

# Hastings Local Environmental Plan 2001

[2001-391]



New South Wales

## Status Information

### Currency of version

Historical version for 26 November 2004 to 9 December 2004 (accessed 27 May 2024 at 14:57)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **See also**  
[Statute Law \(Miscellaneous Provisions\) Bill \(No 2\) 2004](#)

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 30 November 2004

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New South Wales

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# Hastings Local Environmental Plan 2001



New South Wales

## Part 1 Introduction

### 1 Name of plan

This plan is *Hastings Local Environmental Plan 2001*.

### 2 Area covered by this plan

This plan applies to all land within the Hastings local government area, except land identified on the zoning map as “deferred matter”.

### 3 Relationship to other environmental planning instruments

(1) This plan repeals:

- (a) *Hastings Local Environmental Plan No 21*, and
- (b) *Hastings Local Environmental Plan No 24*.

(2) This plan amends:

- (a) *State Environmental Planning Policy No 15—Rural Landsharing Communities* by inserting the following word in alphabetical order in Schedule 1 (Land to which this Policy applies):

Hastings

- (b) *Hastings Local Environmental Plan 1987* by inserting at the end of clause 3 the following subclause:

(2) However, this plan does not apply to land to which *Hastings Local Environmental Plan 2001* applies.

### 4 Aims of this plan

The aims of this plan are:

- (a) to implement stage 1 of a review of the Council’s local environmental plans by

introducing one consolidated local environmental plan for the whole of the Council's area. This includes an updating of environmental planning controls and policies, including deletion of superseded and out-of-date provisions, and

- (b) to provide a legal basis for development control plans which provide more detailed local planning policies, and
- (c) to provide for rural residential development by implementing the Council's rural residential strategy, and
- (d) to protect areas on which agriculture depends, and
- (e) to protect areas which are environmentally sensitive, and
- (f) to manage the urban areas of the local government area by strengthening retail hierarchies, promoting appropriate tourism development, guiding urban form, providing for the protection of heritage items and precincts and controlling the development of flood liable land.

## **5 Consent authority**

The consent authority for the purposes of this plan is Hastings Council, subject to the Act.

## **6 Interpretation**

- (1) Unless the context or subject-matter indicates otherwise, terms used in this plan have the meaning set out in the Act or as defined in the Dictionary.
- (2) In this plan:
  - (a) a reference to a building, a place or land used for a purpose includes a reference to a building, a place or land intended to be used for the purpose, and
  - (b) a reference to a map is to a map kept at the office of the Council.
- (3) Land to which this plan applies is within a zone specified in Schedule 6 if it is shown on the zoning map as being within the zone.
- (4) Any matter which appears under the heading "Note" is provided to assist understanding and does not form part of this plan.

## **Part 2 Exempt and complying development, zoning of land and zone table**

### **7 Exempt development and other development not requiring consent**

- (1) Development listed in Schedule 1 to Hastings DCP No 36 is exempt development provided it is of minimal environmental impact, it satisfies the applicable requirements listed in that Schedule, any building involved meets the deemed-to-satisfy provisions

of the *Building Code of Australia* and it is not carried out on land that:

- (a) is critical habitat, or
  - (b) is part of a wilderness area, or
  - (c) is the site of a heritage item, or
  - (d) is listed on the State Heritage Register or the subject of an interim heritage order under the [Heritage Act 1977](#), or
  - (e) is affected by an easement, a water main or a sewer main and the proposed development is located over the easement, water main or sewer main.
- (2) Nothing in this plan shall be construed as restricting or prohibiting or enabling the consent authority to restrict or prohibit the carrying out of development of any description specified in Schedule 5.

**Note—**

Section 76 (3) of the [Environmental Planning and Assessment Act 1979](#) does not allow exempt development to occur on critical habitat or a wilderness area.

## **8 Complying development**

- (1) Development listed in Schedule 2 to Hastings DCP No 36 is complying development in a zone if it is allowed with development consent in the zone by being included in Item 2 of the matter for the zone in the table to clause 9.
- (2) Development is complying development only if:
- (a) it meets the applicable requirements specified in Hastings DCP No 36 applying to the development, and
  - (b) in the case of development involving a building, the building complies with the deemed-to-satisfy provisions of the *Building Code of Australia*, except where provided for in Schedule 2 of Hastings DCP No 36, and
  - (c) it does not include the exhibition or sale of material (whether literature, video, film, goods or articles) used or intended for use in connection with sexual behaviour and classified or refused classification under the [Classification \(Publications, Films and Computer Games\) Act 1995](#) of the Commonwealth, or the exhibition of objects primarily concerned with sexual behaviour, and
  - (d) it is not carried out on land that:
    - (i) is an Aboriginal place under the [National Parks and Wildlife Act 1974](#), or
    - (ii) is land to which [State Environmental Planning Policy No 14—Coastal Wetlands](#) applies, or

- (iii) is land to which [State Environmental Planning Policy No 26—Littoral Rainforests](#) applies, or
- (iv) is identified in this plan or a development control plan adopted by the Council as being contaminated, within a buffer area, or subject to subsidence, slip or erosion, or
- (v) is in a watercourse or flood path for a 1% AEP event, unless explicitly permitted within Hastings DCP No 36, or
- (vi) has previously been used as a service station or a saw mill, or for intensive agriculture, mining or extractive industry, or
- (vii) is an aquatic reserve declared under the [Fisheries Management Act 1994](#), or
- (e) no environmental planning instrument states that the adequacy of an acid sulfate soils management plan for the proposed development must be considered before consent can be granted for it, and
- (f) where it will result in the doing of anything referred to in section 78A (3) of the Act for which an approval is required or in the removal of a tree or native vegetation for which an approval or consent is required, that approval or consent has been obtained, and

**Note—**

Section 78A (3) of the Act refers to development applications involving an associated approval under section 68 of the [Local Government Act 1993](#).

- (g) it is not integrated development, and

**Note—**

Integrated development is development which is subject to an associated approval under other legislation, as listed in section 91 of the Act. It is subject to special referral processes. An example is a development requiring a bush fire safety authority under the [Rural Fires Act 1997](#).

- (h) it is not prevented from being complying development by virtue of section 76A (6) of the Act.

**Note—**

The authority for this LEP to define complying development is contained in section 76A (5) of the [Environmental Planning and Assessment Act 1979](#). This authority is qualified by subsection (6), which states:

- (6) A provision under subsection (5) cannot be made:
  - (a) if the development is State significant development, or
  - (b) if the development is designated development, or
  - (c) if the development is development for which development consent cannot be granted except with the concurrence of a person other than:



- (i) the consent authority, or
- (ii) the Director-General of National Parks and Wildlife as referred to in section 79B (3), or
- (d) so as to apply to land that is critical habitat, or
- (e) so as to apply to land that is, or is part of, a wilderness area (within the meaning of the [Wilderness Act 1987](#)), or
- (f) so as to apply to land that comprises, or on which there is, an item of the environmental heritage:
  - (i) that is subject to an interim heritage order under the [Heritage Act 1977](#), or that is listed on the State Heritage Register under that Act, or
  - (ii) that is identified as such an item in an environmental planning instrument, or
- (g) so as to apply to land that is identified as an environmentally sensitive area in the environmental planning instrument that makes provision for the complying development.

A provision made under subsection (5) has no effect in relation to development or land at any time during which the development or land is development or land to which paragraph (a)–(g) applies.

(3) A complying development certificate must include the conditions specified in *Hastings Development Control Plan No 36—Exempt and Complying Development*, as in force when the certificate is issued, that are applicable to the particular type of development for which the certificate is sought.

**9 Zoning of land and zone table**

- (1) Development of land is controlled by zoning, subject to the general and special provisions of Parts 3–11. The zoning map shows what zone applies to land.
- (2) Consent may be granted to development (otherwise than as complying development) only if the consent authority has taken into consideration the objectives of the zone that are relevant to the development.
- (3) The following table specifies the objectives of each zone, and the development allowed with or without consent or prohibited within each zone.

Zone table

**Zone 1 (a1) Rural**

Zone objectives

- (a) To protect and encourage utilisation of the productive potential of agricultural, extractive and mineral resources located in rural areas.
- (b) To protect the amenity of rural residential subdivision areas.
- (c) To prevent the unnecessary, premature or sporadic fragmentation of rural land, to protect the agricultural potential of land and also to ensure that development does not

create unreasonable or uneconomic demands for the provision or extension of public amenities and services.

(d) To enable appropriate development where allowed with consent.

### **Development within the zone**

In Zone 1 (a1) the following development is:

#### **1 Allowed without development consent**

Development for the purpose of:

Agriculture (other than buildings associated with agriculture)

Forestry

#### **2 Allowed only with development consent**

Any development not included in Item 1 or 3.

#### **3 Prohibited**

Development for the purpose of:

Aeroplane landing areas within one kilometre of the coast

Boarding houses

Brothels

Car repair stations

Cluster housing

Commercial premises

Dual occupancies (detached dwellings only)

Exhibition homes

Industries (other than offensive or hazardous industries and rural industries)

Medical centres

Motor showrooms

Neighbourhood centres

Residential flats

Retailing of bulky goods

Road transport terminals

Shops

Tourist facilities (other than rural tourist facilities)

Warehouses

### **Zone 1 (a3) Rural Agricultural Protection**

Zone objectives

- (a) To protect and encourage utilisation of the productive potential of resources located in rural areas, particularly rural land with high agricultural quality.
- (b) To prevent the unnecessary, premature or sporadic fragmentation of rural land, to protect the agricultural potential of land and also to ensure that development does not create unreasonable or uneconomic demands for the provision or extension of public amenities and services.
- (c) To enable appropriate development where permissible with consent.

### **Development within the zone**

In Zone 1 (a3) the following development is:

#### **1 Allowed without development consent**

Development for the purpose of:

Agriculture (other than buildings associated with agriculture)

Forestry

#### **2 Allowed only with development consent**

Development for the purpose of:

Advertisements

Aeroplane landing areas

Animal establishments

Aquaculture

Bed and breakfast establishments

Buildings associated with agriculture

Car parks

Child care centres

Depots

Dual occupancies (attached dwellings only)

Educational establishments

Extractive industries

General stores

Home businesses

Mines

Oyster farming

Places of assembly

Places of public worship

Recreation areas

Recreation establishments

Recreation facilities

Retail plant nurseries

Roads

Roadside stalls

Rural industries

Rural tourist facilities

Rural workers' dwellings

Saw mills

Single dwellings

Stock and sale yards

Utility installations

Demolition

### **3 Prohibited**

Any development not included in Item 1 or 2.

### **Zone 1 (a4) Rural Agricultural Protection**

Zone objectives

- (a) To control development and maintain the productive potential of steep or otherwise constrained rural land having regard to site constraints.
- (b) To protect and encourage utilisation of the productive potential of resources located within rural areas.
- (c) To prevent the unnecessary, premature or sporadic fragmentation of rural land, to protect the agricultural potential of land and to ensure that development does not create unreasonable or uneconomic demands for the provision or extension of public amenities and services.
- (d) To enable appropriate development where permissible with consent.

### **Development within the zone**

In Zone 1 (a4) the following development is:

#### **1 Allowed without development consent**

Development for the purpose of:

Agriculture (other than buildings associated with agriculture)

Forestry (other than on land subject to clause 21)

#### **2 Allowed only with development consent**

Development for the purpose of:

Advertisements

Aeroplane landing areas

Animal establishments

Aquaculture

Bed and breakfast establishments

Buildings associated with agriculture

Car parks

Caravan parks

Child care centres

Community facilities

Depots

Dual occupancies (attached dwellings only)

Educational establishments

Extractive industries

Forestry (on land subject to clause 21)

General stores

Home businesses

Mines

Motels

Offensive or hazardous industries

Places of public worship

Recreation areas

Recreation establishments

Recreation facilities

Retail plant nurseries

Roads

Roadside stalls

Rural industries

Rural tourist facilities

Rural workers' dwellings

Saw mills

Single dwellings

Stock and sale yards

Utility installations

Demolition

### **3 Prohibited**

Any development not included in Item 1 or 2.

#### **Zone 1 (f) State Forests**

Zone objectives

- (a) To identify land dedicated as State Forest.
- (b) To enable appropriate development where allowed with consent.

#### **Development within the zone**

In Zone 1 (f) the following development is:

##### **1 Allowed without development consent**

Any development authorised by or under the [Forestry Act 1916](#) and not included in Item 2

Development for the purpose of:

Gravel extraction on sites of less than 0.5 hectare

Roads

Utility installations (other than radio or television transmission towers)

##### **2 Allowed only with development consent**

Development for the purpose of:

Advertisements

Car parks

Extractive industries not included in Item 1

Mines

Recreation areas

Radio or television transmission towers

Saw mills

Demolition

##### **3 Prohibited**

Any development not included in Item 1 or 2.

## **Zone 1 (i) Rural Residential Investigation**

### Zone objectives

- (a) To identify land suitable for investigation for rural residential purposes.
- (b) To limit development so that subsequent land use conflicts with future rural residential development do not arise.
- (c) To limit vegetation removal so that it is consistent with habitat protection objectives for future rural residential development.
- (d) To enable appropriate development where allowed with consent.

### **Development within the zone**

In Zone 1 (i) the following development is:

#### **1 Allowed without development consent**

Nil

#### **2 Allowed only with development consent**

Development for the purpose of:

Advertisements

Agriculture

Animal establishments

Aquaculture

Bed and breakfast establishments

Car parks

Child care centres

Community facilities

Dual occupancies (attached dwellings only)

Forestry

General stores

Home businesses

Recreation areas



Roads

Rural tourist facilities

Single dwellings

Utility installations

Demolition

### **3 Prohibited**

Any development not included in Item 2.

## **Zone 1 (r1) Rural Residential**

Zone objectives

- (a) To enable the development of land within this zone for rural residential purposes.
- (b) To enable appropriate development where allowed with consent.

### **Development within the zone**

In Zone 1 (r1) the following development is:

#### **1 Allowed without development consent**

Nil

#### **2 Allowed only with development consent**

Development for the purpose of:

Advertisements

Agriculture

Animal establishments

Aquaculture

Bed and breakfast establishments

Car parks

Child care centres

Community facilities

Dual occupancies (attached dwellings only)

Forestry

General stores

Home businesses

Recreation areas

Roads

Rural tourist facilities

Single dwellings

Utility installations

Demolition

### **3 Prohibited**

Any development not included in Item 2.

### **Zone 1 (u) Rural Urban Fringe**

Zone objectives

- (a) To allow land not suitable for urban building development (due to reasons such as environmental constraints or the need for buffers between different land uses) to be used as part of the curtilage of the urban buildings on the land parcel.
- (b) To enable the provision of services and facilities associated with an urban (in particular, residential) land use and which are unlikely to adversely affect the residential amenity or environmental qualities.
- (c) To enable appropriate development where allowed with consent.

### **Development within the zone**

In Zone 1 (u) the following development is:

#### **1 Allowed without development consent**

Nil

#### **2 Allowed only with development consent**

Development for the purpose of:

Advertisements

Agriculture

Animal establishments

Aquaculture

Car parks

Home businesses

Recreation areas

Retail plant nurseries

Roads

Utility installations

Demolition

### **3 Prohibited**

Any development not included in Item 2.

## **Zone 2 (a1) Residential**

Zone objectives

- (a) To identify land suitable for residential purposes.
- (b) To ensure the provision of services and facilities associated with residential land uses or which are unlikely to affect residential amenity.
- (c) To ensure a variety of housing choice.
- (d) To enable appropriate development where allowed with consent.

### **Development within the zone**

In Zone 2 (a1) the following development is:

#### **1 Allowed without development consent**

Nil

#### **2 Allowed only with development consent**

Any development not included in Item 3

### **3 Prohibited**

Development for the purpose of:

Aeroplane landing areas

Animal establishments

Aquaculture

Brothels

Car repair stations

Clubs

Commercial premises (other than those within neighbourhood centres)

Depots

Extractive industries

Forestry

Heliports

Hotels

Industries

Institutions

Junk yards

Liquid fuel depots

Mines

Motor showrooms

Places of assembly

Radio or television transmission towers

Recreation facilities

Retailing of bulky goods

Roadside stalls

Rural workers' dwellings

Rural tourist facilities

Saw mills

Service stations (other than those within neighbourhood centres)

Shops (other than those within neighbourhood centres)

Stock and sale yards

Transport terminals (other than bus stations)

Warehouses

## **Zone 2 (a4) Low Density Residential**

Zone objectives

- (a) To identify urban land suitable for low density residential development that is consistent with the protection of environmental qualities of the site.
- (b) To enable the provision of services and facilities associated with a residential land use and which are unlikely to adversely affect the residential amenity or environmental qualities in the vicinity.
- (c) To enable appropriate development where allowed with consent.

### **Development within the zone**

In Zone 2 (a4) the following development is:

#### **1 Allowed without development consent**

Nil

#### **2 Allowed only with development consent**

Development for the purpose of:

Advertisements

Agriculture

Animal establishments

Bed and breakfast establishments

Car parks

Child care centres

Dual occupancies (attached dwellings only)

Exhibition homes

Home businesses

Hospitals

Places of public worship

Recreation areas

Roads

Single dwellings

Utility installations (other than radio or television transmission towers)

Demolition

### **3 Prohibited**

Any development not included in Item 2.

## **Zone 2 (t1) Residential Tourist**

Zone objectives

- (a) To ensure that permanent residential development does not sterilise identified tourism precincts.
- (b) To permit and encourage tourist and ancillary residential development and associated services and facilities where such services and facilities are an integral part of the development and are of a scale appropriate to the needs generated by that development, or which are compatible with tourist and associated residential accommodation.
- (c) To enable appropriate development where allowed with consent.

### **Development within the zone**

In Zone 2 (t1) the following development is:

#### **1 Allowed without development consent**

Nil

#### **2 Allowed only with development consent**

Development for the purpose of:

Advertisements

Airline terminals

Bed and breakfast establishments

Boarding houses

Bus stations

Car parks

Caravan parks

Child care centres

Clubs

Community facilities

Educational establishments

Exhibition homes

General stores

Home businesses

Hotels

Medical centres

Motels

Places of assembly

Public buildings

Recreation areas

Recreation establishments

Recreation facilities

Refreshment rooms

Residential flats

Roads

Single dwellings

Tourist facilities

Utility installations (other than radio or television transmission towers)

Demolition

### **3 Prohibited**

Any development not included in Item 2.

### **Zone 2 (t2) Tourist—Restricted**

## Zone objectives

- (a) To allow tourist-related development.
- (b) To restrict development to accommodation for non-permanent residents due to and in a manner consistent with the constraints created by the possibility of flooding and by aircraft noise.
- (c) To enable appropriate development where allowed with consent.

## Development within the zone

In Zone 2 (t2) the following development is:

### **1 Allowed without development consent**

Nil

### **2 Allowed only with development consent**

Development for the purpose of:

Advertisements

Airline terminals

Bed and breakfast establishments

Bus stations

Caravan parks catering exclusively for short-term residents

Car parks

Commercial premises

Educational establishments

General stores

Home businesses

Hotels

Motels

Places of assembly

Recreation areas

Recreation establishments



Recreation facilities

Refreshment rooms

Retail plant nurseries

Roads

Shops

Single dwellings

Tourist facilities

Utility installations (other than radio or television transmission towers)

Demolition

### **3 Prohibited**

Any development not included in Item 2.

## **Zone 2 (v) Village**

Zone objectives

- (a) To provide for a wide range of land uses or works in a consolidated village environment.
- (b) To allow in appropriate locations business and neighbourhood services and facilities which serve the local community and surrounding rural area.
- (c) To enable appropriate development where allowed with consent.

### **Development within the zone**

In Zone 2 (v) the following development is:

#### **1 Allowed without development consent**

Nil

#### **2 Allowed only with development consent**

Any development not included in Item 3.

### **3 Prohibited**

Development for the purpose of:

Aeroplane landing areas

Aquaculture

Brothels

Extractive industries

Institutions

Junk yards

Mines

Neighbourhood centres

Offensive or hazardous industries

Radio or television transmission towers

Rural workers' dwellings

Saw mills

### **Zone 3 (a) General Business**

Zone objectives

- (a) To allow a range of retail, office and commercial development appropriate to the status and function of the particular retail centre within the zone.
- (b) To allow a wide range of uses which may be ancillary to, supportive of, or appropriately located near, or within, retail and commercial facilities.
- (c) To facilitate strong, multi-functional town centres.
- (d) To enable appropriate development where allowed with consent.

### **Development within the zone**

In Zone 3 (a) the following development is:

#### **1 Allowed without development consent**

Nil

#### **2 Allowed only with development consent**

Any development not included in Item 3.

#### **3 Prohibited**

Development for the purpose of:

Aeroplane landing areas

Agriculture

Animal establishments

Aquaculture

Brothels

Cluster housing

Dual occupancies

Exhibition homes

Extractive industries

Industries (other than light industries)

Junk yards

Liquid fuel depots

Mines

Recreation establishments

Rural tourist facilities

Rural workers' dwellings

Saw mills

Single dwellings (except those used in association with other development not prohibited by this Item and attached to a building used for that development)

Stock and sale yards

### **Zone 3 (b) Special Business**

#### **Zone objectives**

- (a) To promote office development to meet the optimum employment and social needs of the area.
- (b) To permit non-commercial development within the zone where such development is compatible with the commercial nature of the locality and where any retailing is ancillary to the commercial activities.
- (c) To ensure that there is adequate provision for car parking facilities within the zone.

#### **Development within the zone**

In Zone 3 (b) the following development is:

**1 Allowed without development consent**

Nil

**2 Allowed only with development consent**

Any development not included in Item 3.

**3 Prohibited**

Development for the purpose of:

Aeroplane landing areas

Agriculture

Animal establishments

Aquaculture

Brothels

Bus depots

Car repair stations

Caravan parks

Cluster housing

Depots

Dual occupancies

Exhibition homes

Extractive industries

Forestry

Helipads

Heliports

Industries (other than light industries)

Junk yards

Liquid fuel depots

Mines

Offensive or hazardous industries

Recreation establishments

Retail plant nurseries

Retailing of bulky goods

Road transport terminals

Roadside stalls

Rural industries

Rural tourist facilities

Rural workers' dwellings

Saw mills

Shops (other than those referred to in Schedule 2)

Stock and sale yards

Tourist facilities

Warehouses

Waste management facilities

### **Zone 3 (c) Neighbourhood Business**

Zone objectives

- (a) To identify shopping centres that serve a neighbourhood by providing services and facilities within convenient travelling distance.
- (b) To limit the range and size of retail activity appropriate to the retail hierarchy and residential locality.
- (c) To enable appropriate development where allowed with consent.

### **Development within the zone**

In Zone 3 (c) the following development is:

#### **1 Allowed without development consent**

Nil

#### **2 Allowed only with development consent**

Any development not included in Item 3.

### **3 Prohibited**

Development for the purpose of:

- Aeroplane landing areas
- Agriculture
- Animal establishments
- Aquaculture
- Bed and breakfast establishments
- Brothels
- Car repair stations
- Caravan parks
- Cluster housing
- Depots
- Dual occupancies
- Exhibition homes
- Extractive industries
- Forestry
- Heliports
- Industries
- Institutions
- Junk yards
- Liquid fuel depots
- Mines
- Motor showrooms
- Recreation establishments
- Retailing of bulky goods

Rural tourist facilities

Rural workers' dwellings

Roadside stalls

Saw mills

Single dwellings (except those used in association with other development not prohibited by this Item and attached to a building used for that development)

Stock and sale yards

Transport terminals (other than airline terminals and bus stations)

Warehouses

### **Zone 3 (t) Tourist Business**

Zone objectives

- (a) To permit development appropriate to the status and function of the particular business centre.
- (b) To permit a range of tourist developments which take advantage of the tourism potential of the centre.
- (c) To enable appropriate development where allowed with consent.

### **Development within the zone**

In Zone 3 (t) the following development is:

#### **1 Allowed without development consent**

Nil

#### **2 Allowed only with development consent**

Any development not included in Item 3.

#### **3 Prohibited**

Development for the purpose of:

Aeroplane landing areas

Agriculture

Animal establishments

Brothels

Car repair stations

Caravan parks

Cluster housing

Depots

Dual occupancies

Exhibition homes

Extractive industries

Forestry

Industries

Institutions

Junk yards

Liquid fuel depots

Medical centres

Mines

Motor showrooms

Public buildings

Retailing of bulky goods

Recreation establishments

Roadside stalls

Rural workers' dwellings

Single dwellings (except those used in association with other development not prohibited by this Item and attached to a building used for that development)

Saw mills

Stock and sale yards

Transport terminals (other than airline terminals and bus stations)

Warehouses

#### **Zone 4 (a) General Industrial**



### Zone objectives

- (a) To ensure an adequate supply of land for industrial purposes in appropriate localities.
- (b) To allow land uses which may provide services and facilities, or may be ancillary or supportive of, or will not restrict the development of, the industrial area or detrimentally affect the economic structure of any business zone.
- (c) To enable appropriate development where allowed with consent.

### Development within the zone

In Zone 4 (a) the following development is:

#### **1 Allowed without development consent**

Nil

#### **2 Allowed only with development consent**

Any development not included in Item 3.

#### **3 Prohibited**

Development for the purpose of:

- Aeroplane landing areas
- Bed and breakfast establishments
- Boarding houses
- Caravan parks
- Cluster housing
- Commercial premises (other than those referred to in Schedule 2)
- Community facilities
- Dual occupancies
- Educational establishments
- Exhibition homes
- Extractive industries
- Hospitals
- Institutions

Medical centres

Mines

Motels

Neighbourhood centres

Places of assembly

Places of public worship

Recreation establishments

Roadside stalls

Rural workers' dwellings

Shops (other than those referred to in Schedule 2)

Single dwellings (except those used in association with other development not prohibited by this Item and attached to a building used for that development)

Stock and sale yards

Tourist facilities

#### **Zone 4 (b) Service Industrial**

Zone objectives

- (a) To provide land for the establishment of services and light industry appropriate to the locality.
- (b) To enable a range of light industrial and related service land uses, without unduly detracting from the retail strength of existing business districts.
- (c) To ensure industrial activities are of a kind compatible with adjoining urban land uses.
- (d) To enable appropriate development where allowed with consent.

#### **Development within the zone**

In Zone 4 (b) the following development is:

##### **1 Allowed without development consent**

Nil

##### **2 Allowed only with development consent**

Any development not included in Item 3.

### **3 Prohibited**

Development for the purpose of:

Aeroplane landing areas

Airline terminals

Bed and breakfast establishments

Boarding houses

Brothels

Caravan parks

Cluster housing

Commercial premises (other than those referred to in Schedule 2)

Dual occupancies

Exhibition homes

Extractive industries

Forestry

Home businesses

Hospitals

Hotels

Industries (other than light industries)

Institutions

Junk yards

Liquid fuel depots

Medical centres

Mines

Motels

Neighbourhood centres

Recreation establishments

Roadside stalls

Rural workers' dwellings

Saw mills

Shops (other than those referred to in Schedule 2)

Single dwellings (except those used in association with other development not prohibited by this Item and attached to a building used for that development)

Stock and sale yards

Tourist facilities

#### **Zone 4 (t) Industrial Technology**

Zone objectives

- (a) To provide land for:
  - (i) industries that require location near the airport, or are significantly benefited by location near the airport, and
  - (ii) information technology or emergent technology industries.
- (b) To provide land for industries which create new employment opportunities for the Hastings area due to the product produced by the industry being exported from the area, or otherwise.
- (c) To provide land for industries which have a significant multiplier effect in the regional economy.
- (d) To only allow:
  - (i) other industries, commercial activities or educational establishments that require location with the technology or employment-generating industries within the zone, or
  - (ii) commercial activities that require location near the airport, or are significantly benefited by location near the airport.
- (e) To allow other ancillary uses appropriate to service the needs of persons employed in the industrial area.
- (f) To ensure attractive and well landscaped development occurs within the zone.
- (g) To enable appropriate development where allowed with consent, subject to the special considerations contained in clause 28.

## **Development within the zone**

In Zone 4 (t) the following development is:

### **1 Allowed without development consent**

Nil

### **2 Allowed only with development consent**

Development for the purpose of:

Advertisements

Aeroplane landing areas

Car parks

Child care centres

Commercial premises

Community facilities

Dual occupancies

Educational establishments

Heliports

Light industries

Liquid fuel depots

Public buildings

Recreation areas

Recreation facilities

Roads

Shops

Single dwellings (used in association with other development allowed by this Item and attached to a building used for that development)

Tourist facilities

Transport terminals (other than bus depots)

Utility installations

Warehouses

Demolition

### **3 Prohibited**

Any development not included in Item 2.

## **Zone 5 (a) Special Uses**

Zone objectives

- (a) To identify land which is being used or likely to be used for public purposes and enable the development of particular land for the public purpose shown on the zoning map.
- (b) To enable other development of land within this zone where the consent authority is satisfied that the proposed use will not affect development of the land for the public purpose for which it has been zoned or the amenity of the locality.
- (c) To enable appropriate development where allowed with consent.

### **Development within the zone**

In Zone 5 (a) the following development is:

#### **1 Allowed without development consent**

Nil

#### **2 Allowed only with development consent**

Development for the purpose of:

Advertisements

Car parks

Recreation areas

Roads

The particular land use indicated by black lettering on the zoning map

Utility installations

Demolition

### **3 Prohibited**

Any development not included in Item 2.

## **Zone 6 (a) Open Space**

### Zone objectives

- (a) To identify areas which are capable of being used for public recreation.
- (b) To enable development of land within this zone for recreational and other purposes that do not adversely affect the recreational use of the land.
- (c) To enable appropriate development where allowed with consent.

### **Development within the zone**

In Zone 6 (a) the following development is:

#### **1 Allowed without development consent**

Any development ordinarily incidental or ancillary to development included in Item 2.

#### **2 Allowed only with development consent**

Development (other than ordinarily incidental or ancillary development) for the purpose of:

Advertisements

Car parks

Community facilities

Recreation areas

Recreation facilities

Roads

Utility installations

Demolition

#### **3 Prohibited**

Any development not included in Item 1 or 2.

### **Zone 6 (c) Private Recreation**

#### Zone objectives

- (a) To identify areas where privately operated recreation facilities are provided.
- (b) To enable development of land within this zone for recreational and other purposes that do not adversely affect the recreational use of the land.
- (c) To enable appropriate development where allowed with consent.

## **Development within the zone**

In Zone 6 (c) the following development is:

### **1 Allowed without development consent**

Any development ordinarily incidental or ancillary to development included in Item 2.

### **2 Allowed only with development consent**

Development (other than ordinarily incidental or ancillary development) for the purpose of:

- Advertisements
- Car parks
- Clubs
- Community facilities
- Places of assembly
- Recreation areas
- Recreation facilities
- Roads
- Utility installations

Demolition

### **3 Prohibited**

Any development not included in Item 1 or 2.

## **Zone 7 (a) Environment Protection—Wetlands**

Zone objectives

- (a) To identify and protect significant wetland areas from incompatible development which will have a significant impact on the wetland.
- (b) To enable appropriate development where allowed with consent.

## **Development within the zone**

In Zone 7 (a) the following development is:

### **1 Allowed without development consent**

Nil



## **2 Allowed only with development consent**

Development for the purpose of:

Advertisements

Agriculture

Aquaculture

Home businesses

Recreation areas

Roads

Single dwellings

Utility installations (other than radio or television transmission towers)

Demolition

## **3 Prohibited**

Any development not included in Item 2.

## **Zone 7 (d) Environmental Protection—Scenic**

Zone objectives

(a) To identify and protect areas of particular scenic significance.

(b) To enable appropriate development where allowed with consent.

### **Development within the zone**

In Zone 7 (d) the following development is:

#### **1 Allowed without development consent**

Nil

#### **2 Allowed only with development consent**

Development for the purpose of:

Advertisements

Agriculture

Aquaculture

Dual occupancies (attached dwellings only)

Forestry

Home businesses

Recreation areas

Roads

Rural tourist facilities

Single dwellings

Utility installations (other than radio or television transmission towers)

Demolition

### **3 Prohibited**

Any development not included in Item 2.

### **Zone 7 (f1) Environment Protection—Coastal**

Zone objectives

- (a) To identify and protect, from incompatible development, coastal foreshore areas which are environmentally sensitive, hazardous or visually significant.
- (b) To enable appropriate development where allowed with consent.

### **Development within the zone**

In Zone 7 (f1) the following development is:

#### **1 Allowed without development consent**

Nil

#### **2 Allowed only with development consent**

Development for the purpose of:

Advertisements

Car parks

Caravan parks

Forestry

Home businesses in existing dwellings

Recreation areas

Roads

Single dwellings

Utility installations (other than radio or television transmission towers)

Demolition

### **3 Prohibited**

Any development not included in Item 2.

## **Zone 7 (f2) Environment Protection—Coastal Land Acquisition**

Zone objectives

- (a) To protect environmentally sensitive foreshore areas that are designated for acquisition by the Council or the Director-General.
- (b) To enable appropriate development where allowed with consent.

### **Development within the zone**

In Zone 7 (f2) the following development is:

#### **1 Allowed without development consent**

Nil

#### **2 Allowed only with development consent**

Development for the purpose of:

Recreation areas

Roads

Utility installations (other than radio or television transmission towers)

Demolition

### **3 Prohibited**

Any development not included in Item 2.

## **Zone 7 (h) Environment Protection—Habitat**

Zone objectives

- (a) To maintain natural habitats for native plants and animals within the local ecological subsystem.
- (b) To maintain a network of natural or semi-natural habitats and to re-establish missing

sections of natural habitats.

- (c) To protect the environmental qualities and values of natural habitats (including creek lines).
- (d) To permit roads and services to cross habitat areas in a manner that has minimal adverse impacts on habitat values.
- (e) To enable appropriate development where allowed with consent.

### **Development within the zone**

In Zone 7 (h) the following development is:

#### **1 Allowed without development consent**

Nil

#### **2 Allowed only with development consent**

Development for the purpose of:

Advertisements

Recreation areas (excluding sporting fields)

Roads

Utility installations (other than radio or television transmission towers)

Demolition

#### **3 Prohibited**

Any development not included in Item 1 or 2.

### **Zone 8 (a) National Parks and Nature Reserves**

Zone objectives

- (a) To identify land reserved under the [National Parks and Wildlife Act 1974](#).
- (b) To identify land owned by the National Parks and Wildlife Service and proposed to be reserved under the [National Parks and Wildlife Act 1974](#).

### **Development within the zone**

In Zone 8 (a) the following development is:

#### **1 Allowed without development consent**

Development authorised by or under the [National Parks and Wildlife Act 1974](#).

## **2 Allowed only with development consent**

Nil

## **3 Prohibited**

Any development not included in Item 1.

### **Zone 8 (b) Proposed National Parks and Nature Reserves**

Zone objectives

- (a) To identify land proposed to be acquired under the [National Parks and Wildlife Act 1974](#).
- (b) To enable appropriate development where allowed with consent.

#### **Development within the zone**

In Zone 8 (b) the following development is:

### **1 Allowed without development consent**

Development authorised by or under the [National Parks and Wildlife Act 1974](#).

### **2 Allowed only with development consent**

Development for the purpose of:

Advertisements

Agriculture

Clearing of trees or native vegetation

Forestry

Utility installations (other than radio or television transmission towers)

Demolition

### **3 Prohibited**

Any development not included in Item 1 or 2.

### **Zone No 9 (c) Proposed Local Roads**

Zone objectives

- (a) To ensure that land required for future essential local roads and road widening is clearly designated.
- (b) To provide for the acquisition of land so designated.

- (c) To allow continued use of land so designated until it is required for local roads.
- (d) To enable appropriate development where allowed with consent.

### **Development within the zone**

In Zone 9 (c) the following development is:

#### **1 Allowed without development consent**

Development for the purpose of:

Roads

Widening of existing roads

#### **2 Allowed only with development consent**

Development for the purpose of:

Advertisements

Car parks

Recreation areas

Utility installations (other than radio or television transmission towers).

Demolition

#### **3 Prohibited**

Any development not included in Item 1 or 2.

## **Part 3 General provisions**

### **10 Temporary development of land**

Consent may be granted to development (other than designated development) for any purpose that is elsewhere prohibited by a provision of this plan for a maximum period of 28 days, whether consecutive or not, in any one year.

### **11 Development of uncoloured land on the zoning map**

(1) Objectives:

- (a) To enable the control of development on unzoned land.
- (b) To ensure that development of unzoned land is compatible with surrounding development and zones.
- (c) To ensure that development of certain waters takes account of environmental

impacts and all lawful users of the waters.

- (2) A person must not carry out development on unzoned land except with development consent.
- (3) In deciding whether to grant consent to development on unzoned land, the consent authority must consider:
  - (a) whether the proposed development is compatible with development allowed in the adjoining zone and the character of existing lawful development in the vicinity, and
  - (b) in the case of unzoned land that is below the mean high water mark of the ocean or an estuary, bay, lake or river:
    - (i) whether or not the proposed development would alienate the waters of the ocean, estuary, bay, lake or river from recreational uses or from commercial fishing and, if so, whether there is sufficient area in the locality for those uses to mitigate the adverse effect of the proposed development on those uses, and
    - (ii) the provisions of and the impact on any coastal, estuary or river plan of management in force from time to time that applies to the unzoned land or land in the vicinity, and
    - (iii) any impact on, or from, the natural environment and its processes.

## **12 Development near zone boundaries**

- (1) Objective:

To provide flexibility where detailed investigation of a site and its surroundings reveals that minor encroachment of development over the zone boundary would allow more effective and appropriate development of the site.
- (2) This clause applies to land which is:
  - (a) within 100 metres of a boundary between any two of Zones 1 (a1), 1 (a3) and 1 (a4), or
  - (b) within 20 metres of a boundary between any other zones, except land within Zone 7 (f1), 7 (f2), 8 (a) or 8 (b).
- (3) Development may, with development consent, be carried out on land to which this clause applies for any purpose for which development may be carried out (with or without consent) in the adjoining zone.
- (4) Consent may be granted to development referred to in subclause (3) only if the applicant demonstrates to the satisfaction of the consent authority that the proposed

development is, due to planning, design, ownership, servicing or similar criteria, more appropriate than development allowed by the zoning of the land.

### **13 Availability of essential services**

(1) Objectives:

- (a) To ensure that development does not occur without adequate measures to protect the environment and the community's health.
- (b) To ensure that development occurs in a coordinated and efficient manner and that costs attributable to it are borne equitably.

(2) Consent must not be granted to the carrying out of development on any land unless:

- (a) a water supply and facilities for the removal or disposal of sewage and drainage are available to that land, or
- (b) arrangements satisfactory to the Council have been made for the provision of that supply and those facilities,

if the proposed use of the land will, in the opinion of the consent authority, generate a need for such a supply or for those facilities.

## **Part 4 Subdivision**

### **Note—**

Refer to section 4B of the Act for the definition of **subdivision of land**.

### **14 General**

Unless the subdivision is exempt development, a person shall not subdivide land without development consent.

### **15 Subdivision in Zone 1 (a1), 1 (a3), 1 (a4), 1 (i), 7 (a) or 7 (d)**

Consent may be granted to the subdivision of land:

- (a) within Zone 1 (a1), 1 (a3), 1 (i), 7 (a) or 7 (d), only if the area of each allotment created is at least 40 hectares, or
- (b) within Zone 1 (a4), only if the area of each allotment created is at least 100 hectares.

### **16 Rural Residential Zones: Kings Creek land within Zone 1 (i) or 1 (r1)**

- (1) Consent shall not be granted to development on land within Zone 1 (i) unless the consent authority has taken into consideration the impact the development may have on the future intended use of the land for rural residential purposes, and is satisfied that the development will not unduly restrict the ability to use the land or adjoining land for rural residential purposes.



- (2) Consent shall not be granted to the creation of any lot within Zone 1 (r1) unless the consent authority is satisfied that buildings to be erected on the land will be situated within a building envelope below RL 45m AHD, and that a reticulated water supply will be provided to each lot.
- (3) Consent shall not be granted for the subdivision or other development of land within Zone 1 (i) or 1 (r1) unless the consent authority has taken into consideration the provisions of the Kings Creek Koala Plan of Management available from the office of the Council.

#### **17 Lot sizes in Zone 1 (u), 2 (a1), 2 (a4), 2 (t1), 2 (t2) or 2 (v)**

- (1) Consent may be granted to the subdivision of land by a plan of subdivision, within the meaning of section 195 of the [Conveyancing Act 1919](#):
  - (a) within Zone 2 (a1) or 2 (v), only if the area of each lot created is not less than 450m<sup>2</sup>, or
  - (b) within Zone 2 (t1) or 2 (t2), only if the area of each lot created is not less than 600m<sup>2</sup>, or
  - (c) within Zone 2 (a4), only if the area of each lot created is not less than 2,000m<sup>2</sup>, or
  - (d) within Zone 1 (u) (or partly within that zone and another zone), only if the area of each lot created within Zone 1 (u) is not less than 450m<sup>2</sup> and (where the land is partly within that zone and another zone) only if there is a suitable site for the erection of a single dwelling within the other zone.
- (2) Despite subclause (1), consent may be granted to a subdivision associated with dual occupancy or cluster housing creating a lot smaller than 450m<sup>2</sup> within Zone 2 (a1) or 2 (v).

### **Part 5 Dwellings**

#### **18 Single dwellings within Zone 1 (a1), 1 (a3), 1 (a4), 1 (i), 7 (a), 7 (d) or 7 (f1)**

- (1) Consent may be granted to the erection of a single dwelling on land:
  - (a) within Zone 1 (a1), 1 (a3), 1 (i), 7 (a), 7 (d) or 7 (f1), only if the area of the land is at least 40 hectares and no dwelling is erected on it, or
  - (b) within Zone 1 (a4), only if the area of the land is at least 100 hectares and no dwelling is erected on it.
- (2) Despite subclause (1), consent may be granted to the erection of a single dwelling on a parcel of land which is smaller than the minimum area of 40 hectares or 100 hectares required by subclause (1) (a) or (b), but only if the land:
  - (a) is vacant and is either an existing parcel or an approved lot, except an approved

lot created for a purpose other than for the erection of a single dwelling, or

**Note—**

Refer to Dictionary for definition of these terms.

(b) is referred to in Schedule 1 or is an allotment created by the boundary adjustment of an allotment referred to in Schedule 1.

(3) Consent may be granted to one rural workers' dwelling on land within Zone 1 (a1), 1 (a3) or 1 (a4) if the allotment has an area of at least 80 hectares and the consent authority is satisfied that the dwelling is necessary to maintain or enhance the long-term agricultural use of the land.

(4) Despite any other provisions of this clause, consent may be granted to the erection of a single dwelling on land within Zone 1 (a1), 1 (a3) or 1 (a4) where:

(a) the land comprises one or more allotments created prior to 26 May 1967, and

(b) at 2 October 1987 the land was owned by a person who did not own any adjacent or adjoining land, and

(c) prior to the appointed day, consent for the erection of a single dwelling may have been granted pursuant to the provisions of an environmental planning instrument applying to the land.

## **Part 6 Environmental provisions**

### **19 Landform alteration in Zone 7 (a), 7 (d) or 7 (h)**

(1) Objective:

To ensure that the impact of landform alteration of environmentally sensitive land is subject to specific considerations.

(2) A person shall not carry out development within Zone 7 (a), 7 (d) or 7 (h) which involves the construction of a levee, or excavation, filling or draining of land, without development consent.

(3) Consent may be granted to development within Zone 7 (a), 7 (d) or 7 (h) only if the consent authority has notified the Director-General of National Parks and Wildlife of the proposal and taken into consideration any comments received from the National Parks and Wildlife Service within 28 days of the notice being sent.

(4) Notice to the Director-General of National Parks and Wildlife is to include a request for comments on the likely environmental effects of the proposed development on flora and fauna.

(5) Consent required by this clause may be granted only if the consent authority has taken into consideration:

- (a) the effect of the development on the operation of the natural hydrological system of the land and adjoining land, and
- (b) the effect on areas of scenic significance, and
- (c) whether any feasible alternatives exist.

## **20 Tree preservation**

(1) Objective:

To protect vegetation and provide for the assessment of the impact of clearing for the reasons of preserving amenity and the ecology of the area of Hastings.

- (2) Pursuant to section 32 of the Act, the Council may by resolution make, revoke or amend a tree preservation order.
- (3) A tree preservation order is to identify a tree or class of trees that must not be ringbarked, cut down, topped, lopped, removed or wilfully destroyed without development consent or the permission of the Council, but does not apply:
  - (a) to trees in a State Forest or within a reserve under the [Forestry Act 1916](#), or
  - (b) to trees in Zone 8 (a).
- (4) A person must not ringbark, cut down, top, lop, remove or wilfully destroy a tree to which a tree preservation order applies without development consent or the permission of the Council or unless authorised to do so by or under an Act.
- (5) A tree preservation order, and any revocation or amendment of it, does not have effect until it has been published in a newspaper circulating in the area of the Council.
- (6) A tree preservation order made and in force immediately before the appointed day under any environmental planning instrument that applied to land to which this plan applies shall be deemed to be a tree preservation order made by the Council under this clause identifying the trees to which it is expressed to apply and may be revoked or amended by the Council in accordance with this clause.
- (7) This clause does not apply to land to which clause 21 applies.
- (8) In Zone 7 (a), 7 (d), 7 (f1), 7 (f2) or 7 (h) a tree, which exceeds a height of 3 metres, shall not be cut down, lopped or otherwise destroyed without development consent or the permission of the Council.

## **21 Protected lands**

(1) Objective:

To enable the protection of vegetation and assessment of the impacts of clearing

in certain areas for reasons of visual amenity and ecology.

- (2) This clause applies to land shown by vertical hatching on the zoning map.
- (3) Land to which this clause applies shall not be clear felled without development consent.

## **22 Development in Zone 7 (f1)**

- (1) Consent for development in Zone 7 (f1) must not be granted except with the concurrence of the Director-General.
- (2) In determining whether to grant concurrence, the Director-General shall take into consideration the likelihood of the proposed development:
  - (a) adversely affecting, or being adversely affected by, the behaviour of the sea or an arm of the sea or any bay, inlet, lagoon, lake, body of water, river, stream or watercourse, or
  - (b) adversely affecting any beach or dune or the bed, bank, shoreline, foreshore, margin or floodplain of the sea or any arm of the sea or any bay, inlet, lagoon, lake, body of water, river, stream or watercourse, or
  - (c) adversely affecting the landscape or scenic quality of the locality.

## **23 Development in Zone 8 (b)**

Consent may be granted to development in Zone 8 (b) only if the consent authority has notified the Director-General of National Parks and Wildlife of the proposal and taken into consideration any comments received from the National Parks and Wildlife Service within 28 days of the notice being sent.

## **24 Habitat areas**

- (1) Objective:

To ensure appropriate vegetation management on land identified as habitat.
- (2) This clause applies to land shown by horizontal hatching on the zoning map.
- (3) Vegetation removal, other than the removal of weeds and noxious weeds, shall not be carried out without development consent.
- (4) For the purposes of this clause, **vegetation removal** means:
  - (a) the cutting down, removal or destruction of a tree containing hollows, or
  - (b) the cutting down, removal or destruction of a species of tree identified as a primary koala browse tree within the Hastings area, the height of which exceeds 5 metres, or

- (c) the removal of an area of vegetation including trees, understorey or ground cover (or any combination of them), by the use of machinery.

Descriptions of species of trees identified as a primary koala browse tree within the Hastings area are available from the office of the Council.

- (5) Nothing in this clause prevents the ongoing maintenance of existing fire radiation zones or fire trails.
- (6) Consent shall not be granted to vegetation removal on land to which this clause applies unless the consent authority has taken into consideration the provisions of the relevant plans of management applying to the land and available from the office of the Council.

## **Part 7 Hazards and buffers**

### **25 Flood liable land**

- (1) Objectives:
  - (a) To minimise potential flood damage by ensuring that only appropriate development occurs on flood liable land.
  - (b) To minimise the effects of flooding on the community.
- (2) For the purposes of this clause, **flood liable land** is:
  - (a) land likely to be inundated in the 1 in 100 year flood, as identified on mapping held in the office of the Council, or
  - (b) land likely to be inundated in the 1 in 100 year flood because of topography or proximity to a watercourse.
- (3) In the case of land referred to in subclause (2) (a), consent shall not be granted to development of the land unless a survey identifying the level of the land relative to the 1 in 100 year flood level has been completed.
- (4) Consent shall not be granted to development of any flood liable land unless the consent authority has considered:
  - (a) the likelihood of loss of life or property from flooding, and
  - (b) the likelihood of increased demand for flood mitigation measures and emergency services, and
  - (c) any impediments to the operation of floodway systems in times of flood, and
  - (d) the effect of proposed development on adjoining land in times of flood, and
  - (e) limits on the intensity of development of urban flood liable land, and

(f) the provision of services and facilities appropriate to the flood liability of the land.

(5) Despite any other clause in this plan:

(a) development (other than land filling) must not be carried out on land within Zone 4 (t) if the level of the land is less than 650 mm above the 1 in 100 year flood level, and

(b) where land within Zone 2 (t1), 2 (t2) or 4 (b) is identified as being at less than 800 mm above the 1 in 100 year flood level, development must not be carried out on the land unless all habitable floor levels have an appropriate freeboard, or are within a ring levee which has its upper lip not less than 800 mm above the 1 in 100 year flood level.

## 26 Acid sulfate soils

(1) Objective:

To ensure adequate assessment of development which may create an acid sulfate hazard.

(2) A person must not, without development consent, carry out works on land to which this plan applies shown as being Class 1, 2, 3, 4 or 5 land on the acid sulfate soils map, being the works specified for the class of land in the following table:

Class of land	Works to which this clause applies
1	Any works.
2	Works below the ground surface, Works by which the watertable is likely to be lowered.
3	Works beyond 1 metre below the natural ground surface, Works by which the watertable is likely to be lowered beyond 1 metre below natural ground.
4	Works beyond 2 metres below the natural ground surface, Works by which the watertable is likely to be lowered beyond 2 metres below natural ground.
5	Works by which the watertable is likely to be lowered to below 1 metre AHD in adjacent Class 1, 2, 3 or 4 land.

(3) For the purposes of subclause (2), **works** includes any landform alteration that results in the disturbance of soil (such as occurs in carrying out agriculture, the construction of dams, the maintenance of existing drains, flood mitigation works or any other works which will alter groundwater levels), but does not include minor works such as septic tank installation or trenching for installation of services where such works may not be carried out without the issue of an approval by the Council.

- (4) Such a consent must not be granted unless the consent authority has considered:
- (a) a preliminary soil assessment determining the presence or absence of potential or actual acid sulfate soils within the area of proposed landform alteration, unless the applicant agrees that potential or actual acid sulfate soils are present within the area of proposed landform alteration, and
  - (b) where the preliminary soil assessment identifies, or the applicant agrees about the presence of, potential or actual acid sulfate soils—the adequacy of an acid sulfate soils management plan prepared in accordance with the Acid Sulfate Soil Manual, and
  - (c) the likelihood of the proposed development resulting in the oxidation of acid sulfate soils, and
  - (d) any comments received from any relevant public authority the consent authority may consult with in respect of the application.

## **Part 8 Particular area provisions**

### **27 Development in Zone 2 (t2)**

- (1) Objectives:
- (a) To ensure that the potential impact of any major flood inundation is taken into account in deciding what development will be carried out on land within Zone 2 (t2).
  - (b) To ensure that appropriate tourist-related land uses are permissible within the zone.
- (2) Despite any other provision of this plan, a person must not develop land within Zone 2 (t2) if the development would result in habitable floor levels that are less than 800 mm above the 1 in 100 year flood level. The only exception to this requirement is where a ring levee is provided in accordance with clause 25.
- (3) Despite any other provision of this plan, a person must not develop land within Zone 2 (t2) if the development would result in an increase in the number of permanent residents occupying the land.
- (4) Subclause (3) does not apply to an increase in permanent residents resulting from occupation of:
- (a) the first single dwelling erected on a parcel of land in existence at 27 June 1997, being the date of gazettal of *Hastings Local Environmental Plan 1987 (Amendment No 55)*, or
  - (b) a single dwelling or other dwelling erected in conjunction with a use permissible

within Zone 2 (t2) (other than a home business) and situated on the same land as the land on which that use is carried out, where that dwelling will be occupied exclusively as a manager's residence required for the effective control of that use on that land.

- (5) Despite any other provision of this plan, consent must not be granted to development for the purpose of a shop or commercial premises within Zone 2 (t2) unless the consent authority is satisfied that the use of the proposed shop or commercial premises will be a tourist-related use.
- (6) For the purposes of this clause, a ***tourist-related use*** is a land use that relies for its commercial success on tourist patronage and that promotes local tourism activities or facilities. Examples of tourist-related land uses are:
  - (a) sale of local crafts or souvenirs, and
  - (b) booking of local attractions and recreational facilities and activities, and
  - (c) provision of tourist information and other similar services that assist in the establishment of the area as a specialised tourist precinct.

## **28 Development in Zone 4 (t)**

- (1) Consent must not be granted to the carrying out of development for the purpose of commercial premises, an educational establishment, tourist facilities or a transport terminal within Zone 4 (t) unless the consent authority is satisfied that the development:
  - (a) relies on, or would significantly benefit from, being located within Zone 4 (t), or
  - (b) is required to provide services or training facilities predominantly for industries or persons employed within Zone 4 (t).
- (2) Consent must not be granted to the carrying out of development for the purpose of a depot, light industry, liquid fuel depot, public building or warehouse within Zone 4 (t) unless the consent authority is satisfied that the development is better suited to being located within Zone 4 (t) than any other industrial zone.
- (3) Consent must not be granted to the carrying out of development on land within Zone 4 (t) for the purpose of a child care centre, recreation area, recreation facility or shop unless the consent authority is satisfied that the development provides services predominantly for persons employed within Zone 4 (t).
- (4) Consent must not be granted to the carrying out of development on land within Zone 4 (t) for the purpose of a dwelling unless the consent authority is satisfied that there is a need for the dwelling to be provided as part of other development carried out in Zone 4 (t).



- (5) Consent must not be granted to the carrying out of any development on land within Zone 4 (t) unless the consent authority is satisfied that the development will achieve a high standard of visual amenity.

## **29 Development for additional purposes**

- (1) Nothing in this plan prevents a person, with development consent, from carrying out development on land referred to in Schedule 3 and indicated on the zoning map by a vertical stipple if the development is specified in relation to that land in that Schedule, subject to such conditions, if any, as are so specified.
- (2) If a condition referred to in subclause (1) allows consent to be granted only within a specified period from the date of gazettal of an environmental planning instrument, consent must not be granted after the expiration of that period (or after such later date as the Minister may, before expiration of that period, notify by order published in the Gazette).
- (3) Nothing in subclause (2) prevents consent from being granted to the carrying out of alterations or extensions to, or the rebuilding of, a building or place being used for development for which consent has been granted in accordance with subclause (1).

## **30 Land adjoining Wauchope Racecourse—Lot 6 DP 884424 in Zones 1 (a1), 1 (u) and 2 (a1)**

- (1) Objectives:
  - (a) To avoid allowing residential development that could give rise to conflict between it and adjoining land uses, having particular regard to noise from an adjoining existing racecourse.
  - (b) To enhance protection of an area of Aboriginal archaeological sensitivity.
- (2) Consent must not be granted to the subdivision of such of the land in Lot 6 DP 884424 as is within Zone 1 (a1), 1 (u) or 2 (a1) unless the consent authority is satisfied that:
  - (a) the subdivision pattern provides sites for dwellings which will not be subject to noise levels greater than 45 dB(A) L<sub>90</sub> in the daytime or 35 dB(A) L<sub>90</sub> in the night-time, having regard to adjoining land uses on Lot 1 DP 206905 and Lot 3 DP 595087, and
  - (b) the length of each of the proposed allotments is not excessive in relation to its width, and
  - (c) there will be a suitable timbered buffer at least 25 metres wide between the site of any existing or future dwelling and the racecourse.
- (3) Consent must not be granted to any such subdivision for residential purposes unless the consent authority has considered a noise management report containing the

following:

- (a) an evaluation of the noise level contours over the site,
  - (b) a description of proposed noise attenuation measures to be carried out as part of the residential development,
  - (c) recommendations for any special requirements regarding dwellings to be imposed on the development, such as requirements relating to siting, noise insulation and permissible height.
- (4) In relation to land within Zone 1 (a1) or 1 (u) and within 350 metres of the intersection of Beechwood Road and Yippen Creek Road, consent must not be granted unless it contains conditions which provide for the protection of Aboriginal relics that are or may be on the land.

### **31 Neighbourhood centres—Zone 2 (a1)**

(1) Objective:

To ensure that the neighbourhood centres are viable and not in competition with one another and are compatible with a hierarchy of business centres.

(2) Consent must not be granted to development for the purpose of a neighbourhood centre within Zone 2 (a1) unless:

- (a) the consent authority is satisfied that the development is consistent with the objectives of this clause, with particular regard to size, facilities and location, and
- (b) the neighbourhood centre is located at least 1.5 kilometres from the nearest land within another neighbourhood centre or a business zone.

## **Part 9 Acquisition**

### **32 Acquisition of land in Zone 5 (a), 7 (f2), 8 (b) or 9 (c)**

- (1) The owner of land within Zone 5 (a) (for which the particular land use “Education” or “Water Supply” is indicated by black lettering on the zoning map), 7 (f2), 8 (b) or 9 (c) may, by notice in writing, require:
- (a) in the case of land within Zone 5 (a) reserved for educational purposes—the Minister for Education and Training,
  - (b) in the case of land within Zone 5 (a) reserved for water supply purposes, 7 (f2) or 9 (c)—the Council,
  - (c) in the case of Lots 14 and 15 DP 560259, Pacific Drive, Port Macquarie, within Zone 7 (f2)—the corporation within the meaning of the Act, or

(d) in the case of land within Zone 8 (b)—the Director-General of National Parks and Wildlife,

to acquire that land.

- (2) On receipt of a notice referred to in subclause (1), the person or public authority concerned shall acquire the land.
- (3) Where land within Zone 9 (c) cannot, in the opinion of the Council, be used or otherwise developed within a reasonable time after the appointed day for the purpose for which it has been zoned, the land may, with consent, be developed for any other purpose.
- (4) Nothing in subclause (2) requires the Council to acquire land within Zone 9 (c) during the currency of a consent obtained under subclause (3).

## **Part 10 Heritage**

### **33 Heritage items**

- (1) A person must not, in respect of a building, work, relic, tree or place that is a heritage item:
  - (a) demolish or alter the building or work, or
  - (b) damage or move the relic, or
  - (c) excavate for the purpose of exposing the relic, or
  - (d) damage or despoil the place or tree, or
  - (e) erect a building on or subdivide land on which the building, work or relic is situated or that comprises the place, or
  - (f) damage any tree on land on which the building, work or relic is situated or on the land which comprises the place, or
  - (g) make structural changes to, or non-structural changes to the detail, fabric, finish or appearance of, the interior of a building or work listed in Part 2 of Schedule 4, except with development consent.
- (2) Consent must not be granted to a development application required by subclause (1) unless the consent authority has taken into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item and any stylistic or horticultural features of its setting.
- (3) The consent authority may decline to grant a consent required by this clause unless it has considered a conservation plan that enables the consent authority to fully

consider the heritage significance of the heritage item and the impact of the proposed development on the significance of the heritage item and its setting.

### **34 Development in the vicinity of heritage items**

Consent must not be granted to development on land in the vicinity of a heritage item unless the consent authority has made an assessment of the effect the carrying out of that development will have on the heritage significance of the item and its setting.

### **35 Notification of Heritage Council**

Consent may be granted to a development application involving a heritage item listed in Part 1 of Schedule 4 only if the consent authority has notified the Heritage Council of its intention to grant consent and taken into consideration any comments received from the Heritage Council within 28 days of the notice being sent.

**Note—**

Only items of State heritage significance require referral to the Heritage Council.

### **36 Conservation incentives**

- (1) Nothing in this plan prevents the granting of consent to the use for any purpose of a building that is a heritage item, or of land on which a building that is a heritage item is erected, if the consent authority is satisfied that:
  - (a) the proposed use would have little or no adverse effect on the amenity of the area, and
  - (b) the conservation of the heritage item depends on granting consent as provided by this clause.
- (2) When considering an application for consent to erect a building on land on which there is situated a building which is a heritage item, the consent authority may:
  - (a) for the purpose of determining the floor space ratio, and
  - (b) for the purpose of determining the number of parking spaces to be provided on the site,

exclude the floor space of the heritage item from its calculation of the floor space of the buildings erected on the land, but only if the consent authority is satisfied that the conservation of the item depends on making that exclusion.

### **37 Archaeological significance**

- (1) This clause applies to land identified on the zoning map as a potential archaeological site.
- (2) Where the consent authority receives an application for consent to carry out

development involving the excavation or filling of land, or the erection or demolition of buildings on land, to which this clause applies, it must not grant consent unless it has considered a report which includes an assessment of how the proposed development would affect the archaeological significance of the site.

## **Part 11 Miscellaneous**

### **38 Suspension of covenants, agreements and similar instruments**

(1) Objective:

To enable development to be carried out in accordance with this plan or a consent.

- (2) For the purpose of enabling development to be carried out in accordance with this plan or a consent granted under the Act, any agreement, covenant or similar instrument that restricts or prohibits development allowed by this plan shall not apply to development to the extent necessary to serve that purpose.
- (3) Nothing in subclause (2) affects the rights or interests of any public authority under any registered instrument.
- (4) Pursuant to section 28 of the Act, before the making of this clause the Governor approved of subclauses (2) and (3).

### **39 Demolition**

A person shall not carry out demolition without development consent unless it is exempt development.

### **40 Advertisements**

(1) Objective:

To ensure that signage relates either to the use of the land or promotion of tourism.

- (2) Consent must not be granted to the display of an advertisement unless:
- (a) the advertisement relates to the use of the land on which it is to be displayed, or
  - (b) the advertisement indicates the location of tourist facilities or activities, or places of scientific, historical or scenic interest, or
  - (c) the sign complies with the provisions of *Development Control Plan No 7—Policy on Advertisements*.

## **Schedule 1 Single dwellings permitted on certain lots**

(Clause 18 (2))

### **Oxley Highway, Port Macquarie**

DP 22077—Lots 1 and 4 and part lot 5  
DP 22676—Lots 1-3 and 6-18  
DP 22692—Lot 3  
DP 24461—Lots 19-25  
DP 31128—Lots 6, 7 and 10  
FP 406807—Lot 1  
Land in FP 417065  
DP 514628—Lots 1-3  
DP 523370—Lots 4 and 6  
DP 571815—Lots 4 and 5  
DP 600988—Lots 2 and 3  
DP 616530—Lot 9  
DP 629356—Lots 1 and 2  
DP 630393—Lot 4

### **Riverside Drive, Parish of Torrens**

DP 215928—Lots 1-10, 13-19, 22-35 and 37  
DP 238301—Lots 1-9, 11-16, 18-26, 28-36, 38-62 and 64-71  
DP 251919—Lot 6  
DP 251920—Lots 1-13  
DP 552384—Lots 1-3  
DP 583466—Lot 1  
DP 606017—Lot 1

### **Locality of North Shore Drive, Parish of Torrens**

RP 98649—Lot 1  
DP 217022—Lots 2-13, 15-27, 29-38, 40, 42-44, 46 and 48  
DP 238782—Lots 1-68  
DP 244317—Lots 89-125  
DP 247188—Lots 72-88  
DP 562420—Lot 1  
DP 613259—Lots 2 and 3  
DP 635703—Lot 1

### **Corilla Estate, Parish of Torrens**

DP 221558—Lots 1-26

### **Rossglen, Parish of Johns River**

DP 103619—Lot A  
DP 103620—Lot B  
DP 514948—Lot 1

DP 754418—Lots 177, 178, 192-198, 200, 202, 203, 206 and 225

## Schedule 2 Specified commercial premises

(Clause 9 (3)—4 (a) and 4 (b) Zones)

Delicatessen  
 Financial institution  
 Mortuary  
 Newsagency  
 Take-away foodshop  
 Veterinary establishment

## Schedule 3 Development of specific sites

(Clause 29)

Land	Additional development permitted	Conditions
Lake Innes Nature Reserve	Development for the purpose of roads and utility installations	
Lot 10 and Part Lot 16 DP 244977, Oakes Crescent, Port Macquarie	Development for the purpose of a small ship building factory	
Part Lot 201 DP 710567, Lot 44 DP 843127, Lot 1 DP 619797, Lot 1 DP 539307 and part Settlement Point Road within Zone 2 (a1), Port Macquarie	Development for the purpose of commercial premises, a service station and shops	Development to be integrated with uses permissible in the zone in which the land is situated.
SP 32552, No 94 William Street, Port Macquarie	Development for the purpose of commercial premises	
Lot 2 DP 33630 and Lot 1 DP 798068, Nos 4 and 8 Hayward Street, Port Macquarie	Development for the purpose of commercial premises	Retain existing buildings in their form and style. Any additions to conform with existing form and style of building.
Lots 63, 67 and 68 DP 834483, Livingstone Road, Port Macquarie	Erection of a dwelling on each lot	
Part Lot 6 DP 739270 and Part Lots 337 and 319 DP 754434, Ocean Drive, Port Macquarie	Development for the purpose of a manufactured home estate within the meaning of <a href="#">State Environmental Planning Policy No 36—Manufactured Home Estates</a>	
Lots 1 and 2 DP 858695 and Timbertown Museum Reserve R210105, Oxley Highway, Wauchope	Development for the purpose of a tourist facility	

Lot 22 DP 852214, Wrights Road, Port Macquarie	The provision of laundry services	Services provided only to hospitals and aged care facilities comprising nursing homes and hostels.
Part Lot 2 DP 244850 within Zone 1 (a1), Lincoln Road, Port Macquarie	Development for the purpose of a manufactured home estate within the meaning of <a href="#">State Environmental Planning Policy No 36—Manufactured Home Estates</a>	Land to be filled to or above 1 in 100 year flood level. Clause 19 must be complied with as if consent for the development were required by that clause.
Lot 1 DP 262236, Wrights Road, Port Macquarie	Erection of residential flats in conjunction with medical centre	
Part Lot 2 DP 826003, Hastings River Drive, Port Macquarie	Development for the purpose of commercial premises	
Lot 54 DP 833573, Jindalee Road, Port Macquarie	Development for the purpose of a barber/hairdressing shop	
Lot 1 DP 826003, corner Hastings River Drive and Newport Island Road, Port Macquarie	Development for the purpose of commercial premises and shops	To be part of integrated development otherwise permitted in the zone in which the land is situated
Land generally in the vicinity of Hollingsworth, Gore and Bridge Streets, Port Macquarie, including Lot 1, DP 375965	Development for the purpose of commercial premises	
Lots 58 and 59 DP 754417, off Oxley Highway, Yarras (Mt Seaview Resort)	Subdivision under the <a href="#">Community Land Development Act 1989</a>	For a limited occupancy rural tourist facility only.
Lot B DP 380244, No 85 William Street, Port Macquarie	Development for the purpose of commercial premises	
Lot 2 DP 812017, Waugh Street, Port Macquarie	Development for the purpose of commercial premises	
Lot 4 DP 262236, No 1, Lot 1 DP 262236, No 2 and Lot 5 DP 262236, No 3 Highfields Circuit, Port Macquarie	Development for the purpose of a medical centre	
Fernbank Creek Road adjoining the Hastings River	Land-based oyster processing operations	
Lot 2 SP 19929, No 10 Jindalee Road, Port Macquarie	Development for the purpose of a medical centre	



<p>Lot 5, DP 775534, Rawdon Island Road, Rawdon Island</p>	<p>Subdivision under the <a href="#">Community Land Development Act 1989</a> creating allotments of less than the minimum lot size for land in the zone in which the land is situated</p>	<p>The Council must be satisfied that:</p> <p>(a) the allotments to be created are intended to be used for the purpose of a rural tourist facility, and</p> <p>(b) occupancy of the facility by any one person will be limited to a maximum of 12 weeks (whether consecutive or not) in any calendar year</p>
<p>Part of Lot 4, DP 754428, 51 Cameron Street (corner of Oxley Lane), Wauchope, as shown edged heavy black and with a vertical stipple on the map marked "<i>Hastings Local Environmental Plan 2001 (Amendment No 3)</i>"</p>	<p>Development for the purpose of commercial premises</p>	
<p>Part of Lot 11, DP 1022105, Kingfisher Road, Port Macquarie, as shown edged heavy black and with a vertical stipple on the map marked "<i>Hastings Local Environmental Plan 2001 (Amendment No 1)</i>"</p>	<p>Subdivision creating allotments with a minimum area of 700 m<sup>2</sup></p>	
<p>Lots 2-4, DP 19867, Lord Street, Port Macquarie, as shown edged heavy black and with a vertical stipple on the map marked "<i>Hastings Local Environmental Plan 2001 (Amendment No 4)</i>"</p>	<p>Development for the purpose of commercial premises</p>	
<p>So much of the land within Zone 2 (t1) that fronts William Street, Port Macquarie, as is shown edged heavy black and with a vertical stipple on the map marked "<i>Hastings Local Environmental Plan 2001 (Amendment No 2)</i>"</p>	<p>Development for the purpose of shops or commercial premises (or both)</p>	<p>The shops or commercial premises:</p> <p>(a) are constructed in association with residential or residential tourist accommodation, and</p> <p>(b) have direct frontage to William Street and are located on the ground floor of the building in which they are situated, and</p> <p>(c) enhance, in the opinion of the Council, the tourist experience of William Street.</p>

Part of SP 68901, fronting Ocean Street near the corner of Pacific Drive, Port Macquarie, as shown edged heavy black and with a vertical stipple on the map marked "*Hastings Local Environmental Plan 2001 (Amendment No 13)*"

Development for the purpose of a refreshment room

Lot 2, DP 262236, 4 Highfields Circuit, Port Macquarie, as shown edged heavy black and with a vertical stipple on the map marked "*Hastings Local Environmental Plan 2001 (Amendment No 24)*"

Development for the purpose of cluster housing

Part of Lot 2, DP 535212, McInherney Close, Port Macquarie, as shown edged heavy black and with a vertical stipple on the map marked "*Hastings Local Environmental Plan 2001 (Amendment No 17)*"

Development for the purpose of a refreshment room

Lots 1 and 2, DP 1050937, Toorak Court, Port Macquarie, as shown edged heavy black and with a vertical stipple on the map marked "*Hastings Local Environmental Plan 2001 (Amendment No 18)*"

Development for the purpose of medical centres, with no limit on the numbers of medical practitioners, dentists or other health care professionals who may practise in them, or ancillary staff who may be employed to work in them in connection with those practices

Lot 4, DP 18259, 57 Gordon Street, Port Macquarie, as shown edged heavy black and with a vertical stipple on the map marked "*Hastings Local Environmental Plan 2001 (Amendment No 35)*"

Development for the purpose of a veterinary clinic

Lot 7 DP 247763, 85 Kenwood Drive, Lake Cathie      Subdivision into 2 allotments

One of the allotments so created is to include the site of a child care centre existing at the date of commencement of [Hastings Local Environmental Plan 2001 \(Amendment No 38\)](#). Development consent may only be granted within 2 years from the date on which [Hastings Local Environmental Plan 2001 \(Amendment No 38\)](#) was published in the Gazette.

Schedule 4 Heritage items

(Clauses 33 and 35 and Dictionary)

Part 1 Heritage items of State significance

Lake Innes House ruins and environs (including boathouse and corduroy road sites). (HS0006 and HS0074) Lot 3 DP 801087 and part Lake Innes Nature Reserve, The Ruins Way, Port Macquarie.

Kendall School of Arts (Community) Hall. (HS0031) Lot 36 DP 754418, No 19 Comboyne Street (corner Albert Street).

Laurieton School of Arts building. (HS0017) Lot 1 DP 525966, No 58 Bold Street (corner Laurie Street).

Former Courthouse building and mature Norfolk Island pine trees. (HS0013) Lot 675 DP 722652, corner Clarence and Hay Streets, Port Macquarie.

Hastings District Historical Society Museum building. (HS0015) Lot 1 DP 744652, No 22 Clarence Street, Port Macquarie.

Wauchope Railway Station Group including railway bridge (HS 0089), residence (HS0103), double sided railway goods shed (HS0104) and Canary Island palms in Wallace Street.

Part 2 Heritage items where interior has heritage significance

Kendall

Railway Station buildings (main building and detached men’s toilets). (HS0130)      Railway Street

Port Macquarie

St Thomas The Apostle Anglican Church building. (HS0004)      Lots 1 and 2 Section 7 and Lot 1 Section 7A DP 758852, Hay Street.

St Agnes Roman Catholic Church building and grounds. (HS0054)      Part Lots 8–10 Section 6 DP 758852, part Lot 2 DP 634711 and Lot 2 DP 571455, Horton and Hay Streets.

“Roto House” building. (HS0001)      Macquarie Nature Reserve, Lord Street.

### **Wauchope**

Courthouse building (excluding additions). (HS0048)	Part Lot 2, No 41 Hastings Street.
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## **Part 3 Other heritage items**

### **Bagnoo**

Thone River Bridge. (HS0036)	Oxley Highway.
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### **Ballengarra**

Historic well. (HS0025)	Part Portions 13 and 82, Smiths Creek Road, Parish of Cairncross.
Former sugar plantation, "Yadillah". (HS0024)	Part Portions 11 and 12, Rollands Plains Road, Parish of Cairncross.

### **Beechwood**

School building. (HS0107)	Lot 141 DP 754446, and part Portion 107.
Uniting Church building. (HS0108)	Part Lot 3 DP 729837, Beechwood Road, Parish of Redbank.
Cemetery. (HS0012)	Reserve No 15482, corner Pappinbarra Road and Koree Island Road.

### **Camden Haven (Kendall to Dellward)**

Former timber tramway earthworks. (HS0032)	Vicinity of Kew-Comboyne Road.
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### **Camden Head**

Training wall. (part HS0113)	Camden Haven River entrance.
Pilot station (single dwelling, weatherboard garage/boathouse, corrugated garage/boathouse, corrugated shed and concrete shelter). (HS0114)	Lot 201 DP 754405, via Camden Head Road.
Graves. (HS0115)	Reserve No 78791, Camden Head Road.

### **Cells Creek**

Former goldmine. (HS0116)	Within Doyles River State Forest.
Cemetery. (HS0117)	Reserve No 48917, O'Sullivan's Lane.

### **Ellenborough**

Cemetery. (HS0118)	Reserve No 19356, Oxley Highway.
Police Station building and associated mature trees. (HS0119)	Reserve No 59933, via Oxley Highway.

### **Fernbank Creek**

Dwelling-house. (HS0057) Lot 3 DP 613998, Fernbank Creek Road.

### **Herons Creek**

Saint Mary The Virgin Church Lot 2 DP 837307, Blackbutt Forest Road.

### **Kendall**

Railway bridge. (HS0120) Over Camden Haven River.

ANZAC War Memorial. (HS0121) Corner Comboyne and Albert Streets.

All Saints Anglican Church. (HS0123) Lot 1 DP 574137, Comboyne Street.

Dwelling-house. (HS0122) Lots 13 and 14 Section A DP 5678, No 34 Comboyne Street.

School building (built 1880). (HS0124) Corner Comboyne Street and Logans Crossing Road.

Cemetery. (HS0125) Kendall Forest Road.

Roman Catholic Church building. (HS0128) Lot 1 DP 717923, Laurel Street.

Single dwelling. (HS0126) Lot 1 DP 339359, No 9 Laurel Street.

Uniting Church building. (HS0127) Part Lot 29 Section A DP 7734, No 5 Laurel Street.

Dwelling-house. (HS0129) Lot 40 Section B DP 7734, No 23 Railway Street.

### **Kew**

Police Station building. (HS0131) Part Portion 62, No 20 Tathra Road, Parish of Camden Haven.

Royal Hotel. (HS0132) Lot 1 DP 557965, corner Pacific Highway and Ocean Drive.

Chimneys (remains of mill workers' cottages). Lot 1 DP 564615, Homedale Road.

### **Kindee**

Kindee Road suspension bridge. (HS0011) Over Hastings River.

### **Laurieton**

ANZAC War Memorial (monument and artillery piece). (HS0134) Reserve No 84064, corner Bold and Castle Streets.

Holy Trinity Church. (HS0133) Lot 1 Section 17 DP 758603, Bold Street.

Former Post Office and single dwelling buildings. (HS0137 and HS0138) Lot 2 DP 776806, No 5 Laurie Street (corner Lake Street).

Cemetery. (HS0136) Ocean Drive.

### **Mortons Creek**

Dwelling-house and graves (Bellangry House). (HS0110)	Lot 137 DP 754406, off Bellangry Road.
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### **North Haven**

Training wall. (Part HS0113)	Camden Haven River entrance.
Single dwelling. (HS0140)	Lot 1 DP 20780, No 623 Ocean Drive.
Single dwelling. (HS0143)	Lot 9 DP 20780, No 639 Ocean Drive.

### **Port Macquarie**

Hibbard Slipway. (HS0019)	Lot 1 DP 774887, Lot 694 DP 729765 and Lot 699 DP 822635, Boundary Street.
Graves. (HS0016)	Reserve No 82916, Clarence Street.
Brick stormwater drain. (HS0035)	Clarence Street between Hay and Murray Streets.
"Garrison" building. (HS0014)	Lot 1 DP 630109, No 26 Clarence Street (corner Hay Street).
Former Pilots boatshed building. (HS0022)	Western end, No 79 Clarence Street.
Historic Cemetery. (HS0003)	Gordon Street.
Part of original Gordon Street Bridge abutments. (HS0058)	Reserve No 87617, Kooloonbung Creek, north of Gordon Street.
"Lindel Hostel" building. (HS0065)	Lot 2 DP 536032, No 2 Hastings River Drive (corner Gordon Street).
Training walls and breakwalls. (HS0060)	Hastings River entrance.
"Ballina" paddlesteamer wreck. (HS0020)	Off mouth of Hastings River.
"Hamilton House" (former school) (HS0062) and "The Manor House". (HS0063)	Reserves Nos 93247 and 97977, No 198 Hastings River Drive.
Former police station, lockup and residence. (HS0068)	Lot 674 DP 722652, Hay Street.
Colonial Chapel of Christ the Healer building. (HS0038)	Lots 1 and 2 Section 7 and Lot 1 Section 7A DP 758852, Hay Street.
Cemetery. (HS0030)	Reserve No 9355, Hibbard Drive.
War Memorial. (HS0061)	Town Green, Reserve No 82306, Horton Street.
Royal Hotel. (HS0039)	Lot 1 DP 607258, Horton Street.
Macquarie Hotel. (HS0052)	Lot 2 DP 607258, Horton Street.
Ritz Theatre Complex. (HS0053)	Lot 1 DP 631801 and Lot 2 DP 631810, Horton Street.

Westpac Bank building. (HS0070)	Lot 2 DP 597002, No 35 Horton Street.
ANZ Bank building—original street facade. (HS0072)	Lot 10 DP 773026, No 49 Horton Street.
Hayward House building. (HS0002)	Part Lot A DP 161382, No 102 Horton Street.
Former single-storey Methodist Church building. (HS0073)	Lot 1 DP 817934, Horton Street.
Convict well. (HS0071)	Lot 1 DP 704798, No 158 Horton Street (corner Gordon Street).
“Coolenberg” dwelling-house. (HS0069)	Lot 1 DP 616008, No 60 Lake Road (corner Hill Street).
Remains of former Tacking Point Lighthouse keeper’s single dwelling. (HS0055)	Lot 2 DP 226861, Lighthouse Road.
Tacking Point Lighthouse building. (HS0009)	Lot 2 DP 859841, Lighthouse Road.
Well. (HS0008)	Lot 659 DP 47332, Munster Street, adjoining Courthouse.
“Grantham” dwelling-house. (HS0007)	Lot 1 DP 815326, Muston Street.
“Douglas Vale” dwelling-house and grounds. (HS0075)	Lots 12–14 DP 794235, Oxley Highway.
Cemetery. (HS0076)	Corner Oxley Highway and Widderson Street.
Obelisk. (HS0005)	Reserve No 71183, Pacific Drive, Nobby’s Head.
“The Cross” navigational marker. (HS0082)	Vicinity of Lot 5 DP 263360, Park Street.
Well. (HS0029)	Historic Well Motel, Lots 4 and 5 and part Lot 3 Section 63 DP 758852, No 1 Stewart Street (corner Lord Street).
Remnants of stone swale and kerbing. (HS0037)	North side of William Street between Hay and Horton Streets.
Pilots Memorial. (HS0077)	Reserve No 82916, William Street, Flagstaff Hill.
Three dwelling-houses. (HS0078, HS0079 and HS0080)	Lot 16 Section 65 DP 758852, Nos 2, 4 and 6 William Street.
Former dwelling-house. (HS0081)	Part Lot 2 Section 8 DP 758852, being land in FP 168127, No 98 William Street.

### **Rawdon Island**

Former School building and teacher’s dwelling-house. (HS0146)	Lot 30 FP 905648 Rawdon Island Road.
Former Post Office building. (HS0051)	Lots 28, 29, 33, 37 and 38 DP 754446 and part Portion 9, off Rawdon Island Road, Parish of Redbank.

### **Rollands Plains**

Road bridge. (HS0147) Over Brill Brill Creek, Rollands Plains Road.

Cemetery. (HS0148) Off Rollands Plains Road.

### **Rosewood**

Crossroads Cemetery. (HS0040) Adjoining Lot 15 DP 754428, Rosewood Road.

### **Telegraph Point**

Road bridge over railway line. (HS0153) Serving in part former butter factory, off Cooperabung Drive.

Former butter factory. (HS0157) Lot 2 DP 206773, off Cooperabung Drive.

Timber mill. (HS0155) Lot 1 DP 512380, No 320 Cooperabung Drive.

Cemetery. (HS0154) Farrawells Road.

Two shops. (HS0042 and HS0043) Lots 8 and 9 DP 243959, River Street.

Railway station water tower. (HS0152) Railway land adjoining River Street.

Railway bridge. (HS0050) Over Wilson River.

### **Upper Rollands Plains**

Former tin mine. (HS0149) Bobs Ridge Road, within Kippara State Forest.

### **Wauchope**

Davis Memorial Church building. (HS0085) Part Portion 4, No 39 Campbell Street, Parish of Koree.

"Lincoln Hall" single dwelling. (HS0087) Lot 12 DP 569016, No 20 Guy Street.

Former police dwelling-house. (HS0045) Part Lot 2, No 41 Young Street (corner Hastings Street).

Uniting Church building (excluding extensions). (HS0091) Lot 1 DP 797394, No 41 Hastings Street.

"Sheathers Tractor Shop" building. (HS0088) Part Lots 30 and 31 RP 543, No 87 High Street (corner Beechwood Road).

Former Rawdon Island church building. (HS0095) Lot 2 DP 858695, Oxley Highway.

St Josephs Convent building. (HS0096) Lot 9, King Street.

Cemetery. (HS0098) Oxley Highway.

Memorial Gates. (HS0100) Bain Park, Oxley Lane.

Cheese and butter factory. (HS0047) Lots 10-16 Section C DP 975586 and part railway land, Randall Street.

Primary School buildings, mature palms and fencing (excluding additions). (HS0105) Lot 1 DP 795186, Waugh Street.

### **Yarras**



Pedestrian suspension bridge. (HS0026)	Over Hastings River, near Forbes River Road.
Former Oxley Highway. (HS0027)	Within Parishes of Debenham, Graeme, Hastings and Tobin, being partly within Doyles River State Forest.
Stone pitched embankment. (HS0028)	Vehicular track, Lot 24 DP 754411, Oxley Highway.
Road Bridge. (HS0033)	Over Ralfes Creek, Oxley Highway.

## Schedule 5 Savings

(Clause 7 (2))

- 1** The carrying out by persons carrying on **railway undertakings** on land comprised in their undertakings of:
  - (a) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant, and
  - (b) the erection within the limits of a railway station of buildings for any purpose,but excluding:
  - (c) the construction of new railways, railway stations and bridges over roads,
  - (d) the erection, reconstruction and alteration of buildings for purposes other than railway undertaking purposes outside the limits of a railway station and the reconstruction or alteration so as materially to affect their design of railway stations or bridges,
  - (e) the formation or alteration of any means of access to a road, and
  - (f) the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings have direct access to a public place.
- 2** The carrying out by persons carrying on public utility undertakings, being **water, sewerage, drainage, electricity, telecommunications or gas undertakings**, of any of the following development, being development required for the purpose of their undertakings, that is to say:
  - (a) development of any description at or below the surface of the ground,
  - (b) the installation of any plant inside a building or the installation or erection within the premises of a generating station or substation established before the appointed day of any plant or other structures or erections required in connection with the station or substation,
  - (c) the installation or erection of any plant or other structures or erections by way of addition to or replacement or extension of plant or structures or erections already installed or erected, including the installation in an electrical transmission line of substations, feeder-pillars or transformer housing, but not including the erection of overhead lines for the supply of electricity or pipes above the surface of the ground for the supply of water, or the installation of substations, feeder-pillars or transformer housings of stone, concrete or brickworks,
  - (d) the provision of overhead service lines in pursuance of any statutory power to provide a supply of electricity,

- (e) the erection of service reservoirs on land acquired or in the process of being acquired for the purpose before the appointed day, provided reasonable notice of the proposed erection is given to the Council, or
  - (f) any other development, except:
    - (i) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings, so as materially to affect their design or external appearance, or
    - (ii) the formation or alteration of any means of access to a road.
- 3** The carrying out by persons carrying on public utility undertakings, being **water transport undertakings**, on land comprised in their undertakings, of any development required in connection with the movement of traffic by water, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
  - (b) the formation or alteration of any means of access to a road.
- 4** The carrying out by persons carrying on public utility undertakings, being **wharf or river undertakings**, on land comprised in their undertakings, of any development required for the purposes of shipping or in connection with the embarking, loading, discharging or transport of passengers, livestock or goods at a wharf or the movement of traffic by a railway forming part of the undertaking, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant for those purposes, except:
- (a) the construction of bridges, the erection of any other buildings, and the reconstruction or alteration of bridges or of buildings so as materially to affect their design or external appearance, or
  - (b) the formation or alteration of any means of access to a road.
- 5** The carrying out by persons carrying on public utility undertakings, being **air transport undertakings**, on land comprised in their undertakings within the boundaries of any aerodrome, of any development required in connection with the movement of traffic by air, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
  - (b) the formation or alteration of any means of access to a road.
- 6** The carrying out by persons carrying on public utility undertakings, being **road transport undertakings**, on land comprised in their undertakings, of any development required in connection with the movement of traffic by road, including the construction, reconstruction, alteration, maintenance and repair of buildings, works and plant required for that purpose, except:

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
  - (b) the formation or alteration of any means of access to a road.
- 7** The carrying out by the owner or lessee of a **mine** (other than a mineral sands mine), on the mine, of any development required for the purposes of a mine, except:
  - (a) the erection of buildings (not being plant or other structures or erections required for the mining, working, treatment or disposal of minerals) and the reconstruction, alteration or extension of buildings, so as materially to affect their design or external appearance, or
  - (b) the formation or alteration of any means of access to a road.
- 8** The carrying out of any development required in connection with the **construction, reconstruction, improvement, maintenance or repair of any road**, except the widening, realignment or relocation of such road.
- 9** The carrying out of any **forestry work** by State Forests or a school forest trust empowered under relevant Acts to undertake afforestation, roading, protection, cutting and marketing of timber, and other forestry purposes under such Acts or on any Crown land temporarily reserved from sale as a timber reserve under the [Forestry Act 1916](#).
- 10** The carrying out by the local rural lands protection board of any development required for the **improvement and maintenance of travelling stock and water reserves**, except:
  - (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
  - (b) any development designed to change the use or purpose of any such reserve.
- 11** The carrying out or causing to be carried out by the Council or by the Department of Land and Water Conservation engaged in any work for the purposes of **soil conservation, irrigation, afforestation, reafforestation, flood mitigation, water conservation or river improvement** in pursuance of the provisions of the [Water Act 1912](#), the [Farm Water Supplies Act 1946](#), the [Rivers and Foreshores Improvement Act 1948](#) or the [Water Management Act 2000](#), except:
  - (a) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or

(b) the formation or alteration of any means of access to a road.

**12** The **control of noxious weeds** in accordance with the *Noxious Weeds Act 1993*.

## Schedule 6 Zones and zoning map amendments

(Clause 6)

### Part 1 Zones

Zone	Shown on the zoning map as coloured
1 (a1) Rural	Light brown and lettered 1 (a1)
1 (a3) Rural Agricultural Protection	Light brown and lettered 1 (a3)
1 (a4) Rural Agricultural Protection	Light brown and lettered 1 (a4)
1 (f) State Forests	Light green and lettered 1 (f)
1 (i) Rural Residential Investigation	Light brown and lettered 1 (i)
1 (r1) Rural Residential	Light brown and lettered 1 (r1)
1 (u) Rural Urban Fringe	Light brown and lettered 1 (u)
2 (a1) Residential	Light scarlet and lettered 2 (a1)
2 (a4) Low Density Residential	Light scarlet and lettered 2 (a4)
2 (t1) Residential Tourist	Light scarlet and lettered 2 (t1)
2 (t2) Tourist—Restricted	Light scarlet and lettered 2 (t2)
2 (v) Village	Light scarlet and lettered 2 (v)
3 (a) General Business	Light blue and lettered 3 (a)
3 (b) Special Business	Light blue and lettered 3 (b)
3 (c) Neighbourhood Business	Light blue and lettered 3 (c)
3 (t) Tourist Business	Light blue and lettered 3 (t)
4 (a) General Industrial	Purple and lettered 4 (a)
4 (b) Service Industrial	Purple and lettered 4 (b)
4 (t) Industrial Technology	Purple and lettered 4 (t)
5 (a) Special Uses	Yellow and lettered 5 (a)
6 (a) Open Space	Dark green and lettered 6 (a)
6 (c) Private Recreation	Dark green and lettered 6 (c)
7 (a) Environment Protection—Wetlands	Orange and lettered 7 (a)
7 (d) Environment Protection—Scenic	Orange and lettered 7 (d)

7 (f1) Environment Protection—Coastal	Orange and lettered 7 (f1)
7 (f2) Environment Protection—Coastal Land Acquisition	Orange and lettered 7 (f2)
7 (h) Environment Protection—Habitat	Orange and lettered 7 (h)
8 (a) National Parks and Nature Reserves	Light green and lettered 8 (a)
8 (b) Proposed National Parks and Nature Reserves	Light green and lettered 8 (b)
9 (c) Proposed Local Roads	Grey and lettered 9 (c)

## Part 2 Zoning map amendments

### Editorial note—

The amending maps are not necessarily listed in the order of gazettal. Information about the order of gazettal can be determined by referring to the Historical notes at the end of the plan.

- Hastings Local Environmental Plan 2001 (Amendment No 1)*
- Hastings Local Environmental Plan 2001 (Amendment No 2)*
- Hastings Local Environmental Plan 2001 (Amendment No 3)*
- Hastings Local Environmental Plan 2001 (Amendment No 4)*
- Hastings Local Environmental Plan 2001 (Amendment No 5)*
- Hastings Local Environmental Plan 2001 (Amendment No 7)*
- Hastings Local Environmental Plan 2001 (Amendment No 9)*
- Hastings Local Environmental Plan 2001 (Amendment No 11)*
- Hastings Local Environmental Plan 2001 (Amendment No 12)*
- Hastings Local Environmental Plan 2001 (Amendment No 13)*
- Hastings Local Environmental Plan 2001 (Amendment No 14)*
- Hastings Local Environmental Plan 2001 (Amendment No 16)*
- Hastings Local Environmental Plan 2001 (Amendment No 17)*
- Hastings Local Environmental Plan 2001 (Amendment No 18)*
- Hastings Local Environmental Plan 2001 (Amendment No 24)*
- Hastings Local Environmental Plan 2001 (Amendment No 30)*
- Hastings Local Environmental Plan 2001 (Amendment No 35)*
- Hastings Local Environmental Plan 2001 (Amendment No 37)*
- Hastings Local Environmental Plan 2001 (Amendment No 38)*

## Dictionary

(Clause 6 (1))

**acid sulfate soil** is soil containing highly acidic soil horizons or layers resulting from the aeration of soil materials that are rich in iron sulfides, primarily pyrite.

**Acid Sulfate Soil Manual** means the “Acid Sulfate Soil Manual” published by the Acid Sulfate Soils Management Advisory Committee and as amended from time to time.

**acid sulfate soils map** means the map marked “*Hastings Local Environmental Plan 2001—Acid Sulfate Soils Map*”.

**actual acid sulfate soils** means acid sulfate soils containing acidic soil material resulting from the oxidation of iron sulfides. The soil material has a pH of less than 4.0 when measured in dry season conditions and may be identified by yellow mottles and coatings of jarosite, overlying potential acid sulfate soils or 0.05% or more oxidisable sulfur.

**advertisement** has the meaning ascribed to it in section 4 of the Act.

**aeroplane landing area** means an area in private ownership and not used for scheduled public aircraft flights, which is set apart for the taking off and landing of light aircraft, but does not include a helipad. (For the purposes of this definition, **light aircraft** means an aircraft of no more than 5,700 kilograms take-off weight.)

**agriculture** means:

- (a) the cultivation of crops, including cereal, fruit, vegetable or flower crops, or
- (b) the keeping or breeding of livestock, bees or poultry or other birds, or
- (c) the cultivation of plants in a wholesale plant nursery,

for commercial purposes, but does not include use of land for an animal establishment.

**airline terminal** means a building or place used for the assembly of passengers and goods prior to the transport of those passengers and goods either to or from an airport or an aerodrome.

**alter**, in relation to a heritage item, means:

- (a) make structural changes to the outside of the heritage item, or
- (b) make non-structural changes to the detail, fabric, finish or appearance of the outside of the heritage item, not including changes that result from maintenance of the existing detail, fabric, finish or appearance of the outside of the heritage item.

**animal establishment** means land used for the purpose of any one or more of intensive animal husbandry, boarding animals, animal training, conducting horse riding schools or the keeping of animals, birds, fish, crustaceans, insects or the like. The use generally requires the importation of feed not produced on the same land.

**appointed day** means the day on which this plan takes effect.

**approved lot** means a lot created by a subdivision for which consent was granted, under the provisions of an environmental planning instrument applying to the land, after 26 May 1967 and prior to the appointed day.

**aquaculture** means:

- (a) cultivating fish or marine vegetation (in each case, as defined when used in this definition) for the purpose of harvesting the fish or marine vegetation or their progeny with a view to sale, or
- (b) keeping fish or marine vegetation (as so defined) 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 purpose of maintaining a collection of fish or marine vegetation otherwise than for a commercial purpose.

**bed and breakfast establishment** means a building used as a single dwelling and for providing holiday accommodation. Such holiday accommodation is to be limited to three bedrooms and is not to include self-contained accommodation.

**boarding house** includes a house let in lodgings or a hostel, but does not include a motel.

**brothel** means premises habitually used for the purposes of prostitution or premises that are designed to be used for that purpose. Premises may constitute a brothel even though used by only one prostitute for the purposes of prostitution.

**bus depot** means a building or place used for the servicing, repair and garaging of buses and other vehicles used for the purposes of a bus transport undertaking.

**bus station** means a building or place used as a terminal for the assembly and dispersal of passengers travelling by bus.

**car park** means land used for the parking of private passenger vehicles.

**car repair station** means a building or place used for the purpose of carrying out repairs to motor vehicles or agricultural machinery not being:

- (a) body building, or
- (b) panel beating which involves dismantling, or
- (c) spray painting other than of a touching-up character.

**caravan park** means an area used for the purpose of:

- (a) placing moveable dwellings (within the meaning of the [Local Government Act 1993](#)) for permanent occupation or for the temporary accommodation of tourists, or
- (b) the erection, assembly or placement of cabins for the temporary accommodation of tourists.

**child care centre** means a building or place which is used (whether or not for profit) for the purpose of educating, minding or caring for children (whether or not any of the children are related to the owner or operator), but only if the following conditions are satisfied:

- (a) the children number 6 or more, are under 6 years of age, and do not attend a government school, or a registered non-government school, within the meaning of the [Education Act 1990](#),
- (b) the building or place does not provide residential care for any of the children (other than those related to the owner or operator).

**club** means a building used by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes whether of the same or of a different kind and whether or not the whole or a part of such building is the premises of a club registered under the

*Registered Clubs Act 1976.*

**cluster housing** means integrated residential development that consists of:

- (a) the subdivision of land into three or more allotments, and
- (b) the erection of a single dwelling on each of the allotments to be created by that subdivision, provided that the erection of the dwelling occurs prior to the issue of a subdivision certificate (except where a strata management statement, or restriction as to user, prohibits any dwelling on each lot other than the dwelling approved as part of the cluster housing consent).

**commercial premises** means a building or place used as an office or for other business or commercial purposes, but (in the table to clause 9) does not include a building or place elsewhere specifically defined in this Dictionary or a building or place used for a land use elsewhere specifically defined in this Dictionary.

**community facility** means a building or place owned or controlled by a public authority or a body of persons which may provide for the physical, social, cultural or intellectual development or welfare of the local community, but (in the table to clause 9) does not include a building or place elsewhere defined in this Dictionary.

**Council** means the Hastings Council.

**demolish** or **demolition** means the destruction, pulling down, dismantling or removal of a building or structure, in whole or in part and, in relation to a heritage item, includes the damaging or defacing of the heritage item in whole or in part.

**depot** means a building or place used for the storage (but not sale) of plant, machinery, goods or materials used or intended to be used by the owner or occupier of the building or place, but (in the table to clause 9) does not include a building or place elsewhere defined in this Dictionary.

**dual occupancy** means 2 dwellings, whether detached or not, on a single lot.

**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 residence.

**educational establishment** means land used for a primary or secondary school, a museum, gallery, or a tertiary education institution (being a university, technical college, TAFE establishment or other specialist college providing formal education beyond secondary education and which is constituted by or under an Act).

It includes ancillary residential accommodation and facilities for students or staff, and land does not cease to be an educational establishment if there is community use or development for community use of the facilities or the land, whether for gain or not.

It does not include an institution, a training facility or a child care centre.

**exhibition home** means a single dwelling on temporary display.

**existing parcel** means the total area of all adjoining or adjacent land held in the one ownership at 26 May 1967.



**extractive industry** means:

- (a) the winning of extractive material, or
- (b) an undertaking, not being a mine, which depends for its operations on the winning of extractive material from the land on which it is carried on, and includes any washing, crushing, grinding, milling or separating into different sizes of that extractive material on that land,

but does not include earthworks or works for drainage and landfill or maintenance dredging.

**extractive material** means sand, gravel, clay, turf, soil, rock, stone or similar substances.

**fish**, when used in the definition of **aquaculture**, means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead), and includes:

- (a) oysters and other aquatic molluscs, and
- (b) crustaceans, and
- (c) echinoderms, and
- (d) beachworms and other aquatic polychaetes.

It also includes any part of a fish, but does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition of **aquaculture** in Schedule 3 to the [Environmental Planning and Assessment Regulation 2000](#).

**forestry** includes arboriculture, silviculture, forest protection, the cutting, dressing and preparation, otherwise than in a saw mill, of wood and other forest products and the establishment of roads required for the removal of wood and forest products and for forest protection.

**general store** means a shop used for the sale by retail of general merchandise and which may include the facilities of a post office.

**Hastings DCP No 36** means *Hastings Development Control Plan No 36—Exempt and Complying Development*, as adopted by the Council on 26 May 2003.

**health care professional** means a person who provides professional health services to members of the public, and includes:

- (a) a podiatrist registered under the [Podiatrists Act 1989](#), and
- (b) a chiropractor or osteopath or chiropractor and osteopath registered under the [Chiropractors and Osteopaths Act 1991](#), and
- (c) a physiotherapist registered under the [Physiotherapists Registration Act 1945](#), and
- (d) an optometrist registered under the [Optometrists Act 1930](#).

**helipad** means an area or place not open to public use which is set apart for the taking off and landing of helicopters.

**heliport** means an area or place open to public use for use by helicopters and includes terminal

buildings and facilities for the parking, servicing and repair of helicopters.

**heritage item** means a building, work, relic, tree or place described in Schedule 4.

**heritage significance** means historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance.

**home business** means an activity, industry or occupation carried on in a single dwelling, or in the curtilage of a single dwelling, by a permanent resident or residents of the dwelling:

- (a) which does not adversely affect the amenity of the neighbourhood by reason of:
  - (i) the creation of or increase in traffic movements, motor or heavy vehicle servicing or the reduction of parking availability in the vicinity of the dwelling, or
  - (ii) the creation of noise, vibration, smoke, smell, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or other substances, or
  - (iii) changes to the visual character of the dwelling, and
- (b) where no articles or goods are displayed, sold, advertised or offered for sale on or from the dwelling or lot on which the dwelling is located, and
- (c) where no or only one sign is in or on the dwelling which displays the name of the home business and the names of the residents who conduct the home business, and
- (d) which is not a bed and breakfast establishment, brothel, child care centre or medical centre.

**hospital** means a building or place (other than an institution) used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, care for people with developmental disabilities, psychiatric care or counselling and 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:

- (a) ancillary facilities for the accommodation of nurses or other health care workers, ancillary shops or refreshment rooms and ancillary accommodation for persons receiving health care or for their visitors, and
- (b) facilities situated in the building or at the place and used for educational or research purposes, whether or not they are used only by hospital staff or health care workers, and whether or not any such use is a commercial use.

**hotel** means the premises to which a hotelier's licence granted under the [Liquor Act 1982](#) relates.

**industry** means:

- (a) any manufacturing process within the meaning of the [Factories, Shops and Industries Act 1962](#), or
- (b) the breaking up or dismantling of any goods or any article for trade, sale or gain or as ancillary to any business,

but (in the table to clause 9) does not include an extractive industry, light industry, rural industry or offensive or hazardous industry.

**institution** means a penal or reformatory establishment.

**junk yard** means land used for the collection, storage, abandonment or sale of scrap metals, waste paper, rags, bottles or other scrap materials or goods used for the collecting, dismantling, storage, salvaging or abandonment of automobiles or other vehicles or machinery or for the sale of their parts.

**light industry** means an industry, not being an offensive or hazardous industry, 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, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise.

**liquid fuel depot** means a depot or place used for the bulk storage for wholesale distribution of petrol, oil, petroleum or other inflammable liquid.

**marine vegetation**, when used in the definition of **aquaculture**, means any species of plant that at any time in its life must inhabit water (other than fresh water).

**medical centre** means a building used by one or more legally qualified medical practitioners or by one or more dentists within the meaning of the [Dentists Act 1989](#), or by one or more health care professionals, who practise there the profession of medicine, dentistry or health care, respectively, and who employ ancillary staff in connection with that practice.

Where the building is not located on land within Zone 3 (a), a building is not a medical centre if the total number of medical practitioners, dentists and health care professionals practising within the building exceeds 3.

**mine** means any place, open cut, shaft, tunnel, pit, drive, level or other excavation, drift, gutter, lead, vein, lode or reef on which, in which or by which any operation is carried on for or in connection with the purpose of obtaining any metal or mineral by any mode or method and includes any place on which any product of the mine is stacked, stored, crushed or otherwise treated, but does not include a quarry.

**mineral sand mine** means a mine for or in connection with the purpose of obtaining ilmenite, monazite, rutile, zircon or similar minerals.

**motel** means a building or buildings (other than a hotel, boarding house or residential flats) substantially used for the overnight accommodation of travellers and the vehicles used by them whether or not the building or buildings are also used in the provision of meals to those travellers or the general public.

**motor showroom** means a building or place used for the display or sale of motor vehicles, caravans or boats, whether or not motor vehicle accessories, caravan accessories or boat accessories are sold or displayed in it or on it.

**neighbourhood centre** means an integrated development containing shops and commercial premises which serve the local community and are limited in scale, with ancillary parking and landscaping and whether or not it also contains development for the purpose of a bus station, child care centre, club, community facility, dwelling attached to other buildings, hotel, place of assembly, place of public worship, medical centre, public building, recreation facility, refreshment room, retail plant nursery or service station.

**offensive or hazardous industry** means an industry to which *State Environmental Planning Policy No 33—Hazardous and Offensive Development* applies.

**place of assembly** means a public hall, theatre, cinema, music hall, concert hall, dance hall, open-air theatre, drive-in theatre, music bowl, racecourse, showground, or any other building of a like character used as such and whether used for the purposes of gain or not, but (in the table to clause 9) does not include a place of public worship, an institution or an educational establishment.

**place of public worship** means a building or place used for the purpose of religious worship whether or not in the Christian faith and whether or not the building or place is also used for counselling, social events, instruction or religious training.

**potential acid sulfate soils** means soil material which is waterlogged and contains oxidisable sulfur compounds and that has a field pH of 4 or more but will become severely acidic when oxidised.

**potential archaeological site** means a site identified on the zoning map with horizontal stiple.

**public 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.

**public utility undertaking** means any of the following undertakings carried on or permitted or suffered 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,
- (c) emergency services,
- (d) waste management facilities,
- (e) telecommunications, radio and television transmission,

and a reference to a person carrying on a public utility undertaking shall be construed as including a reference to a council, county council, government department, corporation, firm or authority carrying on the undertaking.

**recreation area** means:

- (a) a children's playground, or
- (b) an area used for sporting activities or sporting facilities, or
- (c) an area used by the Council to provide facilities for the physical, cultural or intellectual welfare of the community, or
- (d) an area used by a body of persons associated for the purposes of the physical, cultural or intellectual welfare of the community to provide facilities for those purposes,

but does not include a racecourse or a showground.

**recreation establishment** means a health farm, religious retreat house, rest home, youth camp and the like, but (in the table to clause 9) does not include a building or place elsewhere specifically defined in this Dictionary or a building or place used or intended for use for a land use elsewhere specifically defined in this Dictionary.

**recreation facility** means a building or place used for indoor recreation, a billiard saloon, table tennis centre, squash court, swimming pool, gymnasium, health studio, bowling alley, fun parlour or any other building of a like character used for recreation and whether used for the purpose of gain or not, but does not include a place of assembly.

**refreshment room** means a restaurant, café, tearoom, eating house or the like.

**relic** means any deposit, object or material evidence (terrestrial or underwater) relating to the use or settlement of the local government area of Hastings which is 50 or more years old.

**residential flats** means a building containing three or more dwellings.

**retail plant nursery** means a building or place used for both the growing and retail selling of plants, whether or not ancillary products are sold at it.

**retailing of bulky goods** means use of land for the sale by retail or auction, or the hire or display, of articles which are of such a size, shape or weight as to require:

- (a) a large area for handling, storage or display, or
- (b) direct vehicular access to the premises by members of the public for the purpose of loading articles into their vehicles after purchase.

Use of the land may include:

- (a) plant sales and hire (which may include associated repairs and service), and
- (b) vehicle part and accessory sales (which may include fitting), and
- (c) the sale of hardware, or landscaping or building supplies, and
- (d) the sale of furniture, floor coverings, light fittings, large electrical goods, swimming pools, spas or camping equipment.

It does not include use of land for the sale of clothing or foodstuffs, or a motor showroom.

**road transport terminal** means a building or place used for the principal purpose of the bulk handling of goods for transport by road, including facilities for the loading and unloading of vehicles used to transport those goods and for the parking, servicing and repair of those vehicles.

**roadside stall** means a building or place not exceeding 20 square metres in floor space or area, respectively, where only primary products produced on the property on which the building or place is situated are exposed or offered for sale or sold by retail.

**rural industry** means handling, treating, processing, packing or transportation of primary products and includes the servicing in a workshop of plant or equipment used for rural purposes in the locality.

**rural tourist facility** means:

- (a) tourist educational or tourist recreational facilities which may include ancillary accommodation and are based on the rural, scenic or natural attributes of the locality, or
- (b) tourist accommodation associated with the dwelling and farm buildings on a property principally used for primary production.

**rural worker's dwelling** means a dwelling:

- (a) which is the second dwelling on land on which there was a single dwelling, and
- (b) which is occupied by persons engaged in rural occupations on that land.

**saw mill** means a mill handling, cutting and processing timber from logs or baulks.

**service station** means a building or place used for the fuelling of motor vehicles involving the sale by retail of petrol, oil and other petroleum products, whether or not the building or place is also used for any one or more of the following:

- (a) the sale by retail of spare parts and accessories for motor vehicles,
- (b) washing and greasing of motor vehicles,
- (c) installation of accessories,
- (d) repairing and servicing of motor vehicles involving the use of hand tools (other than repairing and servicing which involves top overhaul of motors, body building, panel beating, spray painting, or suspension, transmission or chassis restoration).

**shop** means a building or place used for the purpose of selling, exposing or offering for sale by retail, goods, merchandise or materials, but (in the table to clause 9) does not include a building or place elsewhere specifically defined in this Dictionary or a building or place used for a land use elsewhere specifically defined in this Dictionary.

**single dwelling** means the only dwelling on an allotment.

**stock and sale yard** means a building or place used for the purpose of offering animals for sale and includes a public cattle market.

**the Act** means the [\*Environmental Planning and Assessment Act 1979\*](#).

**tourist facility** means an establishment providing for holiday accommodation or recreation and may include a boatshed, boat landing facilities, camping ground, caravan park, holiday cabins, hotel, houseboat facilities, marina, motel, playground, refreshment room, water sport facilities or a club used in conjunction with any such activities.

**transport terminal** means a building or place used as an airline terminal, a road transport terminal, a bus station or a bus depot.

**utility installation** means:

- (a) a building or work used by a public utility undertaking, but does not include a building designed wholly or principally as administrative or business premises or as a showroom, or

(b) a radio, television or telecommunications transmission tower.

**warehouse** means a building or place used for the storage of goods, merchandise or materials pending their sale and distribution to persons engaged in the retail trade.

**waste management facility** means any Council-controlled premises or works used for the storage, treatment, reprocessing, sorting or disposal of waste and, without limiting the generality of the foregoing, includes:

- (a) waste management and disposal centres, including landfill sites and waste transfer stations, and
- (b) recycling facilities, including material recovery facilities and waste processing facilities, and
- (c) parking or storage areas for equipment and plant associated with the Council's waste management program.

**zoning map** means the series of maps marked "*Hastings Local Environmental Plan 2001*", as amended by the maps (or specified sheets of the maps) listed in Part 2 of Schedule 6.