



New South Wales

Lord Howe Island Local Environmental Plan 2010 (Amendment No 6)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

CRAIG DISS

As delegate for the Minister for Planning

Lord Howe Island Local Environmental Plan 2010 (Amendment No 6)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Lord Howe Island Local Environmental Plan 2010 (Amendment No 6)*.

2 Commencement

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

3 Land to which Plan applies

This Plan applies to land to which *Lord Howe Island Local Environmental Plan 2010* applies.

4 Maps

The maps adopted by *Lord Howe Island Local Environmental Plan 2010* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

Schedule 1 Amendment of Lord Howe Island Local Environmental Plan 2010

[1] Clause 10 Development not prohibited, or otherwise restricted, by this Plan

Insert after clause 10(1)(e)—

- (f) the carrying out of coastal protection works by or on behalf of the Board.

[2] Clause 10(3)

Omit the subclause. Insert instead—

- (3) In this clause—

coastal protection works has the same meaning as in the *Coastal Management Act 2016*.

environmental protection works means works associated with the rehabilitation of land towards its natural state or works to protect land from environmental degradation, and includes vegetation restoration works, wetland protection works, erosion protection works and dune restoration works, but does not include coastal protection works.

[3] Clause 14 Zone 2 Settlement

Insert “, including development for the purposes of home-based child care,” after “development” in clause 14(3).

[4] Clause 15 Zone 5 Special Uses

Insert after clause 15(3)(c)—

- (c1) centre-based child care facilities,

[5] Clause 24 Concession for erection of certain dual occupancies

Omit clause 24(1)(c).

[6] Clause 37A

Insert after clause 37—

37A Additional permitted uses

- (1) Development on particular land described or referred to in Schedule 4 may, in accordance with any conditions specified in the Schedule in relation to the development, be carried out—
- (a) with development consent, or
- (b) if the Schedule provides—without development consent.
- (2) This clause has effect despite anything to the contrary in Part 2 or the other provisions of this Part.

[7] Clause 40 Assessment

Omit clause 40(1). Insert instead—

- (1) In deciding whether to grant development consent required by clause 39, the consent authority must consider—
- (a) the extent to which carrying out the development may adversely affect the heritage significance of the heritage item or, for development referred to in clause 39(1)(f), the relic, and

- (b) the impact the development may have on other heritage items near the proposed development.

[8] Clause 40(2)

Omit “subclause (1)”. Insert instead “subclause (1)(a)”.

[9] Schedule 1 Exempt development

Omit “or bird aviary” from Column 1. Insert instead “, aviary, or fowl or poultry house”.

[10] Schedule 1

Insert in appropriate order—

Solar energy systems

- (a) Must be attached to the roof of a building.
- (b) Must not reduce the structural integrity of, or involve structural alterations to, a building to which the system is attached.
- (c) Must not be higher than 0.5 metres above the part of the roof to which the system is attached.
- (d) Must not extend beyond the edge of the roof to which the system is attached.
- (e) Must not involve mirrors or lenses to reflect or concentrate sunlight.
- (f) Must not have the capacity to generate more than 10 kilowatts.
- (g) For a photovoltaic electricity generating system—the system must be installed—
 - (i) in accordance with the manufacturer’s specifications, or
 - (ii) by a person who is accredited by the Clean Energy Council to install photovoltaic electricity generating systems.
- (h) For a solar hot water system or solar air heating system—the system must be installed in accordance with the manufacturer’s specifications.

[11] Schedule 4

Insert after Schedule 3—

Schedule 4 Additional permitted uses

clause 37A

1 Use of certain land at Old Lagoon Road

- (1) This clause applies to land identified as “Item 1” on Sheet 4 of the map.
- (2) Development for the purposes of commercial premises and fuel storage depots is permitted with development consent if the consent authority is satisfied that—

- (a) there will be no direct vehicular access from the development to Old Lagoon Road, and
 - (b) the visual impact of the development will be minimised, and
 - (c) the development will not adversely affect the creek or foreshore area near the development.
- (3) In this clause—
foreshore area has the same meaning as in clause 35.

2 Use of certain land near Lagoon Beach and Ned’s Beach

- (1) This clause applies to land identified as “Item 2” on Sheet 4 of the map.
- (2) Development for the purposes of boatsheds and recreation areas is permitted with development consent.

[12] Dictionary

Insert “, community or private” after “commercial” in the definition of *boatshed*.

[13] Dictionary

Insert in alphabetical order—

centre-based child care facility has the same meaning as in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

home-based child care has the same meaning as in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

solar energy system means the following systems—

- (a) a photovoltaic electricity generating system,
- (b) a solar hot water system,
- (c) a solar air heating system.

[14] Dictionary, definition of “home business”, paragraph (b)

Omit “one employee (being an employee who is not an occupant of the dwelling) is employed”.

Insert instead “2 employees, who are not occupants of the dwelling, are employed”.

[15] Dictionary, definition of “home business”

Insert at the end of paragraph (c)—

, and

- (d) the business does not adversely affect the amenity of the neighbourhood.

[16] Dictionary, definition of “the map”

Omit the definition. Insert instead—

the map means the map, consisting of the following 4 sheets, marked “*Lord Howe Island Local Environmental Plan 2010*”—

Lord Howe Island Local Environmental Plan 2010 Sheet 1
(6380_COM_LZN_001_040_20220113)

Lord Howe Island Local Environmental Plan 2010 Sheet 2
(6380_COM_LZN_002_005_20220113)

Lord Howe Island Local Environmental Plan 2010 Sheet 3
(6380_COM_SNV_003_005_20220113)

Lord Howe Island Local Environmental Plan 2010 Sheet 4
(6380_COM_APU_004_005_20220113)