4 Rural Small Holdings, and in all other cases the relevant distance is 20 metres.
- (3) This clause does not apply to:
 - (a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or
 - (b) land within the coastal zone, or
 - (c) land proposed to be developed for the purpose of sex services or restricted premises.
- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:
 - (a) the development is not inconsistent with the objectives for development in both zones, and
 - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (5) The clause does not prescribe a development standard that may be varied under this Plan.

5.4 Controls relating to miscellaneous permissible uses

(1) **Bed and breakfast accommodation**

If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

(2) **Home businesses**

If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 30 square metres of floor area.

(3) **Home industries**

If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 50 square metres of floor area.

(4) **Industrial retail outlets**

If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed:

- (a) 20% of the combined gross floor area of the industrial retail outlet and the building or place on which the relevant industry is carried out, or
 - (b) 400 square metres,
- whichever is the lesser.

(5) **Farm stay accommodation**

If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 5 bedrooms.

(6) **Kiosks**

If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 40 square metres.

(7) **Neighbourhood shops**

If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 80 square metres.

(8) **Roadside stalls**

If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 10 square metres.

(9) **Secondary dwellings**

If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

- (a) 60 square metres,
- (b) 30% of the total floor area of both the self-contained dwelling and the principal dwelling.

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5.5 Development within the coastal zone

- (1) The objectives of this clause are as follows:
 - (a) to provide for the protection of the coastal environment of the State for the benefit of both present and future generations through promoting the principles of ecologically sustainable development,
 - (b) to implement the principles in the NSW Coastal Policy, and in particular to:
 - (i) protect, enhance, maintain and restore the coastal environment, its associated ecosystems, ecological processes and biological diversity and its water quality, and
 - (ii) protect and preserve the natural, cultural, recreational and economic attributes of the NSW coast, and
 - (iii) provide opportunities for pedestrian public access to and along the coastal foreshore, and
 - (iv) recognise and accommodate coastal processes and climate change, and
 - (v) protect amenity and scenic quality, and
 - (vi) protect and preserve rock platforms, beach environments and beach amenity, and
 - (vii) protect and preserve native coastal vegetation, and
 - (viii) protect and preserve the marine environment, and
 - (ix) ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and
 - (x) ensure that decisions in relation to new development consider the broader and cumulative impacts on the catchment, and
 - (xi) protect Aboriginal cultural places, values and customs, and
 - (xii) protect and preserve items of heritage, archaeological or historical significance.
- (2) Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority has considered:
 - (a) existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to:
 - (i) maintaining existing public access and, where possible, improving that access, and
 - (ii) identifying opportunities for new public access, and

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- (b) the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:
 - (i) the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and
 - (ii) the location, and
 - (iii) the bulk, scale, size and overall built form design of any building or work involved, and
 - (c) the impact of the proposed development on the amenity of the coastal foreshore including:
 - (i) any significant overshadowing of the coastal foreshore, and
 - (ii) any loss of views from a public place to the coastal foreshore, and
 - (d) how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected, and
 - (e) how biodiversity and ecosystems, including:
 - (i) native coastal vegetation and existing wildlife corridors, and
 - (ii) rock platforms, and
 - (iii) water quality of coastal waterbodies, and
 - (iv) native fauna and native flora, and their habitats, can be conserved, and
 - (f) the effect of coastal processes and coastal hazards and potential impacts, including sea level rise:
 - (i) on the proposed development, and
 - (ii) arising from the proposed development, and
 - (g) the cumulative impacts of the proposed development and other development on the coastal catchment.
- (3) Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority is satisfied that:
- (a) the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore, and

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- (b) if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and
- (c) the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform.

5.6 Architectural roof features

Not adopted

5.7 Development below mean high water mark

- (1) The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters.
- (2) Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).

5.8 Conversion of fire alarms

- (1) This clause applies to a fire alarm system that can be monitored by New South Wales Fire Brigades or by a private service provider.
- (2) The following development may be carried out, but only with consent:
 - (a) converting a fire alarm system from connection with the alarm monitoring system of New South Wales Fire Brigades to connection with the alarm monitoring system of a private service provider,
 - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
 - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) Development to which subclause (2) applies is complying development if it consists only of:
 - (a) internal alterations to a building, or

- (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm x 100mm x 100mm.
- (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.
- (5) In this clause:
private service provider means a person or body that has entered into an agreement that is in force with New South Wales Fire Brigades to monitor fire alarm systems.

5.9 Preservation of trees or vegetation

- (1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.
- (2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.
Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.
- (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:
 - (a) development consent, or
 - (b) a permit granted by the Council.
- (4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.
- (5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.
- (6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

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- (7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:
- (a) that is or forms part of a heritage item, or
 - (b) that is within a heritage conservation area.
- Note.** As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.
- (8) This clause does not apply to or in respect of:
- (a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003* or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
 - (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or
 - (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
 - (d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying Act 2002*, or
 - (e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

5.10 Heritage conservation

Note. Heritage items, heritage conservation areas and archaeological sites (if any) are shown on the Heritage Map. The location and nature of any such item, area or site is also described in Schedule 5.

(1) **Objectives**

The objectives of this clause are:

- (a) to conserve the environmental heritage of Greater Taree City, and
- (b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and
- (c) to conserve archaeological sites, and
- (d) to conserve places of Aboriginal heritage significance.

(2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior,
- (c) altering a heritage item that is a building by making structural changes to its interior,
- (d) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (e) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance,
- (f) erecting a building on land on which a heritage item is located or that is within a heritage conservation area,
- (g) subdividing land on which a heritage item is located or that is within a heritage conservation area.

(3) When consent not required

However, consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
 - (i) is of a minor nature, or is for the maintenance of the heritage item, archaeological site, or a building, work, relic, tree or place within a heritage conservation area, and
 - (ii) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area, or
- (b) the development is in a cemetery or burial ground and the proposed development:
 - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
 - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to a place of Aboriginal heritage significance, or

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- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

(4) **Effect on heritage significance**

The consent authority must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned. This subclause applies regardless of whether a heritage impact statement is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) **Heritage impact assessment**

The consent authority may, before granting consent to any development on land:

- (a) on which a heritage item is situated, or
- (b) within a heritage conservation area, or
- (c) within the vicinity of land referred to in paragraph (a) or (b),

require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) **Heritage conservation management plans**

The consent authority may require, after considering the significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) **Archaeological sites**

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

- (a) notify the Heritage Council of its intention to grant consent, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) **Places of Aboriginal heritage significance**

The consent authority must, before granting consent under this clause to the carrying out of development in a place of Aboriginal heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and
- (b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.

(9) **Demolition of item of State significance**

The consent authority must, before granting consent for the demolition of a heritage item identified in Schedule 5 as being of State significance (other than an item listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

- (a) notify the Heritage Council about the application, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) **Conservation incentives**

The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) the conservation of the heritage item is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage conservation management plan that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage conservation management plan is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

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Clause 5.11 Greater Taree Local Environmental Plan 2010

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5.11 Bush fire hazard reduction

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without consent.

Note. The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

5.12 Infrastructure development and use of existing buildings of the Crown

- (1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without consent, or that is exempt development, under the *State Environmental Planning Policy (Infrastructure) 2007*.
- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

Part 6 Urban release areas

6.1 Arrangements for designated State public infrastructure

- (1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.
- (2) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.
- (3) Subclause (2) does not apply to:
 - (a) any lot identified in the certificate as a residue lot, or
 - (b) any lot created by a subdivision previously consented to in accordance with this clause, or
 - (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or
 - (d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.
- (4) This clause does not apply to land in an urban release area if all or any part of the land is in a special contributions area (as defined by section 93C of the Act).

6.2 Public utility infrastructure

- (1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.
- (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

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Clause 6.3 Greater Taree Local Environmental Plan 2010

Part 6 Urban release areas

6.3 Development control plan

- (1) The objective of this clause is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.
- (2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.
- (3) The development control plan must provide for all of the following:
 - (a) a staging plan for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing,
 - (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,
 - (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,
 - (d) a network of passive and active recreational areas,
 - (e) stormwater and water quality management controls,
 - (f) amelioration of natural and environmental hazards, including bushfire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,
 - (g) detailed urban design controls for significant development sites,
 - (h) measures to encourage higher density living around transport, open space and service nodes,
 - (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,
 - (j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.
- (4) Subclause (2) does not apply to any of the following development:
 - (a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,
 - (b) a subdivision of land if any of the lots proposed to be created is to be reserved or dedicated for public open space, public roads or any other public or environmental protection purpose,

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- (c) a subdivision of land in a zone in which the erection of structures is prohibited,
 - (d) proposed development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone in which the land is situated.

6.4 Relationship between Part and remainder of Plan

A provision of this Part prevails over any other provision of this Plan to the extent of any inconsistency.

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Clause 7.1 Greater Taree Local Environmental Plan 2010

Part 7 Additional local provisions

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7.1 Acid sulfate soils

- (1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.
- (2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

Class of land shown on the Acid Sulfate Soils Map	Works
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1	Any works.
2a	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
2b	Works other than ploughing below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.
5	Works within 500 metres of adjacent Class 1, 2a, 2b, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2a, 2b, 3 or 4 land.

- (3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the *Acid Sulfate Soils Manual* and has been provided to the consent authority.

- (4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if:
- (a) a preliminary assessment of the proposed works prepared in accordance with the *Acid Sulfate Soils Manual* indicates that an acid sulfate soils management plan is not required for the works, and
 - (b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.
- (5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):
- (a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,
 - (b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),
 - (c) minor work, being work that costs less than \$20,000 (other than drainage work).
- (6) Despite subclause (2), development consent is not required under this clause to carry out any works if:
- (a) the works involve the disturbance of less than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations, or flood mitigation works, or
 - (b) the works are not likely to lower the watertable.

7.2 Flood planning

- (1) The objectives of this clause are as follows:
- (a) to minimise the flood risk to life and property associated with the use of land,
 - (b) to allow development compatible with the land's flood hazard, taking into account projected sea level rise,

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Clause 7.3 Greater Taree Local Environmental Plan 2010

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- (c) to avoid significant adverse impacts on flood behaviour and the environment.
- (2) This clause applies to:
 - (a) land that is shown as “Flood planning area” on the Flood Planning Map, and
 - (b) other land at or below the flood planning level.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
 - (a) is compatible with the flood hazard of the land, and
 - (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
 - (c) incorporates appropriate measures to manage risk to life from flood, and
 - (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
 - (e) will not be likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
- (4) A word or expression used in this clause has the same meaning as it has in the NSW Government’s *Floodplain Development Manual* published in 2005, unless it is otherwise defined in this clause.
- (5) In this clause:
 - flood planning level*** means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metres freeboard.
 - Flood Planning Map*** means the Greater Taree Local Environmental Plan 2010 Flood Planning Map.

7.3 Earthworks

- (1) The objectives of this clause are as follows:
 - (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,
 - (b) to allow earthworks of a minor nature without separate development consent.

- (2) Development consent is required for earthworks unless:
 - (a) the work is exempt development under this Plan or another applicable environmental planning instrument, or
 - (b) the work is ancillary to other development for which development consent has been given.
- (3) Before granting development consent for earthworks, the consent authority must consider the following matters:
 - (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,
 - (b) the effect of the proposed development on the likely future use or redevelopment of the land,
 - (c) the quality of the fill or the soil to be excavated, or both,
 - (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,
 - (e) the source of any fill material and the destination of any excavated material,
 - (f) the likelihood of disturbing relics,
 - (g) proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

Note. The *National Parks and Wildlife Act 1974*, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.

7.4 Airspace operations

- (1) The objectives of this clause are as follows:
 - (a) to provide for the effective and on-going operation of the Taree Airport by ensuring that such operation is not compromised by proposed development that penetrates the Obstacle Limitation Surface for that airport,
 - (b) to protect the community from undue risk from such operation.
- (2) If a development application is received and the consent authority is satisfied that the proposed development may penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for the Taree Airport, the consent authority must not give development consent unless it has consulted with the relevant Commonwealth body about the application.
- (3) If the relevant Commonwealth body advises that the development will penetrate the Obstacle Limitation Surface and should not be constructed, the consent authority must not grant development consent for the development.

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Part 7 Additional local provisions

- (4) If the relevant Commonwealth body advises that the development will penetrate the Obstacle Limitation Surface but it has no objection to its construction or that the development will not penetrate the Obstacle Limitation Surface, the consent authority may grant development consent for the development.
- (5) In this clause:
relevant Commonwealth body means the body determined by Commonwealth legislation as being responsible for development decisions relating to the Taree Airport.

7.5 Development in areas subject to airport noise

- (1) The objectives of this clause are as follows:
 - (a) to prevent certain noise sensitive developments from being located near the Taree Airport and its flight paths,
 - (b) to assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,
 - (c) to ensure that land use and development in the vicinity of that airport do not hinder or have any other adverse impact on the ongoing, safe and efficient operation of that airport.
- (2) Before issuing development consent to development on land in the vicinity of that airport, the consent authority:
 - (a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and
 - (b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction*, and
 - (c) must be satisfied that the development will meet AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction* with respect to interior noise levels for the purposes of:
 - (i) if the development will be in ANEF contour 20 to 25—educational establishments, hospitals and residential accommodation, and
 - (ii) if the development will be in ANEF contour 20 to 30—public administration buildings, and
 - (iii) if the development will be in ANEF contour 25 to 30—hostels and hotel or motel accommodation, and

- (iv) if the development will be in ANEF contour 25 to 35—business premises, office premises and retail premises, and
- (v) if the development will be in ANEF contour 30 to 40—light industry.

- (3) In this clause:

ANEF contour means a noise exposure contour shown as an ANEF contour on the Noise Exposure Forecast Contour Map for that airport prepared by the Department of the Commonwealth responsible for airports.

7.6 Development on land proposed to be acquired by the Council

- (1) The objective of this clause is to ensure that land identified for acquisition by the Council may continue to be developed before acquisition in a way that does not unreasonably increase the cost of acquisition.
- (2) Development consent must not be granted for development on land identified on the Land Reservation Acquisition Map as being for acquisition by the Council under clause 5.1 unless the consent authority has considered the following matters:
 - (a) the need to carry out the development on the land,
 - (b) the imminence of acquisition of the land,
 - (c) the likely additional cost of acquisition because the development was carried out.
- (3) Every subdivision containing land reserved for the purpose of a local road must provide for the opening of the road generally conforming to the local road reservation.

7.7 Development for farm stay accommodation

- (1) This clause applies to land in Zone RU1 Primary Production and Zone RU4 Rural Small Holdings.
- (2) Development consent must not be granted for development for the purpose of farm stay accommodation on land to which this clause applies unless a dwelling is permitted to be erected on that land under clause 4.2A (3).

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Schedule 1 Additional permitted uses

Schedule 1 Additional permitted uses

(Clause 2.5)

1 Use of particular land at Pacific Highway, Glenthorne

- (1) This clause applies to land at Pacific Highway, Glenthorne being Lot 16, DP 835273, Lot 14, DP 862813 and Lot 53, DP 863972.
- (2) Development as a highway service centre is permitted with consent.

2 Use of particular land at Grangewood Avenue, Tallwoods Village, Hallidays Point

- (1) This clause applies to land at Grangewood Avenue, Tallwoods Village, Hallidays Point, being Lot 895, DP 1079140.
- (2) Development for the purposes of a residential flat building comprising a maximum of 37 units is permitted with consent.

3 Use of particular dwelling at The Bucketts Way, Taree South

- (1) This clause applies to land at The Bucketts Way, Taree South, that is in the RE2 Private Recreation Zone and is part of Lot 53, DP 836998.
- (2) Development for the purposes of a dwelling house, to be used as a manager's residence in conjunction with the existing landscaped garden, is permitted with consent.

4 Use of particular land identified as Area 1 on the Additional Uses Map

- (1) This clause applies to land identified as Area 1 on the Additional Uses Map.
- (2) Development for the purposes of residential accommodation is permitted with consent if:
 - (a) the total gross floor area of the development does not exceed 30% of the total gross floor area of all buildings used for the purposes of tourist and visitor accommodation in Area 1, and
 - (b) there are existing recreational facilities (indoor) or recreational facilities (outdoor) in Area 1, and
 - (c) the consent authority is satisfied that there is a need for residential accommodation to ensure:
 - (i) the safety, security and viability of tourist and visitor accommodation through the off-season, and
 - (ii) the retention of local employment through the off-season.

5 Use of particular land identified as Area 2 on the Additional Uses Map

- (1) This clause applies to land identified as Area 2 on the Additional Uses Map.
- (2) Development for the purposes of residential accommodation is permitted with consent if:
 - (a) the total gross floor area of the development does not exceed 30% of the total gross floor area of all buildings used for the purposes of tourist and visitor accommodation in Area 2, and
 - (b) there are existing recreational facilities (indoor) or recreational facilities (outdoor) in Area 2, and
 - (c) the consent authority is satisfied that there is a need for residential accommodation to ensure:
 - (i) the safety, security and viability of tourist and visitor accommodation through the off-season, and
 - (ii) the retention of local employment through the off-season.

6 Use of particular land identified as Area 3 on the Additional Uses Map

- (1) This clause applies to land identified as Area 3 on the Additional Uses Map.
- (2) Development for the purposes of residential accommodation is permitted with consent if:
 - (a) the total gross floor area of the development does not exceed 30% of the total gross floor area of all buildings used for the purposes of tourist and visitor accommodation in Area 3, and
 - (b) there are existing recreational facilities (indoor) or recreational facilities (outdoor) in Area 3, and
 - (c) the consent authority is satisfied that there is a need for residential accommodation to ensure:
 - (i) the safety, security and viability of tourist and visitor accommodation through the off-season, and
 - (ii) the retention of local employment through the off-season.

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Schedule 2 Exempt development

Schedule 2 Exempt development

(Clause 3.1)

Note 1. *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies exempt development under that Policy. The Policy has State-wide application. This Schedule contains additional exempt development not specified in that Policy.

Note 2. Exempt development may be carried out without the need for development consent under the Act. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply.

Boundary adjustments

- (1) Must not create any additional lots.
- (2) Must not change the area of any lot by more than 5%.
- (3) If located on bush fire prone land that could be lawfully used for residential or rural residential purposes, must have a bush fire safety authority under the *Rural Fires Act 1997*.

Bus shelters (other than by or for the Council)

- (1) Must be structurally adequate.
- (2) Must not obstruct the line of sight for vehicular traffic.
- (3) Maximum height above the footpath level (existing)—3m.
- (4) Maximum area—10m².
- (5) Must have non-reflective surface finishes.
- (6) Must not obstruct pedestrian traffic.
- (7) Access must not include any steps or grades greater than 1:14.
- (8) Must reflect the character and amenity of the area.
- (9) Must not include advertising.
- (10) Must not restrict visibility of incoming buses.

Dams (rural zones and Zone R5)

- (1) Maximum embankment fill batter grades—1 (vertical):2.5 (horizontal).
- (2) Minimum distance from property boundary at closest point—10m.
- (3) Minimum fill embankment crest width—3m.
- (4) Minimum height difference between the embankment crest level and the spillway level—1m.

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- (5) Maximum fill embankment height, as measured from ground level (existing) immediately down slope of the embankment to the top of the embankment crest level—3m.
 - (6) Trees must not be removed or damaged by dam construction.
 - (7) Must not be in any area identified on the Acid Sulfate Soils Map.
 - (8) Maximum capacity of water storage—3ML.
 - (9) Must not be constructed in a watercourse.

Demolition

- (1) Must be the demolition of development that would be exempt development under this Schedule.
- (2) Must not be, or be on, a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area.
- (3) Must comply with AS 2601—2001, *The demolition of structures*.

Fences (swimming pool safety fences)

If installed in accordance with the requirements of the *Swimming Pools Act 1992* and the *Swimming Pools Regulation 2008*.

Filming

- (1) **Note.** Provision repealed under the *Standard Instrument (Local Environmental Plans) Order 2006*.
- (2) May only be carried out on land:
 - (a) on which there is a heritage item, or
 - (b) within a heritage conservation area, or
 - (c) identified in clause 3.3 as an environmentally sensitive area for exempt development,
 if the filming does not involve or result in any of the following:
 - (d) any changes or additions that are not merely superficial and temporary to any part of a heritage item, a heritage conservation area or an environmentally sensitive area,
 - (e) the mounting or fixing of any object or article on any part of such an item or area (including any building or structure),
 - (f) the movement, parking or standing of any vehicle or equipment on or over any part of such an item or area that is not specifically designed for the movement, parking or standing of a vehicle or equipment on or over it,

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- (g) any changes to the vegetation on, or level of, such an item or area or any changes to any other natural or physical feature of the item or area.
- (3) Must not create significant interference with the neighbourhood.
- (4) The person carrying out the filming must obtain a policy of insurance that adequately covers the public liability of the person in respect of the filming for an amount of not less than \$10,000,000.
- (5) If the filming is carried out on private land, the filming must not be carried out for more than 30 days within a 12-month period at the particular location.
- (6) A filming management plan must be prepared and lodged with the consent authority for the location at least 5 days before the commencement of filming at the location. The plan must contain the following information and be accompanied by the following documents (without limiting the information or documents that may be submitted):
 - (a) the name, address and telephone number of the person carrying out the filming (such as a production company) and of the producer for the filming,
 - (b) a brief description of the filming to be carried out (for example, a television commercial, a television series, a feature film or a documentary),
 - (c) the proposed location of the filming,
 - (d) the proposed commencement and completion dates for the filming at the location,
 - (e) the proposed daily length of filming at the location,
 - (f) the number of persons to be involved in the filming,
 - (g) details of any temporary structures (for example, tents or marquees) to be erected or used at the location for the purposes of the filming,
 - (h) the type of filming equipment to be used in the filming (such as a hand-held or mounted camera),
 - (i) proposed arrangements for parking vehicles associated with the filming during the filming,
 - (j) whether there will be any disruption to the location of the filming or the surrounding area and the amenity of the neighbourhood (for example, by the discharge of firearms or explosives, the production of offensive noise, vibrations, disruption to traffic flow or the release of smells, fumes, vapour, steam, soot, ash, dust, waste water, grit or oil),

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- (k) whether the filming will involve the use of outdoor lighting or any other special effects equipment,
 - (l) a copy of the public liability insurance policy that covers the filming at the location,
 - (m) a copy of any approval given by a public or local authority to carry out an activity associated with the proposed filming at the location, such as the following:
 - (i) an approval by the Roads and Traffic Authority for the closure of a road,
 - (ii) an approval by the Council for the erection or use of a temporary structure, closure of a road or a public footpath, or a restriction in pedestrian access,
 - (iii) an approval by the Environment Protection Authority for an open fire,
 - (iv) an approval by the NSW Police Force for the discharge of firearms,
 - (v) an approval by the Land and Property Management Authority for the use of Crown land,
 - (n) details of any temporary alteration or addition to any building or work at the location for the purposes of the filming.
- (7) The person carrying out the filming must, at least 5 days before the commencement of filming at the particular location, give notice in writing (by way of a letter-box drop) of the filming to residents within a 50m radius of the location. The notice must contain the following information:
- (a) the name and telephone number of the person carrying out the filming (such as a production company) and of a contact representative of that person,
 - (b) a brief description of the filming to be carried out at the location, and any proposed disruptions to the location or the surrounding area or the amenity of the neighbourhood,
 - (c) the proposed commencement and completion dates for the filming at the location,
 - (d) the proposed daily length of filming at the location.

Signs, advertising and notices (business identification signs in business and industrial zones)

- (1) Must not be on a heritage item or in a heritage conservation area.
- (2) If suspended under awning signs:
 - (a) only one per premises, and

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- (b) must be securely fixed by metal supports, and
 - (c) maximum area— 1.5m^2 , and
 - (d) must be at least 2.6m above ground level (existing), and
 - (e) must not cover mechanical ventilation inlet or outlet vents.
- (3) Projecting wall signs (vertical or horizontal):
- (a) only one per premises, and
 - (b) maximum area— 2.5m^2 , and
 - (c) must be at least 2.6m above ground level (existing), and
 - (d) must not be erected on an item of environmental heritage, unless using existing approved fixings, and
 - (e) must not cover mechanical ventilation inlet or outlet vents.
- (4) Flush wall signs:
- (a) maximum area— 2.5m^2 , and
 - (b) must be securely fixed, and
 - (c) must be at least 2.6m above ground level (existing), and
 - (d) must not cover mechanical ventilation inlet or outlet vents.
- (5) Top hamper signs:
- (a) maximum area— 2.5m^2 , and
 - (b) must be securely fixed, and
 - (c) must not cover mechanical ventilation inlet or outlet vents.

Signs, advertising and notices (business identification signs in residential and rural residential zones)

- (1) Must not be on a heritage item or in a heritage conservation area.
- (2) Maximum area— 0.75m^2 .
- (3) Must be at least 2.6m above ground level (existing).
- (4) Must not cover mechanical ventilation inlet or outlet vents.

Signs, advertising and notices (real estate signs)

- (1) Maximum area of a single sign— 2.5m^2 .
- (2) Maximum total area of all signs— 4.5m^2 .
- (3) Must be removed within 14 days of sale or lease of property.

Tennis courts (private and non-commercial)

- (1) Must be on a lot in a rural zone or on land in Zone R5 Large Lot Residential with a site area greater than 1ha and associated with a dwelling house.
- (2) Must not have lighting.
- (3) Only 1 per property.
- (4) Must not interfere with any approved on-site effluent disposal or treatment system.
- (5) Maximum cut and fill—600mm.
- (6) Must be located behind the front building line.

Temporary structures (other than tents and marquees), and temporary alterations or additions to buildings or works, solely for filming purposes

- (1) May only be erected, used, altered or added to in connection with filming that is exempt development.
- (2) Temporary structure must not be at the location for more than 30 days within a 12-month period.
- (3) Alteration or addition to the building or work must not remain in place for more than 30 days within a 12-month period.
- (4) Temporary structure, or building or work in its altered or added to form, must not be accessible to the public.

Tents or marquees used solely for filming purposes

- (1) May only be used in connection with filming that is exempt development.
- (2) Total floor area of all tents or marquees on location at the same time must not exceed 200m².
- (3) Must be located within at least 3m from any boundary adjoining a public road and at least 1m from any other boundary.
- (4) Must have the following number of exits arranged so as to afford a ready means of egress from all parts of the tent or marquee to open space or a road:
 - (a) 1 exit if the floor area of the tent or marquee does not exceed 25m²,
 - (b) 2 exits in any other case.

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- (5) Width of each exit must be at least:
 - (a) 800mm if the floor area of the tent or marquee is less than 150m²,
or
 - (b) 1m in any other case.
- (6) Height of the walls must not exceed:
 - (a) 4m if erected on private land, or
 - (b) 5m in any other case.
- (7) Height as measured from the surface on which the tent or marquee is erected to the highest point of the tent or marquee must not exceed 6m.
- (8) Must resist loads determined in accordance with the following Australian and New Zealand Standards entitled:
 - (a) AS/NZS 1170.0:2002, *Structural design actions—General principles*,
 - (b) AS/NZS 1170.1:2002, *Structural design actions—Permanent, imposed and other actions*,
 - (c) AS/NZS 1170.2:2002, *Structural design actions—Wind actions*.
- (9) Must not remain at the location more than 2 days after the completion of the filming at the location.

Schedule 3 Complying development

(Clause 3.2)

Note. *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies complying development and the complying development conditions for that development under that Policy. The Policy has State-wide application. This Schedule contains additional complying development not specified in that Policy.

Part 1 Types of development

Note. This Part refers to complying development not specified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Industrial buildings and warehouses

- (1) **Application and general**
 - (a) Must be on land in an industrial zone.
 - (b) Must be the:
 - (i) erection of a new industrial or warehouse building, or
 - (ii) external alteration of, or adding to, an industrial or warehouse building for which a development consent is in force.
- (2) **Bulk and scale**
 - (a) Maximum gross floor space—800m².
 - (b) Maximum cubic capacity—6,000m³.
 - (c) Maximum floor space ratio—0.5:1.
 - (d) Height of any walls at the eave must not be more than 7.2m above the ground level (existing) at any point excluding a parapet.
 - (e) Parapets may extend a maximum of 1.2m above the intersection of the wall and the roof.
- (3) **Setbacks and siting**
 - (a) Must be setback at least 5m from the rear boundary.
 - (b) Awnings or eaves must not encroach more than 1m into setback areas.
 - (c) All parts of the building must be at least 9m from the front boundary and 3m from any secondary street frontage.
- (4) **Design, finishes and landscape**
 - (a) If alterations and additions, must not be to the street frontage of an existing building.
 - (b) Maximum roof pitch—10°.

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Schedule 3 Complying development

- (5) **Site works**
Maximum cut or fill—1m. (May be both cut and fill to 1m on the same site.)
- (6) **Landscaping and open space**
A landscaped strip of at least 3m to each street frontage within the front setback area must be planted with canopy trees and shrubs.
- (7) **Stormwater and waste management**
- (a) Roof and surface water must be drained to the street and discharged into the Council's nearest stormwater drainage system in the street.
 - (b) Drainage system must be designed for a 1 in 10 year storm event, and so that any excess will flow overland to the street.
 - (c) Must be serviced by reticulated water and sewerage and electricity.
 - (d) Garbage, recycling and storage areas must be provided on-site and behind the building line of the property.
 - (e) Garbage stand must be screened if the receptacle is visible from a public place.
 - (f) Must not provide for incinerators.
- (8) **Access, parking and traffic**
- (a) Sealed road access must be available to the site.
 - (b) Must have kerb and gutter in accordance with the Council's standard design to the full frontage of the site.
 - (c) Carparking areas must be located behind a 3m landscaping strip to any street frontage.
 - (d) If alterations and additions, must not involve the removal of any existing car parking spaces.
 - (e) If alterations and additions will generate additional car parking demand, additional car parking spaces must be provided within the site without the need to remove any landscaping that was required to be provided through the conditions of development consent for the existing building.
- (9) **Exclusions and other matters**
- (a) If an industrial building located on flood planning land, floor levels must be above the 1:100 year flood level.
 - (b) If on flood planning land, electrical switches and powerpoints must be located 800mm above the 1:100 year flood level.

- (c) Must provide a schedule of proposed fire safety measures.
- (d) Must not be on bush fire prone land.

Part 2 Complying development certificate conditions

Note 1. Complying development must comply with the requirements of the Act, the *Environmental Planning and Assessment Regulation 2000* and this Plan.

Note 2. A contributions plan setting out the contribution requirements towards the provision or improvement of public amenities or public services may specify that an accredited certifier must, under section 94EC of the Act, impose a condition on a complying development certificate requiring the payment of a monetary contribution in accordance with that plan.

Division 1 Conditions applying before works commence

1 Protection of adjoining areas

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of works if the works:

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

Note. See the entry in the General Exempt Development Code for scaffolding, hoardings and temporary construction site fences.

2 Toilet facilities

- (1) Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
- (2) Each toilet must:
 - (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 - (c) be a temporary chemical closet approved under the *Local Government Act 1993*.

3 Garbage receptacle

- (1) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.

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Schedule 3 Complying development

- (2) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

4 Notification to neighbours

The person having the benefit of the complying development certificate must give at least 2 days' notice in writing of the intention to commence the works to the owner or occupier of each dwelling that is situated within 20m of the lot on which the works will be carried out.

Division 2 Conditions applying during the works

Note. The *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Noise Control) Regulation 2008* contain provisions relating to noise.

5 Hours of construction or demolition

Construction or demolition may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction or demolition is to be carried out at any time on a Sunday or a public holiday.

6 Compliance with plans

Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.

7 Sedimentation and erosion controls

Run-off and erosion controls must be effectively maintained until the site has been stabilised and landscaped.

8 Maintenance of site

- (1) Building materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- (2) Demolition materials and waste materials must be disposed of at a waste management facility.
- (3) The work site must be left clear of waste and debris at the completion of the works.

Division 3 Construction requirements

9 Staging construction

- (1) If the complying development is the erection of, or alterations or additions to, a dwelling house, the roof stormwater drainage system must be installed and connected to the drainage system before the roof covering is installed.

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- (2) Any approval that is required for connection to the drainage system under the *Local Government Act 1993* must be held before the connection is carried out.
 - (3) If the complying development involves the construction of a vehicular access point, the access point must be completed before the occupation certificate for the complying development on the site is obtained.

10 Utility services

If the complying development requires alteration to, or the relocation of, utility services on the lot on which the complying development is carried out, the complying development is not complete until all such works are carried out.

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Schedule 4 Classification and reclassification of public land

Schedule 4 Classification and reclassification of public land

(Clause 5.2)

Part 1 Land classified, or reclassified, as operational land—no interests changed

Column 1	Column 2
Locality	Description
The Boulevard, Tallwoods	Lot 42, DP 871948

Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Jack Neal Oval, Taree	Part Lot 2, DP 579557, being a strip 20m wide on the southern boundary and adjoining Lot 1, DP 798526 and Lots 4 and 5, DP 512514	Nil

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
Nil	

Schedule 5 Environmental heritage

(Clause 5.10)

Part 1 Heritage Items

Suburb	Item name	Address	Property description	Significance	Item no
Bobin	School house	2512 Bulga Road	Lots 45–46, DP 754401	Local	11
Bohnock	Literary Institute	13 Bohnock Road	Lot 176, DP 753149	Local	1282
Burrell Creek	Scott grave	4 Beltana Place	Lot 3, DP 597737	Local	18
Burrell Creek	Johnston grave	The Bucketts Way, Kimbriki Road	Lot 1, DP 797513	Local	17
Burrell Creek	Dwelling “Gowenbrae”	5077 The Bucketts Way	Lot 8, DP 753152	Local	15
Burrell Creek	Easton Family cemetery	5081 The Bucketts Way	Lot 120, DP 1040849	Local	16
Burrell Creek	Murray graves	424 Gloucester Road	Part Lot 48, DP 753152	Local	172
Burrell Creek	Dwelling “Hillview”	7 Hillview Lane	Lot 65, DP 869721	Local	13
Burrell Creek	Bo Bo Creek General Cemetery	28 Hillview Lane	Lot 7002, DP 1026590	Local	14
Caffreys Flat	Payton family graves	Riverview Road	Lot 2, DP 544821	Local	164
Chatham	Former Dairy Farmers Factory and Manning Valley Dairy Cooperative	Pitt Street	Lots 15 and 16, DP 703272	Local	111
Cooperbrook	Dwelling	4–6 Bangalow Road	Lot 67, DP 4865	Local	113
Cooperbrook	Dwelling	9 Bangalow Road	Lot 1, DP 613587	Local	112

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Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item no
Cooperook	Dwelling	2 Macquarie Street	Lot 1, DP 315861	Local	I16
Cooperook	Dwelling	4 Macquarie Street	Lot 1, DP 208048	Local	I17
Cooperook	Dwelling	6 Macquarie Street	Lot 21, DP 706325	Local	I18
Cooperook	Dwelling	7 Macquarie Street	Lot 9, DP 504926	Local	I19
Cooperook	Dwelling	8 Macquarie Street	Lot 3, DP 791097	Local	I20
Cooperook	Dwelling	9 Macquarie Street	Lot 22, DP 791808	Local	I21
Cooperook	Community hall, former School of Arts	12 Macquarie Street	Section 2, Corner Lot 2, DP 758285	Local	I23
Cooperook	Police station and former courthouse	14 Macquarie Street	Lot 7013, DP 1055820	Local	I24
Cooperook	Dwelling, former shop	16 Macquarie Street, corner Henry Street	Lot 8, DP 101056	Local	I25
Cooperook	Post office	25 Macquarie Street	Lot 7, DP 926494	Local	I26
Cooperook	Dwelling	29 Macquarie Street	Lot 5, DP 926494	Local	I27
Cooperook	Dwelling	45 Macquarie Street	Lot 72, DP 581809	Local	I28
Cooperook	Public school buildings	Macquarie Street, corner George Gibson Drive	Lots 47 and 151, DP 754429	Local	I14
Cooperook	Public school residence	Macquarie Street, corner George Gibson Drive	Lot 46, DP 754429	Local	I15

Suburb	Item name	Address	Property description	Significance	Item no
Cooperbrook	War Memorial and Memorial Park	Macquarie Street, adjacent to 12 Macquarie Street	Section 2, Lot 1, DP 758285	Local	I22
Cooperbrook	Hotel Cooperbrook	Old Pacific Highway, corner 200 George Gibson Drive	Lot 1, DP 121303	Local	I29
Cooperbrook	Cooperbrook General Cemetery	Pacific Highway	Lot 1, DP 668482 and Lot 118, DP 754415	Local	I30
Cooperbrook	Dwelling	5 Petrie Street	Lot 100, DP 10541	Local	I31
Cooperbrook	Uniting Church and manse	6 Petrie Street	Lot 1030, DP 851652	Local	I32
Cooperbrook	St Lukes Anglican Church	West Street	Part Lot 216, DP 754429	Local	I36
Cooperbrook	Dwelling	5 West Street	Lot 2, DP 926494	Local	I33
Cooperbrook	Dwelling, former Anglican Rectory	7-9 West Street	Lots 3 and 4, DP 926494	Local	I34
Cooperbrook	Dwelling	11-13 West Street	Lot 108, DP 521626	Local	I35
Cooperbrook	Dwelling	23 West Street	Lot 14, DP 4865	Local	I37
Croki	Produce shed/barn	83 Barton Street	Lot 2, DP 195696	Local	I42
Croki	Open space area and mature trees adjacent to wharf	Barton Street and Ferry Road	Lots 7001 and 7003, DP 1055773 (Part Lot 79123 Croki Reserve)	Local	I40

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Suburb	Item name	Address	Property description	Significance	Item no
Croki	Croki Wharf and punt sites	Barton Street and Ferry Road	Lot 7002, DP 1055773 (Part Lot 79123 Croki Reserve)	Local	I41
Croki	Former shop	1 Ferry Road, corner River and Barton Streets	Section 4, Lot 1, DP 327705	Local	I43
Croki	Dwelling	3 Ferry Road, corner River Street	Lot 30, DP 740563	Local	I44
Croki	Dwelling	5 Ferry Road, corner River Street	Lot 31, DP 740563	Local	I45
Croki	Dwelling	11 Young Street	Lot 5, DP 705936	Local	I47
Crowdy Head	Crowdy Head Lighthouse	Elizabeth Street	Reserve 45844	Local	I48
Cundletown	Dwelling	11 Albert Street	Lot 1, DP 787976	Local	I49
Cundletown	Post office	3 Crown Street	Lot 99, DP 631406	Local	I50
Cundletown	Dawson River Cemetery	31 Dawson Cemetery Road	Lot 7300, DP 1144067	Local	I51
Cundletown	Public school building	High Street	Lots 1–3, DP 194647	Local	I52
Cundletown	Dwelling	64 High Street	Lot 8, DP 165089	Local	I53
Cundletown	Dwelling	82 High Street	Lot 1, DP 570435	Local	I54
Cundletown	Dwelling	22 Main Street	Lot 1, DP 197816	Local	I55
Cundletown	Shop, former bakery and residence	36 Main Street	Lot 4, DP 112776	Local	I56
Cundletown	Dwelling, former police station	44 Main Street	Lot 98, DP 834127	Local	I57

Suburb	Item name	Address	Property description	Significance	Item no
Cundletown	Dwelling	59 Main Street	Lot 161, DP 845794	Local	158
Cundletown	Dwelling "Elizabeth Cottage"	4 Queen Street	Lot 2, DP 738973	Local	159
Cundletown	Memorial hall	6-8 Queen Street, corner Main Street	Section 9, Lots 17 and 18, DP 939333	Local	160
Cundletown	Bunya pines (4) near Dumaresq Island Bridge	River Street road reserve, opposite Nos 41, 53, 57 and 65 River Street	Road reserve	Local	161
Cundletown	Kendall Reserve, riverside parkland and trees	River Street, between King and Queen Streets	Kendall Reserve	Local	162
Cundletown	Dwelling "Riverview"	86 River Street	Lot 2, DP 263689	Local	163
Dollys Flat	Dwelling "Lower Bow Hill"	196 Bow Hill Road	Lot 3, DP 1035033	Local	166
Dyers Crossing	Dyers Crossing Produce Group, former butter factory	3178-3182 Wallanbah Road	Lot A, DP 344166; Lot 1, DP 929869; Lot 1, DP 330675	Local	167
Failford	General Cemetery	9 St Peters Close, Possum Brush	Lots 7002 and 7003, DP 1056919	Local	168
Harrington	Graves on Pilot Hill	Beach Street	Lot 7032, DP 1055811	Local	169
Karkatt	Lone grave (Kerr)	2461 Wallanbah Road, Firefly	Lot 1, DP 1052161	Local	170
Killabakh	General Cemetery	1215 Comboyne Road	Lots 7003 and 7004, DP 1050362	Local	171
Knorrit Flat	Graves on "Tiri"	334 Tiri Road	Lot 14, DP 754426	Local	165

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Kolodong	Woola Cemetery	31 Woola Road	Lot 1, DP 724109; Lot 1, DP 724297; Lots 1–3, DP 724116	Local	173
Krambach	General Cemetery	66 Cocumbark Lane	Lots 1–3, DP 114723 and Lot 7302, DP 1135551	Local	174
Krambach	Priests' graves beside Catholic school	3783 The Bucketts Way	Lot 30, DP 573536	Local	175
Krambach	Former Catholic convent	3783–3785 The Bucketts Way	Lot 30, DP 573536	Local	176
Krambach	St Bernadette's Catholic Church	3787 The Bucketts Way	Lot 30, DP 573536	Local	177
Krambach	Catholic Presbytery	3789 The Bucketts Way	Lot 30, DP 573536	Local	178
Lansdowne	Lansdowne concrete road bridge	Cundle Road, over Lansdowne River	Opposite Lot 1, DP 605221 and Lot 237, DP 754429	Local	180
Lansdowne	Lansdowne rail bridge	Near Cundle Road, over Lansdowne River, opposite 1252 and 1268	Opposite Lot 1, DP 605221 and Lot 237, DP 754429	Local	181
Lansdowne	Anglican Church, Church of Epiphany	Corner of Cundle Road and Wingham Street	Section 1, Lot 3, DP 758601	Local	179
Lansdowne	General Cemetery	23 Newbys Lane	Lot 1, DP 724392	Local	182
Marlee	Duffs Bridge	Bobin Road	Adjacent Lot 2, DP 1109539	Local	185

Suburb	Item name	Address	Property description	Significance	Item no
Marlee	Marlee Bridge	Bobin Road	Adjacent Lot 2, DP 629516	Local	186
Marlee	St Marks Anglican Church	1391 Bulga Road	Lots 87 and 88, DP 754430	Local	187
Marlee	General Cemetery	Marlee Cemetery Road, off Elands Road	Lot 7004, DP 1026593	Local	188
Mitchells Island	General and Anglican Cemetery	36 Leslies Lane	Part Lot 106, DP 754440	Local	189
Mitchells Island	St Marks Anglican Church and cemetery	57 St Marks Lane	Lots 266, 269 and 271, DP 754440	Local	190
Mitchells Island	Former dairy factory and wharf, Lower Manning Dairy Co-operative, includes former manager's residence	19 Surbiton Place	Lots 1 and 2, DP 365312, Lot 37, DP 662241 and Lot 265, DP 754440	Local	191
Mondrook	McLeod family graves	673 Tinonee Road	Lot 22, DP 713007	Local	192
Moorland	General Cemetery	Off Pacific Highway	Lot 104, DP 754448	Local	193
Mount George	Private Cemetery	Off Nowendoc Lane and Woodside Lane	Lot 6, DP 1104327	Local	1293
Mount George	Site of General Cemetery (unused)	Norwood Lane	Lot 7003, DP 1026576	Local	194
Mount George	Rail Bridge over Manning River	Near Mount George North Coast Railway	Adjacent Lot 21, DP 1049994	State	1295
Number One	Gibson Family Cemetery	Nowendoc Road Number One	Part Lot 75, DP 754426	Local	197

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Number One	Homewood Cemetery on "Ivy Bank"	4252 Nowendoc Road Number One	Part Lot 29, DP 754447	Local	198
Old Bar	Old Bar Airfield	Old Bar Reserve—0.5km off Old Bar Road	Lot 7303, DP 1136782	State	146
Oxley Island	General Cemetery	102 Oxley Island Road	Lot 171, DP 754440	Local	195
Redbank	General Cemetery	406 Old Bar Road	Lots 4–6, DP 114696, Lot 7015, DP 1050337, Lot 7017, DP 1050339	Local	196
Taree	Dwelling	1 Alban Street	Lot 168, DP 523002	Local	199
Taree	Dwelling	8 Alban Street	Lot 64, DP 8015	Local	1100
Taree	Dwelling	9 Alban Street	Lot 72, DP 8015	Local	1101
Taree	Dwelling	12 Alban Street	Lots 61 and 62, DP 8015	Local	1102
Taree	Dwelling	16 Alban Street	Lot 59, DP 8015	Local	1103
Taree	Street trees Albert Street camphor laurel trees	Albert Street, between Florence and Macquarie Streets	Road Reserve adjacent to Section 15, DP 3933	Local	1104
Taree	High school face brick building, auditorium	8 Albert Street	Part Section 15, DP 3933	Local	1105
Taree	High school building, 1924	8 Albert Street	Part Section 15, DP 3933	Local	1106
Taree	Public school building, 1902	10 Albert Street	Lot 3, DP 1089054	Local	1107

Suburb	Item name	Address	Property description	Significance	Item no
Taree	Public school building, 1935	10 Albert Street	Lot 3, DP 1089054	Local	I108
Taree	Commercial building, former neighbourhood centre and former Methodist Parsonage	12 Albert Street	Lot 121, DP 835814	Local	I109
Taree	Dwelling	25 Albert Street	Lot 1, DP 723970	Local	I110
Taree	Masonic Hall	28 Albert Street	Lot 1, DP 333623	Local	I111
Taree	Uniting Church	29–35 Albert Street	Lot 25, DP 818244	Local	I112
Taree	St Pauls Presbyterian Church	64–74 Albert Street	Section 13, Lot 11, DP 50231	Local	I113
Taree	Former Catholic Church and Hall, “Our Lady of the Rosary”	71–77 Albert Street	Section 8, Lot 20, DP 50231	Local	I114
Taree	Catholic Church	71–77 Albert Street	Section 8, Lots 18 and 19, DP 50231	Local	I115
Taree	Catholic Presbytery	71–77 Albert Street	Section 8, Lot 19, DP 50231	Local	I116
Taree	Courthouse	79–83 Albert Street	Lot 1, DP 831016	Local	I117
Taree	Dwelling	86–88 Albert Street	Lot 1, DP 613503	Local	I118
Taree	Dwelling	2 Commerce Street	Lot 11, DP 830837	Local	I119
Taree	Dwelling	4 Commerce Street	Lot 12, DP 830837	Local	I120
Taree	Dwelling	6 Commerce Street	Lot 123, DP 558000	Local	I121
Taree	Dwelling	21 Commerce Street	Lot 5, DP 17563	Local	I122

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Suburb	Item name	Address	Property description	Significance	Item no
Taree	Dwelling	25 Commerce Street	Lot 3, DP 17563	Local	1123
Taree	Dwelling	27 Commerce Street	Lot 2, DP 17563	Local	1124
Taree	Dwelling	32 Commerce Street	Lot 2, DP 102768	Local	1125
Taree	Dwelling	34 Commerce Street	Lot 30, DP 24986	Local	1126
Taree	Dwelling	36 Commerce Street	Lot 29, DP 377088	Local	1127
Taree	Dwelling, former Blood Bank and former Tinonee Royal Hotel	39 Commerce Street	Lot 14, DP 368188	Local	1128
Taree	Dwelling	63 Commerce Street	Lot 36, DP 381925	Local	1129
Taree	Street trees, Cornwall Street (established Brush Box trees)	Cornwall Street, between Manning Street and Commerce Street	Road reserve	Local	1130
Taree	Dwelling	103 Cornwall Street	Lot 1, DP 530663	Local	1131
Taree	Dwelling	105 Cornwall Street	Lot 27A, DP 417907	Local	1132
Taree	Dwelling	107 Cornwall Street	Lot 26, DP 417906	Local	1133
Taree	Dwelling	117 Cornwall Street	Lot 211, DP 522895	Local	1134
Taree	Dwelling	119 Cornwall Street	Lot 1, DP 358884	Local	1135
Taree	Taree Estate Private Cemetery	Edinburgh Drive	Lot 33, DP 2801	Local	1136
Taree	Dwelling	25 Edinburgh Drive	Lot 451, DP 730373	Local	1137
Taree	Dwelling	35 Flett Street	Lot 23, DP 12760	Local	1138

Suburb	Item name	Address	Property description	Significance	Item no
Taree	Dwelling	37 Flett Street	Lot 24, DP 12760	Local	1139
Taree	Dwelling	39 Flett Street	Lot 2, DP 321298	Local	1140
Taree	Dwelling	40 Flett Street	Lot B, DP 348574	Local	1141
Taree	Dwelling	41 Flett Street	Lot 1, DP 321298	Local	1142
Taree	Dwelling	52 Flett Street	Lot 2, DP 12760	Local	1143
Taree	Dwelling	54 Flett Street	Lot 3, DP 12760	Local	1144
Taree	Dwelling	56 Flett Street	Lot 4, DP 12760	Local	1145
Taree	Dwelling	58 Flett Street	Lot 5, DP 12760	Local	1146
Taree	Dwelling	60 Flett Street	Lot 6, DP 659753	Local	1147
Taree	Dwelling	62 Flett Street	Lot 7, DP 664495	Local	1148
Taree	Dwelling	64 Flett Street	Lot D, DP 389208	Local	1149
Taree	Dwelling	33 Florence Street	Section 77, Lot 6, DP 5525	Local	1150
Taree	Two Norfolk Island pine trees	16 Hayes Lane	Lot 140, DP 6116735	Local	1190
Taree	Hospital outbuilding, former dwelling	High Street	Part Lot 1, DP 1011890	Local	1154
Taree	Dwelling	77 High Street	Lot A, DP 317452	Local	1151
Taree	Dwelling	81 High Street	Section 23, Lot 13, DP 3933	Local	1152
Taree	Commercial building	85 High Street	Lot 12, DP 409198	Local	1153

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Suburb	Item name	Address	Property description	Significance	Item no
Taree	Dwelling	94 High Street	Section A, Lot 6, DP 2564	Local	1155
Taree	Dwelling	96 High Street	Section A, Lot 5, DP 2564	Local	1156
Taree	Taree Park, including Croquet Club, grandstand, memorial gates, and mature trees on perimeters	Macquarie Street	Lot 127, DP 754449	Local	1157
Taree	Dwelling	3 Macquarie Street	Lot 1, DP 115373	Local	1158
Taree	Art gallery, former school residence	12 Macquarie Street	Lot 2, DP 1059982	Local	1159
Taree	Coocumbac Island	Manning River, west of Martin Bridge		Local	1160
Taree	Manning Times Building	63–65 Manning Street	Section 6, Part Lot 4, DP 758954	Local	1161
Taree	Shop, former Protestant Hall	85 Manning Street	Lot B, DP 350762	Local	1162
Taree	Dwelling	134 Manning Street	Lot 24, DP 554752	Local	1163
Taree	Taree Showground	Muldoon Street	Lot 1, DP 798455 and Lot 1, DP 115899	Local	1164
Taree	Martin Bridge	Old Pacific Highway	Adjacent Lot 7002, DP 1052756	Local	1165
Taree	Railway station and railway yards	Olympia Street	Lot 2, DP 1010244 and Lot 1, DP 1010244	State	1166

Suburb	Item name	Address	Property description	Significance	Item no
Taree	Fotheringhams Hotel	4 Pulteney Street, corner Victoria Street	Lot 111, DP 1095041	Local	1167
Taree	Dwelling	58 Pulteney Street	Lot 13, DP 20699	Local	1168
Taree	Fire station and residence	75 Pulteney Street	Section B, Lot 1, DP 2564	Local	1169
Taree	Dwelling	77 Pulteney Street	Section B, Lot 2, DP 2564	Local	1170
Taree	Former Petersville Milk Products Factory and site	2–10 Railway Parade	Lots 97–105, DP 13754 and Part Lot 12, DP 621572	Local	1171
Taree	Spotted gums, River Street near Florence Street	Extending westerly from junction of River Street and Florence Street	Located in Riverfront Reserve	Local	1173
Taree	Dwelling	19 River Street	Lot 2, DP 311615	Local	1174
Taree	Dwelling	81 River Street	Lot 1, DP 1147066	Local	1175
Taree	Dwelling	2 Smith Street	Lot 1, DP 121659	Local	1176
Taree	Dwelling	3 Smith Street	Lot 201, DP 11254	Local	1177
Taree	Dwelling	4 Smith Street	Lot 197, DP 11254	Local	1178
Taree	Dwelling	6 Smith Street	Lot 32, DP 525577	Local	1179
Taree	Dwelling	7 Smith Street	Lot 199, DP 11254	Local	1180
Taree	Dwelling	8 Smith Street	Lot 30, DP 21367	Local	1182
Taree	Dwelling	9 Smith Street	Lot 90, DP 345187	Local	1181

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Suburb	Item name	Address	Property description	Significance	Item no
Taree	Dwelling	10 Smith Street	Lot 2, DP 21367	Local	1183
Taree	Dwelling	12 Smith Street	Lot 1, DP 21367	Local	1184
Taree	Dwelling	14 Smith Street	Lot 10, DP 21367	Local	1185
Taree	Dwelling	8 Stevenson Street	Section 82, Lot 21, DP 5525	Local	1186
Taree	Dwelling	15 Stevenson Street	Section 2, Lot 3, DP 5071	Local	1187
Taree	Dwelling	30 Stevenson Street	Section 78, Lot 17, DP 5525	Local	1188
Taree	Large fig tree	Taree Estate, corner Edinburgh Drive and Hayes Lane	Adjacent to Lot 140, DP 611673	Local	1189
Taree	Fotheringham Park and War Memorial	Victoria Street	Lot 1, DP 354742	Local	1191
Taree	Streetscape west of Commerce Street	Victoria Street, between Commerce Street and Montgomery Crescent	Road reserve	Local	1192
Taree	Hobsons Store Building	135 Victoria Street	Lot 2, DP 150814	Local	1193
Taree	Commercial building, former State Bank Building	140 Victoria Street	Lot 1, DP 82216	Local	1194
Taree	Commercial building, former Greater Taree City Council Building	146 Victoria Street	Lot 11, DP 161393	Local	1195

Suburb	Item name	Address	Property description	Significance	Item no
Taree	Exchange Hotel	154 Victoria Street	Lots 1 and 2, DP 797108	Local	1196
Taree	Shop, former National Australia Bank	171 Victoria Street	Lot 1, DP 315681	Local	1197
Taree	Commercial building, former AMP Building	207 Victoria Street	Lot 2, DP 579979	Local	1198
Taree	Commercial building, "Beehive Store"	226–234 Victoria Street	Lot 1, DP 794959	Local	1199
Taree	Dwelling	241 Victoria Street	Lot 1, DP 971838	Local	1200
Taree	Dwelling	291 Victoria Street	Lot 44, DP 8015	Local	1201
Taree	St Johns Church and belltower	294 Victoria Street	Lot 5, DP 1141399	Local	1202
Taree	St Johns Rectory	294 Victoria Street	Part Lot 1, DP 316756	Local	1203
Taree	St Johns Church Memorial Hall	294 Victoria Street	Lot 5, DP 1141399	Local	1204
Taree	Dwelling	303 Victoria Street	Lot 4, DP 553222	Local	1205
Taree	Dwelling	310A Victoria Street	Lot 50, DP 586118	Local	1206
Taree	Dwelling	314 Victoria Street	Lot 10, DP 14304	Local	1207
Taree	Dwelling	318 Victoria Street	Lot 31, DP 29758	Local	1208
Taree	Dwelling	322 Victoria Street	Lot 6, DP 14304	Local	1209
Taree	Dwelling	324 Victoria Street	Lot 5, DP 14304	Local	1210
Taree	Dwelling	10 Wingham Road	Lot 1, DP 664062	Local	1211
Taree	Dwelling	37 Wynter Street	Lot 1, DP 1080035	Local	1212

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Suburb	Item name	Address	Property description	Significance	Item no
Taree	Dwelling	63 Wynter Street	Section B, Lot 12, DP 2564	Local	I213
Taree	Dwelling	70 Wynter Street	Lot 12, DP 394205	Local	I214
Taree	Dwelling	96 Wynter Street	Lot 62, DP 570185	Local	I215
Taree	Dwelling	14 York Street	Lot 2, DP 790941	Local	I216
Taree	Dwelling	16 York Street	Lot 1, DP 790941	Local	I217
Tinonee	Dwelling	1 Cotton Street	Lot 1, DP 573987	Local	I218
Tinonee	Dwelling	2-6 Cotton Street	Lot 24, DP 734994	Local	I219
Tinonee	Public school	2 Manchester Street	Section 3, Lot 1, DP 758979	Local	I220
Tinonee	Public school residence	2 Manchester Street	Section 3, Lot 1, DP 758979	Local	I221
Tinonee	Dwelling, tea rooms and craft shop	4-6 Manchester Street	Lots 1 and 2, DP 542080	Local	I222
Tinonee	Post office and residence	8 Manchester Street	Section 10, Lot C, DP 390396	Local	I223
Tinonee	Dwelling	10 Manchester Street	Lot D, DP 390396	Local	I224
Tinonee	Community hall, former School of Arts	11 Manchester Street	Lot 1, DP 798159	Local	I225
Tinonee	Dwelling	12 Manchester Street	Lot 1, DP 724092	Local	I226
Tinonee	Dwelling	14 Manchester Street	Lot 1, DP 910468	Local	I227
Tinonee	Dwelling	16 Manchester Street	Lot 1, DP 573335	Local	I228

Suburb	Item name	Address	Property description	Significance	Item no
Tinonee	St Pauls Free Presbyterian Church of Eastern Australia	21–25 Manchester Street	Lot 12, DP 1062667	Local	I229
Tinonee	Dwelling, former police station, lockup and courthouse	33–35 Manchester	Lots 2 and 3, DP 1025209	Local	I230
Tinonee	Dwelling, former shop	49 Manchester Street	Lot 30, DP 730384	Local	I231
Tinonee	General Cemetery	6451 The Bucketts Way	Lot 7014, DP 1026954	Local	I232
Tinonee	Dwelling	4 Washington Street	Lot 100, DP 873111	Local	I233
Tinonee	St Lukes Church	13 Winter Street	Section 2, Lot 8, DP 758979	Local	I234
Upper Lansdowne	St Barnabas Anglican Church	1409 Upper Lansdowne Road	Lot 1, DP 1143421	Local	I235
Wherrol Flat	Concrete road bridge	Wherrol Flat Road	Adjacent Lot 11, DP 1070893	Local	I236
Wherrol Flat	Suspension bridge	484 Wherrol Flat Road	Lot 41, DP 754422	Local	I237
Wherrol Flat	Wherrol Flat Hall	1205 Wherrol Flat Road	Lot A, DP 343298	Local	I238
Wingham	Street trees, Canary Island Palms, and item on roundabout	Bent Street	Located on road reserve between Farquhar, Canget, Primrose and Bungay Roads	Local	I239
Wingham	Anglican Church, Rectory and Hall	7–9 Bent Street	Section 18, Lots 6, 7, 9 and 10, DP 759099	Local	I240

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Suburb	Item name	Address	Property description	Significance	Item no
Wingham	Former butcher's shop "Gibson and Skinner"	22 Bent Street	Lot 10, DP 1092056	Local	I241
Wingham	Australian Hotel and stables	24 Bent Street	Lot 1, DP 781806	Local	I242
Wingham	Shopfront, W.R. Maitland Building	40-42 Bent Street	Lot 1, DP 781778	Local	I243
Wingham	Wingham Chronicle Building	44-46 Bent Street	Lot B, DP 918591	Local	I244
Wingham	Former Westpac Bank Building, now "The Bank" bed and breakfast	48 Bent Street	Lot A, DP 918591	Local	I245
Wingham	Maitlands Building, adjacent to Westpac Bank Building	50 Bent Street	Lot 2, DP 589449	Local	I246
Wingham	Wingham Arcade Building	52 Bent Street	Lots 11 and 12, DP 625165	Local	I247
Wingham	Dwelling	1 Bungay Road	Lot 20, DP 381057	Local	I248
Wingham	Dwelling	2 Bungay Road	Lot 1, DP 780647	Local	I249
Wingham	Dwelling	4 Bungay Road	Lot 2, DP 206884	Local	I250
Wingham	Dwelling	16 Bungay Road	Lot 4, DP 337940	Local	I251
Wingham	Dwelling	42 Canget Road	Section C, Lots 10 and 11, DP 5434	Local	I252
Wingham	Dwelling	13 Combined Street	Section 22, Lot 9, DP 759099	Local	I253
Wingham	Dwelling	21 Combined Street	Lot 1, DP 798619	Local	I254

Suburb	Item name	Address	Property description	Significance	Item no
Wingham	Dwelling	31 Combined Street	Lot 19, DP 38335	Local	I255
Wingham	Dwelling	68 Combined Street	Lot 183, DP 566770	Local	I256
Wingham	Former stationmaster's cottage	Dennes Street	Lot 1, DP 607154	Local	I286
Wingham	Central Park	Farquhar, Bent, Isabella and Wynter Streets	Park reserve	Local	I257
Wingham	Craft Centre, former courthouse	4 Farquhar Street	Lot 452, DP 822647	Local	I260
Wingham	Police station, lockup and residence	6 Farquhar Street	Lot 453, DP 822647	Local	I261
Wingham	Catholic Church	8 Farquhar Street	Section 18, Lots 2 and 3, DP 759099	Local	I262
Wingham	Manning Valley Historical Society and Museum	12 Farquhar Street	Lot 30, DP 568926	Local	I263
Wingham	Dwelling	16 Farquhar Street	Lot 2, DP 358123	Local	I264
Wingham	Dwelling	20 Farquhar Street	Lot 27, DP 437378	Local	I265
Wingham	Dwelling	43 Farquhar Street	Lot B, DP 323383	Local	I266
Wingham	Dwelling	45 Farquhar Street	Section 5, Lot 13, DP 759099	Local	I267
Wingham	Dwelling	47 Farquhar Street	Section 5, Lot 14, DP 759099	Local	I268
Wingham	Wingham Town Hall	52 Farquhar Street	Lot 124, DP 713925	Local	I269

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Suburb	Item name	Address	Property description	Significance	Item no
Wingham	Dwelling	64 Farquhar Street	Section 6, Lot 11, DP 759099	Local	1270
Wingham	Dwelling	66 Farquhar Street	Lot B, DP 394104	Local	1271
Wingham	General Cemetery	71 Glenyarra Road	Lot 7018, DP 1026789	Local	1272
Wingham	Wingham Brush Public School	Isabella Street	Lot 4, DP 820546 and Lot 20, DP 759099	Local	1273
Wingham	Shop, former Theatre Building	16 Isabella Street	Lot B, DP 321956	Local	1274
Wingham	Dwelling	22 Isabella Street	Lot 4, DP 600303	Local	1275
Wingham	Wingham Hotel and stables	33 Isabella Street	Lots A, B and C, DP 154822	Local	1276
Wingham	Dwelling	40 Isabella Street	Lot 4, DP 781830	Local	1277
Wingham	National Bank Building	43 Isabella Street	Lot 1, DP 1065124	Local	1278
Wingham	Shop	89 Isabella Street	Lot 2, DP 309590	Local	1279
Wingham	Baby health centre and CWA rooms	91 Isabella Street	Lot 1, DP 309590	Local	1280
Wingham	Shop	93–95 Isabella Street	Lot 1, DP 781828	Local	1281
Wingham	Shop	99 Isabella Street	Lot 1, DP 925163	Local	1283
Wingham	Dwelling	46 Moon Street	Section 51, Lot 1, DP 759099	Local	1284
Wingham	Former butter factory	28 Primrose Street	Lot 1, DP 623482	Local	1285
Wingham	Hill Family Cemetery	145 Tinonee Road	Lot 7015, DP 1001487	Local	1287

Suburb	Item name	Address	Property description	Significance	Item no
Wingham	The Bight Cemetery	145 Tinonee Road	Lot 7015, DP 1001487	Local	I288
Wingham	Lincoln Brickworks	894 Wingham Road	Lot 1, DP 161524	Local	I291
Wingham	Library, former Council Offices and School of Arts	Wynter Street	Section 20, Lot 3, DP 7590999	Local	I292
Wingham	Post Office	4 Wynter Street	Lot 20, DP 773785	State	I289
Wingham	Wingham Brush Reserve	Bounded by Wingham Brush Public School, Farquhar Street, Isabella Street, Rowley Street, Combined Street and Manning River	Lot 7014, DP 1006719; Lot 701, DP 1006710; Lot 7013, DP 1006719; Lot 701, DP 1006718	Local	I290

Part 2 Heritage Conservation Areas

Suburb	Item name	Address	Property Address	Significance	Map Ref
Cooperbrook	Conservation Area—Cooperbrook	The area around Macquarie Street, West Street, and Bangalow Road bounded and hatched in red on the heritage map and labelled C6	Numerous	Local	C6
Taree	Conservation Area—Albert Street	The area around Albert Street bounded and hatched in red on the heritage map and labelled C2	Numerous	Local	C2

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Schedule 5 Environmental heritage

Suburb	Item name	Address	Property Address	Significance	Map Ref
Taree	Conservation Area—Taree Park	The area around Taree Park bounded and hatched in red on the heritage map and labelled C3	Numerous	Local	C3
Taree West	Conservation Area—Taree West	The area around Victoria Street, Fotheringham Street, Flett Street North bounded and hatched in red on the Heritage map and labelled C1	Numerous	Local	C1
Tinonee	Conservation Area—Tinonee	The area around Manchester Street bounded and hatched in red on the heritage map and labelled C4	Numerous	Local	C4
Wingham	Conservation Area—Wingham	The area around Isabella Street, Bent Street, Farquhar Street, Wynter Street bounded in red and hatched in red on the heritage map and labelled C5	Numerous	Local	C5

Part 3 Archaeological sites

Suburb	Item name	Address	Property Address	Significance	Map Ref
Bobin	Timber church (remains)	Bulga Road	Lot 67, DP 754401	Local	A2
Chatham	Former lime quarry site	109 Cowper Street	Lot 141, DP 749124	Local	A9

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Environmental heritage

Schedule 5

Suburb	Item name	Address	Property Address	Significance	Map Ref
Chatham	Former lime kiln wharf site	Nelson Street, off Railway line corridor	Adjacent to Lot 2, DP 235025	Local	A10
Cooperbrook	Cooperbrook Wharf (remains)	Wharf Road, corner Pacific Highway	Lot 1, DP 925462	Local	A39
Lansdowne	Lansdowne Wharf remains	2 Mill Street	Reserve 50557; Lot 308, DP 46702	Local	A83
Lansdowne	Langley Vale timber tramway remains	Accessed via Lansdowne and Cooperbrook Road	Lansdowne State Forest	Local	A84
Taree	Wreck of the vessel "Manning"	River Street	Adjacent to Lot 14, DP 330007	Local	A172
Wingham	Sawpits	Off Farquhar Street, in Wingham Brush Reserve	Wingham Brush Reserve	Local	A258
Wingham	Wingham Wharf and surrounds	Off Farquhar Street, beyond Wingham Brush Reserve	Part Wingham Brush Reserve No 44549, adjacent Lot 2, DP 1089724; Lot 7022, DP 1051663	Local	A259
Wyoming	Sugar Mills, remains	Norwood Lane, opposite former Mount George Cemetery	Lot 14, DP 754455	Local	A294

Dictionary

(Clause 1.4)

Aboriginal object means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

acid sulfate soils means naturally occurring sediments and soils containing iron sulfides (principally pyrite) or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulfuric acid (for example, by drainage or excavation).

Acid Sulfate Soils Manual means the manual by that name published by the Acid Sulfate Soils Management Advisory Committee and made publicly available.

Acid Sulfate Soils Map means the Greater Taree Local Environmental Plan 2010 Acid Sulfate Soils Map.

Additional Uses Map means the Greater Taree Local Environmental Plan 2010 Additional Uses Map.

advertisement has the same meaning as in the Act.

Note. The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

advertising structure has the same meaning as in the Act.

Note. The term is defined as a structure used or to be used principally for the display of an advertisement.

affordable housing has the same meaning as in the Act.

Note. The term is defined as housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

agricultural produce industry means an industry involving the handling, treating, processing or packing of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.

agriculture means any of the following:

- (a) animal boarding or training establishments,
- (b) aquaculture,
- (c) extensive agriculture,
- (d) farm forestry,
- (e) intensive livestock agriculture,
- (f) intensive plant agriculture.

air transport facility means an airport or a heliport that is not part of an airport, and includes associated communication and air traffic control facilities or structures.

airport means a place used for the landing, taking off, parking, maintenance or repair of aeroplanes (including associated buildings, installations, facilities and movement areas and any heliport that is part of the airport).

airstrip means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad.

amusement centre means a building or place (not being part of a pub or registered club) used principally for playing:

- (a) billiards, pool or other like games, or
- (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.

animal boarding or training establishment means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

aquaculture has the same meaning as in the *Fisheries Management Act 1994*.

Note. The term is defined as follows:

aquaculture means:

- (a) cultivating fish or marine vegetation for the purposes of harvesting the fish or marine vegetation or their progeny with a view to sale, or
- (b) keeping fish or marine vegetation in a confined area for a commercial purpose (such as a fish-out pond),

but does not include:

- (c) keeping anything in a pet shop for sale or in an aquarium for exhibition (including an aquarium operated commercially), or
- (d) anything done for the purposes of maintaining a collection of fish or marine vegetation otherwise than for a commercial purpose, or
- (e) any other thing prescribed by the regulations (made under the *Fisheries Management Act 1994*).

This Dictionary also contains definitions of **natural water-based aquaculture**, **pond-based aquaculture** and **tank-based aquaculture**.

archaeological site means an area of land:

- (a) shown on the Heritage Map as an archaeological site, and
- (b) the location and nature of which is described in Schedule 5, and
- (c) that contains one or more relics.

attached dwelling means a building containing 3 or more dwellings, where:

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land (not being an individual lot in a strata plan or community title scheme), and
- (c) none of the dwellings is located above any part of another dwelling.

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Dictionary

attic means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

backpackers' accommodation means tourist and visitor accommodation:

- (a) that has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (b) that will generally provide accommodation on a bed basis (rather than by room).

basement means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

bed and breakfast accommodation means tourist and visitor accommodation comprising a dwelling (and any ancillary buildings and parking) where the accommodation is provided by the permanent residents of the dwelling and:

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided within guests' rooms, and
- (c) dormitory-style accommodation is not provided.

Note. See clause 5.4 for controls relating to the number of bedrooms.

biodiversity means biological diversity.

biological diversity has the same meaning as in the *Threatened Species Conservation Act 1995*.

Note. The term is defined as follows:

biological diversity means the diversity of life and is made up of the following 3 components:

- (a) genetic diversity—the variety of genes (or units of heredity) in any population,
- (b) species diversity—the variety of species,
- (c) ecosystem diversity—the variety of communities or ecosystems.

biosolid waste application means the application of sludge or other semi-solid products of human sewage treatment plants to land for the purpose of improving land productivity, that is undertaken in accordance with the NSW Environment Protection Authority's guidelines titled *Environmental Guidelines: Use and Disposal of Biosolids Products* (EPA 1997) and *Addendum to Environmental Guidelines: Use and Disposal of Biosolids Products* (EPA 2000a).

biosolids treatment facility means a building or place used as a facility for the treatment of biosolids from a sewage treatment plant or from a water recycling facility.

boarding house means a building:

- (a) that is wholly or partly let in lodgings, and
- (b) that provides lodgers with a principal place of residence for 3 months or more, and

-
- (c) that may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
 - (d) that has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

but does not include backpackers' accommodation, a group home, a serviced apartment, seniors housing or hotel or motel accommodation.

boat launching ramp means a structure designed primarily for the launching of trailer borne recreational vessels, and includes associated car parking facilities.

boat repair facility means any facility (including a building or other structure) used primarily for the construction, maintenance or repair of boats, whether or not including the storage, sale or hire of boats, but does not include a marina or boat shed.

boat shed means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.

brothel has the same meaning as in the Act.

building has the same meaning as in the Act.

Note. The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure).

building height (or height of building) means the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

building identification sign means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol, but that does not include general advertising of products, goods or services.

building line or **setback** means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

- (a) a building wall, or
- (b) the outside face of any balcony, deck or the like, or
- (c) the supporting posts of a carport or verandah roof,

whichever distance is the shortest.

bulky goods premises means a building or place used primarily for the sale by retail, wholesale or auction of (or for the hire or display of) bulky goods, being goods that are of such size or weight as to require:

- (a) a large area for handling, display or storage, or

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- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

bush fire hazard reduction work has the same meaning as in the *Rural Fires Act 1997*.

Note. The term is defined as follows:

bush fire hazard reduction work means:

- (a) the establishment or maintenance of fire breaks on land, and
- (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,

but does not include construction of a track, trail or road.

bush fire prone land has the same meaning as in the Act.

Note. The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 146 (2) of the Act.

bush fire risk management plan means a plan prepared under Division 4 of Part 3 of the *Rural Fires Act 1997* for the purpose referred to in section 54 of that Act.

business identification sign means a sign:

- (a) that indicates:
 - (i) the name of the person or business, and
 - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not include any advertising relating to a person who does not carry on business at the premises or place.

business premises means a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis,

and may include, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, medical centres, betting agencies and the like, but does not include sex services premises.

canal estate development means development that incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are

constructed by or with the authority of a person or body responsible for those functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and that either:

- (a) includes the construction of dwellings (which may include tourist and visitor accommodation) of a kind other than, or in addition to:
 - (i) dwellings that are permitted on rural land, and
 - (ii) dwellings that are used for caretaker or staff purposes, or
- (b) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

car park means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

catchment action plan has the same meaning as in the *Catchment Management Authorities Act 2003*.

Note. The term is defined as a catchment action plan of an authority that has been approved by the Minister under Part 4 of the *Catchment Management Authorities Act 2003*.

cellar door premises means retail premises that sell wine by retail and that are situated on land on which there is a commercial vineyard, where all of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

cemetery means a building or place for the interment of deceased persons or their ashes.

charter and tourism boating facility means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but does not include a marina.

child care centre means a building or place used for the supervision and care of children that:

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,

but does not include:

- (c) a building or place used for home-based child care, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the Children's Guardian, or

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- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
- (h) a service that is concerned primarily with the provision of:
 - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
 - (ii) private tutoring, or
- (i) a school, or
- (j) a service provided at exempt premises (within the meaning of Chapter 12 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

classified road has the same meaning as in the *Roads Act 1993*.

Note. The term is defined as follows:

classified road means any of the following:

- (a) a main road,
- (b) a highway,
- (c) a freeway,
- (d) a controlled access road,
- (e) a secondary road,
- (f) a tourist road,
- (g) a tollway,
- (h) a transitway,
- (i) a State work.

(See *Roads Act 1993* for meanings of these terms.)

clearing native vegetation has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

clearing native vegetation means any one or more of the following:

- (a) cutting down, felling, thinning, logging or removing native vegetation,
- (b) killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation.

(See Division 3 of Part 3 of the *Native Vegetation Act 2003* for the exclusion of routine agricultural management and other farming activities from constituting the clearing of native vegetation if the landholder can establish that any clearing was carried out for the purpose of those activities.)

coastal foreshore means land with frontage to a beach, estuary, coastal lake, headland, cliff or rock platform.

coastal lake means a body of water specified in Schedule 1 to the *State Environmental Planning Policy No 71—Coastal Protection*.

coastal waters of the State—see section 58 of the *Interpretation Act 1987*.

coastal zone has the same meaning as in the *Coastal Protection Act 1979*.

Note. The term is defined as follows:

coastal zone means:

- (a) the area within the coastal waters of the State as defined in Part 10 of the *Interpretation Act 1987* (including any land within those waters), and
- (b) the area of land and the waters that lie between the western boundary of the coastal zone (as shown on the maps outlining the coastal zone) and the landward boundary of the coastal waters of the State, and
- (c) the seabed (if any) and the subsoil beneath, and the airspace above, the areas referred to in paragraphs (a) and (b).

The coastal zone consists of the area between the western boundary of the coastal zone shown on the maps outlining the coastal zone and the outermost boundary of the coastal waters of the State. The coastal waters of the State extend, generally, to 3 nautical miles from the coastline of the State.

community facility means a building or place:

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

community land has the same meaning as in the *Local Government Act 1993*.

correctional centre means:

- (a) any premises declared to be a correctional centre by a proclamation in force under section 225 of the *Crimes (Administration of Sentences) Act 1999*, including any juvenile correctional centre or periodic detention centre, and
- (b) any premises declared to be a detention centre by an order in force under section 5 (1) of the *Children (Detention Centres) Act 1987*,

but does not include any police station or court cell complex in which a person is held in custody in accordance with any Act.

Council means the Greater Taree City Council.

crematorium means a building in which deceased persons or pets are cremated, and includes a funeral chapel.

Crown reserve means:

- (a) a reserve within the meaning of Part 5 of the *Crown Lands Act 1989*, or
- (b) a common within the meaning of the *Commons Management Act 1989*, or

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(c) lands within the meaning of the *Trustees of Schools of Arts Enabling Act 1902*, but does not include land that forms any part of a reserve under Part 5 of the *Crown Lands Act 1989* provided for accommodation.

curtilage, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance.

dairy (pasture-based) means a dairy where the only restriction facilities present are the milking sheds and holding yards and where cattle are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

demolish, in relation to a heritage item, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item or the building, work, relic or tree.

depot means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use.

designated State public infrastructure means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds:

- (a) State and regional roads,
- (b) bus interchanges and bus lanes,
- (c) land required for regional open space,
- (d) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).

development control plan means:

- (a) if a development control plan existed for the local government area to which this Plan applies immediately before the commencement of this Plan—that Plan, or
- (b) if a development control plan did not exist for the local government area to which this Plan applies immediately before the commencement of this Plan—the development control plan made for a provision of this Plan.

drainage means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

dual occupancy means 2 dwellings (whether attached or detached) on one lot of land (not being an individual lot in a strata plan or community title scheme), but does not include a secondary dwelling.

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

dwelling house means a building containing only one dwelling.

earthworks means excavation or filling.

ecologically sustainable development has the same meaning as in the Act.

educational establishment means a building or place used for education (including teaching), being:

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

electricity generating works means a building or place used for the purpose of making or generating electricity.

emergency services facility means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

emergency services organisation means any of the following:

- (a) the Ambulance Service of New South Wales,
- (b) New South Wales Fire Brigades,
- (c) the NSW Rural Fire Service,
- (d) the NSW Police Force,
- (e) the State Emergency Service,
- (f) the New South Wales Volunteer Rescue Association Incorporated,
- (g) the New South Wales Mines Rescue Brigade established under the *Coal Industry Act 2001*,
- (h) an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

environmental facility means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

environmental protection works means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like.

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estuary has the same meaning as in the *Water Management Act 2000*.

Note. The term is defined as follows:

estuary means:

- (a) any part of a river whose level is periodically or intermittently affected by coastal tides, or
- (b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea, or
- (c) anything declared by the regulations (under the *Water Management Act 2000*) to be an estuary,

but does not include anything declared by the regulations (under the *Water Management Act 2000*) not to be an estuary.

excavation means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.

exhibition home means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.

exhibition village means 2 or more exhibition homes and associated buildings and places used for house and land sales, site offices, advisory services, car parking, food and drink sales and other associated purposes.

extensive agriculture means:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops), or
- (b) the grazing of livestock, or
- (c) bee keeping,

for commercial purposes, but does not include any of the following:

- (d) animal boarding or training establishments,
- (e) aquaculture,
- (f) farm forestry,
- (g) intensive livestock agriculture,
- (h) intensive plant agriculture.

extractive industry means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

extractive material means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the *Mining Act 1992*.

farm building means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard,

machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

farm stay accommodation means tourist and visitor accommodation provided to paying guests on a working farm as a secondary business to primary production.

Note. See clause 5.4 for controls relating to the number of bedrooms.

feedlot means a confined or restricted area used to rear and fatten cattle, sheep or other animals for the purpose of meat production, fed (wholly or substantially) on prepared and manufactured feed, but does not include a poultry farm, dairy or piggery.

fill means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include:

- (a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or
- (b) the use of land as a waste disposal facility.

filming means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means), but does not include:

- (a) still photography, or
- (b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or
- (c) recording images as a visitor or tourist for non-commercial purposes, or
- (d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

fish has the same meaning as in the *Fisheries Management Act 1994*.

Note. The term is defined as follows:

Definition of “fish”

- (1) **Fish** means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).
- (2) **Fish** includes:
 - (a) oysters and other aquatic molluscs, and
 - (b) crustaceans, and
 - (c) echinoderms, and
 - (d) beachworms and other aquatic polychaetes.
- (3) **Fish** also includes any part of a fish.
- (4) However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the *Fisheries Management Act 1994*.

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flood mitigation work means work designed and constructed for the express purpose of mitigating flood impacts. It involves changing the characteristics of flood behaviour to alter the level, location, volume, speed or timing of flood waters to mitigate flood impacts. Types of works may include excavation, construction or enlargement of any fill, wall, or levee that will alter riverine flood behaviour, local overland flooding, or tidal action so as to mitigate flood impacts.

floor space ratio—see clause 4.5.

Floor Space Ratio Map means the Greater Taree Local Environmental Plan 2010 Floor Space Ratio Map.

food and drink premises means retail premises used for the preparation and retail sale of food or drink for immediate consumption on or off the premises, and includes restaurants, cafes, take away food and drink premises, milk bars and pubs.

forestry has the same meaning as ***forestry operations*** in the *Forestry and National Park Estate Act 1998*.

Note. The term is defined as follows:

forestry operations means:

- (a) logging operations, namely, the cutting and removal of timber from land for the purpose of timber production, or
- (b) forest products operations, namely, the harvesting of products of trees, shrubs and other vegetation (other than timber) that are of economic value, or
- (c) on-going forest management operations, namely, activities relating to the management of land for timber production such as thinning, bush fire hazard reduction, bee-keeping, grazing and other silvicultural activities, or
- (d) ancillary road construction, namely, the provision of roads and fire trails, and the maintenance of existing railways, to enable or assist in the above operations.

freight transport facility means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.

function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

funeral chapel means premises used to arrange, conduct and cater for funerals and memorial services, and includes facilities for the short-term storage, dressing and viewing of bodies of deceased persons, but does not include premises with mortuary facilities.

funeral home means premises used to arrange and conduct funerals and memorial services, and includes facilities for the short-term storage, dressing and viewing of bodies of deceased persons and premises with mortuary facilities.

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating

the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:

- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

ground level (existing) means the existing level of a site at any point.

ground level (finished) means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

ground level (mean) means, for any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building.

group home means a dwelling that is a permanent group home or a transitional group home.

group home (permanent) or **permanent group home** means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

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group home (transitional) or transitional group home means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

hazardous industry means development for the purpose of an industry that, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), would pose a significant risk in the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

hazardous storage establishment means any establishment where goods, materials or products are stored that, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), would pose a significant risk in the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

headland includes a promontory extending from the general line of the coastline into a large body of water, such as a sea, coastal lake or bay.

health care professional means any person registered under an Act for the purpose of providing health care.

health consulting rooms means a medical centre that comprises one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals who practise in partnership (if there is more than one such professional) who provide professional health care services to members of the public.

health services facility means a building or place used as a facility to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes the following:

- (a) day surgeries and medical centres,
- (b) community health service facilities,
- (c) health consulting rooms,

-
- (d) facilities for the transport of patients, including helipads and ambulance facilities,
 - (e) hospitals.

heavy industry means an industry that requires separation from other land uses because of the nature of the processes involved, or the materials used, stored or produced. It may consist of or include a hazardous or offensive industry or involve the use of a hazardous or offensive storage establishment.

Height of Buildings Map means the Greater Taree Local Environmental Plan 2010 Height of Buildings Map.

helipad means a place not open to the public used for the taking off and landing of helicopters.

heliport means a place open to the public used for the taking off and landing of helicopters, whether or not it includes:

- (a) a terminal building, or
- (b) facilities for the parking, storage or repair of helicopters.

heritage conservation area means an area of land:

- (a) shown on the Heritage Map as a heritage conservation area or as a place of Aboriginal heritage significance, and
 - (b) the location and nature of which is described in Schedule 5,
- and includes any heritage items situated on or within that area.

heritage conservation management plan means a document prepared in accordance with guidelines prepared by the Department of Planning that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

heritage impact statement means a document consisting of:

- (a) a statement demonstrating the heritage significance of a heritage item, archaeological site, place of Aboriginal heritage significance or other heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance, and
- (c) proposals for measures to minimise that impact.

heritage item means a building, work, archaeological site, tree, place or Aboriginal object:

- (a) shown on the Heritage Map as a heritage item, and
- (b) the location and nature of which is described in Schedule 5, and
- (c) specified in an inventory of heritage items that is available at the office of the Council.

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Heritage Map means the Greater Taree Local Environmental Plan 2010 Heritage Map.

heritage significance means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

highway service centre means a building or place used as a facility to provide refreshments and vehicle services to highway users, and which may include any one or more of the following:

- (a) restaurants or take away food and drink premises,
- (b) service stations and facilities for emergency vehicle towing and repairs,
- (c) parking for vehicles,
- (d) rest areas and public amenities.

home-based child care 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:

- (a) the service is licensed within the meaning of 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,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

Note. See clause 5.4 for controls relating to the floor area used to carry on the business.

home industry means a light industry 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 light industry 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,

but does not include bed and breakfast accommodation or sex services premises.

Note. See clause 5.4 for controls relating to the floor area used to carry on the home industry.

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 bed and breakfast accommodation, a brothel or home occupation (sex services).

home occupation (sex services) means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and 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, traffic generation or otherwise, or
- (c) the exhibition of any notice, advertisement or sign, or
- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include a home business or sex services premises.

horticulture means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include retail sales or viticulture.

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hospital means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops or refreshment rooms,
- (e) transport of patients, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not it is carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

hostel means premises that are generally staffed by social workers or support providers and at which:

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

hotel or motel accommodation means tourist and visitor accommodation (whether or not licensed premises under the *Liquor Act 2007*):

- (a) comprising rooms or self-contained suites, and
- (b) that may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

industrial retail outlet means a building or place that:

- (a) is used in conjunction with an industry (including a light industry) but not in conjunction with a warehouse or distribution centre, and
- (b) is situated on the land on which the industry is carried out, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry is carried out.

Note. See clause 5.4 for controls relating to the retail floor area.

industry means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing or adapting, or the research and development of any goods, chemical substances, food, agricultural or beverage products, or articles for commercial purposes, but does not include extractive industry or a mine.

information and education facility means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

intensive livestock agriculture means the keeping or breeding, for commercial purposes, of cattle, poultry, goats, horses or other livestock, that are fed wholly or substantially on externally-sourced feed, and includes the operation of feed lots, piggeries, poultry farms or restricted dairies, but does not include the operation of facilities for drought or similar emergency relief or extensive agriculture or aquaculture.

intensive plant agriculture means any of the following carried out for commercial purposes:

- (a) the cultivation of irrigated crops (other than irrigated pasture or fodder crops),
- (b) horticulture,
- (c) turf farming,
- (d) viticulture.

jetty means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

kiosk means retail premises used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

Note. See clause 5.4 for controls relating to the gross floor area.

Land Application Map means the Greater Taree Local Environmental Plan 2010 Land Application Map.

Land Reservation Acquisition Map means the Greater Taree Local Environmental Plan 2010 Land Reservation Acquisition Map.

Land Zoning Map means the Greater Taree Local Environmental Plan 2010 Land Zoning Map.

landscape and garden supplies means a building or place where trees, shrubs, plants, bulbs, seeds and propagating material are offered for sale (whether by retail or wholesale), and may include the sale of landscape supplies (including earth products or other landscape and horticulture products) and the carrying out of horticulture.

landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

light industry means an industry, not being a hazardous or offensive industry or involving use of a hazardous or offensive storage establishment, in which the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of the neighbourhood by reason of noise, vibration,

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smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise.

liquid fuel depot means storage premises that are used for the bulk storage for wholesale distribution of petrol, oil, petroleum or other inflammable liquid and at which no retail trade is conducted.

livestock processing industry means an industry that involves the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals, derived principally from surrounding districts, and includes such activities as abattoirs, knackeries, tanneries, woolscours and rendering plants.

Lot Size Map means the Greater Taree Local Environmental Plan 2010 Lot Size Map.

maintenance, in relation to a heritage item or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care. It does not include the removal or disturbance of existing fabric, alterations, such as carrying out extensions or additions, or the introduction of new materials or technology.

marina means a permanent boat storage facility (whether located wholly on land, wholly on the waterway or partly on land and partly on the waterway) together with any associated facilities, including:

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats, and
- (b) any facility for providing fuelling, sewage pump-out or other services for boats, and
- (c) any facility for launching or landing boats, such as slipways or hoists, and
- (d) any associated car parking, commercial, tourist or recreational or club facility that is ancillary to a boat storage facility, and
- (e) any associated single mooring.

market means retail premises comprising an open-air area or an existing building used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

mean high water mark means the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

medical centre means business premises used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals, and may include the ancillary provision of other health services.

mezzanine means an intermediate floor within a room.

mine means any place (including any excavation) where an operation is carried on for mining of any mineral by any method and any place on which any mining related work is carried out, but does not include a place used only for extractive industry.

mine subsidence district means a mine subsidence district proclaimed under section 15 of the *Mine Subsidence Compensation Act 1961*.

mining means mining carried out under the *Mining Act 1992* or the recovery of minerals under the *Offshore Minerals Act 1999*, and includes:

- (a) the construction, operation and decommissioning of associated works, and
- (b) the rehabilitation of land affected by mining.

mixed use development means a building or place comprising 2 or more different land uses.

mooring means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel.

mortuary means premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation.

moveable dwelling has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

moveable dwelling means:

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the *Local Government Act 1993*) for the purposes of this definition.

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land (not being an individual lot in a strata plan or community title scheme) each with access at ground level, but does not include a residential flat building.

native fauna means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans.

native flora means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the *Fisheries Management Act 1994*.

native vegetation has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

Meaning of “native vegetation”

- (1) **Native vegetation** means any of the following types of indigenous vegetation:
 - (a) trees (including any sapling or shrub, or any scrub),
 - (b) understorey plants,

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- (c) groundcover (being any type of herbaceous vegetation),
 - (d) plants occurring in a wetland.
- (2) Vegetation is **indigenous** if it is of a species of vegetation, or if it comprises species of vegetation, that existed in the State before European settlement.
- (3) **Native vegetation** does not include any mangroves, seagrasses or any other type of marine vegetation to which section 205 of the *Fisheries Management Act 1994* applies.

natural water-based aquaculture means aquaculture undertaken in natural waterbodies (including any part of the aquaculture undertaken in tanks, ponds or other facilities such as during hatchery or depuration phases).

Note. Typical natural water-based aquaculture is fin fish culture in cages and oyster, mussel or scallop culture on or in racks, lines or cages.

navigable waterway means any waterway that is from time to time capable of navigation and is open to or used by the public for navigation, but does not include flood waters that have temporarily flowed over the established bank of a watercourse.

neighbourhood shop means retail premises used for the purposes of selling small daily convenience goods such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.

Note. See clause 5.4 for controls relating to the retail floor area.

non-potable water means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

NSW Coastal Policy means the publication titled *NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast*, published by the Government.

Obstacle Limitation Surface Map means the Greater Taree Local Environmental Plan 2010 Obstacle Limitation Surface Map.

offensive industry means any development for the purpose of an industry that would, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

offensive storage establishment means any establishment where goods, materials or products are stored and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with

members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

operational land has the same meaning as in the *Local Government Act 1993*.

parking space means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

passenger transport facility means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

place of Aboriginal heritage significance means an area of land shown on the Heritage Map that is:

- (a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It can (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

place of public worship means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

pond-based aquaculture means aquaculture undertaken in structures that are constructed by excavating and reshaping earth, which may be earthen or lined, and includes any part of the aquaculture undertaken in tanks, such as during the hatchery or pre-market conditioning phases, but does not include natural water-based aquaculture.

Note. Typical pond-based aquaculture is the pond culture of prawns, yabbies or silver perch.

port facilities means any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the *Ports and Maritime Administration Act 1995*:

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,

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- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

potable water means water that meets the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

private open space means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

property vegetation plan has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

property vegetation plan means a property vegetation plan that has been approved under Part 4 of the *Native Vegetation Act 2003*.

pub means licensed premises under the *Liquor Act 2007* the principal purpose of which is the sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

public administration building means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

public authority has the same meaning as in the Act.

public land has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

public land means any land (including a public reserve) vested in or under the control of the council, but does not include:

- (a) a public road, or
- (b) land to which the *Crown Lands Act 1989* applies, or
- (c) a common, or
- (d) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or
- (e) a regional park under the *National Parks and Wildlife Act 1974*.

public reserve has the same meaning as in the *Local Government Act 1993*.

public utility infrastructure includes infrastructure for any of the following:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage.

public utility undertaking means any of the following undertakings carried on or permitted to be carried on by or by authority of any Government Department or under the authority of or in pursuance of any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Government Department, corporation, firm or authority carrying on the undertaking.

rainwater tank means a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

recreation area means a place used for outdoor recreation that is normally open to the public, and includes:

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

recreation facility (major) means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes sports stadiums, showgrounds, racecourses and motor racing tracks.

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

Reduced Level (RL) means height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

registered club has the same meaning as in the *Registered Clubs Act 1976*, whether or not entertainment is provided at the club.

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relic means any deposit, object or other material evidence of human habitation:

- (a) that relates to the settlement of the area of Greater Taree City, not being Aboriginal settlement, and
- (b) that is more than 50 years old, and
- (c) that is a fixture or is wholly or partly within the ground.

research station means a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation.

residential accommodation means a building or place used predominantly as a place of residence, but does not include tourist and visitor accommodation.

residential care facility means accommodation for seniors (people aged 55 years or more) or people with a disability that includes:

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

not being a dwelling, hospital or psychiatric facility.

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

resource recovery facility means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

restaurant means a building or place the principal purpose of which is the provision of food or beverages to people for consumption on the premises, whether or not takeaway meals and beverages or entertainment are also provided.

restricted dairy means a dairy (other than a dairy (pasture-based)) where restriction facilities are present in addition to milking sheds and holding yards, and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during periods of drought or similar emergency relief). A restricted dairy may comprise the whole or part of a restriction facility.

restricted premises means business premises or retail premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises but does not include hotel or motel accommodation, a pub, home occupation (sex services) or sex services premises.

restriction facilities means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the

effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

retail premises means a building or place used for the purpose of selling items by retail, or for hiring or displaying items for the purpose of selling them by retail or hiring them out, whether the items are goods or materials (or whether also sold by wholesale).

road means a public road or a private road within the meaning of the *Roads Act 1993*, and includes a classified road.

roadside stall means a place or temporary structure used for retail selling of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

Note. See clause 5.4 for controls relating to the gross floor area.

rural industry means an industry that involves the handling, treating, production, processing or packing of animal or plant agricultural products, and includes:

- (a) agricultural produce industry, or
- (b) livestock processing industry, or
- (c) use of composting facilities and works (including to produce mushroom substrate), or
- (d) use of sawmill or log processing works, or
- (e) use of stock and sale yards, or
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise,

undertaken for commercial purposes.

rural supplies means a building or place used for the display, sale (whether by retail or wholesale) or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

rural worker's dwelling means a dwelling, ancillary to a dwelling house on the same landholding, used as the principal place of residence by persons employed for the purpose of agriculture or a rural industry on that land.

sawmill or log processing works means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

school means a government school or non-government school within the meaning of the *Education Act 1990*.

secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and

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(c) is located within, or is attached to, or is separate from, the principal dwelling.

Note. See clause 5.4 for controls relating to the total floor area.

self-storage units means storage premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

semi-detached dwelling means a dwelling that is on its own lot of land (not being an individual lot in a strata plan or community title scheme) and is attached to only one other dwelling.

seniors housing means residential accommodation that consists of:

- (a) a residential care facility, or
- (b) a hostel, or
- (c) a group of self-contained dwellings, or
- (d) a combination of these,

and that is, or is intended to be, used permanently for:

- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the residential accommodation or in the provision of services to persons living in the accommodation,

but does not include a hospital.

service station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

serviced apartment means a building or part of a building providing self-contained tourist and visitor accommodation that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

sewage reticulation system means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated:

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and

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- (d) odour control works, and
 - (e) sewage overflow structures, and
 - (f) vent stacks.

sewage treatment plant means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

sewerage system means a biosolids treatment facility, sewage reticulation system, sewage treatment plant, water recycling facility, or any combination of these.

sex services means sexual acts or sexual services in exchange for payment.

sex services premises means a brothel, but does not include home occupation (sex services).

shop means retail premises that sell groceries, personal care products, clothing, music, homewares, stationery, electrical goods or other items of general merchandise, and may include a neighbourhood shop, but does not include food and drink premises or restricted premises.

shop top housing means one or more dwellings located above (or otherwise attached to) ground floor retail premises or business premises.

signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes:

- (a) building identification signs, and
- (b) business identification signs, and
- (c) advertisements,

but does not include traffic signs or traffic control facilities.

site area means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

Note. The effect of this definition is varied by clause 4.5 for the purpose of the determination of permitted floor space area for proposed development.

site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

spa pool has the same meaning as in the *Swimming Pools Act 1992*.

Note. The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

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stock and sale yard means a building or place used on a commercial basis for the purpose of offering livestock or poultry for sale and may be used for the short-term storage and watering of stock.

storage premises means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any business premises or retail premises on the same parcel of land.

storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

swimming pool has the same meaning as in the *Swimming Pools Act 1992*.

Note. The term is defined as follows:

swimming pool means an excavation, structure or vessel:

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the *Swimming Pools Act 1992* not to be a swimming pool for the purposes of that Act.

take away food and drink premises means food and drink premises that are predominantly used for the preparation and sale of food or drink (or both) for immediate consumption away from the premises.

tank-based aquaculture means aquaculture utilising structures that are constructed from materials such as fibreglass, plastics, concrete, glass or metals, are usually situated either wholly or partly above ground, and may be contained within a purpose built farm or industrial style sheds or plastic covered hothouse to assist in controlling environmental factors.

telecommunications facility means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, equipment, apparatus, tower, mast, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or to be used, in or in connection with a telecommunications network.

telecommunications network means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

temporary structure has the same meaning as in the Act.

Note. The term is defined as follows:

temporary structure includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

the Act means the *Environmental Planning and Assessment Act 1979*.

timber and building supplies means a building or place used for the display, sale (whether by retail or wholesale) or hire of goods or materials that are used in the construction and maintenance of buildings.

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes hotel or motel accommodation, serviced apartments, bed and breakfast accommodation and backpackers' accommodation.

transport depot means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a passenger transport undertaking, business, industry or shop.

truck depot means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

turf farming means the commercial cultivation of turf for sale and the removal of turf for that purpose.

urban release area means an area of land shown as "Urban Release Area" on the Urban Release Area Map.

Urban Release Area Map means the Greater Taree Local Environmental Plan 2010 Urban Release Area Map.

vehicle body repair workshop means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

vehicle repair station means a building or place used for the purpose of carrying out repairs or the selling of, and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop.

vehicle sales or hire premises means a building or place used for the display, sale (whether by retail or wholesale) or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

veterinary hospital means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

viticulture means the cultivation of grapes for commercial purposes for use in the production of fresh or dried fruit or wine.

warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

waste disposal facility means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

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waste management facility means a facility used for the storage, treatment, purifying or disposal of waste, whether or not it is also used for the sorting, processing, recycling, recovering, use or reuse of material from that waste, and whether or not any such operations are carried out on a commercial basis. It may include but is not limited to:

- (a) an extractive industry ancillary to, required for or associated with the preparation or remediation of the site for such storage, treatment, purifying or disposal, and
- (b) eco-generating works ancillary to or associated with such storage, treatment, purifying or disposal.

waste or resource management facility means a waste or resource transfer station, a resource recovery facility or a waste disposal facility.

waste or resource transfer station means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

water recreation structure means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

water recycling facility means a building or place used for the treatment of sewage effluent, stormwater or waste water for use as an alternative supply to mains water, groundwater or river water (including, in particular, sewer mining works), whether the facility stands alone or is associated with other development, and includes associated:

- (a) retention structures, and
- (b) treatment works, and
- (c) irrigation schemes.

water reticulation system means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure, dosing facilities and water supply reservoirs.

water storage facility means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

water supply system means a water reticulation system, water storage facility, water treatment facility, or any combination of these.

water treatment facility means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

waterbody means a waterbody (artificial) or waterbody (natural).

waterbody (artificial) or ***artificial waterbody*** means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

waterbody (natural) or ***natural waterbody*** means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

watercourse means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

waterway means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).

wetland means:

- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgeland, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or
- (b) artificial wetland, including marshes, swamps, wet meadows, sedgeland or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

wholesale supplies means a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the *A New Tax System (Australian Business Number) Act 1999* of the Commonwealth.