

Great Lakes Local Environmental Plan 1996

[1996-615]



New South Wales

Status Information

Currency of version

Historical version for 13 July 2012 to 16 August 2012 (accessed 12 February 2025 at 3:45)

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.

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 13 July 2012

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New South Wales

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Great Lakes Local Environmental Plan 1996



New South Wales

Part 1 Preliminary

1 What is this plan called?

This plan is called *Great Lakes Local Environmental Plan 1996*.

2 What are the aims and objectives of this plan?

(1) The aims of this plan are:

- (a) to provide an updated and simplified plan for the area of Great Lakes, and
- (b) to protect and enhance the environmental qualities of the area, and
- (c) to facilitate the orderly and economic development of land within the area, and
- (d) to promote the well-being of the area's population.

(2) The objectives of this plan are:

- (a) to provide a land use framework to guide the future use of the land within the area of Great Lakes, and
- (b) to provide a basis for the preparation of detailed development control plans, and
- (c) to protect environmentally sensitive areas and the heritage of the area, and
- (d) to improve opportunities for ecologically sustainable development, and
- (e) to provide for the cultural needs of and the equitable provision of services and facilities for the community.

3 Where does this plan apply?

This plan applies to all land within the Great Lakes local government area, except land shown "Deferred Matter" on the map (being land that is excluded from the application of this plan under section 70 (4) of the Act).

4 How does this plan affect other environmental planning instruments?

- (1) This plan repeals *Great Lakes Local Environmental Plan No 28*, and such other local environmental plans and deemed environmental planning instruments as, immediately before this plan came into force, applied to the land to which this plan applies, but only to the extent to which those plans so applied to that land.
- (2) This plan amends the *Hunter Regional Environmental Plan 1989 (Heritage)*:
 - (a) by omitting from clause 3 (1) the words “Great Lakes,”, and
 - (b) by omitting from Schedules 1–5 all matter listed under the heading “GREAT LAKES” and by omitting that heading, wherever occurring.

5 Who is the consent authority for this plan?

The Council is the consent authority for the purposes of this plan.

6 How are terms defined in this plan?

- (1) Terms used in this plan which are defined in the Dictionary at the end of this plan have the meanings set out in the Dictionary.
- (2) In this plan:
 - (a) a reference to a map is a reference to a map deposited in the office of the Council, and
 - (b) a reference to a building or a place used for a purpose includes a reference to a building or place intended to be used for the purpose.
- (3) Notes in this plan do not form part of this plan.

Part 2 Zoning controls

7 What zones apply in this plan?

For the purposes of this plan, land to which this plan applies is within a zone specified below if the land is shown on the map as being within the zone:

- Zone No 1 (a) (Rural Zone)
- Zone No 1 (c) (Future Urban Investigation Zone)
- Zone No 1 (d) (Small Holdings Zone)
- Zone No 1 (d1) (Rural Residential)
- Zone No 1 (f) (Forestry Zone)
- Zone No 2 (Village Zone)

- Zone No 2 (a) (Low Density Residential Zone)
- Zone No 2 (b) (Medium Density Residential Zone)
- Zone No 2 (c) (High Density Residential Zone)
- Zone No 2 (f) (Mixed Residential-Commercial Zone)
- Zone No 2 (g) (Environmental Living and Low-Impact Development Zone)
- Zone No 3 (a) (General Business Zone)
- Zone No 3 (d) (Special Business Waterfront Zone)
- Zone B6 Enterprise Corridor
- Zone No 4 (a) (General Industrial Zone)
- Zone No 5 (a) (Special Uses Zone)
- Zone No 5 (c) (Local Road Reservation Zone)
- Zone No 5 (d) (Arterial Road Reservation Zone)
- Zone No 6 (a) (Open Space and Recreation Zone)
- Zone No 7 (a) (Wetlands and Littoral Rainforest Zone)
- Zone No 7 (a1) (Environmental Protection Zone)
- Zone No 7 (b) (Conservation Zone)
- Zone No 7 (c) (Scenic Protection Zone)
- Zone No 7 (f1) (Coastal Lands Protection Zone)
- Zone No 7 (f2) (Coastal Lands Acquisition Zone)
- Zone No 8 (a) (National Parks and State Recreation Areas Zone)
- Zone No 8 (b) (National Parks and State Recreation Areas (Proposed) Zone)

8 Zone objectives and development control table

- (1) The objectives of a zone are set out in the following Table under the heading “What are the objectives of the zone?” appearing in the matter relating to the relevant zone.
- (2) Subject to the other provisions of this plan, in relation to land within a zone, the development (if any) that:
 - (a) may be carried out without development consent, and

(b) may be carried out only with development consent, and

(c) is prohibited,

is specified in the following Table under the headings “What is permitted without development consent?”, “What is permitted only with development consent?” and “What is prohibited?”, respectively, appearing in the matter relating to the relevant zone.

- (3) The Council must not grant consent for development on land within a zone unless it has taken into consideration the aims of this plan and is satisfied that the development is consistent with at least one or more of the objectives of the zone within which the development is proposed to be undertaken.

Development Control Table

Zone No 1 (a) (Rural Zone)

1 What are the objectives of the zone?

The objective of the zone is to restrict development to those uses which are unlikely to:

- (a) prejudice in a significant manner the agricultural production potential of land within the zone, and
- (b) generate significant additional traffic, or create or increase a condition of ribbon development on any road, relative to the capacity and safety of the road, and
- (c) have an adverse impact on the area’s water resources, and
- (d) create unreasonable or uneconomic demands for the provision or extension of public amenities or services.

2 What is permitted without development consent?

Development for the purpose of:

agriculture; bushfire hazard reduction.

3 What is permitted only with development consent?

Any development not included in Item 2 or 4.

4 What is prohibited?

Development for the purpose of:

boarding houses; bulky goods premises; commercial premises; hotels; medical centres; multiple dwellings; off-site promotional signs; residential flat buildings; shops (other than convenience stores); vehicle body repair workshops; vehicle repair stations; warehouses.

Zone No 1 (c) (Future Urban Investigation Zone)

1 What are the objectives of the zone?

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

- (a) lead to the premature and sporadic subdivision of land which would render the economic provision of public utilities and community facilities unreasonably more difficult or expensive once urban development takes place, or
- (b) inhibit, in a significant manner, the potential for urban expansion in selected areas, particularly the urban fringe, or
- (c) generate significant additional traffic or create or increase ribbon development on any road, relative to the capacity and safety of the road, or
- (d) prejudice economic development, or
- (e) significantly detract from the scenic quality of the land within the zone, or
- (f) compromise existing significant environmental attributes of land within the zone, or
- (g) have a significant adverse impact on the quality of water resources within the area, or
- (h) be unreasonably subject to risks from natural hazards.

2 What is permitted without development consent?

Development for the purpose of:

bushfire hazard reduction.

3 What is permitted only with development consent?

Any development not included in Item 2 or 4.

4 What is prohibited?

Development for the purpose of:

abattoirs; aerodromes; bulky goods premises; commercial premises; generating works; hazardous storage establishments; industries (other than extractive industries or rural industries); materials recycling yards; medical centres; motor showrooms; multiple dwellings; off-site promotional signs; recreation facilities; residential flat buildings; restaurants; service stations; shops (other than convenience stores); transport depots; transport terminals; vehicle body repair workshops; vehicle repair stations; warehouses.

Zone No 1 (d) (Small Holdings Zone)

1 What are the objectives of the zone?

The objectives of the zone are:

- (a) **Objective (a)** to enable development for the purpose of small rural-residential holdings and dwellings to be carried out:
 - (i) on land which is suitable for that development, and
 - (ii) which is unlikely to create a demand for the uneconomic provision of services, and
 - (iii) which will not significantly detract from the scenic quality of land within the zone, and
 - (iv) which will maintain the amenity of existing rural-residential lots in the locality.
- (b) **Objective (b)** to enable non-residential development which is:
 - (i) compatible with rural-residential development, and
 - (ii) unlikely to create an unreasonable demand for public services or substantially reduce existing levels of service, and
 - (iii) unlikely to interfere unreasonably with the amenity of adjoining properties.

2 What is permitted without development consent?

Development for the purpose of:

bushfire hazard reduction.

3 What is permitted only with development consent?

Development for the purpose of:

agriculture; boarding houses; child care centres; community facilities; convenience stores; dwelling-houses; educational establishments; family day care homes; home businesses; places of worship; recreation areas; tourist facilities.

4 What is prohibited?

Any development not included in Item 2 or 3.

Zone No 1 (d1) (Rural Residential)

1 What are the objectives of the zone?

The objectives of the zone are:

- (a) to enable cluster rural residential development to be carried out on land which is suitable for that development, being development which is unlikely:
 - (i) to create a demand for the uneconomic provision of services, or
 - (ii) to prejudice the agricultural capability of prime agricultural land, or
 - (iii) to detract from the scenic or rural character of the area, or
 - (iv) to detract from the ecological or conservation values of the area, and
- (b) to enable other development where that development is:
 - (i) compatible with cluster rural residential development, and
 - (ii) unlikely to create an unreasonable demand for public services or substantially reduce existing levels of those services, and
 - (iii) unlikely to interfere unreasonably with the amenity of adjoining properties.

2 What is permitted without development consent?

Development for the purpose of:

bushfire hazard reduction.

3 What is permitted only with development consent?

Development for the purpose of:

agriculture; child care centres; community facilities; convenience stores; dwelling houses; educational establishments; family day care homes; home businesses; places of worship; recreation areas; tourist facilities.

4 What is prohibited?

Any development not included in Item 2 or 3.

Zone No 1 (f) (Forestry Zone)

1 What are the objectives of the zone?

The objective of the zone is to conserve forest resources.

2 What is permitted without development consent?

Development for the purpose of:

any use of land authorised under the [Forestry Act 1916](#); bushfire hazard reduction.

3 What is permitted only with development consent?

Development for the purpose of:

communication facilities; extractive industries; tourist facilities.

4 What is prohibited?

Any development not included in Item 2 or 3.

Zone No 2 (Village Zone)

1 What are the objectives of the zone?

The objective of the zone is to restrict development to small scale developments which are compatible with the general residential character of village areas and which are unlikely to prejudice the viability of established shopping and commercial centres.

2 What is permitted without development consent?

Development for the purpose of:

bushfire hazard reduction.

3 What is permitted only with development consent?

Development for the purpose of:

dwelling-houses; any other development not included in Item 2 or 4.

4 What is prohibited?

Development for the purpose of:

aerodromes; extractive industries; generating works; hazardous storage establishments; heliports; industries (other than light industries); material recycling yards.

Zone No 2 (a) (Low Density Residential Zone)

1 What are the objectives of the zone?

The objectives of the zone are:

- (a) **Objective (a)** to enable residential development so that buildings within the zone will consist primarily of housing that generally does not exceed a height of 2 storeys and has private gardens.
- (b) **Objective (b)** to enable other development which:
 - (i) is compatible with a low density residential environment, and
 - (ii) affords services to residents at a local level, and
 - (iii) is unlikely to adversely affect the amenity of residential development within the zone, and
 - (iv) is unlikely to place demands on services beyond the level reasonably required for low-scale housing development.

2 What is permitted without development consent?

Development for the purpose of:

bushfire hazard reduction.

3 What is permitted only with development consent?

Development for the purpose of:

animal establishments; carparks; child care centres; communication facilities; community facilities; convenience stores; dwelling-houses; educational establishments; exhibition homes; family day care homes; home businesses; hostels; medical centres; motels; multiple dwellings; places of worship; public buildings; recreation areas; recreation facilities; roads; utility installations; veterinary hospitals.

4 What is prohibited?

Any development not included in Item 2 or 3.

Zone No 2 (b) (Medium Density Residential Zone)

1 What are the objectives of the zone?

The objectives of the zone are:

- (a) **Objective (a)** to enable residential development so that buildings within the zone will consist primarily of a range of residential buildings that generally do not exceed a height of 3 storeys.
- (b) **Objective (b)** to permit other development only if it:
 - (i) is compatible with a medium density residential environment, and
 - (ii) affords services to residents at a local level, and
 - (iii) is unlikely to adversely affect residential amenity, and
 - (iv) does not place demands on services beyond the level reasonably required for medium density residential uses.

2 What is permitted without development consent?

Development for the purpose of:

bushfire hazard reduction.

3 What is permitted only with development consent?

Development for the purpose of:

advertisements; animal establishments; backpackers accommodation;

boarding houses; carparks; child care centres; clubs; communication facilities; community facilities; convenience stores; dwelling-houses; educational establishments; exhibition homes; family day care homes; home businesses; hospitals; hostels; hotels; medical centres; motels; multiple dwellings; places of worship; public buildings; recreation areas; recreation facilities; residential flat buildings; restaurants; roads; service stations; serviced apartments; tourist facilities; utility installations; veterinary hospitals.

4 What is prohibited?

Any development not included in Item 2 or 3.

Zone No 2 (c) (High Density Residential Zone)

1 What are the objectives of the zone?

The objectives of the zone are:

- (a) **Objective (a)** to enable development of tall residential buildings in suitable locations, and
- (b) **Objective (b)** to provide for other uses which:
 - (i) are compatible with a high density residential environment, and
 - (ii) afford services to residents at a local level, and
 - (iii) are unlikely to adversely affect residential amenity, and
 - (iv) are unlikely to place demands on services beyond the level reasonably required for high density residential use.

2 What is permitted without development consent?

Development for the purpose of:

bushfire hazard reduction.

3 What is permitted only with development consent?

Development for the purpose of:

advertisements; animal establishments; backpackers accommodation; boarding houses; carparks; child care centres; clubs; communication facilities; community facilities; convenience stores; dwelling-houses; educational establishments; exhibition homes; family day care homes;

home businesses; hospitals; hostels; hotels; motels; medical centres; multiple dwellings; places of worship; public buildings; recreation areas; recreation facilities; residential flat buildings; restaurants; roads; service stations; serviced apartments; utility installations.

4 What is prohibited?

Any development not included in Item 2 or 3.

Zone No 2 (f) (Mixed Residential-Commercial Zone)

1 What are the objectives of the zone?

The objectives of the zone are:

- (a) to enable mixed development comprised of accommodation for tourists and permanent residents generally not exceeding two storeys in height, and
- (b) to provide for recreational, retail and commercial uses and a limited range of other uses which:
 - (i) are complementary with a residential environment, and
 - (ii) are unlikely to place demands on services beyond the level reasonably required for residential uses.

2 What is permitted without development consent?

Development for the purpose of:

bushfire hazard reduction.

3 What is permitted only with development consent?

Development for the purpose of:

dwelling-houses; any other development not included in Item 2 or 4.

4 What is prohibited?

Development for the purpose of:

abattoirs; aerodromes; animal establishments; bulky goods premises; extractive industries; hazardous storage establishments; heliports; industries; institutions; intensive agriculture; materials recycling yards; offensive storage establishments; plant hire; sawmills; shops; stock and

sale yards; transport depots; transport terminals; vehicle body repair workshops; vehicle repair stations; warehouses.

Zone No 2 (g) (Environmental Living and Low-Impact Development Zone)

1 What are the objectives of the zone?

The objectives of the zone are:

- (a) to provide for low-impact residential development in areas with special ecological, scientific or aesthetic values, and
- (b) to ensure that residential development does not have an adverse effect on those values, and
- (c) to provide for other types of low-impact development that complement and support the residential development and which do not have an adverse effect on the special ecological, scientific or aesthetic values of the land.

2 What is permitted without development consent?

Development for the purpose of:

environmental protection works.

3 What is permitted only with development consent?

Development for the purpose of:

advertisements; bushfire hazard reduction; carparks; child care centres; commercial premises; communication facilities; community facilities; convenience stores; dwelling-houses; entertainment facilities; environmental facilities; exhibition homes; hotels; medical centres; multiple dwellings; off-site promotional signs; recreation areas; recreation facilities; residential flat buildings; restaurants; roads; serviced apartments; shops; tourist facilities; utility installations.

4 What is prohibited?

Any development not included in Item 2 or 3.

Zone No 3 (a) (General Business Zone)

1 What are the objectives of the zone?

The objectives of the zone are:

- (a) **Objective (a)** to enable the development of a range of retail and commercial uses which:
 - (i) do not adversely impact on traffic movements in the locality, and
 - (ii) could reasonably be expected to service existing or identified future trade area populations, and
 - (iii) are of a scale and type compatible with the amenity of any surrounding residential area, and
- (b) **Objective (b)** to enable residential or other similar development which:
 - (i) is within the same building as, or on the same allotment of land as, shops, commercial premises or any other non-residential use, or
 - (ii) is unlikely to significantly prejudice the supply of retail and commercial floorspace within contiguous land zoned 3 (a) or other nearby areas zoned 3 (a).

2 What is permitted without development consent?

Nil.

3 What is permitted only with development consent?

Any development not included in Item 4.

4 What is prohibited?

Development for the purpose of:

camping grounds or caravan parks; dwelling-houses; industries (other than light industries); institutions; material recycling yards; vehicle body repair workshops; warehouses.

Zone No 3 (d) (Special Business Waterfront Zone)

1 What are the objectives of the zone?

The objective of the zone is to restrict development to a limited range of industrial, retail and service activities which, by nature of their operations, either depend on proximity to open water or are complementary to

recreation on the waterways and which are:

- (a) unlikely to prejudice the viability of established retail and commercial centres, and
- (b) unlikely to have an adverse impact on the function and quality of the waterways, and
- (c) unlikely to adversely affect the residential amenity of any adjoining residential area.

2 What is permitted without development consent?

Nil.

3 What is permitted only with development consent?

Development for the purpose of:

advertisements; aquaculture; bulky goods premises; marinas; motor showrooms; recreation areas; restaurants.

4 What is prohibited?

Any development not included in Item 3.

Zone B6 Enterprise Corridor

1 What are the objectives of the zone?

The objectives of the zone are:

- (a) to promote businesses along main roads and to encourage a mix of compatible uses, and
- (b) to provide a range of employment uses (including business, office, retail and light industrial uses) and residential uses (but only as part of a mixed use development), and
- (c) to maintain the economic strength of centres by limiting retailing activity, and
- (d) to facilitate the establishment of bulky goods premises which do not adversely impact upon adjoining residential development and are unlikely to prejudice the viability of established commercial and industrial centres.

2 What is permitted without development consent?

Development for the purpose of:
roads.

3 What is permitted only with development consent?

Development for the purpose of:

bulky goods premises; business premises; community facilities; hotel or motel accommodation; landscape and garden supplies; light industries; multi dwelling housing; office premises; passenger transport facilities; retail premises; timber and building supplies; warehouse or distribution centres.

4 What is prohibited?

Any development not included in Item 2 or 3.

Zone No 4 (a) (General Industrial Zone)

1 What are the objectives of the zone?

The objectives of the zone are:

- (a) **Objective (a)** to enable the development of a wide range of industrial and storage activities which do not have a materially detrimental effect on the amenity of adjoining residential areas, and
- (b) **Objective (b)** to enable commercial, retail, service and other development where it does not have a materially detrimental effect on the amenity of any adjoining residential areas, and that:
 - (i) is ancillary to the use of land within the zone for industrial, service and storage purposes, or
 - (ii) is primarily intended to provide personal services to persons occupied or employed in carrying out development otherwise permitted in the zone, or
 - (iii) is associated with an industrial environment, or
 - (iv) provides for relatively low-intensity commercial and retail uses with extensive floor space requirements which, by nature of the activity conducted, require direct and easy access to motor vehicle parking

areas for loading purposes,

and is unlikely to prejudice the viability of established retail and commercial centres.

2 What is permitted without development consent?

Development for the purpose of:

agriculture.

3 What is permitted only with development consent?

Any development not included in Item 2 or 4.

4 What is prohibited?

Development for the purpose of:

abattoirs; aquaculture; boarding houses; camping grounds or caravan parks; dwellings (other than those used in conjunction with industry and situated on the same land as the industry); motels.

Zone No 5 (a) (Special Uses Zone)

1 What are the objectives of the zone?

The objectives of the zone are:

- (a) **Objective (a)** to provide for the development of public facilities and services, and
- (b) **Objective (b)** to provide for other land uses if they do not affect the usefulness of the land for the purpose for which it is zoned.

2 What is permitted without development consent?

Nil.

3 What is permitted only with development consent?

The particular land use indicated by black lettering on the map and any development ordinarily incidental or ancillary to that land use.

4 What is prohibited?

Any development not included in Item 3.

Zone No 5 (c) (Local Road Reservation Zone)

1 What are the objectives of the zone?

The objectives of the zone are:

- (a) **Objective (a)** to provide for the acquisition and development of land principally for local roads, and
- (b) **Objective (b)** to provide for other land uses if they do not affect the usefulness of the land for the land use for which it is zoned.

2 What is permitted without development consent?

Nil.

3 What is permitted only with development consent?

The particular land use indicated by black lettering on the map and any development ordinarily incidental or ancillary to that land use.

4 What is prohibited?

Any development not included in Item 3.

Zone No 5 (d) (Arterial Road Reservation Zone)

1 What are the objectives of the zone?

The objectives of the zone are:

- (a) **Objective (a)** to provide for the acquisition and development of land principally for arterial roads, and
- (b) **Objective (b)** to provide for other land uses if they do not affect the usefulness of the land for the land uses for which it is zoned.

2 What is permitted without development consent?

Nil.

3 What is permitted only with development consent?

The particular land use indicated by black lettering on the map and any development ordinarily incidental or ancillary to that land use.

4 What is prohibited?

Any development not included in Item 3.

Zone No 6 (a) (Open Space and Recreation Zone)

1 What are the objectives of the zone?

The objective of the zone is to restrict development for the purposes of leisure and recreation to that which:

- (a) promotes worthwhile community benefits, and
- (b) does not reduce the amount and distribution of public open space areas below acceptable levels and standards which meet the needs of the community, and
- (c) does not have an unacceptable impact on the amenity of adjoining areas, and
- (d) has been identified in a plan of management for the land adopted by the Council under Part 2 of Chapter 6 of the *Local Government Act 1993*.

2 What is permitted without development consent?

Development for the purpose of:

landscaping, gardening or bush fire hazard reduction.

3 What is permitted only with development consent?

Development for the purpose of:

advertisements; camping grounds or caravan parks; clubs; community facilities; drainage; entertainment facilities; environmental facilities; helicopter landing sites; recreation areas; recreation facilities; restaurants; roads; utility installations.

4 What is prohibited?

Any development not included in Item 2 or 3.

Zone No 7 (a) (Wetlands and Littoral Rainforest Zone)

1 What are the objectives of the zone?

The objective of the zone is to restrict the type and scale of development to

that which is compatible with the special ecological or scientific values of coastal wetlands and littoral rainforests and which is unlikely to:

- (a) have a significant detrimental effect on the growth of native plant communities, or
- (b) adversely affect the survival of native wildlife populations, or
- (c) adversely affect the provision and quality of habitats for either indigenous or migratory species.

2 What is permitted without development consent?

Nil.

3 What is permitted only with development consent?

Development for the purpose of:

agriculture; aquaculture; bushfire hazard reduction; dwelling-houses; recreation areas; roads; utility installations; works for drainage purposes.

Development that promotes the scientific or educational value of wetlands.

4 What is prohibited?

Any development not included in Item 2 or 3.

Zone No 7 (a1) (Environmental Protection Zone)

1 What are the objectives of the zone?

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

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

2 What is permitted without development consent?

Nil.

3 What is permitted only with development consent?

Development for the purpose of:

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

4 What is prohibited?

Any development not included in Item 2 or 3.

Zone No 7 (b) (Conservation Zone)

1 What are the objectives of the zone?

The objective of the zone is to enable a limited range of development (including tourist facilities) on land possessing special aesthetic or conservation values where:

- (a) it can be demonstrated that the development can be carried out in a manner that minimises risks from natural hazards, and
- (b) the development functions efficiently, and
- (c) the development does not prejudice other economic development, and
- (d) the development does not significantly detract from the scenic quality of the land within the zone, and
- (e) the development is unlikely to have a significant detrimental effect on the growth of native plant communities, and
- (f) the development is unlikely to affect the survival of native wildlife populations, and
- (g) the development is unlikely to adversely affect the provision or quality of habitats for either indigenous or migratory species.

2 What is permitted without development consent?

Nil.

3 What is permitted only with development consent?

Development for the purpose of:

advertisements; agriculture; bushfire hazard reduction; communication facilities; community facilities; dwelling-houses; environmental facilities; motels; recreation areas; roads; tourist facilities; utility installations.

4 What is prohibited?

Any development not included in Item 2 or 3.

Zone No 7 (c) (Scenic Protection Zone)

1 What are the objectives of the zone?

The objective of the zone is to restrict the type and scale of development to that which is unlikely to:

- (a) prejudice the present scenic quality of the land within the zone, and
- (b) generate significant additional traffic or create or increase a condition of ribbon development on any road, relative to the capacity and safety of the road, and
- (c) prejudice the viability of established commercial and retail centres, and
- (d) have an adverse impact on the area's water resources.

2 What is permitted without development consent?

Nil.

3 What is permitted only with development consent?

Any development not included in Item 2 or 4.

4 What is prohibited?

Development for the purpose of:

abattoirs; bulky goods premises; commercial premises; entertainment facilities; generating works; industries (other than extractive industries or rural industries); materials recycling yards; medical centres; multiple dwellings; off-site promotional signs; residential flat buildings; transport terminals; vehicle body repair workshops; vehicle repair stations; warehouses.

Zone No 7 (f1) (Coastal Lands Protection Zone)

1 What are the objectives of the zone?

The objective of the zone is to restrict the type and scale of development to cases in which it is compatible with land possessing special environmental or recreational values and only cases in which the development can be carried out in a manner that does not detract from the scenic quality of such land.

2 What is permitted without development consent?

Nil.

3 What is permitted only with development consent?

Development for the purpose of:

agriculture; bushfire hazard reduction; camping grounds or caravan parks; dwelling-houses; environmental facilities; roads; utility installations.

4 What is prohibited?

Any development not included in Item 2 or 3.

Zone No 7 (f2) (Coastal Lands Acquisition Zone)

1 What are the objectives of the zone?

The objective of the zone is to restrict the type and scale of development to cases in which it is compatible with land possessing special environmental or recreational values and only cases in which:

- (a) it can be demonstrated that it can be carried out in a manner that does not detract from the scenic quality of such land, and
- (b) it is unlikely to prejudice proposals for the acquisition of such land.

2 What is permitted without development consent?

Nil.

3 What is permitted only with development consent?

Development for the purpose of:

agriculture; bushfire hazard reduction; camping grounds or caravan

parks; dwelling-houses; environmental facilities; roads; utility installations.

4 What is prohibited?

Any development not included in Item 2 or 3.

Zone No 8 (a) (National Parks and State Recreation Areas Zone)

1 What are the objectives of the zone?

The objectives of the zone are:

- (a) to identify land which is reserved or dedicated under the *National Parks and Wildlife Act 1974*, and
- (b) to allow for the management and appropriate use of that land as provided for under that Act.

2 What is permitted without development consent?

Development for the purpose of:

any land use authorised by or under the *National Parks and Wildlife Act 1974*; any land use incidental or ancillary to such a land use.

3 What is permitted only with development consent?

Nil.

4 What is prohibited?

Any development not included in Item 2.

Zone No 8 (b) (National Parks and State Recreation Areas (Proposed) Zone)

1 What are the objectives of the zone?

The objectives of the zone are:

- (a) to identify land which is to be reserved or dedicated under the *National Parks and Wildlife Act 1974*, and
- (b) to protect the values of that land.

2 What is permitted without development consent?

Nil.

3 What is permitted only with development consent?

Development for the purpose of:

any land use authorised by or under the *National Parks and Wildlife Act 1974*; any land use incidental or ancillary to such a land use.

4 What is prohibited?

Any development not included in Item 3.

Part 3 Special provisions

9 Suspension of restrictions on land

Objective of Provision

To ensure that private restrictions do not restrict development being carried out in accordance with this plan.

Suspension of covenants, agreements and similar instruments

- (1) If any agreement, covenant or other similar instrument prohibits or restricts development permitted under this plan, the agreement, covenant or instrument does not apply to that development to the extent necessary to allow that development to be carried out.
- (2) Nothing in subclause (1) affects the rights or interests of any public authority under any registered instrument.
- (3) In accordance with section 28 of the *Environmental Planning and Assessment Act 1979*, the Governor approved of subclauses (1) and (2) before this plan was made.

10 Tree preservation

Objective of Provision

To provide a mechanism to protect a tree or group of trees which would result in the maintenance of a demonstrably beneficial amenity to residents within the Great Lakes area.

Tree preservation

- (1) The Council may make, revoke or amend a tree preservation order.

- (2) A person must not carry out or permit or direct or cause any ringbarking, cutting down, topping, lopping, removing or wilful destruction of any tree or trees to which a tree preservation order applies without the consent of the Council. This does not apply to or in respect of:
 - (a) trees within a State forest, or within a timber or forest reserve, within the meaning of the *Forestry Act 1916*, or
 - (b) trees in a national park within the meaning of the *National Parks and Wildlife Act 1974*, or
 - (c) action required by clause 23 or 24 of the *Electricity (Overhead Line Safety) Regulation 1991*, or
 - (d) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*, or
 - (e) trees within an inner protection area within the meaning of the document entitled *Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006, and as approved by the Council, or
 - (f) the destruction or removal of trees from a property for the purpose of erecting or maintaining a fence on the property.
- (3) The Council must give public notice in a local newspaper circulating in the affected area of any decision to prepare a tree preservation order or to revoke or amend such an order.
- (4) Following preparation of a draft tree preservation order or a draft amendment to such an order, the Council must:
 - (a) give notice in a local newspaper of the places, dates and times for inspection of the draft order or amendment, and
 - (b) publicly exhibit at the place, on the dates and during the times set out in the notice, a copy of the draft tree preservation order or amendment, and
 - (c) specify in the notice the period during which submissions on the draft order or amendment may be made to the Council.
- (5) A draft tree preservation order or amendment must be publicly exhibited for at least 28 days.
- (6) After considering any submission on the draft order or amendment that have been duly made, the Council:
 - (a) may approve the order or amendment in the form in which it was publicly exhibited, or

- (b) may approve the order or amendment in that form with such alterations as the Council thinks fit, or
 - (c) may decide not to proceed with the order or amendment.
- (7) The Council must publish a public notice of its decision to make, revoke or amend a tree preservation order in a local newspaper within 14 days after the decision is made.
- (8) Such an order, revocation or amendment takes effect when the public notice is first so published.
- (9) A tree preservation order may apply to all or some trees and to all or some of the Great Lakes area.
- (10) In this clause, **tree** means vegetation:
- (a) that exceeds 3 metres in height or, in the case of a cabbage tree palm (*Livistona australis*), that exceeds 0.5 metre in height, or
 - (b) with a trunk girth of 0.3 metre or more at 1 metre above ground level,
- but includes all species of mangroves regardless of size.

11 Land form modification

Objective of Provision

To control soil erosion, sedimentation and drainage impacts associated with land form modification.

Land form modification

- (1) Despite any other provision of this plan, filling or excavation of land (except as specified in subclause (2)) is permitted only with the consent of the Council.
- (2) Filling or excavation of land may be carried out without the consent of the Council but only where the development will, in the opinion of the Council, not significantly affect the natural and existing built environment.

12 Services

Objective of Provision

To ensure that all development has adequate water and sewerage services.

Services

The Council must not grant consent to the carrying out of development on any land unless:

- (a) an adequate water supply and facilities for the removal of sewage and for the

drainage of the land are available to the land, or

- (b) arrangements satisfactory to the Council have been made for the provision of that supply and those facilities.

13 Temporary use of land

Objective of Provision

To permit the temporary use of land for cultural activities.

Temporary use of land

Regardless of any other provision of this plan, a person may carry out development on any land with the consent of the Council for any purpose for a maximum period of 28 days, whether consecutive or non-consecutive, in any one year, but only if, in the opinion of the Council, the use of the land for that purpose contributes to the cultural well-being of the community.

14 Exempt and complying development

- (1) In this clause (except subclause (7)):

Development Control Plan No 28 is “Development Control Plan No 28—Exempt and Complying Development”, as adopted by the Council on 13 May 2008.

Exempt development

- (2) Despite any other provision of this plan (except for subclause (3)), development of minimal environmental impact listed in Schedule No 1 to *Development Control Plan No 28* is exempt development.
- (3) Development is not exempt development if it is on land or of a type excluded from the classification as exempt development by any provision in *Development Control Plan No 28*.

Complying development

- (4) Despite any other provision of this plan (except for subclause (5)), development listed in Schedule No 2 to *Development Control Plan No 28* is complying development if:
 - (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
 - (b) it is not an existing use, as defined in section 106 of the Act.
- (5) Development is not complying development if it is on land or of a type excluded from the classification as complying development by any provision in *Development Control Plan No 28*.

General

- (6) Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development by *Development Control Plan No 28*.
- (7) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in Schedule 3 to *Development Control Plan No 28*, as in force when the certificate is issued, that are applicable to the particular type of development for which the certificate is sought.

14A Bed and breakfast establishments

Despite any other provision of this plan, development for the purpose of a bed and breakfast establishment is permissible with consent in all zones other than Zone No 7 (a) or 7 (a1).

14B Buildings associated with agriculture

Objective of Provision

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

Buildings associated with agriculture

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

14C Home occupation

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

15 Activities unaffected by this plan

Objective of Provision

To identify certain activities which do not require the consent of the Council.

Activities unaffected by this plan

Nothing in this plan restricts, prohibits or requires development consent for:

- (a) the use of existing buildings under the control of the Crown by the Crown, or
- (b) any activity listed in Schedule 1.

15A Bushfire hazard reduction

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

Note—

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

16 Community use of schools

Objective of Provision

To permit the establishment of certain community land uses in schools.

Community use of schools

The Council may consent to development of land used as an educational establishment for any community purpose, such as a meeting room, public hall, public library or recreation facility, whether or not operated for gain.

17 Subdivision

Objective of Provision

To impose restrictions on the subdivision of land.

Subdivision

- (1) A person may subdivide land to which this plan applies but only with the consent of the Council.
- (2) The Council may consent to a subdivision in which the boundaries of the proposed allotments do not correspond with a zone boundary only if the Council considers that the departure is minor and that the total area of land available for use or identified for use as public open space will not be reduced.
- (3) The Council may consent to the subdivision of land within Zone No 1 (a), 1 (c), 7 (a), 7 (a1), 7 (b), 7 (f1) or 7 (f2) only if each allotment to be created will have an area of not less than 40 hectares.
- (4) The Council may consent to the subdivision of land within Zone No 1 (d) only if each allotment to be created will have an area of not less than one hectare.
- (5) The Council may consent to the subdivision of land within Zone No 7 (c) only if each allotment to be created will have an area of not less than 10 hectares.
- (5A) The Council may consent to the subdivision of land within Zone No 1 (d1) only if each allotment to be created will have an area of not less than 5000 square metres.
- (6) Notwithstanding subclauses (3) and (4), land may be subdivided into allotments

smaller than the sizes specified in those subclauses if the subdivision is for the purpose of:

- (a) making minor adjustments to common property boundaries, or
- (b) rectifying any encroachment on an existing allotment.

Subdivision—new roads

- (7) Where land is zoned for the purpose of a proposed new road, the Council must not consent to a subdivision of land of which the proposed road forms part unless the subdivision makes provision for the opening of a road in reasonable conformity with the proposed road.

18 Multiple dwellings in rural zones

Objective of Provision

To enable the erection of 2 attached dwellings on rural properties where the erection of a dwelling is permissible with development consent.

Multiple dwellings in rural areas

- (1) Despite any other provision of this plan, a person may, with the consent of the Council, on land within Zone No 1 (a), 1 (d), 7 (b) or 7 (c):
 - (a) alter or add to an existing dwelling-house that has been lawfully erected on an allotment so as to create 2 attached dwellings, or
 - (b) erect 2 attached dwellings on an allotment where the erection of a dwelling is permissible with development consent in accordance with clause 19 of this Plan.
- (2) The Council must not grant consent referred to in subclause (1) unless it is satisfied that not more than 2 dwellings will be situated on the allotment after the development has been carried out.

19 Dwelling-houses in Zones Nos 1 (a), 7 (a1) and 7 (b)

Objective of Provision

To identify circumstances where dwelling-houses may be erected on land within Zone No 1 (a), 7 (a1) or 7 (b).

Dwelling-houses in Zone No 1 (a), 7 (a1) or 7 (b)

- (1) This clause applies to land within Zone No 1 (a), 7 (a1) or 7 (b).
- (2) In this clause **existing holding** means:
 - (a) except as provided by paragraph (b)—the land comprised in a lot, portion or

parcel of land as it was on 15 May 1964, whether or not it has subsequently been subdivided, or

(b) where, on 15 May 1964, a person owned 2 or more adjoining or adjacent lots, portions or parcels of land, the land comprised in all of those lots, portions or parcels as they were on that date, whether or not they have subsequently been subdivided or consolidated.

(3) Despite any other provision of this plan, a dwelling-house must not be erected on land within Zone No 1 (a), 7 (a1) or 7 (b) unless the land:

(a) has an area of not less than 40 hectares, or

(b) comprises the whole of an existing holding (or an existing holding affected only by a subdivision made on or after the date on which this plan came into force pursuant to *State Environmental Planning Policy No 4—Development Without Consent*, the area of which is less than 40 hectares and on which no dwelling-house is erected), or

(c) comprises an allotment lawfully created under any environmental planning instrument.

(4) In addition to the dwelling-house permitted under subclause (3), one additional dwelling may, with the consent of the Council, be erected where that additional dwelling is or will be actually occupied by a person employed or engaged by the owner of the land and where the agricultural use of the land can economically support such additional labour.

20 Land acquisition

Objective of Provision

To provide for the acquisition of land for community and road purposes.

Note—

Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

Land acquisition

(1) The owner of any land within a zone specified in Column 1 of the Table to this subclause may, by notice in writing, require the public authority specified opposite that land in Column 2 of the Table to acquire that land.

Column 1

Zone No 5 (a) and lettered “Buffer to Sewerage Treatment Plant”

Column 2

MidCoast Water

Zone No 5 (a) and lettered "carpark"	Council
Zone No 5 (a) and lettered "drainage reserve"	Council
Zone No 5 (c)	Council
Zone No 5 (d)	The RTA
Zone No 6 (a)	Council
Zone No 7 (f2)	The Corporation constituted by section 8 (1) of the Act
Zone No 8 (b)	Director-General of National Parks and Wildlife

- (2) On receipt of a notice under subclause (1), the public authority concerned shall acquire that land.

Acquisition of land reserved for arterial roads

- (3) The owner of any vacant land within Zone No 5 (d) may, by notice in writing, require the RTA (in the case of land that is included in the 5 year works program of the RTA current at the time of receipt of the notice) to acquire the land.
- (4) The owner of any land within Zone No 5 (d) that is not vacant may, by notice in writing, require the RTA to acquire the land if:
- (a) the land is included in the 5 year works program of the RTA current at the time of the receipt of the notice, or
 - (b) the RTA has decided not to give concurrence to an application for consent to the carrying out of development on the land, or
 - (c) the RTA is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time.
- (5) On receipt of a notice under subclause (3) or (4), the RTA must acquire the land unless the land might reasonably be required to be dedicated for public roads.
- (6) A person may, with the consent of the Council, carry out development on land within Zone No 5 (d):
- (a) for a purpose for which development may be carried out on land in an adjoining zone, or
 - (b) for any purpose which is compatible with development which may be carried out on land in an adjoining zone.
- (7) (Repealed)

(8) Land acquired under this clause may be developed, with the consent of the Council, for any purpose, until such time as it is required for the purpose for which it was acquired.

(9) In this clause:

the RTA means the Roads and Traffic Authority constituted under the *Transport Administration Act 1988*.

vacant land means land on which, immediately before the day on which a notice under subclause (3) is given, there were no buildings other than fences, greenhouses, conservatories, garages, summer houses, private boat houses, fuel sheds, tool houses, cycle sheds, aviaries, milking bails, hay sheds, stables, fowl houses, pig sties, barns or the like.

21 Heritage

Objective of Provision

To provide for continuity with the past by conserving the heritage of the Great Lakes area.

Consent for heritage items and conservation area

(1) The consent of the Council is required to carry out the following development:

- (a) demolishing, defacing or damaging a heritage item or a building, work, relic, tree or place within a heritage conservation area,
- (b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area by making structural changes to its exterior,
- (c) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area by making non-structural changes to the detail, fabric, finish or appearance of its exterior, except changes resulting from any maintenance necessary for its ongoing protective care which does not adversely affect its heritage significance,
- (d) moving a heritage item or a building, work, relic, tree or place within a heritage conservation area, or excavating land for the purpose of discovering or moving a relic that is a heritage item or within such an area,
- (e) erecting a building on, or subdividing, land on which such a heritage item is located or which is within a heritage conservation area.

(2) Development consent is not required by this clause if the Council is of the opinion that the proposed development would not adversely affect the heritage significance of the heritage item or heritage conservation area.

(3) When determining a development application required by this clause, the Council

must take into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area.

(4) (Repealed)

Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites

- (5) The Council must take into consideration the likely effect of proposed development on the heritage significance of a heritage item and its setting, and on the heritage significance of a heritage conservation area, archaeological site or potential archaeological site, when determining an application for consent to carry out development on land in its vicinity.

Note—

The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

Notice of certain heritage development applications

- (6) Sections 84, 85, 86, 87 (1) and 90 of the Act (which provide for the giving of notice, and for the making and consideration of submissions, about proposed development) apply to the demolishing, defacing or damaging of a heritage item or a building, work, relic, tree or place within a heritage conservation area (and to the use of a building or land referred to in subclause (9) or (10) for a purpose which, but for that subclause, would be prohibited by this plan) in the same way as those provisions apply to designated development.

Development of known or potential archaeological sites

- (7) The Council may grant consent to the carrying out of development on an archaeological site that has Aboriginal heritage significance (such as a site that is the location of an Aboriginal place or relic within the meaning of the [National Parks and Wildlife Act 1974](#)) or a potential archaeological site that is reasonably likely to have Aboriginal heritage significance only if:
- (a) it has considered an assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site prepared in accordance with any guidelines for the time being notified to it by the Director-General of National Parks and Wildlife, and
 - (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

(c) it is satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.

(8) The Council may grant consent to the carrying out of development on an archaeological site that has non-Aboriginal heritage significance or a potential archaeological site that is reasonably likely to have non-Aboriginal heritage significance only if:

(a) it has considered an assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site prepared in accordance with any guidelines for the time being notified to it by the Heritage Council, and

(b) (Repealed)

(c) it is satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

Conservation incentives

(9) The Council may grant consent to the use, for any purpose, of a building that is a heritage item or is within a heritage conservation area, or of the land on which the building is erected, even though the use would otherwise be prohibited by this plan, if it is satisfied that:

(a) the proposed use would not adversely affect the heritage significance of the item or heritage conservation area, and

(b) the conservation of the building depends on the granting of the consent.

(10) When considering an application for consent to erect a building on land on which a heritage item is located or on land within a heritage conservation area, the Council may, for the purpose of determining:

(a) the floor space ratio, and

(b) the number of parking spaces to be provided on the site,

exclude the floor space of the building from its calculation of the floor space of the buildings erected on the land, but only if the Council is satisfied that the conservation of the building depends on it making the exclusion.

(11)-(15) (Repealed)

22 Contaminated land

Objective of Provision

To identify the procedures to be followed where the Council considers a development

application for contaminated land.

Contaminated land

(1) In this clause:

appropriate standard means a standard appropriate for the proposed use of the land concerned and that is consistent with:

- (a) the requirements of the Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites, jointly developed by the Australian and New Zealand Environment and Conservation Council (ANZECC), and the National Health and Medical Research Council (NH & MRC), published in 1992, and
- (b) any guidelines, protocols or standards published by the Environment Protection Authority and notified to the Council which are relevant to remediation procedures, the type of contamination on the land or the type of use to which the land was, or is proposed to be, put.

independent review means the checking of adherence to standards, procedures and protocols employed in a redemption process and the expression of an opinion on the conclusions reached in that process by a party who is independent of the person who is carrying out the remediation, or on whose behalf the remediation is being carried out, and who is recognised by the Environment Protection Authority as satisfying a suitable public standard of competence and expertise.

- (2) Subject to subclause (3), if the Council considers that land subject to a development application may be contaminated due to the prior or current use of land adjoining the subject site, it must not consent to the carrying out of development unless a site contamination study has been carried out.
- (3) Subclause (2) does not apply to any land the subject of a direction to remediate contamination from the Environment Protection Authority or any land which the Council has been advised in writing by the Environment Protection Authority has been remediated in compliance with a direction from it.
- (4) Where a site has been identified by the Council as being contaminated, the Council must not grant consent to carrying out of development unless the development will include remediation of the subject land to an appropriate standard.
- (5) Despite any other provision of this plan, the carrying out of any development on land referred to in subclause (2), (3) or (4) must not commence until the Council accepts in writing an independent review verifying the remediation of the land to an appropriate standard.

23 Prohibited access

Objective of Provision

To provide a mechanism to restrict direct vehicular access onto major roads.

Prohibited access

- (1) Except as provided by subclause (2), the creation of vehicular crossings in, on or through the boundaries of any land shown on the map with the notation “boundaries across which direct access is denied” and as marked with a series of heavy black dots is prohibited.
- (2) The Council may grant consent to a vehicular crossing on land referred to in subclause (1) where it is satisfied that development would be impracticable unless direct vehicular access is provided.

24 (Repealed)

25 Waterways

Objective of Provision

To protect the amenity and environment of foreshore areas and waterways and to control development within flood prone areas.

Development below mean high water mark

- (1) Despite any other provision of this plan, the consent of the Council is required for development below mean high water mark other than development which, in the opinion of the Council, constitutes minor works. Development does not constitute minor works where, in the opinion of the Council, there is likely to be an adverse impact from carrying out the development:
 - (a) on the existing water quality, or
 - (b) on the scenic value of the area, or
 - (c) on the amenity of the waterway through obstructing or restricting navigation, or
 - (d) on recreational or professional fishing or other recreational activities, or
 - (e) on important habitat areas.

Maintenance dredging

- (1A) Notwithstanding subclause (1), the consent of the Council is required for development for the purpose of dredging, for maintenance of oyster leases or otherwise, of the bed of any river or lake where more than 1,000m³ of material is to be removed.

Foreshore building line

- (2) The Council may, by resolution, fix a line (called a **foreshore building line**) in respect of any land fronting any bay, river, creek, lake, lagoon, harbour or ocean.
- (3) A foreshore building line so fixed has effect for the purposes of this clause only if it is indicated by a broken black line and identified by the words "Foreshore Building Line" on a map.
- (4) Despite any other provision of this plan, development is prohibited between the foreshore building line and mean high water mark, except development for the purpose of the following, which requires development consent:
 - (a) a wharf, jetty or pontoon,
 - (b) a slipway,
 - (c) a single storey boatshed,
 - (d) works to enable pedestrian access,
 - (e) retaining walls,
 - (f) swimming pools,
 - (g) other structures or works which, in the opinion of the Council, are visually unobtrusive and unlikely to prejudice the function of the foreshore area as a passive recreational resource.

Flood-liable land

- (5) Despite any other provision of this plan, a person must not erect a building or carry out a work (other than buildings or works which, in the opinion of the Council, are unlikely to significantly affect flood behaviour) on flood-liable land without the consent of the Council.
- (6) The Council must not consent to the erection of a building or the carrying out of a work on flood-liable land unless the provisions of the Council's Flood Management Policy that relate to the proposed development have been taken into consideration. Copies of the Flood Management Policy are available for inspection at the Council's Office.
- (7) The Council may refuse consent to an application to carry out any development which in its opinion will significantly:
 - (a) adversely affect flood behaviour, including the flood peak at any point upstream or downstream of the proposed development and the flow of floodwater on adjoining lands, or

- (b) increase the flood hazard or flood damage to property, or
- (c) cause erosion, siltation or destruction of riverbank vegetation in the locality, or
- (d) affect the water table on any adjoining land, or
- (e) affect riverbank stability, or
- (f) affect the safety of the proposed development in time of flood, or
- (g) restrict the capacity of the floodway, or
- (h) require the Council, the State Emergency Service or any other Government agency to increase its provision of emergency equipment, personnel, welfare facilities or other resources associated with an evacuation resulting from flooding, or
- (i) increase the risk to life and personal safety of emergency services and rescue personnel.

26 Development of unzoned land

Objective of Provision

To provide a mechanism which allows the Council to consider development of unzoned land.

Development of unzoned land

A person must not carry out development on land (including land formed by reclamation or natural accretion in waterways or formerly the bed of a harbour, bay, lake, river, lagoon or natural watercourse) shown uncoloured on the map without the consent of the Council.

27 Restriction on development at Winda Woppa

Objective of Provision

To restrict the intensity of development on the Winda Woppa peninsula to a level consistent with this environmentally sensitive location.

Restriction on development at Winda Woppa

- (1) This clause applies to land at Winda Woppa as shown with distinctive hatching on the map and generally bounded by Gemallia Street, The Boulevard, Fishermans Walk and The Anchorage.

Subdivision

- (2) The Council must not grant consent to the subdivision of land to which this clause applies unless each separate allotment to be created by the subdivision has an area of not less than 1,000 square metres.

Multiple Dwellings

- (3) The Council may grant consent to development that results in 2 dwellings (but no more) on an allotment to which this clause applies if:
 - (a) the area of the allotment on which the development is to be carried out is not less than 450 square metres, and
 - (b) the 2 dwellings will be in a single building, and
 - (c) the gross floor area of one dwelling will not exceed 55 square metres, and
 - (d) the Council is satisfied that the owner of the allotment will occupy one of the dwellings.
- (4) The Council must not grant consent to any subdivision of land on which development referred to in this clause has been carried out if the subdivision would result in the 2 dwellings being situated on separate allotments.

28 (Repealed)

29 Development on coastal lands

- (1) This clause applies to land within Zone 7 (f1) or 7 (f2).
- (2) Consent must not be granted to development on land to which this clause applies unless the council has taken into consideration the matters referred to in clause 5.5 (2) of the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006* (as in force immediately before the commencement of the *Standard Instrument (Local Environmental Plans) Amendment Order 2011*) and is satisfied as to the matters referred to in clause 5.5 (3) of that instrument.
- (3) The council must not grant consent to development on land in Zone 7 (f2) unless it has taken into consideration:
 - (a) the extent to which the proposed development is likely to affect the scenic and environmental qualities of the coastal landscape, headlands, dune systems and the hinterland, including lagoons, lakes and areas where the original vegetation is still dominant, and
 - (b) whether the development would result in the degradation of, or restriction of access to, coastal recreation areas, and
 - (c) any plan, code, policy or design adopted by resolution of the Coastal Council of New South Wales for the purpose of protecting coastal lands.

30 Concurrence provision proposed national parks

Objective of Provision

To identify development which requires the concurrence of the Director-General of National Parks and Wildlife.

- (1) This clause applies to development of land within Zone 8 (b).
- (2) In determining an application for development of land to which this clause applies, the Council shall not grant the application except with the concurrence of the Director-General of National Parks and Wildlife.
- (3) In considering whether to give concurrence as referred to in subclause (2), the Director-General must take into consideration the extent to which the proposed development is likely to affect the use and dedication (or reservation) of the land for purposes under the *National Parks and Wildlife Act 1974*.

31 Sawdust and sawmill waste

Objective of Provision

To impose requirements on the disposal of sawdust and sawmill waste.

Sawdust and sawmill waste

Sawdust or sawmill waste must not be:

- (a) deposited on any land, whether by way of filling or otherwise, except with the consent of the Council, or
- (b) burnt, unless:
 - (i) it is burnt in an incinerator of a type approved by the Council, or
 - (ii) where the sawmill at which it is created is isolated from urban development, it is burnt in a manner approved by the Council, or
 - (iii) it is burnt in accordance with the consent of the Council.

32 Specific developments

Objective of Provision

To impose specific requirements on certain development in the area of Great Lakes.

Specific developments

Despite any other provision of this plan, development may be carried out on land to which a clause in the following Table applies in accordance with the requirements of that clause.

Table

1 Neighbourhood plan subdivision at Forster

- (1) This clause applies to lot 3, DP 548504, Tea Tree Road, Forster.
- (2) In this clause:

approved tourist facility means the tourist facility the subject of Development Consent No 5694 granted by the Council on 30 September 1992 and located on the land to which this clause applies.

approved water body means the water body that will result from the dredging and associated activities the subject of Development Consent No 5693 granted by the Council on 30 September 1992 and carried out on the land to which this clause applies.
- (3) Nothing in this plan or any other environmental planning instrument prevents a person, with the consent of the Council, from subdividing the land to which this clause applies under the [Community Land Development Act 1989](#) for the purposes of the approved tourist facility and approved water body.
- (4) The Council may grant consent as referred to in subclause (3) only if the Council is satisfied that adequate means are to be implemented to carry out the ongoing obligations of the conditions of the consent for the approved tourist facility and approved water body insofar as those conditions relate to water quality, maintenance of the water body and associated easements, maintenance of the public access along the waterfront reserve and maintenance of navigation markers.
- (5) In considering whether to grant consent as referred to in subclause (3), the Council must have regard to:
 - (a) the layout of the lots, including the location of the neighbourhood property in relation to the approved tourist facility and approved water body, and
 - (b) whether satisfactory means are to be implemented to ensure that the neighbourhood lots created will only be available for tourist accommodation.

2 Neighbourhood plan subdivision at Failford

- (1) This clause applies to lot 2, DP 830075, Failford Road, Failford.
- (2) Regardless of any other provision of this plan, consent must not be granted for a subdivision of the land to which this clause applies unless:
 - (i) the registration of the subdivision will result in the creation of a neighbourhood scheme under the [Community Land Development Act 1989](#) for the land, or
 - (ii) that land is already subject to such a scheme.
- (3) The Council may grant consent as referred to in subclause (2) only if the Council is

satisfied that each lot in Zone No 1 (d1) which has an area of less than 1 hectare is to be connected to reticulated sewerage.

- (4) In considering whether to grant consent to development as referred to in subclause (2), the Council must have regard to:
 - (a) the capability of the land for any proposed development, and
 - (b) the protection of remnant vegetation and habitats, and
 - (c) the facilitation of fauna movement in a regional context, and
 - (d) the protection of the rural character and scenic attributes of the land, and
 - (e) the siting of allotments and access, and
 - (f) a plan of management containing proposals to minimise the impacts of fire.
- (5) All land to which this clause applies that is in Zone No 7 (b) (the Conservation Zone) must, as a result of the subdivision become neighbourhood property, as defined by the [Community Land Development Act 1989](#).
- (6) The Council may grant consent to the development of the land only if satisfied that adequate means are to be implemented to achieve:
 - (a) the preservation and management of biological diversity and ecological integrity on the site, and
 - (b) the protection and management of significant habitat, including that used by threatened species, for conservation purposes, and
 - (c) the protection and management of corridors to facilitate fauna movement within the region.

3 Subdivision at Minimbah Road, Nabiac

- (1) This clause applies to so much of Lots 4 and 6 DP 261078 and Lot 31 DP 819686, Minimbah Road, Nabiac, as is within Zone No 1 (d) and shown edged heavy black on the map marked "*Great Lakes Local Environmental Plan 1996 (Amendment No 7)*".
- (2) Regardless of any other provision of this plan, the Council may consent to the subdivision of the land to which this clause applies only if each allotment to be created will have an area of not less than 3 hectares, or into not more than 4 lots each of not less than 2.5 hectares if the land fronts Minimbah Road.

4 Development at Myall River Downs, Tea Gardens

- (1) This clause applies to land at Myall River Downs, Tea Gardens, as shown edged

heavy red and lettered “7 (a1)” on the map marked “*Great Lakes Local Environmental Plan 1996 (Amendment No 44)*”.

- (2) Despite any other provision of this plan, the Council must not consent to the carrying out of drainage works on the land to which this clause applies unless it has adopted a water management strategy in respect of any development on so much of Lot 404, DP 1048133 as is within Zone No 7 (a1), that, in its opinion, will achieve the following minimum performance objectives:
 - (a) drains developed areas in a manner that does not compromise public safety, threatened species habitat and key fauna corridors and minimises the occurrence of nuisance flooding,
 - (b) maintains peak run-off from the site at existing levels for major and minor storm events,
 - (c) ensures that flooding problems upstream of the site are not worsened or are improved by the strategy,
 - (d) maintains the quality of water discharged to sensitive downstream waterways at levels that would not adversely impact on downstream ecosystems, with treated water quality closely approximating natural baseline levels,
 - (e) maintains the surface and ground water flow regimes in a manner that ensures the integrity of the downstream wetlands and associated vegetation communities,
 - (f) allows for maintenance of the water system so that it would perform as designed.

5 Development at Seven Mile Beach, The Lakes Way, Forster

- (1) This clause applies to Part Lots 103, 142 and 178 DP 753168 at The Lakes Way, Forster as shown edged heavy black on the map marked “*Great Lakes Local Environment Plan 1996 (Amendment No 45)*”.
- (2) The Council must not grant consent to development on land to which this clause applies unless the gross floor area (excluding pedestrian walkways, colonnades, balconies, decks and carparks) of all buildings on the land proposed to be used for shops and commercial premises will not exceed 1,000 square metres.
- (3) The Council may grant consent to the subdivision of the land only if the Council is satisfied that:
 - (a) adequate measures are to be implemented to achieve the preservation and management of biological diversity on, and ecological integrity of, the land, and

- (b) adequate measures are to be implemented to achieve the protection and management of significant habitat, including that used by threatened species, for conservation purposes, and
 - (c) adequate measures are to be implemented to facilitate fauna movement within and through the land, and
 - (d) adequate measures are to be implemented to protect the land from bush fire while not unreasonably compromising the ecological values of the land, and
 - (e) adequate controls are to be implemented that:
 - (i) ensure that the buildings on each lot respect the natural features of the land by utilising designs that minimise tree removal and by the use of colours and materials that reflect the surrounding environment, and
 - (ii) reflect a unified design theme for the land whilst providing for differences in character on a precinct basis, and
 - (f) mechanisms are in place (including funding, monitoring, and auditing mechanisms) to ensure the ongoing implementation and effectiveness of the measures and controls referred to in paragraphs (a)–(e).
- (4) In considering whether to grant consent to development on the land to which this clause applies, the Council must have regard to the following:
- (a) the capability of the land for the proposed development,
 - (b) the protection of significant vegetation and habitats,
 - (c) the facilitation of fauna movement within and through the land,
 - (d) the protection of the scenic attributes of the land,
 - (e) the protection of the development from bushfire while not unreasonably compromising the ecological values of the land,
 - (f) any controls that are in place in accordance with subclause (3) (e).
- (5) Despite any other provision of this plan, the Council must not grant consent to any subdivision for residential purposes of the land to which this clause applies unless the Council is satisfied that any building to be erected on a lot created by the subdivision will comply with any controls that are in place in accordance with subclause (3) (e).

6 Development of certain land—Forster Tuncurry Memorial Services Club, Strand Street, Forster

- (1) This clause applies to Lot 1, DP 247867 and Lot 1, DP 43068, Strand Street,

Forster, as shown edged heavy black and lettered “5 (a) Club and Integrated Tourist Facility” on Sheet 2 of the map marked “*Great Lakes Local Environment Plan 1996 (Amendment No 42)*” (**Sheet 2 of the map**).

- (2) The Council may grant consent to the consolidation of Lot 1, DP 247867 and Lot 1, DP 43068 and their simultaneous redivision into 2 lots, but only if the Council is satisfied that:
 - (a) a current development consent exists for the development of the land for the purposes of an integrated tourist facility, and
 - (b) the subdivision of the land is for the purpose of creating separate lots for the Forster Tuncurry Memorial Services Club (**the Club**) and the integrated tourist facility.
- (3) The Council may grant consent to the creation of separate strata lots under the *Strata Schemes (Freehold Development) Act 1973* for each tourist accommodation unit in the integrated tourist facility, but only if the Council is satisfied that permanent occupation of the units for residential purposes is prohibited.
- (4) The maximum height of any building erected on that part of the land as is shown cross-hatched on Sheet 2 of the map is not to exceed 18.6 metres above Australian Height Datum within the meaning of the *Surveying Act 2002*.
- (5) The maximum height of any building erected on that part of the land as is shown stippled on Sheet 2 of the map is not to exceed 11.4 metres above Australian Height Datum within the meaning of the *Surveying Act 2002*.
- (6) In this clause, **integrated tourist facility** means a tourist facility for which there is a single management entity for all components of the facility, whether or not different components of the facility are owned by different persons, being an entity that has no involvement in the management of the Club.

33 Additional land uses

Objective of Provision

To allow for land use exceptions to the development control table which meet the overall objectives of this plan.

Additional land uses

Despite any other provision of this plan, land specified or described in Column 1 of the following Table may, with the consent of the Council, be developed for the purpose specified in Column 2 of the Table opposite that land, subject to the requirements specified in Column 2.

Table

Column 1

Column 2

Lots 1, 2 and 3, DP 841938, Wallis Island	Aerodrome
Lots 9 and 10, Sec 18, Manning Street, Tuncurry	Motor showroom and vehicle repair station
Lot 1, DP 817061, Darawank	Caravan park or camping ground
Lot 202, DP 815120, Coomba Road, Parish of Forster	The garaging (excluding repair) of any motor-powered vehicle used in connection with the passenger transport business
Land within Zone No 1 (a), 1 (c), 7 (b) or 7 (c)	Subdivision of the land to create a community, neighbourhood or precinct scheme under the Community Land Development Act 1989 or a strata scheme under the Strata Schemes (Freehold Development) Act 1973 and use of the land subject to the scheme for carrying out development for the purpose of tourist facilities or recreation facilities for tourists
Islands and peninsulas within Wallis Lake within Zones Nos 7 (a) and 7 (b)	The removal of sand deposited by dredging activities
Tern Island, Tuncurry	The depositing of sand
Lot 38 DP 548478 Macintosh St, Forster & Lot 40 DP 625401 Kularoo Drive, Forster	Service station
Lot 3 DP 245522, Coomba Road, Pacific Palms	Vehicle repair station
Lots 5 & 6 DP 224177, corner of Yamba Street and Tuloa Avenue, Hawks Nest	Chemist's shop located within the premises of a medical centre
Lot 36, DP 1023220, The Lakes Way, Forster	Motor showroom used in conjunction with a motor showroom existing on Lot 32, DP 850018
Lot 26, DP 830819, 148 Coomba Road, Pacific Palms	Wedding receptions within the existing exhibition hall or that hall as redeveloped in accordance with any Council approved alterations or additions (or both)
So much of Lot 2, DP 1103357, Macwood Road, Smiths Lake, as is within Zone No 7 (a1) and shown edged heavy black and lettered "7 (a1)" on the map marked " <i>Great Lakes Local Environmental Plan 1996 (Amendment No 47)</i> "	Minor works for the purpose of stormwater management

Lot 164, DP 753207, Parish of Tuncurry, Darawank, Lot 97 and eastern portion of Lot 49, DP 753207, Ton O Fun Road, Darawank, and Lot 7063, DP 1108630, Parish of Tuncurry, Darawank, as shown cross-hatched on sheet 1 of the map marked "*Great Lakes Local Environmental Plan 1996 (Amendment No 62)*"

Sand extraction

The part of Lot 45, DP 1126880 on the southern side of Sweet Pea Road, Forster South, as is within Zone No 7 (a1) and shown hatched black on the map marked "*Great Lakes Local Environmental Plan 1996 (Amendment No 79)*"

Works for the purpose of stormwater management

The part of Lot 402, DP 773088, The Lakes Way, Forster that is within Zone No 7 (a1) and is shown edged heavy black and hatched on Sheet 1 of the map marked "*Great Lakes Local Environmental Plan 1996 (Amendment No 46)*"

Works for the purpose of stormwater management, provided such works do not impact upon the Aboriginal midden on the land

33A Development at Myall Quays

Objective of Provision

To ensure that development on certain land at Myall Quays, being Lots 1, 8, Pt 9, 10 and 11 DP 270100 Myall Street, Admiralty Avenue, Budgeree Street and Toonang Drive, Lots 1-23, DP 285341 and Lots 1-15 DP 285432 Admiralty Avenue and Boston Street, Lots 413 and 487, DP 32559 Port Stephens Street and Tamworth Esplanade and Lot 80, DP 702022 Myall Street is controlled so that:

- (a) commercial and retail facilities on the land are structured to serve the convenience needs of the residents and day and overnight visitors,
- (b) any development on the land is sensitive to the natural environment, and
- (c) any water body is maintained under the provisions of a community or neighbourhood scheme.

Local Shopping Centre—Myall Quays

- (1) Notwithstanding any other provision of this plan, a person may, with the consent of the Council, carry out development for the purposes of a local shopping centre on land within Zone No 2 (f) that is generally bounded by Toonang Drive, Myall Street, Budgeree Street and the Myall River where the gross floor area (excluding pedestrian arcades, public mall areas and colonnades) of any building or buildings at the centre

used for retail, office and business purposes does not exceed 3,000 square metres. However, the Council must not grant consent for the development of more than one local shopping centre on any such land.

Impact on adjoining conservation areas and Myall River

(2)

- (a) This subclause applies to development on land within Zone No 2 (f) for the purpose of a lake or other waterbody.
- (b) (Repealed)
- (c) In determining an application for development to which this clause applies, the Council must take into consideration:
 - (i) the extent to which the proposed development is likely to affect the environmental qualities on the adjoining wetlands within Zone No 7 (a) or wet heath areas within Zone 7 (b), and
 - (ii) the likely cumulative impact (in conjunction with existing waterbodies) on the Myall River.

Works for scientific or educational purposes on wetlands

- (3) Development for the purpose of works that promote the scientific or educational value of wetlands may be carried out, but only with development consent, on land shown edged heavy black on the map marked "*Great Lakes Local Environmental Plan 1996 (Amendment No 5)*" that is within Zone No 7 (a) or 7 (b).

Application of SEPP No 50—Canal Estate Development

- (4) Nothing in this plan modifies or otherwise affects the application of [State Environmental Planning Policy No 50—Canal Estate Development](#) to land shown edged heavy black on the map marked "*Great Lakes Local Environmental Plan 1996 (Amendment No 5)*". In particular, nothing in this plan allows development prohibited by the Policy to be carried out on that land.

33B Development on certain land at Pacific Palms

Objective of Provision

The objective of this provision is to ensure the sustainable development of certain land at Pacific Palms by:

- (a) establishing a co-ordinated and long-term framework for managing sensitive natural systems so as to reflect community standards, and
- (b) ensuring future land management practices do not compromise the long-term

ecological integrity of the area, particularly in relation to wetlands and native vegetation, threatened species habitat areas and wildlife corridors.

Ecological management and bush fire hazard reduction

- (1) This clause applies to Lot 4242, DP 1036056 (Lakeside Crescent), Lot 58, DP 731369, Lot 2, DP 867899 and Lot 2, DP 862876 (Boomerang Drive), Pacific Palms.
- (2) Before granting development consent for development on land to which this clause applies, the Council must have regard to the following:
 - (a) the capability of the land to support the proposed development,
 - (b) the protection of significant vegetation and habitats, including habitats for threatened species,
 - (c) the facilitation of fauna movement within and through the land,
 - (d) the protection of the scenic attributes of the land,
 - (e) the protection of development from bush fire without unreasonably compromising the ecological values of the land.
- (3) Before granting development consent for development on land to which this clause applies, the Council must be satisfied that:
 - (a) adequate measures will be implemented to achieve the long-term preservation and management of biological diversity and ecological integrity on the land, and
 - (b) adequate measures will be implemented to achieve the long-term protection and management of significant habitats on the land, including habitats for threatened species, for wildlife conservation purposes, and
 - (c) adequate measures will be implemented to facilitate fauna movement within and through the land, and
 - (d) if the proposed development is on land within Zone No 2 (a), adequate measures will be implemented to protect development on the land from bush fire and such measures will not unreasonably compromise the ecological values of the land.
- (4) Development consent must not be granted for development for the purpose of subdivision on land to which this clause applies unless the Council is satisfied that:
 - (a) any part of the land to which the development application relates that is within Zone No 7 (a1) is, or will be contained in, a single lot, and
 - (b) land within that lot will be effectively managed in the long term for ecological and conservation purposes.

33C Primary koala food trees at Pacific Palms

- (1) This clause applies to Lot 2, DP 867899 (Boomerang Drive) and Lot 4242, DP 1036056 (Lakeside Crescent), Pacific Palms.
- (2) Development consent must not be granted for development on land to which this clause applies (other than land within Zone No 2 (a)) unless the Council is satisfied that:
 - (a) the development will not cause loss of primary koala food trees, or
 - (b) if loss of primary koala food trees is an unavoidable consequence of the carrying out of the development, replacement plantings will be undertaken.
- (3) In this clause, **primary koala food trees** means trees of the species *Eucalyptus robusta* (Swamp Mahogany).

33D Development of Lot 6180, DP 1151512 at The Southern Parkway, South Forster

- (1) This clause applies to that part of Lot 6180, DP 1151512, The Southern Parkway, South Forster, as shown edged heavy black on the map marked "*Great Lakes Local Environmental Plan 1996 (Amendment No 36)*".
- (2) Despite any other provision of this plan, the Council may give development consent to the subdivision of any land to which this clause applies, but only if the Council is satisfied that adequate stormwater management measures have been taken to protect the water quality of Pipers Creek.

34 Development of Lot 15, DP 713933 at Carmona Drive, South Forster

- (1) This clause applies to land at Carmona Drive, South Forster, being part of Lot 15, DP 713933, as shown edged heavy red and coloured red on the map marked "*Great Lakes Local Environmental Plan 1996 (Amendment No 52)*".
- (2) Despite clause 17 (5A), the Council may grant development consent to the subdivision of land to which this clause applies to create lots of any size if:
 - (a) the subdivision will be carried out under the [Community Land Development Act 1989](#), and
 - (b) the total number of lots proposed to be created for the purpose of a dwelling house will not exceed 27, and
 - (c) the Council is satisfied that the lots referred to in paragraph (b) will be compatible with the existing subdivision pattern of the surrounding area.

35 Reclassification of land

Objective of Provision

To allow for the reclassification of public land from community to operational land or from operational to community land within the meaning of the [Local Government Act 1993](#).

Reclassification of land

Land specified or described in Column 1 of the following Table is reclassified under the [Local Government Act 1993](#) from the classification specified in Column 2 of the Table opposite that land to the classification specified in Column 3 of the Table.

Table

Column 1	Column 2	Column 3
So much of the land within R79681 in Beach Street near Head Street, Forster, as is shown edged heavy black on the map marked " <i>Great Lakes Local Environmental Plan 1996 (Amendment No 18)</i> ".	Community land.	Operational land.
So much of the land within R83636, in South Street near Short Street, Forster, as is shown edged heavy black on the map marked " <i>Great Lakes Local Environmental Plan 1996 (Amendment No 20)</i> ".	Community land.	Operational land.
Lot 50, DP 609496, being a drainage reserve in the Forster Keys residential estate, Forster.	Community land.	Operational land.
Lot 104, DP 245073, being a drainage reserve in the Forster Keys residential estate, Forster.	Community land.	Operational land.
Lots 160-162, 228-230 and 248, DP 593704, being a drainage reserve in the Forster Keys residential estate, Forster.	Community land.	Operational land.

36 Service stations along Pacific Highway or by-passes

Objective of Provision

To prohibit service station development on land that is within one kilometre of the Pacific Highway or any by-pass along the route of that Highway and, in either case, that is within Zone No 1 (a).

Prohibition of service station development

Development for the purpose of a service station is prohibited on land that is within one kilometre of the Pacific Highway or any by-pass along the route of that Highway and, in

either case, that is within Zone No 1 (a).

37 Land reserved or dedicated under the [National Parks and Wildlife Act 1974](#)

Despite the other provisions of this plan, any development authorised by the [National Parks and Wildlife Act 1974](#) (and any development ordinarily ancillary or incidental to that development) may be carried out, without development consent, on that land to which this plan applies that is reserved or dedicated under that Act.

38 Requirements for development of certain land

Development consent must not be granted for development on land described in Column 1 of Schedule 3 unless the Council is satisfied that all of the requirements specified opposite that land in Column 2 of Schedule 3 have been met.

Part 4 Urban release areas

39 Arrangements for designated State public infrastructure

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

- (5) *State Environmental Planning Policy No 1—Development Standards* does not apply to the subdivision of land to which subclause (2) applies.

40 Public utility infrastructure

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

41 Relationship between Part and remainder of Plan

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

Schedule 1 Development not requiring consent

(Clause 15)

1 Railway undertakings comprising:

- (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, or
- (b) the erection of buildings within the limits of a railway station,
- but excluding:
- (c) the construction of new railways, railway stations and bridges over roads, and
- (d) the erection, reconstruction and alteration of buildings for purposes other than railway undertakings, and
- (e) the reconstruction or alteration of railway stations or bridges where that reconstruction or alteration would materially affect the design of those railway stations or bridges, and
- (f) the formation or alteration of any means of access to a road.

2 Public utility water, sewerage, drainage, electricity or gas undertakings comprising:

- (a) development of any description at or below the surface of the ground, or
- (b) the installation of any plant inside a building, or
- (c) the installation or erection within the site of a generating station or substation of any plant or other structure required in connection with the station or substation, or
- (d) the installation or erection of any plant or structure by way of addition to or replacement or extension of plant or structures already installed or erected, including the installation in an

electrical transmission line of substations, feeder-pillars or transformer housings, but not including the erection of pipes above the surface of the ground for the supply of water, or

- (e) the provision of overhead service lines under any statutory power to provide a supply of electricity, or
 - (f) the erection of service reservoirs provided reasonable notice of the proposed erection is given to the Council, or
 - (g) any other development except:
 - (i) the erection of buildings, and
 - (ii) the installation or erection of plant or structures, and
 - (iii) the reconstruction or alteration of buildings where that reconstruction or alteration would materially affect the design or external appearance of those buildings, and
 - (iv) the formation or alteration of any means of access to a road.
- 3** Public utility water transport undertakings, comprising 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
 - (b) the reconstruction or alteration of buildings where that reconstruction or alteration would materially affect the design or external appearance of those buildings, and
 - (c) the formation or alteration of any means of access to a road.
- 4** Public utility wharf or river undertakings, comprising 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, and
 - (b) the erection of any other buildings, and
 - (c) the reconstruction or alteration of bridges or of buildings where that reconstruction or alteration would materially affect the design or external appearance of those bridges or buildings, and
 - (d) the formation or alteration of any means of access to a road.
- 5** Public utility air transport undertakings comprising, within the boundaries of any aerodrome, any development required in connection with the movement of traffic by air, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant required for that purpose, except:

- (a) the erection of buildings, and
 - (b) the reconstruction or alteration of buildings where that reconstruction or alteration would materially affect the design or external appearance of those buildings, and
 - (c) the formation or alteration of any means of access to a road.
- 6** Public utility road transport undertakings comprising 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
 - (b) the reconstruction or alteration of buildings where that reconstruction or alteration would materially affect the design or external appearance of those buildings, and
 - (c) the formation or alteration of any means of access to a road.
- 7** Any development required for the purpose of a mine (other than a mineral sands mine), including the installation or erection of plant or structures required for the mining, working, treatment or disposal of minerals, but excluding:
- (a) the erection of buildings, and
 - (b) the reconstruction or alteration of buildings where that reconstruction or alteration would materially affect the design or external appearance of those buildings, and
 - (c) the formation of any means of access to a road.
- 8** The carrying out by the Council or the Roads and Traffic Authority of any development required in connection with the construction, reconstruction, improvement, widening, realignment, relocation, maintenance or repair of any road.
- 9** The carrying out by the Forestry Commission or a school forest trust of afforestation, construction and maintenance of roads, protection, cutting and marketing of timber and other forestry purposes under their relevant Acts or on any Crown land temporarily reserved from sale as a timber reserve under the *Forestry Act 1916*.
- 10** The carrying out by a 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
 - (b) the reconstruction or alteration of buildings where that reconstruction or alteration would materially affect the design or external appearance of those buildings, and
 - (c) any development designed to change the use or purpose of any such reserve.
- 11** The carrying out by the Council or by the Department of Land and Water Conservation of any work for the purposes of soil conservation, irrigation, afforestation, reforestation, flood mitigation, water conservation or river improvement under the provisions of the *Water Act 1912*, the *Irrigation Act 1912*, the *Farm Water Supplies Act 1946*, or the *Rivers and Foreshores Improvement Act 1948*, except:

- (a) the erection of buildings, and
- (b) the reconstruction or alteration of buildings where that reconstruction or alteration would materially affect the design or external appearance of those buildings, and
- (c) the formation or alteration of any means of access to a road.

Schedule 2 Heritage items

(Clause 21)

Note—

The symbols L, R and S indicate whether the heritage item has local, regional or State significance in the opinion of the Council.

Address	Property Description	Item	Significance
ALLWORTH			
Allworth River and Karuah River	Eastern side of Karuah River, south of concrete boat ramp	Allworth Wharf (remains)	R
BOORAL			
The Bucketts Way	Parish Booral, Portions 55/154	Alderley House	R
Isaacs Lane	Portion 81, Parish Booral, Lot 1, DP 632812	Booral House	R
The Bucketts Way and Lowes Lane	Lot 1, DP 47370 Lot 1, DP 632812	Gundayne House Group, Residence Outhouse and Schoolhouse	S
Karuah River	about 1 mile south of Booral	Booral Wharf	R
The Bucketts Way	Parish Booral, Pt Portion 6	St Barnabas Church and Cemetery	L
Lowes Lane		The Gables	R
BULAHDELAH			
Markwell Road	Cnr Red Gum Road and Mahogany Street	General Cemetery	R
Horses Creek	Wang Wauk State Forest	Tramline Trestle Bridge	S
Crawford Street	Pt Lot 1 DP 226885	Former Courthouse	R
Bulahdelah Mountain	Lot 1 DP 228555 (Portion 150), Portions 64, 122 & 187 Parish of Buladelah	Former Aluminium Mine	R

Bulahdelah region	Railway from Simsville to Allworth	Kauri & Co's Railway	S
BUNGWAHL			
	The Lakes Way	Old Bungwahl Cemetery	R
CARRINGTON			
Tahlee Road	Pt Portion 206, Parish Carrington	Carrington Cemetery	S
Tahlee Road	Lot 340 DP 735514 and Lot 342 DP 740621	Tahlee House	S
Church Street	Lot 1, Section K, Carrington	Former St Andrews Church	L
Cock Renoyo Point		Carrington Boat Harbour and Lime Kiln	S
		2 roomed brick cottage	R
COOLONGLOOK			
Curreeki Creek Road	Lot 4 DP 749633, Curreeki Creek Road	Morris Property Graves	R
DARAWANK			
	Part Portion 121 Manns Road Darawank, located on Eastern shores of Wallamba River	Former Darawank Public School	L
FAILFORD			
Failford Road	Cnr Failford Road and Bullocky Way	House—Failford	R
Failford Road	Lot 12 DP 747289	Breckenridge House	L
FORSTER			
West Street, corner North Street	Lot 9 DP 536200	Tudor House Restaurant and Bar	R
Lake and West Streets		Former Court House Group	L
St Albans Place and Likely Street		General Cemetery	R
HAWKS NEST			
Bennett Street		Timber Cottage	L

MONKERAI

Cnr Weismantels Rd & Bucketts Way	Lot 4 DP 803291, The Bucketts Way	Former Weismantels Inn	R
Moores Road	FP 970544, Moores Road	Monkerai Hall	L

NABIAC

7-9 Nabiac Street	Lot 1 DP 948711, Parish of Talawahl	Hancocks Store	S
Cnr Nabiac Street and Showground Lane	Portion 96, Parish of Talawahl	Showground	R
Nabiac Street	37 Nabiac Street—opp Nabiac Sports Field	Former Hospital	L
Nabiac Street	Lot 12 DP 394311	Former ES&A Bank and Dwelling	L
Clarkson Street	77 Clarkson Street—opp Police Station	House opposite Park	L

NERANI HEAD

	Between two knolls which form Nerani Head	Nerani Head Cemetery	R
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SEAL ROCKS

Sugarloaf Point	National Park	Lighthouse Group	R
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STROUD

Bridge Street		House—Bridge Street	R
Berkeley Street	Lot 1 DP 745192 and Lot 1 DP 782050	Former AA Co Cottages	R
Berkeley Street	Located between Broadway & Collins Sts	3 single storey residences	R
Berkeley Street	“Thornleigh”	2 storey colonial home	L
Cnr Broadway & Mallon Streets	Lot 1 DP 803474	St Columbines Church	R
Cowper Street	70 Cowper Street	Baptist Church	L
Cowper Street	Lot 1 DP 202634	Former Council Chambers	R
Cowper Street	44 Cowper Street	Former Bank of New South Wales	L
Cowper Street	Lot 5, Section 2	Post Office	R

Cowper Street	Lot 4, Section E	School of Arts	L
Cowper Street	Lot 6B DP 709600	Former Courthouse	R
Cowper Street	Lots 91 & 92 DP 584892 and Lots 6 & 7 DP 939759	St Johns the Evangelist Church Group including Quambi House	S
Cowper Street	Pt Portion 75, Parish of Stroud	Stroud House	S
Memorial Avenue	9 Memorial Avenue	Central Hotel	L
Erin Street	Lots 1-3 DP 794878	Public School and residence	R
Erin Street	25 Erin Street	St James Church	L
Silo Hill	—	Underground Grain Silos and Cannons	R
Karuah River	7.5km south of Stroud	Washpool	S
Mill Creek Road		House—Mill Creek Road	L
Stroud Road	Lot 1, DP 770116	Methodist Church	L
Church Street	North-east corner Cowper St & Church St	Uniting Church and Hall	L
TEA GARDENS			
Fronting Myall River	53 Marine Drive	Courthouse	R
Marine Drive	northwestern corner of Lot 1 DP 1021873	Universal Store	L
Yalinbah Street (south end)	DP 95468 Portion 28 Yalinbah Street	General Cemetery	L
Myall River	Lot 40 DP 1099070 Viney Creek Road	Site of original Durness homestead, including Canary Island Palms, and gardens surrounding the second Durness homestead	L
TUNCURRY			
Opposite Tuncurry Park	Corner Wharf St/Manning ST	Timber Church	S
Opposite Tuncurry Park	Lot 3 Sec 2 DP 759005, 2 Manning Street	“Tokalau” (single dwelling)	R
South Street	DP 619110	Tuncurry House	L

Schedule 3 Special requirements for development on certain land

(Clause 38)

Column 1

Column 2

Lot 64, DP 753207, Failford Road, Failford	<p>Arrangements, acceptable to the Council, have been made for:</p> <p>(a) the protection and management, for conservation purposes, of that part of the land shown as “conservation area” in a development control plan that applies to the land, and</p> <p>(b) the establishment, including planting and ongoing management, of a wildlife movement corridor, in the location shown as “wildlife corridor” in a development control plan that applies to the land.</p>
Lots 1 and 2, DP 614397 and Lot 45, DP 1126880, Carmona Lane and Sweet Pea Road, Forster South	<p>Arrangements, acceptable to the Council, have been made for:</p> <p>(a) the installation of water quality treatment facilities that will maintain or improve the quality of stormwater discharged from the development, and</p> <p>(b) the maintenance of those facilities.</p>
The part of Lot 45, DP 1126880 on the northern side of Sweet Pea Road, Forster South zoned 4 (a) General Industrial Zone	<p>Arrangements, acceptable to the Council, have been made that ensure that the development, except for development associated with an approved extractive industry, will:</p> <p>(a) only be carried out on the parts of the land where the silica sand resource has been fully extracted, and</p> <p>(b) not compromise future extraction of the silica sand resource.</p>
Lot 2, DP 614397, Lot 45, DP 1126880, and Lot 5, DP 571977, Carmona Lane and Sweet Pea Road, Forster South	<p>Arrangements, acceptable to the Council, have been made for the protection and management of that part of the land within Zone No 7 (a1) (Environmental Protection Zone).</p>
Lot 402, DP 773088, The Lakes Way, Forster	<p>If any flood management works are undertaken within 40 metres of either side of Dunns Creek, arrangements, acceptable to the Council, have been made for the restoration of a riparian corridor along the creek.</p>

Arrangements, acceptable to the Council, have been made:

- (a) for the establishment and maintenance of water quality management facilities that maintain or improve the quality of stormwater discharged from the development, and
- (b) to ensure that either:
 - (i) any development of the land will have no adverse flooding effect on properties downstream from the development, or
 - (ii) if the development will have such an adverse flooding effect, the flooding effect on each downstream property has been considered by the applicant and submissions relating to any such property (made after each relevant registered proprietor has been notified in writing by the applicant of the potential for an adverse flooding effect) have been taken into consideration by the applicant in preparing the development application, and
- (c) to ensure that either:
 - (i) the development will not require any part of a property downstream from the development to function as a flood conveyance channel, or
 - (ii) if the development will require any part of a property downstream from the development to function as a flood conveyance channel, the registered proprietor of each such property has granted an easement over the parts of the proprietor's land required for flood conveyance so as to enable that part of their land to be used for flood conveyance.

Lot 2, DP 548504, Tea Tree Road, Forster, Lot 401, DP 773088, Tea Tree Road, Forster, Lots 23 and 24, DP 838699, The Lakes Way, Forster and Lot 402, DP 773088, The Lakes Way, Forster

The parts of Lot 40, DP 1099070 and Lot 1, DP 1105446, Viney Creek Road, Tea Gardens within Zone No 2 (a) (Low Density Residential Zone) and Zone No 2 (f) (Mixed Residential-Commercial Zone)

Arrangements, acceptable to the Council, have been made for:

- (a) the rehabilitation of the land shown as “rehabilitation area” in a development control plan that applies to the land, and
- (b) the protection and management of that part of the land within Zone No 7 (a1) (Environmental Protection Zone) as shown edged heavy black and lettered “7 (a1)” on the map marked “*Great Lakes Local Environmental Plan 1996 (Amendment No 70)*”, and
- (c) the installation of water quality treatment facilities that will maintain or improve the quality of stormwater discharged from the development, and
- (d) the maintenance of those facilities.

Dictionary

(Clause 1)

Abattoir means a building or place used for the slaughter of animals, whether or not the by-products are processed, manufactured or distributed, and includes a knackery.

Advertisement means a display of symbols, messages or devices for promotional purposes or for conveying information, instructions or directions, whether or not the display involves the erection of a structure or the carrying out of a work.

Aerodrome has the meaning ascribed to it in the [Air Navigation Regulations](#) made under the [Air Navigation Act 1920](#) of the Commonwealth.

Agriculture means any of the following:

- (a) animal boarding or training establishments,
- (b) aquaculture,
- (c) cotton cultivation,
- (d) extensive agriculture,
- (e) farm forestry,
- (f) horticulture,
- (g) intensive livestock agriculture,
- (h) rice cultivation,
- (i) turf farming,

(j) viticulture.

Animal establishment means a building or place used for the breeding, boarding, training or keeping of, or caring for, animals for commercial purposes.

Aquaculture means the cultivation (including propagating and rearing) of the living resources of the sea or inland waters, whether or not that cultivation is carried out in a farm established for that purpose using an artificially created body of water.

Archaeological site means a heritage item that has, in the opinion of the Council, archaeological significance.

Arterial road means a road that carries through traffic from one area or region to another, and which may or may not be a classified road within the meaning of the [Roads Act 1993](#).

Backpackers accommodation means a dwelling, residential flat building or hostel having an average of two beds or more per room and providing shared accommodation for persons who have their principal place of residence elsewhere.

Bed and breakfast establishment means the use of no more than three bedrooms, contained within a building lawfully being used as a dwelling house, for the overnight accommodation of no more than six travellers.

Boarding house means a building wholly or partly let in lodgings which provides lodgers with a principal place of residence, but does not include backpackers' accommodation, a building containing serviced apartments, a hotel or a motel.

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

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

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

Bushfire hazard reduction means a reduction (by controlled burning or mechanical or manual means) of material that constitutes a bush fire hazard.

Camping ground or **caravan park** means a site used for the purpose of:

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

Carpark means a building or place used for parking vehicles (otherwise than as an ancillary use of land) whether or not operated for gain, and includes any associated access and manoeuvring space.

Child care centre means a building or place (other than a family day care home or home based care home) used for the purpose of supervising or caring for children and which:

- (a) caters for more than 7 children, whether or not some of those children are related to the owner or operator, and
- (b) includes an educational function, and
- (c) may operate for the purpose of gain, and
- (d) does not provide overnight accommodation for children other than those related to the owner or operator.

Club means a building or place used for the gathering of persons for social, literary, political, sporting, athletic or other lawful purposes, and includes a club registered or intended to be registered under the [Registered Clubs Act 1976](#).

Commercial premises means a building or place used as an office or for other business or commercial purposes, but does not include a building or place elsewhere defined in this plan.

Communication facility means a building, structure, work or place used primarily for transmitting or receiving signals for the purposes of communication, and includes radio masts and towers, but not satellite dishes.

Community facility means a building or place owned or controlled by a public authority or a body of persons which provides for the physical, social, cultural or intellectual development, safety or welfare of the community, but does not include a building or place elsewhere defined in this plan.

Conservation plan means a document, including diagrams, establishing the heritage significance of a heritage item or a heritage conservation area and identifying the conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

Convenience store means a shop selling a variety of small consumer goods.

Council means the Council of Great Lakes.

Demolish a heritage item or a building, work, relic, tree or place within a heritage conservation area means wholly or partly destroy or dismantle the heritage item or building, work, relic, tree or place.

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

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

Dwelling means a room or number of rooms occupied or used, or so constructed or adapted as to be

capable of being occupied or used, as a separate domicile.

Dwelling-house means a dwelling which is the only dwelling erected on an allotment of land.

Educational establishment means a building or place used for teaching and learning, and includes:

- (a) a school, or
- (b) a tertiary institution which is constituted by or under an Act, being a university, teachers' college, technical college or other tertiary college providing formal education, or
- (c) an art gallery or museum that is not used to sell the items it displays,

whether or not accommodation for staff and students is provided and whether or not used for the purposes of gain.

Entertainment facility means a building or place used for the purpose of sport, entertainment, exhibitions or displays, and includes:

- (a) sports stadiums, showgrounds, race courses and the like, or
- (b) theatres, cinemas, music halls, concert halls, open air theatres, and drive-in theatres and the like.

Environmental facility means a structure or work that provides for:

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

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

Exhibition home means a dwelling-house or dwelling used temporarily for display purposes, and includes a sales office for the purpose of promoting the sale of that or other dwellings and interior household fixtures.

Extractive industry means:

- (a) an activity involving the obtaining or removal of extractive material from land, or
- (b) an industry or undertaking (other than a mine) which depends on the obtaining or removal 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, or
- (c) manufacturing of clay products.

Extractive material means natural resources such as sand, soil, clay, shale and gravel, but does not include coal, petroleum, uranium or any material within the meaning of the [Mining Act 1992](#), the [Coal](#)

Mines Regulation Act 1982 or the *Petroleum (Onshore) Act 1991*.

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

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

Flood-liable land means land identified by the Council as being affected by flooding and indicated as such on the map.

Floodway means the channel of a river or stream and those portions of the flood-plain adjoining the channel which constitute the main flow path for floodwaters.

Forestry means the cultivation, growing and tending of trees and shrubs, and includes forest protection, the cutting, dressing and preparation of wood and other forest products otherwise than in a sawmill, and any construction or maintenance of roads required for the removal of wood, forest products and forest protection.

Generating works means a building or place used for the purpose of making or generating gas, electricity or other forms of energy, but not temporary or portable generating works.

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

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

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

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

Helicopter landing site means a place (not open to the public) used for the taking-off and landing of helicopters.

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

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

Heritage conservation area means land shown by distinctive edging and marked “Heritage Conservation Area” on the map.

Heritage item means a building, work, relic, tree or place specified in Schedule 2.

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

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

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the business carried on in the dwelling), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building, or
- (f) the use of more than 50 square metres of floor area to carry on the business,

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

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

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the occupation carried on in the dwelling), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

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

Hospital means a building or place used for the purpose of providing professional health services (including preventative care, diagnosis, medical or surgical treatment or counselling) to people admitted as in-patients, whether or not out-patients are also cared for or treated, and includes:

- (a) a nursing home, or
- (b) ancillary facilities for accommodation of staff and visitors, or
- (c) associated educational or research facilities.

Hostel means a building where accommodation and meals or kitchen facilities are provided to the residents whether or not on a shared basis and where a person with nursing or social work experience, or other similar experience, maintains and provides services for the occupants of the building on a full-time basis.

Hotel means a building or place specified or proposed to be specified in a hotelier's licence granted under the [Liquor Act 1982](#).

Industry means the manufacturing, assembling, altering, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, processing or adapting of any goods or articles for commercial purposes, but does not include an activity elsewhere defined in this plan.

Institution means a building or place used as a penal or reformatory establishment.

Intensive agriculture means a form of agriculture, such as an intensive livestock enterprise, which requires particular treatment or practices for the management of wastes (including faeces or other by-products) or which requires separation from surrounding land uses to minimise the risk of land use conflict for another reason.

Light industry means an industry in which none of the processes carried on or the transportation involved or the machinery or materials used or the scale of the activities involved interferes unreasonably with the amenity of the neighbourhood.

Map means the map marked "Great Lakes Local Environmental Plan 1996" as amended by the maps (or specified sheets of the maps) marked as follows:

Editorial note—

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

Great Lakes Local Environmental Plan 1996 (Amendment No 1)

Great Lakes Local Environmental Plan 1996 (Amendment No 2)

Great Lakes Local Environmental Plan 1996 (Amendment No 5)

Great Lakes Local Environmental Plan 1996 (Amendment No 6)

Great Lakes Local Environmental Plan 1996 (Amendment No 7)

Great Lakes Local Environmental Plan 1996 (Amendment No 8)
Great Lakes Local Environmental Plan 1996 (Amendment No 13)
Great Lakes Local Environmental Plan 1996 (Amendment No 14)
Great Lakes Local Environmental Plan 1996 (Amendment No 15)
Great Lakes Local Environmental Plan 1996 (Amendment No 18)
Great Lakes Local Environmental Plan 1996 (Amendment No 19)
Great Lakes Local Environmental Plan 1996 (Amendment No 20)
Great Lakes Local Environmental Plan 1996 (Amendment No 21)
Great Lakes Local Environmental Plan 1996 (Amendment No 24)
Great Lakes Local Environmental Plan 1996 (Amendment No 25)
Great Lakes Local Environmental Plan 1996 (Amendment No 29)
Great Lakes Local Environmental Plan 1996 (Amendment No 31)
Great Lakes Local Environmental Plan 1996 (Amendment No 32)
Great Lakes Local Environmental Plan 1996 (Amendment No 35)
Great Lakes Local Environmental Plan 1996 (Amendment No 36)
Great Lakes Local Environmental Plan 1996 (Amendment No 42)
Great Lakes Local Environmental Plan 1996 (Amendment No 44)
Great Lakes Local Environmental Plan 1996 (Amendment No 45)
Great Lakes Local Environmental Plan 1996 (Amendment No 46)
Great Lakes Local Environmental Plan 1996 (Amendment No 47)
Great Lakes Local Environmental Plan 1996 (Amendment No 52)
Great Lakes Local Environmental Plan 1996 (Amendment No 59)
Great Lakes Local Environmental Plan 1996 (Amendment No 62)
Great Lakes Local Environmental Plan 1996 (Amendment No 69)
Great Lakes Local Environmental Plan 1996 (Amendment No 70)
Great Lakes Council Local Environmental Plan 1996 (Amendment No 76)
Great Lakes Local Environmental Plan 1996 (Amendment No 77)
Great Lakes Local Environmental Plan 1996 (Amendment No 79)

Great Lakes Local Environmental Plan 1996 (Amendment No 80)

Marina means a pontoon, jetty, pier or the like, used to provide moorings for boats used for pleasure or recreation, and includes:

- (a) slipways, or
- (b) facilities for the repair, maintenance and fuelling of, or the provision of accessories and parts for, boats or boating enthusiasts, or
- (c) facilities for the storage or provision of food.

Materials recycling yard means a building or place used for the collecting, dismantling, storing, abandoning or recycling of second-hand or scrap materials for the purpose of resale.

Medical centre means a building or place used for the purpose of providing professional health services (including preventative care, diagnosis, medical or surgical treatment or counselling) to out-patients only.

Mine means a place at which there is obtained, or from which there is removed, any material to which the [Mining Act 1992](#), the [Coal Mines Regulations Act 1982](#), or the [Petroleum \(Onshore\) Act 1991](#) applies, and includes the storage and primary processing of the material obtained.

Motel means a building or place used for the temporary or short-term accommodation of travellers or the general public, whether or not a restaurant is included, but does not include a hotel.

Motor showroom means a building or place used for the display or sale of motor driven or motor drawn vehicles or boats.

Multiple dwellings means a building or buildings consisting of 2 or more dwellings (whether or not attached) on one allotment of land, each with an individual entrance and direct private access to ground level open space, and includes villas, townhouses, terraces, cluster housing and the like.

Off-site promotional sign means a sign that promotes goods, services or a special event. The goods or services are not provided, produced or sold on the land or in the building, and the event does not take place on the land or in the building and does not include any other form of sign defined elsewhere in this dictionary.

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

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

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

Plant hire means a building or place used for the purpose of hire of builders' and handymens' tools, plant and equipment, whether or not it is used for the servicing and maintenance of such machinery.

Potential archaeological site means a site known to the Council to have archaeological potential.

Public building means a building or place used as an office or business by a public or statutory authority or an authority established for public purposes.

Public utility infrastructure, in relation to an urban release area, includes infrastructure for any of the following:

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

Public utility undertaking has the same meaning as in the standard instrument prescribed by the [Standard Instrument \(Local Environmental Plans\) Order 2006](#).

Recreation area means:

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

but does not include a racecourse or a showground.

Recreation facility means a building or place used for indoor recreation, such as a table tennis centre, squash court, swimming pool, gymnasium, health studio, bowling alley or any other building or place of a like character used for recreation, whether or not operated for profit or gain, but does not include a building or place elsewhere defined in this plan.

Relic means any deposit, object or material evidence (which may consist of, or include, human remains) relating to:

- (a) the use or settlement of the area of Great Lakes, not being Aboriginal inhabitation, which is more than 50 years old, or
- (b) Aboriginal habitation of the area of Great Lakes before or after its occupation by persons of European extraction.

Residential flat building means a building containing three or more dwellings, but does not include

anything elsewhere defined in this plan.

Restaurant means a building or place used principally to provide food for people to consume in that building or place.

Retail plant nursery means a building or place used for the growing and sale by retail of plants, whether or not landscape supplies (including earth products) and other landscape and horticultural products are also sold by retail from the premises.

Road means a public thoroughfare used for the passage of motor vehicles.

Roadside stall means a temporary structure used to sell primary produce grown on the land on which the structure is located.

Rural industry means an industry involving:

- (a) the treating or processing of primary products, or
- (b) the regular servicing or repairing of plant or equipment used for agriculture or for the treating or processing of primary products.

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

Serviced apartment means a self-contained dwelling (in a building containing three or more self-contained dwellings) which is cleaned or serviced by the owner or manager of the building (or the agent of the owner or manager), and which provides short-term accommodation for persons who have their principal place of residence elsewhere, but does not include backpackers accommodation, a boarding house, guest house, or hotel.

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

- (a) the sale by retail of spare parts and accessories and installation of motor vehicle accessories for motor vehicles,
- (b) the washing and greasing of motor vehicles,
- (c) the repairing or servicing of motor vehicles (other than body building, panel beating or spray painting).

Shop means a building or place used for the retail sale, auction sale or hire, or for the display for the purpose of sale or hire, of goods, materials and merchandise, but does not include a building or place elsewhere defined in this plan.

Stock and sale yard means a building or place used for the purpose of offering livestock or poultry for sale.

Tourist facility means an establishment providing for holiday accommodation or recreation, and includes a boatshed, boat landing facilities, camping ground, caravan park, holiday cabins, a hotel, house boat, marina, motel, playground, restaurant or water sports facilities or for a club used in conjunction with any such establishment, but does not include bed and breakfast establishments.

Transport depot means a building or place used for the servicing, garaging or repair of any motor-powered or motor-drawn vehicle used in connection with passenger or goods transport, business or industry.

Transport terminal means any building or place used for the assembly and dispersal of passengers or goods.

Urban release area means the area of land identified as “North Shearwater Urban Release Area” on the *Urban Release Area Map*.

Urban Release Area Map means the *Great Lakes Local Environmental Plan 1996 Urban Release Area Map*.

Utility installation means a building or place used by or on behalf of a public authority or any Government Department or in pursuance of any Commonwealth or State Act for the purposes of:

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

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

Vehicle repair station means a building or place used for:

- (a) the selling or fitting of accessories to, or
- (b) the repair (other than body building, panel beating or spray painting) of motor vehicles or agricultural machinery.

Veterinary hospital means a building or place used for the purpose of providing veterinary services to animals (including preventative care, diagnosis, medical or surgical treatment) whether or not the animals are kept on the premises for the purpose of treatment.

Warehouse means a building or place used for the storing, handling and subsequent distribution of goods, materials or merchandise, but does not include a shop or other building or place elsewhere defined in this plan.

Wholesale plant nursery means a building or place used for the growing and sale by wholesale of plants, whether or not landscape supplies (including earth products) and other landscape and horticultural products are also sold by wholesale from the premises.