

# Great Lakes Local Environmental Plan 2014

[2014-176]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

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

### About this plan

This Plan is a [standard instrument local environmental plan](#) under the [Environmental Planning and Assessment Act 1979](#).

### 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](#).

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New South Wales

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# Great Lakes Local Environmental Plan 2014



New South Wales

## Part 1 Preliminary

### 1.1 Name of Plan

This Plan is *Great Lakes Local Environmental Plan 2014*.

#### 1.1AA Commencement

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

### 1.2 Aims of Plan

- (1) This Plan aims to make local environmental planning provisions for land in that part of the Mid-Coast local government area to which this Plan applies (in this Plan referred to as **Great Lakes**) in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.
- (2) The particular aims of this Plan are as follows—
  - (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
  - (a) to facilitate the orderly and sustainable economic development of land,
  - (b) to promote the health and well being of the population,
  - (c) to protect and enhance environmental, scenic and landscape assets,
  - (d) to facilitate cultural activities that will benefit the community,
  - (e) to promote the equitable provision of services and facilities for the community,
  - (f) to ensure that development does not create unreasonable or uneconomic demands for the provision or extension of public amenities or services,
  - (g) to promote public transport patronage and encourage walking and cycling,
  - (h) to ensure that development has regard to the capability of the land so that the risk of degradation is minimised,

- (i) to minimise land use conflict,
- (j) to ensure that development meets any local water quality objectives adopted by Council in relation to groundwater, rivers, estuaries, wetlands and other waterbodies,
- (k) to protect, enhance and provide for the long-term management of native biodiversity, including habitat linkages, threatened species populations and endangered ecological communities, and to identify and protect biodiversity links or corridors throughout the landscape.

### **1.3 Land to which Plan applies**

This Plan applies to the land identified on the [Land Application Map](#).

### **1.4 Definitions**

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

### **1.5 Notes**

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

### **1.6 Consent authority**

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

### **1.7 Maps**

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



**Note—**

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

### **1.8 Repeal of planning instruments applying to land**

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

**Note—**

The following local environmental plans are repealed under this provision—

[\*Great Lakes Local Environmental Plan 1996\*](#)

*Manning Local Environmental Plan No 1*

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

#### **1.8A Savings provision relating to development applications**

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

**Note—**

However, under Division 3.5 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant development is appropriately amended or if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.

### **1.9 Application of SEPPs**

- (1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 3.28 of the Act.
- (2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies—

#### **1.9A Suspension of covenants, agreements and instruments**

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.

(2) This clause does not apply—

- (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
- (b) to any relevant instrument within the meaning of section 13.4 of the *Crown Land Management Act 2016*, or
- (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
- (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
- (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
- (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or
- (g) to any planning agreement within the meaning of Subdivision 2 of Division 7.1 of the Act.

(3) This clause does not affect the rights or interests of any public authority under any registered instrument.

(4) Under section 3.16 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

## **Part 2 Permitted or prohibited development**

### **2.1 Land use zones**

The land use zones under this Plan are as follows—

#### **Rural Zones**

RU2 Rural Landscape

RU3 Forestry

RU5 Village

#### **Residential Zones**

R1 General Residential

R2 Low Density Residential

R3 Medium Density Residential

R4 High Density Residential

R5 Large Lot Residential

**Employment Zones**

E1 Local Centre

E2 Commercial Centre

E3 Productivity Support

E4 General Industrial

E5 Heavy Industrial

**Mixed Use Zones**

MU1 Mixed Use

**Special Purpose Zones**

SP2 Infrastructure

SP3 Tourist

**Recreation Zones**

RE1 Public Recreation

RE2 Private Recreation

**Conservation Zones**

C1 National Parks and Nature Reserves

C2 Environmental Conservation

C3 Environmental Management

C4 Environmental Living

**Waterway Zones**

W1 Natural Waterways

W2 Recreational Waterways

W4 Working Waterfront

**2.2 Zoning of land to which Plan applies**

For the purposes of this Plan, land is within the zones shown on the [Land Zoning Map](#).

### **2.3 Zone objectives and Land Use Table**

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

#### **Notes—**

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

### **2.4 Unzoned land**

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

## 2.5 Additional permitted uses for particular land

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

## 2.6 Subdivision—consent requirements

- (1) Land to which this Plan applies may be subdivided, but only with development consent.

### Notes—

- 1** If a subdivision is specified as **exempt development** in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Act enables it to be carried out without development consent.
- 2** Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that the strata subdivision of a building in certain circumstances is **complying development**.

- (2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

### Note—

The definition of **secondary dwelling** in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.

## 2.7 Demolition requires development consent

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

### Note—

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

## 2.8 Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.

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

## **2.9 Canal estate development prohibited**

- (1) Canal estate development is prohibited on land to which this Plan applies.
- (2) In this Plan, **canal estate development** means development that involves—
  - (a) a constructed canal, or other waterway or waterbody, that—
    - (i) is inundated by surface water or groundwater movement, or
    - (ii) drains to a waterway or waterbody by surface water or groundwater movement, and
  - (b) the erection of a dwelling, and
  - (c) one or both of the following—
    - (i) the use of fill material to raise the level of all or part of the land on which the dwelling will be erected to comply with requirements for residential development in the flood planning area,

- (ii) excavation to create a waterway.
- (3) Canal estate development does not include development for the purposes of drainage or the supply or treatment of water if the development is—
- (a) carried out by or with the authority of a person or body responsible for the drainage, supply or treatment, and
- (b) limited to the minimum reasonable size and capacity.
- (4) In this clause—

**flood planning area** has the same meaning as in clause 5.21.

## Land Use Table

### Note—

State environmental planning policies, including the following, may be relevant to development on land to which this Plan applies—

[State Environmental Planning Policy \(Housing\) 2021](#)

[State Environmental Planning Policy \(Transport and Infrastructure\) 2021](#), Chapter 2—relating to infrastructure facilities, including air transport, correction, education, electricity generating works and solar energy systems, health services, ports, railways, roads, waste management and water supply systems

[State Environmental Planning Policy \(Resources and Energy\) 2021](#), Chapter 2

[State Environmental Planning Policy \(Resilience and Hazards\) 2021](#), Chapter 3

[State Environmental Planning Policy \(Industry and Employment\) 2021](#), Chapter 3

[State Environmental Planning Policy \(Primary Production\) 2021](#), Chapter 2

## Zone RU2 Rural Landscape

### 1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To provide for rural tourism in association with the primary industry capability of the land which is based on the rural attributes of the land.
- To secure a future for agriculture in the area by minimising the fragmentation of rural land and loss of potential agricultural productivity.

## **2 Permitted without consent**

Extensive agriculture; Home occupations

## **3 Permitted with consent**

Agriculture; Airports; Airstrips; Animal boarding or training establishments; Aquaculture; Backpackers' accommodation; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Community facilities; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Environmental protection works; Exhibition homes; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Hazardous storage establishments; Helipads; Heliports; Home-based child care; Home businesses; Hotel or motel accommodation; Industrial training facilities; Industries; Information and education facilities; Jetties; Kiosks; Landscaping material supplies; Marinas; Mooring pens; Moorings; Neighbourhood shops; Offensive storage establishments; Open cut mining; Places of public worship; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restaurants or cafes; Roads; Roadside stalls; Rural industries; Rural supplies; Secondary dwellings; Sewerage systems; Signage; Timber yards; Transport depots; Truck depots; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities

## **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone RU3 Forestry**

#### **1 Objectives of zone**

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

#### **2 Permitted without consent**

Home occupations; Uses authorised under the [Forestry Act 2012](#) or under Part 5B (Private native forestry) of the [Local Land Services Act 2013](#)



### **3 Permitted with consent**

Aquaculture; Bed and breakfast accommodation; Camping grounds; Caravan parks; Eco-tourist facilities; Extractive industries; Farm stay accommodation; Flood mitigation works; Roads; Water reticulation systems; Wharf or boating facilities

### **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone RU5 Village**

### **1 Objectives of zone**

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To provide for a range of land uses, services and facilities that are associated with a coastal village.
- To enable non-residential development that does not prejudice the established land use pattern within the village.

### **2 Permitted without consent**

Extensive agriculture; Home occupations

### **3 Permitted with consent**

Agritourism; Centre-based child care facilities; Community facilities; Dwelling houses; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Schools; Tank-based aquaculture; Any other development not specified in item 2 or 4

### **4 Prohibited**

Agriculture; Air transport facilities; Correctional centres; Electricity generating works; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Heavy industrial storage establishments; Heavy industries; Open cut mining; Waste or resource transfer stations

## **Zone R1 General Residential**

## **1 Objectives of zone**

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for development that is compatible with the character and amenity of the surrounding neighbourhood.
- To provide for low rise and medium density development that is compatible with the existing and desired future character and amenity of the surrounding neighbourhood.

## **2 Permitted without consent**

Environmental protection works; Home occupations

## **3 Permitted with consent**

Attached dwellings; Backpackers' accommodation; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Boat sheds; Building identification signs; Car parks; Caravan parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Early education and care facilities; Educational establishments; Emergency services facilities; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Jetties; Medical centres; Moorings; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Residential flat buildings; Respite day care centres; Restaurants or cafes; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Serviced apartments; Sewerage systems; Shop top housing; Tank-based aquaculture; Veterinary hospitals; Water recreation structures; Water supply systems

## **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone R2 Low Density Residential**

### **1 Objectives of zone**

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

### **2 Permitted without consent**

Home occupations

### **3 Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Building identification signs; Business identification signs; Camping grounds; Car parks; Caravan parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Helipads; Home-based child care; Home businesses; Hostels; Hotel or motel accommodation; Information and education facilities; Jetties; Medical centres; Moorings; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Respite day care centres; Roads; Secondary dwellings; Seniors housing; Sewerage systems; Shop top housing; Tank-based aquaculture; Water recreation structures; Water supply systems; Wharf or boating facilities

### **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone R3 Medium Density Residential**

### **1 Objectives of zone**

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

- To achieve increased population density in locations that support the business centre.

## **2 Permitted without consent**

Home occupations

## **3 Permitted with consent**

Attached dwellings; Backpackers' accommodation; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Camping grounds; Car parks; Caravan parks; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Helipads; Home-based child care; Home businesses; Hotel or motel accommodation; Information and education facilities; Jetties; Moorings; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Residential accommodation; Respite day care centres; Restaurants or cafes; Roads; Seniors housing; Service stations; Serviced apartments; Sewerage systems; Signage; Tank-based aquaculture; Veterinary hospitals; Water recreation structures; Water supply systems

## **4 Prohibited**

Rural workers' dwellings; Any other development not specified in item 2 or 3

### **Zone R4 High Density Residential**

#### **1 Objectives of zone**

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To achieve increased population density in locations that support the business centre.
- To provide for tourist and visitor accommodation in appropriate locations.

## **2 Permitted without consent**

Home occupations

## **3 Permitted with consent**

Boarding houses; Boat launching ramps; Car parks; Centre-based child care facilities; Community facilities; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Helipads; Home-based child care; Home businesses; Information and education facilities; Jetties; Moorings; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Residential accommodation; Residential flat buildings; Respite day care centres; Restaurants or cafes; Roads; Service stations; Sewerage systems; Shop top housing; Signage; Tourist and visitor accommodation; Water recreation structures; Water supply systems

## **4 Prohibited**

Dwelling houses; Farm stay accommodation; Rural workers' dwellings; Any other development not specified in item 2 or 3

### **Zone R5 Large Lot Residential**

#### **1 Objectives of zone**

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

#### **2 Permitted without consent**

Home occupations

### **3 Permitted with consent**

Agriculture; Animal boarding or training establishments; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Cellar door premises; Centre-based child care facilities; Community facilities; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Farm buildings; Farm stay accommodation; Flood mitigation works; Helipads; Home-based child care; Home businesses; Home industries; Information and education facilities; Jetties; Landscaping material supplies; Moorings; Oyster aquaculture; Places of public worship; Plant nurseries; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Roadside stalls; Secondary dwellings; Sewerage systems; Tank-based aquaculture; Veterinary hospitals; Water recreation structures; Water supply systems

### **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone E1 Local Centre**

### **1 Objectives of zone**

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To ensure traffic generation from development can be managed in a way that avoids conflict with the desired pedestrian environment.
- To maximise public transport patronage and encourage walking and cycling.
- To encourage employment opportunities in accessible locations.

## **2 Permitted without consent**

Home occupations

## **3 Permitted with consent**

Amusement centres; Artisan food and drink industries; Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Creative industries; Entertainment facilities; Function centres; High technology industries; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation facilities (indoor); Respite day care centres; Service stations; Shop top housing; Tank-based aquaculture; Veterinary hospitals; Any other development not specified in item 2 or 4

## **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Camping grounds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Mortuaries; Open cut mining; Residential accommodation; Resource recovery facilities; Rural industries; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities

### **Zone E2 Commercial Centre**

#### **1 Objectives of zone**

- To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.
- To encourage investment in commercial development that generates employment opportunities and economic growth.
- To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.
- To enable residential development only if it is consistent with the Council's

strategic planning for residential development in the area.

- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To enable a range of residential accommodation and tourist and visitor accommodation to be located above commercial uses.

## **2 Permitted without consent**

Home occupations

## **3 Permitted with consent**

Amusement centres; Artisan food and drink industries; Backpackers' accommodation; Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Creative industries; Entertainment facilities; Function centres; High technology industries; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Mortuaries; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Shop top housing; Tank-based aquaculture; Vehicle repair stations; Veterinary hospitals; Any other development not specified in item 2 or 4

## **4 Prohibited**

Agriculture; Animal boarding or training establishments; Bed and breakfast accommodation; Camping grounds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Home occupations (sex services); Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Liquid fuel depots; Open cut mining; Residential accommodation; Rural industries; Sex services premises; Transport depots; Truck depots; Waste or resource management facilities

## **Zone E3 Productivity Support**

### **1 Objectives of zone**

- To provide a range of facilities and services, light industries, warehouses and offices.



- To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.
- To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.
- To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.
- To provide opportunities for new and emerging light industries.
- To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.
- To provide for residential uses, but only as part of mixed use development.

## **2 Permitted without consent**

Home occupations

## **3 Permitted with consent**

Animal boarding or training establishments; Boat building and repair facilities; Backpackers' accommodation; Boarding houses; Business premises; Cellar door premises; Centre-based child care facilities; Community facilities; Depots; Food and drink premises; Function centres; Garden centres; Group homes; Hardware and building supplies; Hostels; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Kiosks; Landscaping material supplies; Light industries; Local distribution premises; Markets; Mortuaries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Roadside stalls; Rural supplies; Service stations; Shop-top housing; Specialised retail premises; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies; Any other development not specified in item 2 or 4

#### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Boat launching ramps; Camping grounds; Caravan parks; Cemeteries; Commercial premises; Correctional centres; Crematoria; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Industries; Marinas; Moorings; Mooring pens; Open cut mining; Residential accommodation; Rural industries; Sex services premises; Tourist and visitor accommodation; Transport depots; Truck depots

#### **Zone E4 General Industrial**

##### **1 Objectives of zone**

- To provide a range of industrial, warehouse, logistics and related land uses.
- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.
- To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.
- To encourage innovation and sustainability in industry.

##### **2 Permitted without consent**

Home occupations

##### **3 Permitted with consent**

Business premises; Cellar door premises; Depots; Food and drink premises; Freight transport facilities; Garden centres; General industries; Goods repair and reuse premises; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Local distribution premises; Markets; Neighbourhood shops; Oyster aquaculture; Plant nurseries; Roadside stalls; Rural supplies; Specialised retail premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

#### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Camping grounds; Caravan parks; Commercial premises; Eco-tourist facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Heavy industrial storage establishments; Highway service centres; Industries; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Schools; Tourist and visitor accommodation; Wharf or boating facilities

#### **Zone E5 Heavy Industrial**

##### **1 Objectives of zone**

- To provide areas for industries that need to be separated from other land uses.
- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.
- To support and create opportunities for heavy industrial development with access to transport and infrastructure networks.

##### **2 Permitted without consent**

Nil

##### **3 Permitted with consent**

Agriculture; Boat building and repair facilities; Car parks; Crematoria; Data centres; Depots; Electricity generating works; Environmental protection works; Extractive industries; Flood mitigation works; Freight transport facilities; General industries; Hazardous storage establishments; Heavy industrial storage establishments; Heavy industries; Helipads; Industrial training facilities; Light industries; Mortuaries; Offensive storage establishments; Oyster aquaculture; Port facilities; Research stations; Roads; Rural industries; Signage; Service stations; Tank-based aquaculture; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Water supply systems

#### **4 Prohibited**

Any development not specified in item 2 or 3

#### **Zone MU1 Mixed Use**

##### **1 Objectives of zone**

- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To ensure that traffic generation from development can be managed in a way that avoids conflict with the desired pedestrian environment.
- To ensure the inclusion and integration of housing to promote housing diversity and community activity within the business centre.
- To enable a range of tourism-related uses that support the business centre.

##### **2 Permitted without consent**

Home occupations

##### **3 Permitted with consent**

Amusement centres; Boarding houses; Boat sheds; Car parks; Centre-based child care facilities; Charter and tourism boating facilities; Commercial premises; Community facilities; Correctional centres; Early education and care facilities; Electricity generating works; Entertainment facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Function centres; Group homes; Helipads; Home businesses; Hostels; Information and education facilities; Jetties; Light industries; Local distribution premises; Marinas; Medical centres; Mooring pens; Multi dwelling housing; Oyster aquaculture; Passenger transport facilities; Places of public worship; Port facilities; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities

(major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Service stations; Sewerage systems; Shop top housing; Signage; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Veterinary hospitals; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone SP2 Infrastructure**

#### **1 Objectives of zone**

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To provide for community-related uses, public facilities and services.

#### **2 Permitted without consent**

Nil

#### **3 Permitted with consent**

Aquaculture; Roads; The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone SP3 Tourist**

#### **1 Objectives of zone**

- To provide for a variety of tourist-oriented development and related uses.
- To ensure that development does not prejudice the viability of established business centres.
- To ensure that development is complementary to the existing social, scenic

and environmental attributes of the location.

## **2 Permitted without consent**

Nil

## **3 Permitted with consent**

Amusement centres; Aquaculture; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Eco-tourist facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Function centres; Helipads; Information and education facilities; Jetties; Kiosks; Marinas; Mooring pens; Moorings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Roads; Sewerage systems; Signage; Tourist and visitor accommodation; Water recreation structures; Water supply systems; Wharf or boating facilities

## **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone RE1 Public Recreation**

#### **1 Objectives of zone**

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

#### **2 Permitted without consent**

Nil

#### **3 Permitted with consent**

Aquaculture; Boat launching ramps; Camping grounds; Car parks; Caravan

parks; Community facilities; Depots; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Heliports; Information and education facilities; Jetties; Kiosks; Marinas; Markets; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restaurants or cafes; Roads; Sewerage systems; Signage; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone RE2 Private Recreation**

#### **1 Objectives of zone**

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

#### **2 Permitted without consent**

Nil

#### **3 Permitted with consent**

Animal boarding or training establishments; Aquaculture; Backpackers' accommodation; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Community facilities; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Function centres; Helipads; Information and education facilities; Jetties; Kiosks; Marinas; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Roads; Sewerage systems; Signage; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone C1 National Parks and Nature Reserves**

#### **1 Objectives of zone**

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

#### **2 Permitted without consent**

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

#### **3 Permitted with consent**

Nil

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone C2 Environmental Conservation**

#### **1 Objectives of zone**

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

#### **2 Permitted without consent**

Home occupations

#### **3 Permitted with consent**

Bed and breakfast accommodation; Building identification signs; Business identification signs; Car parks; Community facilities; Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities;



Environmental protection works; Home-based child care; Home businesses; Information and education facilities; Oyster aquaculture Research stations; Roads; Sewerage systems; Water supply systems

#### **4 Prohibited**

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

### **Zone C3 Environmental Management**

#### **1 Objectives of zone**

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

#### **2 Permitted without consent**

Home occupations

#### **3 Permitted with consent**

Agritourism; Backpackers' accommodation; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Car parks; Community facilities; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Farm stay accommodation; Helipads; Home-based child care; Home businesses; Information and education facilities; Jetties; Kiosks; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Research stations; Roads; Roadside stalls; Sewerage systems; Tank-based aquaculture; Water recreation structures; Water supply systems

#### **4 Prohibited**

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

### **Zone C4 Environmental Living**

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## **1 Objectives of zone**

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

## **2 Permitted without consent**

Home occupations

## **3 Permitted with consent**

Agritourism; Animal boarding or training establishments; Backpackers' accommodation; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Centre-based child care facilities; Community facilities; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Farm stay accommodation; Flood mitigation works; Function centres; Helipads; Home-based child care; Home businesses; Information and education facilities; Jetties; Kiosks; Landscaping material supplies; Neighbourhood shops; Oyster aquaculture; Pond-based aquaculture; Plant nurseries; Recreation areas; Research stations; Respite day care centres; Restaurants or cafes; Roads; Roadside stalls; Sewerage systems; Tank-based aquaculture; Water recreation structures; Water supply systems

## **4 Prohibited**

Industries; Local distribution premises; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

### **Zone W1 Natural Waterways**

#### **1 Objectives of zone**

- To protect the ecological and scenic values of natural waterways.
- To prevent development that would have an adverse effect on the natural values of waterways in this zone.

- To provide for sustainable fishing industries and recreational fishing.
- To enable development that does not detract from the visual qualities of the natural foreshore.
- To enable development that supports the viability of adjoining land-based development.

## **2 Permitted without consent**

Nil

## **3 Permitted with consent**

Aquaculture Boat launching ramps; Environmental facilities; Environmental protection works; Extractive industries; Jetties

## **4 Prohibited**

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

### **Zone W2 Recreational Waterways**

#### **1 Objectives of zone**

- To protect the ecological, scenic and recreation values of recreational waterways.
- To allow for water-based recreation and related uses.
- To provide for sustainable fishing industries and recreational fishing.
- To enable development that does not detract from the visual qualities of the natural foreshore.
- To enable development that supports the viability of adjoining land-based development.

#### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Charter and tourism boating facilities; Environmental facilities; Environmental protection works; Extractive industries; Flood mitigation works; Information and education facilities; Jetties; Kiosks; Marinas; Mooring pens; Moorings; Passenger transport facilities; Restaurants or cafes; Roadside stalls; Vehicle sales or hire premises; Water recreation structures; Wharf or boating facilities

### **4 Prohibited**

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

## **Zone W4 Working Waterfront**

### **1 Objectives of zone**

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

### **2 Permitted without consent**

Home occupations

### **3 Permitted with consent**

Aquaculture; Boat building and repair facilities; Boat launching ramps; Boat sheds; Car parks; Charter and tourism boating facilities; Environmental facilities; Environmental protection works; Farm buildings; Flood mitigation works; Food and drink premises; Freight transport facilities; Helipads; Home businesses; Industrial retail outlets; Industrial training facilities; Information and education facilities; Jetties; Kiosks; Light industries; Local distribution premises;

Marinas; Mooring pens; Moorings; Passenger transport facilities; Recreation areas; Research stations; Roads; Sewerage systems; Signage; Specialised retail premises; Vehicle sales or hire premises; Warehouse or distribution premises; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Part 3 Exempt and complying development**

#### **3.1 Exempt development**

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

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

**Note—**

See *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 2 and the *Local Land Services Act 2013*, Part 5A.

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

### **3.2 Complying development**

- (1) The objective of this clause is to identify development as complying development.
- (2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with—
  - (a) the development standards specified in relation to that development, and
  - (b) the requirements of this Part,is complying development.

**Note—**

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

- (3) To be complying development, the development must—
  - (a) be permissible, with development consent, in the zone in which it is carried out, and
  - (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
  - (c) have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.
- (4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out or referred to in Part 2 of that Schedule.
- (5) A heading to an item in Schedule 3 is part of that Schedule.

### **3.3 Environmentally sensitive areas excluded**

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.
- (2) For the purposes of this clause—

***environmentally sensitive area for exempt or complying development*** means

any of the following—

- (a) the coastal waters of the State,
- (b) a coastal lake,
- (c) land within the coastal wetlands and littoral rainforests area (within the meaning of the [Coastal Management Act 2016](#)),
- (d) land reserved as an aquatic reserve under the [Fisheries Management Act 1994](#) or as a marine park under the [Marine Parks Act 1997](#),
- (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
- (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
- (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
- (h) land reserved under the [National Parks and Wildlife Act 1974](#) or land acquired under Part 11 of that Act,
- (i) land reserved or dedicated under the [Crown Land Management Act 2016](#) for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
- (j) land that is a declared area of outstanding biodiversity value under the [Biodiversity Conservation Act 2016](#) or declared critical habitat under Part 7A of the [Fisheries Management Act 1994](#),
- (ja) land within 100 metres of the coastal waters of the State or a coastal lake.

## **Part 4 Principal development standards**

### **4.1 Minimum subdivision lot size**

- (1) The objectives of this clause are as follows—
  - (a) to control the density of subdivision in accordance with the character of the location, site constraints and available services, facilities and infrastructure,
  - (b) to ensure that lots are of a sufficient size and shape to accommodate future development.
- (2) This clause applies to a subdivision of any land shown on the [Lot Size Map](#) that requires development consent and that is carried out after the commencement of this Plan.

- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) This clause does not apply in relation to the subdivision of any land—
  - (a) by the registration of a strata plan or strata plan of subdivision under the [Strata Schemes Development Act 2015](#), or
  - (b) by any kind of subdivision under the [Community Land Development Act 2021](#).

#### **4.1AA Minimum subdivision lot size for community title schemes**

- (1) The objectives of this clause are as follows—
  - (a) to encourage housing diversity without adversely impacting on residential amenity.
- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the [Community Land Development Act 2021](#) of land in any of the following zones—
  - (a) Zone RU2 Rural Landscape,
  - (b) Zone RU5 Village,
  - (c) Zone R2 Low Density Residential,
  - (d) Zone R3 Medium Density Residential,
  - (e) Zone C2 Environmental Conservation,
  - (f) Zone C3 Environmental Management,but does not apply to a subdivision by the registration of a strata plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the [Community Land Development Act 2021](#)) is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) This clause applies despite clause 4.1.

#### **4.1A Exceptions to minimum lot sizes for certain residential development**

- (1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.
- (2) This clause applies to development on land in the following zones—
  - (a) Zone R2 Low Density Residential,



(b) Zone R3 Medium Density Residential.

(3) Despite clauses 4.1 and 4.1AA, development consent may be granted to a single development application for development to which this clause applies that proposes the subdivision of land into 2 or more lots if—

(a) one existing dwelling will be located, or one dwelling will be erected, on each lot resulting from the subdivision (other than any lot comprising association property within the meaning of the [Community Land Development Act 1989](#)), and

(b) the size of each lot will be equal to or greater than—

(i) for development on land in Zone R2 Low Density Residential—300 square metres, or

(ii) for development on land in Zone R3 Medium Density Residential—200 square metres.

#### **4.1B Exceptions to minimum lot sizes for ecological protection**

(1) The objective of this clause is to facilitate subdivision that will result in the improvement and protection of high value conservation land for ecological and ecosystem service purposes.

(2) This clause applies to each lot (an **original lot**) that contains any of the following land—

(a) an environmentally sensitive area,

(b) land identified as “Wetland” on the [Wetlands Map](#),

(c) land the subject of a planning agreement that makes provision for the conservation or enhancement of the natural environment.

(3) Despite clause 4.1, development consent may be granted for the subdivision of an original lot to create other lots (the **resulting lots**) if the consent authority is satisfied that—

(a) one of the resulting lots will contain all of the land referred to in subclause (2) (a), (b) or (c) that was in the original lot, and

(b) all other resulting lots will contain land that has an area that is not less than 1 hectare.

(4) Development consent must not be granted under subclause (3) unless the consent authority is satisfied that suitable arrangements have been, or will be, made for the conservation and management of the land referred to in subclause (3) (a).

(4A) Despite any other provision of this Plan, the erection of a dwelling house—

- (a) is prohibited on any resulting lot referred to in subclause (3) (a), and
- (b) is permitted with development consent on any resulting lot referred to in subclause (3) (b).

(5) In this clause—

***environmentally sensitive area*** means land that is an environmentally sensitive area for exempt or complying development within the meaning of clause 3.3.

#### **4.1C Exceptions to minimum subdivision lot size for boundary adjustments**

- (1) The objective of this clause is to permit boundary adjustments between 2 or more lots where one or more of the resulting lots would be less than the minimum lot size shown on the [Lot Size Map](#) in relation to that land.
- (2) This clause applies to land in the following zones—
  - (a) Zone RU2 Rural Landscape,
  - (b) Zone RU3 Forestry,
  - (c) Zone R5 Large Lot Residential,
  - (d) Zone C2 Environmental Conservation,
  - (e) Zone C3 Environmental Management,
  - (f) Zone C4 Environmental Living.
- (3) Despite clause 4.1, development consent may be granted for the subdivision of land by way of an adjustment of boundaries between adjoining lots where the size of one or more of the lots resulting from the subdivision would be less than the minimum lot size shown on the [Lot Size Map](#) in relation to the land if the consent authority is satisfied that the subdivision will not result in—
  - (a) an increase in the number of lots, or
  - (b) an increase in the number of dwellings or opportunities for dwellings on each lot.
- (4) In determining whether to grant development consent for the subdivision of land under this clause, the consent authority must consider the following—
  - (a) whether or not the future use of any resulting lot is consistent with the objectives of the zone that apply to the land,
  - (b) if the land is in a rural zone—whether or not the subdivision is likely to have an adverse impact on the agricultural viability of the land,
  - (c) whether or not the subdivision is likely to increase the potential for land use

conflict,

(d) whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,

(e) whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land.

(5) Despite clause 4.2A, development consent may be granted for the erection of a dwelling house on land that, immediately before the adjustment of its boundaries under this clause, was a lot on which the erection of a dwelling house was permissible.

#### **4.1D Minimum subdivision lot sizes for certain split zones**

(1) The objectives of this clause are as follows—

(a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,

(b) to ensure that the subdivision occurs in a manner that promotes suitable land use and development.

(2) This clause applies to each lot (an **original lot**) that contains—

(a) land in a residential, employment, mixed use or village zone, or land in Zone W4 Working Waterfront, and

(b) land in Zone RU2 Rural Landscape, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living.

(3) Despite clause 4.1, development consent may be granted for the subdivision of an original lot to create other lots (the **resulting lots**) if—

(a) one of the resulting lots will contain—

(i) land in a residential, employment, mixed use or village zone, or land in Zone W4 Working Waterfront, that has an area that is not less than the minimum size shown on the [Lot Size Map](#) in relation to that land, and

(ii) all of the land in Zone RU2 Rural Landscape, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living that was in the original lot, and

(b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

(4) Despite any other provision of this Plan, the erection of a dwelling house is permitted with development consent on any resulting lot.

## 4.2 Rural subdivision

- (1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.
- (2) This clause applies to the following rural zones—
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (baa) Zone RU3 Forestry,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone RU6 Transition.

**Note—**

When this Plan was made it did not include all of these zones.

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

**Note—**

A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).

### 4.2A Erection of dwelling houses on land in certain rural and conservation zones

- (1) The objectives of this clause are as follows—
  - (a) to minimise unplanned rural residential development,
  - (b) to enable the replacement of lawfully erected dwelling houses in certain rural and conservation zones.
- (2) This clause applies to land in the following zones—
  - (a) Zone RU2 Rural Landscape,
  - (b) Zone C2 Environmental Conservation,
  - (c) Zone C3 Environmental Management.

- (3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies unless the land—
- (a) is a lot that is at least the minimum lot size shown on the [Lot Size Map](#) in relation to that land, or
  - (b) is a lot created before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or
  - (c) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement, or
  - (d) is an existing holding, or
  - (e) would have been a lot or a holding referred to in paragraph (a), (b), (c) or (d) had it not been affected by—
    - (i) a minor realignment of its boundaries that did not create an additional lot, or
    - (ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or
    - (iii) a consolidation with an adjoining public road or public reserve or for another public purpose.

**Note—**

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

- (4) Development consent must not be granted under subclause (3) unless—
- (a) no dwelling house has been erected on the land, and
  - (b) if a development application has been made for development for the purpose of a dwelling house on the land—the application has been refused or it was withdrawn before it was determined, and
  - (c) if development consent has been granted in relation to such an application—the consent has been surrendered or it has lapsed.
- (5) Development consent may be granted for the erection of a dwelling house on land to which this clause applies if there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house.
- (6) In this clause—

**existing holding** means land that—

- (a) was a holding on 15 May 1964, and
- (b) is a holding at the time the application for development consent referred to in subclause (3) is lodged,

whether or not there has been a change in the ownership of the holding since 15 May 1964, and includes any other land adjoining that land acquired by the owner since 15 May 1964.

**holding** means all adjoining land, even if separated by a road or railway, held by the same person or persons.

**Note—**

The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the stated date.

#### **4.2B Erection of dual occupancies and secondary dwellings in Zone RU2**

- (1) The objectives of this clause are as follows—
  - (a) to ensure that development is compatible with the primary production potential, rural character and environmental capabilities of the land,
  - (b) to ensure that consent is only granted to development for the purposes of dual occupancies (detached) and secondary dwellings if issues such as access, siting, land suitability and potential impacts are addressed,
  - (c) to only permit dual occupancies in Zone RU2 Rural Landscape if a dwelling house is also permitted on that land.
- (2) Development consent must not be granted to development for the purpose of a dual occupancy (detached) or secondary dwelling on land in Zone RU2 Rural Landscape unless the consent authority is satisfied that—
  - (a) the development will not impair the use of the land for agriculture or rural industries, and
  - (b) each dwelling will use the same vehicular access to and from a public road, and
  - (c) for dual occupancies (detached)—dwellings will be situated within 100 metres of each other, and
  - (d) the land is physically suitable for the development, and
  - (e) the land is capable of accommodating the on-site disposal and management of sewage for the development, and
  - (f) the development will not have an adverse impact on the scenic amenity or

character of the rural environment.

- (3) Development consent must not be granted to development for the purposes of a dual occupancy on land in Zone RU2 Rural Landscape unless development consent for the erection of a dwelling house on that land may be granted in accordance with clause 4.2A.

#### **4.3 Height of buildings**

- (1) The objectives of this clause are as follows—
  - (a) to ensure that the scale of proposed buildings is compatible with the existing environmental character and the desired future urban character of the locality,
  - (b) to encourage residential development that is consistent with AS 4299-1995, *Adaptable housing*.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).
- (2A) Despite subclause (2), the height of a building may exceed the maximum height shown for the land on the [Height of Buildings Map](#) by 10% if the land is in Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone E1 Local Centre or Zone MU1 Mixed Use and the consent authority is satisfied that—
  - (a) internal lift access will be provided to all levels in the building, and
  - (b) the design of the building is consistent with AS 4299-1995, *Adaptable housing*.

#### **4.4 Floor space ratio**

- (1) The objectives of this clause are as follows—
  - (a) to ensure that the scale of proposed buildings is compatible with the existing environmental character and the desired future urban character of the locality,
  - (b) to encourage a diversity of development on land in Zone E1 Local Centre, Zone E2 Commercial Centre, Zone E3 Productivity Support or Zone MU1 Mixed Use, which is unlikely to prejudice the supply of retail or business floor space in those zones,
  - (c) to permit a floor space ratio that will provide a transition in built form and land use intensity,
  - (d) to encourage residential development that is consistent with AS 4299—1995, *Adaptable housing*.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#).

- (2A) Development consent must not be granted for development on land in Zone E1 Local Centre unless the development includes commercial premises with a floor space ratio of at least—
- (a) for land identified as “Area A” on the [Floor Space Ratio Map](#)—0.3:1, and
  - (b) for land identified as “Area B” on the [Floor Space Ratio Map](#)—1:1.
- (2AB) Subclause (2A) does not apply to the North Tuncurry Urban Release Area.
- (2B) Despite subclause (2), the floor space ratio for a building on land in Zone R3 Medium Density Residential or Zone MU1 Mixed Use may exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#) by 10% if the consent authority is satisfied that—
- (a) lift access will be provided to each level in the building, and
  - (b) the design of the building is consistent with AS 4299–1995, *Adaptable housing*.
- (2C) Despite subclause (2), the floor space ratio for development for a purpose other than residential accommodation on land in Zone RU5 Village may exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#).

#### 4.5 Calculation of floor space ratio and site area

- (1) **Objectives** The objectives of this clause are as follows—
- (a) to define ***floor space ratio***,
  - (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to—
    - (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
    - (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
    - (iii) require community land and public places to be dealt with separately.
- (2) **Definition of “floor space ratio”** The ***floor space ratio*** of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.
- (3) **Site area** In determining the site area of proposed development for the purpose of applying a floor space ratio, the ***site area*** is taken to be—
- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
  - (b) if the proposed development is to be carried out on 2 or more lots, the area of any



lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

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

- (4) **Exclusions from site area** The following land must be excluded from the site area—
- (a) land on which the proposed development is prohibited, whether under this Plan or any other law,
  - (b) community land or a public place (except as provided by subclause (7)).
- (5) **Strata subdivisions** The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.
- (6) **Only significant development to be included** The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.
- (7) **Certain public land to be separately considered** For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.
- (8) **Existing buildings** The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.
- (9) **Covenants to prevent “double dipping”** When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.
- (10) **Covenants affect consolidated sites** If—
- (a) a covenant of the kind referred to in subclause (9) applies to any land (***affected land***), and

(b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

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

(11) **Definition** In this clause, **public place** has the same meaning as it has in the [Local Government Act 1993](#).

#### 4.6 Exceptions to development standards

(1) The objectives of this clause are as follows—

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—

(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and

(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

#### **Note—**

The [Environmental Planning and Assessment Regulation 2021](#) requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).

(4) The consent authority must keep a record of its assessment carried out under subclause (3).

(5) (Repealed)

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone

RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

**Note—**

When this Plan was made it did not include all of these zones.

- (7) (Repealed)
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following—
  - (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,
  - (c) clause 5.4,
    - (caa) clause 5.5,
    - (ca) clause 6.1, 6.2 or 6.3.

## Part 5 Miscellaneous provisions

### 5.1 Relevant acquisition authority

- (1) The objective of this clause is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the [Land Acquisition \(Just Terms Compensation\) Act 1991](#) (**the owner-initiated acquisition provisions**).

**Note—**

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

- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the [Land](#)

[Reservation Acquisition Map](#) (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

<b>Type of land shown on Map</b>	<b>Authority of the State</b>
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 2.5 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Transport for NSW
Zone SP2 Infrastructure and marked "Drainage"	Council
Zone SP2 Infrastructure and marked "Local road"	Council
Zone SP2 Infrastructure and marked "Local road and drainage"	Council
Zone SP2 Infrastructure and marked "Sewerage systems"	MidCoast Water
Zone C1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <a href="#">National Parks and Wildlife Act 1974</a>

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

**Note—**

If land, other than land specified in the Table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning and Infrastructure is required to take action to enable the designation of the acquiring authority under this clause. Pending the designation of the acquiring authority for the land, the acquiring authority is to be the authority determined by order of the Minister for Planning and Infrastructure (see section 21 of the [Land Acquisition \(Just Terms Compensation\) Act 1991](#)).

## 5.2 Classification and reclassification of public land

- (1) The objective of this clause is to enable the Council to classify or reclassify public land as "operational land" or "community land" in accordance with Part 2 of Chapter 6 of the [Local Government Act 1993](#).

**Note—**

Under the [Local Government Act 1993](#), "public land" is generally land vested in or under the control of a council (other than roads and certain Crown land). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the [Local Government Act 1993](#).

Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.

- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4—
  - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
  - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except—
  - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
  - (b) any reservations that except land out of the Crown grant relating to the land, and
  - (c) reservations of minerals (within the meaning of the *Crown Land Management Act 2016*).

**Note—**

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

### 5.3 Development near zone boundaries

[Not adopted]

### 5.4 Controls relating to miscellaneous permissible uses

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

**Note—**

Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.

- (2) **Home businesses** If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 50 square metres of floor area.
- (3) **Home industries** If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 120 square metres of floor area.
- (4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed—
  - (a) 10% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
  - (b) 50 square metres,whichever is the lesser.
- (5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms in buildings.
- (6) **Kiosks** If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 65 square metres.
- (7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 120 square metres.
- (7AA) **Neighbourhood supermarkets** If development for the purposes of a neighbourhood supermarket is permitted under this Plan, the gross floor area must not exceed 1,000 square metres.
- (8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 10 square metres.
- (9) **Secondary dwellings on land other than land in a rural zone** If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—
  - (a) 60 square metres,
  - (b) 20% of the total floor area of the principal dwelling.
- (10) **Artisan food and drink industry exclusion** If development for the purposes of an artisan food and drink industry is permitted under this Plan in Zone E3 Productivity Support, Zone E4 General Industrial, Zone E5 Heavy Industrial, Zone W4 Working Waterfront or a rural zone, the floor area used for retail sales (not including any cafe or restaurant

area) must not exceed—

(a) 10% of the gross floor area of the industry, or

(b) 50 square metres,

whichever is the lesser.

### **5.5 Controls relating to secondary dwellings on land in a rural zone**

If development for the purposes of a secondary dwelling is permitted under this Plan on land in a rural zone—

(a) the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—

(i) 100 square metres,

(ii) 50% of the total floor area of the principal dwelling, and

(b) [Not adopted]

### **5.6 Architectural roof features**

[Not adopted]

### **5.7 Development below mean high water mark**

(1) The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters.

(2) Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).

### **5.8 Conversion of fire alarms**

(1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.

(2) The following development may be carried out, but only with development consent—

(a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,

(b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,

(c) converting a fire alarm system from connection with the alarm monitoring system

of a private service provider to connection with a different alarm monitoring system of the same private service provider.

- (3) Development to which subclause (2) applies is complying development if it consists only of—
- (a) internal alterations to a building, or
  - (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.
- (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.

- (5) In this clause—

***private service provider*** means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

## **5.9 Dwelling house or secondary dwelling affected by natural disaster**

[Not adopted]

### **5.9AA (Repealed)**

## **5.10 Heritage conservation**

### **Note—**

Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the [Heritage Map](#) as well as being described in Schedule 5.

- (1) **Objectives** The objectives of this clause are as follows—
- (a) to conserve the environmental heritage of Great Lakes,
  - (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
  - (c) to conserve archaeological sites,
  - (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.
- (2) **Requirement for consent** Development consent is required for any of the following—
- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—



- (i) a heritage item,
  - (ii) an Aboriginal object,
  - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land—
- (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land—
- (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.
- (3) **When consent not required** However, development consent under this clause is not required if—
- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—
    - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
    - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
  - (b) the development is in a cemetery or burial ground and the proposed development—

- (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
  - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
  - (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
  - (d) the development is exempt development.
- (4) **Effect of proposed development on heritage significance** The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).
- (5) **Heritage assessment** The consent authority may, before granting consent to any development—
- (a) on land on which a heritage item is located, or
  - (b) on land that is within a heritage conservation area, or
  - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.
- (6) **Heritage conservation management plans** The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.
- (7) **Archaeological sites** The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the [Heritage Act 1977](#) applies)—
- (a) notify the Heritage Council of its intention to grant consent, and
  - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (8) **Aboriginal places of heritage significance** The consent authority must, before granting

consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) **Demolition of nominated State heritage items** The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—

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

(10) **Conservation incentives** The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—

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

### **5.11 Bush fire hazard reduction**

Bush fire hazard reduction work authorised by the [Rural Fires Act 1997](#) may be carried out on any land without development consent.

**Note—**

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

**5.12 Infrastructure development and use of existing buildings of the Crown**

- (1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2.
- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

**5.13 Eco-tourist facilities**

- (1) The objectives of this clause are as follows—
  - (a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,
  - (b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.
- (2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.
- (3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that—
  - (a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and
  - (b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and
  - (c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and
  - (d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and native flora and fauna will be minimal, and
  - (e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and

- (f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and
- (g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours, materials and landscaping with local native flora, and
- (h) any infrastructure services to the site will be provided without significant modification to the environment, and
- (i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and
- (j) the development will not adversely affect the agricultural productivity of adjoining land, and
- (k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment—
  - (i) measures to remove any threat of serious or irreversible environmental damage,
  - (ii) the maintenance (or regeneration where necessary) of habitats,
  - (iii) efficient and minimal energy and water use and waste output,
  - (iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,
  - (v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.

#### **5.14 Siding Spring Observatory—maintaining dark sky**

[Not adopted]

#### **5.15 Defence communications facility**

[Not adopted]

#### **5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones**

- (1) The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or conservation zones concerned (particularly between residential land uses and other rural land uses).

- (2) This clause applies to land in the following zones—
- (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU3 Forestry,
  - (d) Zone RU4 Primary Production Small Lots,
  - (e) Zone RU6 Transition,
  - (f) Zone R5 Large Lot Residential,
  - (g) Zone C2 Environmental Conservation,
  - (h) Zone C3 Environmental Management,
  - (i) Zone C4 Environmental Living.
- (3) A consent authority must take into account the matters specified in subclause (4) in determining whether to grant development consent to development on land to which this clause applies for either of the following purposes—
- (a) subdivision of land proposed to be used for the purposes of a dwelling,
  - (b) erection of a dwelling.
- (4) The following matters are to be taken into account—
- (a) the existing uses and approved uses of land in the vicinity of the development,
  - (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,
  - (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),
  - (d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).

#### **5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations**

[Not applicable]

#### **5.18 Intensive livestock agriculture**

- (1) The objectives of this clause are—

- (a) to ensure appropriate environmental assessment of development for the purpose of intensive livestock agriculture that is permitted with consent under this Plan, and
  - (b) to provide for certain capacity thresholds below which development consent is not required for that development subject to certain restrictions as to location.
- (2) This clause applies if development for the purpose of intensive livestock agriculture is permitted with consent under this Plan.
- (3) In determining whether or not to grant development consent under this Plan to development for the purpose of intensive livestock agriculture, the consent authority must take the following into consideration—
- (a) the adequacy of the information provided in the statement of environmental effects or (if the development is designated development) the environmental impact statement accompanying the development application,
  - (b) the potential for odours to adversely impact on the amenity of residences or other land uses within the vicinity of the site,
  - (c) the potential for the pollution of surface water and ground water,
  - (d) the potential for the degradation of soils,
  - (e) the measures proposed to mitigate any potential adverse impacts,
  - (f) the suitability of the site in the circumstances,
  - (g) whether the applicant has indicated an intention to comply with relevant industry codes of practice for the health and welfare of animals,
  - (h) the consistency of the proposal with, and any reasons for departing from, the environmental planning and assessment aspects of any guidelines for the establishment and operation of relevant types of intensive livestock agriculture published, and made available to the consent authority, by the Department of Primary Industries (within the Department of Industry) and approved by the Planning Secretary.
- (4) Despite any other provision of this Plan, development for the purpose of intensive livestock agriculture may be carried out without development consent if—
- (a) the development is of a type specified in subclause (5), and
  - (b) the consent authority is satisfied that the development will not be located—
    - (i) in an environmentally sensitive area, or
    - (ii) within 100 metres of a natural watercourse, or

- (iii) in a drinking water catchment, or
  - (iv) within 500 metres of any dwelling that is not associated with the development, or a residential zone, or
  - (v) for a poultry farm used for breeding poultry—within 5km of another poultry farm, or
  - (vi) for a poultry farm not used for breeding poultry—
    - (A) within 5km of a poultry farm used for breeding poultry, or
    - (B) within 1km of a poultry farm not used for breeding poultry, or
  - (vii) for a pig farm—within 3km of another pig farm.
- (5) The following types of development are specified for the purposes of subclause (4)—
- (a) a cattle feedlot having a capacity to accommodate fewer than 50 head of cattle,
  - (b) a goat feedlot having a capacity to accommodate fewer than 200 goats,
  - (c) a sheep feedlot having a capacity to accommodate fewer than 200 sheep,
  - (d) a pig farm having a capacity to accommodate fewer than 20 breeding sows, or fewer than 200 pigs (of which fewer than 20 may be breeding sows),
  - (e) a dairy (restricted) having a capacity to accommodate fewer than 50 dairy cows,
  - (f) a poultry farm having a capacity to accommodate fewer than 1,000 birds for meat or egg production (or both).
- (6) For the avoidance of doubt, subclause (4) does not apply to development that is prohibited or that may be carried out without development consent under this or any other environmental planning instrument.
- (7) In this clause—

***environmentally sensitive area*** has the same meaning as in clause 1.5 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

***residential zone*** means Zone RU4 Primary Production Small Lots, Zone RU5 Village, Zone RU6 Transition, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone E3 Productivity Support, Zone MU1 Mixed Use, Zone C3 Environmental Management or Zone C4 Environmental Living.

### **5.19 Pond-based, tank-based and oyster aquaculture**

- (1) **Objectives** The objectives of this clause are as follows—



- (a) to encourage sustainable oyster, pond-based and tank-based aquaculture in the State, namely, aquaculture development that uses, conserves and enhances the community's resources so that the total quality of life now and in the future can be preserved and enhanced,
  - (b) to set out the minimum site location and operational requirements for permissible pond-based and tank-based aquaculture development.
- (2) **Pond-based or tank-based aquaculture—matters of which consent authority must be satisfied before granting consent** The consent authority must not grant development consent to carry out development for the purpose of pond-based aquaculture or tank-based aquaculture unless the consent authority is satisfied of the following—
- (a) that the development complies with the site location and operational requirements set out in Part 1 of Schedule 6 for the development,
  - (b) in the case of—
    - (i) pond-based aquaculture in Zone RU5 Village, Zone RU6 Transition, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone E1 Local Centre, Zone E2 Commercial Centre, Zone E3 Productivity Support, Zone E4 General Industrial, Zone E5 Heavy Industrial or Zone MU1 Mixed Use—that the development is for the purpose of small scale aquarium fish production, and
    - (ii) pond-based aquaculture in Zone C3 Environmental Management or Zone C4 Environmental Living—that the development is for the purpose of extensive aquaculture, and
    - (iii) tank-based aquaculture in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone C3 Environmental Management or Zone C4 Environmental Living—that the development is for the purpose of small scale aquarium fish production, and
    - (iv) pond-based aquaculture or tank-based aquaculture in Zone W1 Natural Waterways, Zone W2 Recreational Waterways or Zone W3 Working Waterways—that the development will use waterways to source water.
- (3) The requirements set out in Part 1 of Schedule 6 are minimum requirements and do not limit the matters a consent authority is required to take into consideration under the Act or the conditions that it may impose on any development consent.
- (4) **Extensive pond-based aquaculture permitted without consent in certain zones** Development for the purpose of pond-based aquaculture, that is also extensive aquaculture, may be carried out without development consent if—

(a) the development is carried out in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots or Zone RU6 Transition, and

(b) the development complies with the site location requirements and operational requirements set out in Part 2 of Schedule 6.

(5) **Oyster aquaculture—additional matters that consent authority must consider in determining a development application** In determining a development application for development for the purpose of oyster aquaculture, the consent authority must consider—

(a) any provisions of any aquaculture industry development plan that are relevant to the subject of the development application, and

(b) the *NSW Oyster Industry Sustainable Aquaculture Strategy*.

(6) **Oyster aquaculture permitted without consent in priority oyster aquaculture areas** Development for the purpose of oyster aquaculture may be carried out without development consent—

(a) on land that is wholly within a priority oyster aquaculture area, or

(b) on land that is partly within and partly outside a priority oyster aquaculture area, but only if the land outside the area is no more than 0.1 hectare in area.

(7) **Definitions** In this clause—

**aquaculture industry development plan** means an aquaculture industry development plan published under Part 6 of the *Fisheries Management Act 1994*.

**extensive aquaculture** has the same meaning as in the *Fisheries Management (Aquaculture) Regulation 2017*.

**NSW Oyster Industry Sustainable Aquaculture Strategy** means the third edition of the publication of that title, as published in 2016 by the Department of Primary Industries (within the Department of Industry).

**priority oyster aquaculture area** means an area identified as a priority oyster aquaculture area on a map referred to in Chapter 5.3 of the *NSW Oyster Industry Sustainable Aquaculture Strategy*, being a map a copy of which is held in the head office of the Department of Primary Industries (within the Department of Industry) and published on that Department's website.

## 5.20 Standards that cannot be used to refuse consent—playing and performing music

(1) The consent authority must not refuse consent to development in relation to licensed premises on the following grounds—

- (a) the playing or performance of music, including the following—
    - (i) the genre of music played or performed, or
    - (ii) whether the music played or performed is live or amplified, or
    - (iii) whether the music played or performed is original music, or
    - (iv) the number of musicians or live entertainment acts playing or performing, or
    - (v) the type of instruments played,
  - (b) whether dancing occurs,
  - (c) the presence or use of a dance floor or another area ordinarily used for dancing,
  - (d) the direction in which a stage for players or performers faces,
  - (e) the decorations to be used, including, for example, mirror balls, or lighting used by players or performers.
- (2) The consent authority must not refuse consent to development in relation to licensed premises on the grounds of noise caused by the playing or performance of music, if the consent authority is satisfied the noise may be managed and minimised to an acceptable level.
- (3) In this clause—
- licensed premises*** has the same meaning as in the [Liquor Act 2007](#).

### 5.21 Flood planning

- (1) The objectives of this clause are as follows—
- (a) to minimise the flood risk to life and property associated with the use of land,
  - (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,
  - (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,
  - (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.
- (2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—
- (a) is compatible with the flood function and behaviour on the land, and

- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
  - (d) incorporates appropriate measures to manage risk to life in the event of a flood, and
  - (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
- (3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—
- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,
  - (b) the intended design and scale of buildings resulting from the development,
  - (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,
  - (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.
- (4) A word or expression used in this clause has the same meaning as it has in the *Considering Flooding in Land Use Planning Guideline* unless it is otherwise defined in this clause.
- (5) In this clause—

***Considering Flooding in Land Use Planning Guideline*** means the *Considering Flooding in Land Use Planning Guideline* published on the Department's website on 14 July 2021.

***flood planning area*** has the same meaning as it has in the *Flood Risk Management Manual*.

***Flood Risk Management Manual*** means the *Flood Risk Management Manual*, ISBN 978-1-923076-17-4, published by the NSW Government in June 2023.

## 5.22 Special flood considerations

[Not adopted]

### **5.23 Public bushland**

[Not adopted]

### **5.24 Farm stay accommodation**

- (1) The objectives of this clause are as follows—
  - (a) to diversify the uses of agricultural land without adversely impacting the principal use of the land for primary production,
  - (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.
- (2) Development consent must not be granted to development for the purposes of farm stay accommodation on a landholding unless the consent authority is satisfied all buildings or manufactured homes used to accommodate guests on the landholding will be—
  - (a) on the same lot as an existing lawful dwelling house, or
  - (b) on a lot of a size not less than the minimum lot size for a dwelling house to be permitted on the lot under an environmental planning instrument applying to the land.
- (3) Subclause (2) does not apply if the development is a change of use of an existing dwelling to farm stay accommodation.
- (4) Development consent must not be granted to development for the purposes of farm stay accommodation on land unless the consent authority has considered—
  - (a) whether the development will result in noise or pollution that will have a significant adverse impact on the following on or near the land—
    - (i) residential accommodation,
    - (ii) primary production operations,
    - (iii) other land uses, and
  - (b) whether the development will have a significant adverse impact on the following on or near the land—
    - (i) the visual amenity or heritage or scenic values,
    - (ii) native or significant flora or fauna,
    - (iii) water quality,

- (iv) traffic,
- (v) the safety of persons, and
- (c) whether the development is on bush fire prone land or flood prone land, and
- (d) the suitability of the land for the development, and
- (e) the compatibility of the development with nearby land uses.

### **5.25 Farm gate premises**

- (1) The objectives of this clause are as follows—
  - (a) to allow for tourism and related commercial uses on land used principally for primary production at a scale that does not adversely affect the principal use of the land for primary production,
  - (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.
- (2) Development consent must not be granted to development for the purposes of farm gate premises on land unless the consent authority has considered—
  - (a) whether the development will result in noise or pollution that will have a significant adverse impact on the following on or near the land—
    - (i) residential accommodation,
    - (ii) primary production operations,
    - (iii) other land uses, and
  - (b) whether the development will have a significant adverse impact on the following on or near the land—
    - (i) the visual amenity or heritage or scenic values,
    - (ii) native or significant flora or fauna,
    - (iii) water quality,
    - (iv) traffic,
    - (v) the safety of persons, and
  - (c) whether the development is on bush fire prone land or flood prone land, and
  - (d) the suitability of the land for the proposed development, and

- (e) the compatibility of the development with nearby land uses.

## **Part 6 Urban release areas**

### **Division 1 General**

#### **6.1 Arrangements for designated State public infrastructure**

- (1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.
- (2) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.
- (3) Subclause (2) does not apply to—
  - (a) any lot identified in the certificate as a residue lot, or
  - (b) any lot to be created by a subdivision of 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 region within the meaning of the Act, Division 7.1, Subdivision 4.

#### **6.2 Public utility infrastructure**

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

### 6.3 Development control plan

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



dedicated for public open space, public roads or any other public or environment protection purpose,

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

#### **6.4 Relationship between Part and remainder of Plan**

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

### **Division 2 North Tuncurry Urban Release Area**

#### **6.5 Application of Division**

This Division applies to the North Tuncurry Urban Release Area.

#### **6.6 Minimum lot sizes**

- (1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.
- (2) This clause applies to the following land—
  - (a) land in Zone R1 General Residential, with a minimum lot size of no more than 450m<sup>2</sup> shown for the land on the [Lot Size Map](#),
  - (b) land in Zone R3 Medium Density Residential.
- (3) Land may be subdivided into 2 or more lots (**resulting lots**) if—
  - (a) the land adjoins land in the North Tuncurry Urban Release Area that—
    - (i) is in one or more of the following zones—
      - (A) Zone R3 Medium Density Residential,
      - (B) Zone B2 Local Centre,
      - (C) Zone RE2 Private Recreation,
      - (D) Zone C2 Environmental Conservation, or
    - (ii) the consent authority is satisfied is or will be a recreation area or used for stormwater detention or retention, or both, and
  - (b) the size of each resulting lot will be at least 200m<sup>2</sup>, and

(c) 1 existing dwelling will be located, or 1 dwelling will be erected, on each resulting lot, other than a lot resulting from a subdivision under the [Community Land Development Act 2021](#).

(4) Development consent must not be granted to the development unless the consent authority is satisfied each resulting lot will have an area suitable for the location of the dwelling.

### **6.7 Affordable housing**

(1) The objective of this clause is to increase the supply of affordable rental housing, liveable housing and diverse housing for very low, low and moderate income earning households in North Tuncurry in a way that is consistent with the development control plan prepared for the land.

(2) This clause applies to development for the purposes of residential accommodation.

(3) Development consent must not be granted to the development unless the consent authority is satisfied—

(a) from the date of the issue of the occupation certificate—

(i) the dwellings proposed to be used for affordable housing will be used for affordable housing, and

(ii) all accommodation used for affordable housing will be managed by a registered community housing provider, and

(b) a restriction will be registered in accordance with the [Conveyancing Act 1919](#), section 88E, before the date of the issue of the occupation certificate, against the title of the property relating to the development that will ensure the requirements of paragraph (a) are met, and

(c) the development will result in at least 10% of the total number of dwellings being used for affordable housing in the North Tuncurry Urban Release Area.

(4) A word or expression used in this clause has the same meaning as in [State Environmental Planning Policy \(Housing\) 2021](#) unless otherwise defined in this Plan.

### **6.8 Concurrence of Planning Secretary**

(1) The objective of this clause is to ensure—

(a) an appropriate flood planning level is reached for the subdivision design of the North Tuncurry Urban Release Area, and

(b) a risk-based approach to flood planning levels is adopted.

(2) This clause applies to land below 5.5m Australian Height Datum.

- (3) Development consent must not be granted for the subdivision of land unless the consent authority has obtained the concurrence of the Planning Secretary.
- (4) Subclause (3) does not apply to a subdivision by the registration of a strata plan or strata plan of subdivision under the *Strata Schemes Development Act 2015*.
- (5) In deciding whether to grant concurrence, the Planning Secretary must seek advice from the Biodiversity Conservation Division of the Department on the provision of appropriate flood management considerations, including the following—
  - (a) flood planning levels,
  - (b) detention basin sizing,
  - (c) an overland flow path,
  - (d) emergency access and egress arrangements,
  - (e) detailed landform modelling,
  - (f) updated groundwater modelling, including groundwater outputs used to determine flood risk that include impacts of sea level rise on groundwater and any residual uncertainty,
  - (g) suitable risk-based freeboard selection taking into account groundwater modelling.

#### **6.9 Concurrence of Transport for NSW**

- (1) The objective of this clause is to ensure development will not have adverse impacts on the State road network.
- (2) This clause applies to land in the following zones—
  - (a) Zone R1 General Residential,
  - (b) Zone R3 Medium Density Residential,
  - (c) Zone IN1 General Industrial,
  - (d) Zone B2 Local Centre,
  - (e) Zone B5 Business Development.
- (3) Development consent must not be granted for the subdivision of land unless the consent authority has obtained the concurrence of Transport for NSW.
- (4) In deciding whether to grant concurrence, Transport for NSW must consider the potential effects of the development on existing and proposed future road and public transport infrastructure in the locality.

## 6.10 Studio dwellings in Zone R1

- (1) This clause applies to land in Zone R1 General Residential.
- (2) Development consent must not be granted to development for the purposes of the erection of a single dwelling above a garage for another dwelling (the **principal dwelling**) unless the consent authority is satisfied—
  - (a) the single dwelling will be located on a separate strata lot to both the principal dwelling and the garage for the principal dwelling, and
  - (b) there will be direct access to the single dwelling from a street or lane that is not the same access to the principal dwelling.

## Part 7 Additional local provisions

### 7.1 Acid sulfate soils

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

<b>Class of land</b>	<b>Works</b>
1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

- (3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the

proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.

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

## **7.2 Earthworks**

- (1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.
- (2) Development consent is required for earthworks unless—
  - (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or
  - (b) the earthworks are ancillary to development that is permitted without consent

under this Plan or to development for which development consent has been given.

- (3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—
  - (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
  - (b) the effect of the development on the likely future use or redevelopment of the land,
  - (c) the quality of the fill or the soil to be excavated, or both,
  - (d) the effect of the development on the existing and likely amenity of adjoining properties,
  - (e) the source of any fill material and the destination of any excavated material,
  - (f) the likelihood of disturbing relics,
  - (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
  - (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

**Note—**

The [National Parks and Wildlife Act 1974](#), particularly section 86, deals with harming Aboriginal objects.

### **7.3 (Repealed)**

### **7.4 Coastal risk planning**

- (1) The objectives of this clause are as follows—
  - (a) to avoid significant adverse impacts from coastal hazards,
  - (b) to ensure uses of land identified as coastal risk are compatible with the risks presented by coastal hazards,
  - (c) to enable the evacuation of land identified as coastal risk in an emergency.
- (2) This clause applies to the land identified as “Coastal Risk Planning area” on the [Coastal Risk Planning Map](#).
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development—
  - (a) is likely to be adversely affected by the impacts of coastal hazards, and

- (b) is likely to cause detrimental increases in coastal risks to other development or properties, and
  - (c) is likely to alter coastal processes and the impacts of coastal hazards to the detriment of the environment, and
  - (d) incorporates appropriate measures to manage risk to life from coastal risks, and
  - (e) avoids or minimises potential adverse effects from the impact of coastal processes and the exposure to coastal hazards, particularly if the development is located seaward of the 2060 hazard line, and
  - (f) provides for the relocation, modification or removal of the development to adapt to the impact of coastal processes, coastal hazards and sea level rise planning benchmarks.
- (4) A word or expression used in this clause has the same meaning as it has in the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise* (ISBN 978-1-74263-035-9) published by the NSW Government in August 2010, unless it is otherwise defined in this clause.

- (5) In this clause—

**2060 hazard line** means the landward extent of erosion, recession and stability hazards consistent with the projected 2060 sea level rise of 0.5 metres above the 1990 mean sea level.

**coastal hazard** has the same meaning as in the [Coastal Management Act 2016](#).

## 7.5 Stormwater management

- (1) The objective of this clause is to minimise the impacts of stormwater on land to which this clause applies and on adjoining properties, native bushland, groundwater, wetlands and receiving waters.
- (2) Development consent must not be granted to development on any land unless the consent authority is satisfied that the development—
- (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and
  - (b) is designed to minimise the use of impervious surfaces on the land, directing run off to piped drainage systems and waterways, and
  - (c) is designed to integrate water sensitive design measures, including stormwater, groundwater and waste water management, to minimise environmental degradation and to improve the aesthetic and recreational appeal of the development, and

- (d) incorporates an appropriately managed and maintained stormwater management system that will maintain or improve the quality of stormwater discharged from the land, and
- (e) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and
- (f) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland, groundwater, wetlands and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.

### **7.6 Drinking water catchments**

- (1) The objective of this clause is to protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering and stored in drinking water storages.
- (2) This clause applies to land identified as “Drinking Water Catchment” on the [Drinking Water Catchment Map](#).
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following—
  - (a) whether or not the development is likely to have any adverse impact on the quality and quantity of water entering and stored in the drinking water storage, having regard to the following—
    - (i) the distance between the development and any waterway that feeds into the drinking water storage,
    - (ii) the on-site use, storage and disposal of any chemicals on the land,
    - (iii) the treatment, storage and disposal of waste water and solid waste generated or used by the development,
    - (iv) any permanent interception or lowering of the watertable,
    - (v) any change in groundwater flow direction,
  - (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—
  - (a) the development is designed, sited and will be managed to avoid any significant adverse impact on water quality and flows, or
  - (b) if that impact cannot be reasonably avoided—the development is designed, sited



and will be managed to minimise that impact.

### **7.7 Riparian land and watercourses**

- (1) The objective of this clause is to protect and maintain the following—
  - (a) water quality within watercourses,
  - (b) the stability of the bed and banks of watercourses,
  - (c) aquatic and riparian habitats,
  - (d) ecological processes within watercourses and riparian areas.
- (2) This clause applies to all of the following—
  - (a) land identified as “Watercourse” on the [Watercourse Map](#),
  - (b) all land that is within 40 metres of the top of the bank of each watercourse on land identified as “Watercourse” on that map.
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—
  - (a) whether or not the development is likely to have any adverse impact on the following—
    - (i) the water quality and flows within the watercourse,
    - (ii) aquatic and riparian species, habitats and ecosystems of the watercourse,
    - (iii) the stability of the bed, shore and banks of the watercourse,
    - (iv) the free passage of fish and other aquatic organisms within or along the watercourse,
    - (v) any future rehabilitation of the watercourse and riparian areas, and
  - (b) whether or not the development is likely to increase water extraction from the watercourse, and
  - (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—
  - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
  - (b) if that impact cannot be reasonably avoided—the development is designed, sited

and will be managed to minimise that impact, or

- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

## **7.8 Wetlands**

- (1) The objective of this clause is to ensure that wetlands are preserved and protected from the impacts of development.
- (2) This clause applies to land identified as “Wetland” on the [Wetlands Map](#).
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—
  - (a) whether or not the development is likely to have any significant adverse impact on the following—
    - (i) the condition and significance of the existing native fauna and flora on the land,
    - (ii) the provision and quality of habitats on the land for indigenous and migratory species,
    - (iii) the surface and groundwater characteristics of the land, including water quality, natural water flows and salinity, and
  - (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—
  - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
  - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

## **7.9 Protection of wildlife corridors**

- (1) The objective of this clause is to ensure that proper regard is given to wildlife corridors in carrying out development on land to which this clause applies.
- (2) This clause applies to land identified as “Protection Corridor” on the [Protection of Wildlife Corridors Map](#).

- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—
  - (a) any wildlife corridors will be maintained (or regenerated where necessary) to ensure their continued protection, and
  - (b) the development will not negatively impact on any wildlife corridor (whether directly or indirectly).

#### **7.10 Limited development on foreshore area**

- (1) The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.
- (2) Development consent must not be granted for development on land in the foreshore area except for the following purposes—
  - (a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,
  - (b) the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,
  - (c) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).
- (3) Development consent must not be granted under subclause (2) unless the consent authority is satisfied that—
  - (a) the development will contribute to achieving the objectives for the zone in which the land is located, and
  - (b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and
  - (c) the development will not cause environmental harm such as—
    - (i) pollution or siltation of the waterway, or
    - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or
    - (iii) an adverse effect on drainage patterns, and
  - (d) the development will not cause congestion or generate conflict between people using open space areas or the waterway, and

- (e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and
- (f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and
- (g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and
- (h) sea level rise or change of flooding patterns as a result of climate change has been considered.

- (4) In this clause, **foreshore area** means the land identified as “Foreshore Area” on the [Foreshore Building Line Map](#).

#### **7.11 Development on the foreshore must ensure access**

In deciding whether to grant consent for development on the foreshore, the consent authority must consider whether and to what extent the development would encourage the following—

- (a) continuous public access to and along the foreshore through or adjacent to the proposed development,
- (b) public access to link with existing or proposed open space,
- (c) public access to be secured by appropriate covenants, agreements or other instruments registered on the title to land,
- (d) public access to be located above mean high water mark,
- (e) the reinforcing of the foreshore character and respect for existing environmental conditions.

#### **7.12 Converting serviced apartments to residential flat buildings**

- (1) The objective of this clause is to prevent substandard residential accommodation occurring through the conversion of serviced apartments to residential flat buildings.
- (2) Development consent must not be granted for the strata subdivision of a building that is or has been used for serviced apartments for use as a residential flat building unless the consent authority has considered the following in relation to the residential flat building—
  - (a) the design principles for residential apartment development within the meaning of [State Environmental Planning Policy \(Housing\) 2021](#),

(b) the Apartment Design Guide within the meaning of that policy.

### **7.13 Active street frontages**

- (1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone E1 Local Centre.
- (2) This clause applies to land identified as “Active Street Frontage” on the [Active Street Frontages Map](#).
- (3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.
- (4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following—
  - (a) entrances and lobbies (including as part of mixed use development),
  - (b) access for fire services,
  - (c) vehicular access.
- (5) In this clause, a building has an **active street frontage** if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.

### **7.14 Significant extractive resources**

- (1) The objective of this clause is to identify the location of significant resources of minerals, petroleum or extractive materials for the purposes of [State Environmental Planning Policy \(Resources and Energy\) 2021](#), section 2.19.
- (2) The land identified as “Identified Resource” on the [Mineral Resource Area Map](#) is the land to which [State Environmental Planning Policy \(Resources and Energy\) 2021](#), section 2.19 applies.

### **7.15 Development at Seven Mile Beach, The Lakes Way, Forster**

- (1) This clause applies to land identified as “Development Area” on the [Seven Mile Beach Development Map](#).
- (2) Development consent must not be granted to the subdivision of land to which this clause applies unless the consent authority is satisfied that—
  - (a) adequate measures will be implemented to preserve and manage the biological diversity on, and the ecological integrity of, the land, and

- (b) adequate measures will be implemented to protect and manage significant habitat, including that used by threatened species, for conservation purposes, and
  - (c) adequate measures will be implemented to facilitate fauna movement within and across the land, and
  - (d) adequate measures will be implemented to protect the land from bush fire while not unreasonably compromising the ecological values of the land, and
  - (e) adequate controls will be implemented to ensure that any building to be erected on the land will—
    - (i) respect the natural features of the land by using designs that minimise tree removal and colours and materials that reflect the surrounding environment, and
    - (ii) reflect a unified design theme for the land while providing differences in character for each precinct, and
  - (f) mechanisms (including funding, monitoring and auditing mechanisms) will be in place to ensure the ongoing implementation and effectiveness of the measures and controls referred to in paragraphs (a)–(e).
- (3) In considering whether to grant development consent to development on the land to which this clause applies, the consent authority must consider the following—
- (a) the suitability of the land for the proposed development,
  - (b) the protection of significant vegetation and habitats,
  - (c) the facilitation of fauna movement within and across the land,
  - (d) the protection of the scenic attributes of the land,
  - (e) the protection of the development from bush fire while not unreasonably compromising the ecological values of the land,
  - (f) any controls that are in place in accordance with subclause (3) (e).

#### **7.16 Neighbourhood shops**

- (1) The objective of this clause is to permit development consent for the purpose of neighbourhood shops if certain conditions are met.
- (2) Development consent may be granted to development for the purpose of one neighbourhood shop on any lot.

**Note—**

Clause 5.4 (7) specifies that a neighbourhood shop must not exceed 120 square metres of floor area.

### **7.17 Residential accommodation in Zone R4 or E1**

- (1) The objective of this clause is to encourage residential development that is consistent with the adaptable housing design guidelines.
- (2) This clause applies to land in the following zones—
  - (a) Zone R4 High Density Residential,
  - (b) Zone E1 Local Centre.
  - (c) (Repealed)
- (3) Despite any other provision of this Plan, development consent must not be granted to development for the purpose of residential accommodation on land to which this clause applies unless the consent authority is satisfied that the development is consistent with AS 4299-1995, *Adaptable Housing*.

### **7.18 Residential accommodation at Winda Woppa**

- (1) The objective of this clause is to restrict the intensity of development on the Winda Woppa peninsula.
- (2) This clause applies to land identified as “Development Restriction Area” on the [Winda Woppa Coastal Development Map](#).
- (3) Development consent must not be granted to development for the purpose of residential accommodation on land to which this clause applies unless the consent authority is satisfied that—
  - (a) the development will be situated on a lot with an area not less than 450 square metres, and
  - (b) the development will not involve the erection of more than 2 dwellings on that lot, and
  - (c) the development will comprise a single building, and
  - (d) the gross floor area of at least one dwelling will not exceed 60 square metres.
- (4) Development consent must not be granted to the subdivision of a lot referred to in subclause (3) (a) if the subdivision will result in the dwellings referred to in subclause (3) (b) being situated on separate lots.

### **7.19 Development at Carmona Drive, South Forster**

- (1) This clause applies to land identified as “Development Area” on the [Carmona Drive Development Map](#).
- (2) Despite clause 4.1, the consent authority 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 consent authority is satisfied that the lots referred to in paragraph (b) will be compatible with the existing subdivision pattern of the surrounding area.

#### **7.20 Events permitted on public reserves and roads without development consent**

- (1) The objective of this clause is to provide for the temporary use of public reserves and public roads for exhibitions, meetings, concerts or events.
- (2) Despite any other provision of this Plan, development (including any associated temporary structures) for the purpose of a temporary event may be carried out on a public reserve or public road without development consent.

**Note—**

Other approvals may be required, and must be obtained, under other Acts, including the [Local Government Act 1993](#), the [Roads Act 1993](#) and the [Crown Land Management Act 2016](#).

- (3) [State Environmental Planning Policy \(Miscellaneous Consent Provisions\) 2007](#) does not apply to development to which this clause applies.
- (4) In this clause—

**public reserve** has the same meaning as in the [Local Government Act 1993](#).

**temporary event** means an exhibition, meeting, concert or other event that is open to the public for which land is used for a period of not more than 52 days (whether or not consecutive) in any period of 12 months.

#### **7.21 Essential services**

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,



- (e) suitable vehicular access.

### **7.22 Location of sex services premises**

- (1) The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.
- (2) In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider the following—
  - (a) whether the premises will be located on land that adjoins, is directly opposite or is separated only by a local road from land—
    - (i) in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or
    - (ii) used for the purposes of a centre-based child care facility, a community facility, a school or a place of public worship,
  - (b) the impact of the proposed development and its hours of operation on any place likely to be regularly frequented by children—
    - (i) that adjoins the proposed development, or
    - (ii) that can be viewed from the proposed development, or
    - (iii) from which a person can view the proposed development.

### **7.23 Minimum dwelling density**

- (1) The objectives of this clause are as follows—
  - (a) to ensure that greenfield sites contribute toward the efficient use of land resources by ensuring a minimum dwelling density is achieved,
  - (b) to encourage and promote a diversity of housing types and styles within medium density zoned greenfield sites,
  - (c) to ensure that development is undertaken in an orderly and coordinated manner that creates integrated neighbourhoods.
- (2) Development consent must not be granted for the subdivision of land shown on the [Dwelling Density Map](#) unless the consent authority is satisfied that the dwelling density likely to be achieved by the subdivision is not less than the dwelling density shown for the land on that Map.
- (3) In this clause—

***dwelling density*** means the ratio of the number of dwellings to the area of the land

to be occupied by the development, including internal streets and half the width of any roads adjoining the development that provide vehicular access to the development but excluding land used for public open space and non-residential purposes.

#### **7.24 Restriction of certain development in rural and conservation zones**

- (1) This clause applies to land in the following zones—
  - (a) Zone RU2 Rural Landscape,
  - (b) Zone C2 Environmental Conservation,
  - (c) Zone C3 Environmental Management.
- (2) If development for the purposes of residential accommodation, tourist and visitor accommodation, camping grounds or eco-tourist facilities on land to which this clause applies is permitted with development consent, consent must not be granted unless development consent for the erection of a dwelling house on that land may be granted in accordance with clause 4.2A.
- (3) In this clause, ***camping ground*** does not include a caravan park.

### **Schedule 1 Additional permitted uses**

(Clause 2.5)

#### **1 Use of certain land at Forster, Forster South, Smiths Lake and Tea Gardens**

- (1) This clause applies to the land identified as “1” on the [Additional Permitted Uses Map](#).
- (2) Development for the purpose of environmental protection works (being for the purpose of drainage and wetlands) is permitted with development consent if the consent authority is satisfied that the development will not—
  - (a) compromise public safety, or
  - (b) increase any adverse impact on sensitive ecosystems caused by the quantity, quality or frequency of stormwater discharge, or
  - (c) have an adverse impact on flooding upstream of the land, or
  - (d) have an adverse impact on any Aboriginal place of heritage significance, or
  - (e) increase any adverse impact on sensitive groundwater dependent ecosystems caused by groundwater flow regimes.

#### **2 Use of certain land at The Lakes Way, Forster South (Seven Mile Beach)**

- (1) This clause applies to land identified as “2” on the [Additional Permitted Uses Map](#).

- (2) Development for the purpose of shops is permitted with development consent if the gross floor area used for that purpose does not exceed 1,000 square metres.

### **3 Use of certain land at Tea Gardens (Riverside)**

- (1) This clause applies to land identified as “3” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of jetties, restaurants or cafes, shops and wharf or boating facilities is permitted with development consent if the development will not have a water frontage of more than 100 metres.

### **4 (Repealed)**

### **5 Use of certain land at The Lakes Way and The Northern Parkway, Tuncurry**

- (1) This clause applies to land identified as “5” on the [Additional Permitted Uses Map](#).
- (2) Development for the purpose of an advertising structure is permitted with development consent.

### **6 Use of certain land on the islands and peninsulas in Wallis Lake**

- (1) This clause applies to the land identified as “6” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of extractive industries is permitted with development consent.

### **7 Use of certain land at Jimmy’s Beach, Winda Woppa**

- (1) This clause applies to land identified as “7” on the [Additional Permitted Uses Map](#).
- (2) Development for the purpose of extractive industries is permitted with development consent.

### **8 Use of certain land bounded by Beach Road and Booner, Margaret and Mirreen Streets, Hawks Nest**

- (1) This clause applies to land identified as “8” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of multi dwelling housing is permitted with development consent.

### **9 Use of certain land at 9844 Pacific Highway, Bulahdelah**

- (1) This clause applies to part of Lot 100, DP 1139447, 9844 Pacific Highway, Bulahdelah, identified as “9” on the [Additional Permitted Uses Map](#).
- (2) Subdivision of the land and development for the purposes of a highway service centre is permitted with development consent.
- (3) Development consent may only be granted under this clause if a single development

application is submitted for the proposed subdivision and proposed land use.

## **10 Use of certain land in North Tuncurry Urban Release Area**

- (1) This clause applies to land in the North Tuncurry Urban Release Area that is in Zone RE2 Private Recreation.
- (2) Development for the purposes of tourist and visitor accommodation is permitted with development consent if the site area of the development is no more than 3,000m<sup>2</sup>.

## **Schedule 2 Exempt development**

(Clause 3.1)

### **Note 1—**

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

### **Note 2—**

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

(When this Plan was made this Schedule was blank)

## **Schedule 3 Complying development**

(Clause 3.2)

### **Note—**

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

## **Part 1 Types of development**

(When this Plan was made this Part was blank)

## **Part 2 Complying development certificate conditions**

### **Note—**

Complying development must comply with the requirements of the Act, the regulations under the Act and this Plan.

### **General conditions**

Any development specified in Part 1 is subject to the same conditions set out in Schedule 6 to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

## Schedule 4 Classification and reclassification of public land

(Clause 5.2)

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

Column 1	Column 2
Locality	Description
Nil	

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

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Nil		

### Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
Nil	

## Schedule 5 Environmental heritage

(Clause 5.10)

### Part 1 Heritage items

Suburb	Item name	Address	Property description	Significance	Item no
Booral	2 adjoined dwellings	Corner of Booral Road and The Bucketts Way	Lot 82, DP 853953	Local	167
Booral	Booral Wharf	Karuah River (head of navigation) approximately 3km south of Booral—unnamed road off Lowes Lane	Lot 46, DP 95406	Local	14

Booral	Gundayne House group, including residence, outhouse and schoolhouse	9 Lowes Lane	Lot 1, DP 632812	State	13
Booral	The Gables	25 Lowes Lane	Lot 151, DP 716349	Local	16
Booral	Booral House	160 Lowes Lane	Lot 1, DP 745831	Local	12
Booral	3 concrete bridges	The Bucketts Way (first bridge south of Booral; second bridge between Lowes and Mulberry Lanes; third bridge across Karuah River)	Road reserve; first bridge—adjacent to Lot 1, DP 47370; second bridge—Lot 1, DP 47370; third bridge—off part of Lot 205, DP 95038	Local	165
Booral	St Barnabas' Church and Cemetery	The Bucketts Way	Lot 61, DP 1128606	Local	15
Booral	Booral Soldiers Memorial Hall	2296 The Bucketts Way	Lot 1, DP 1058302	Local	168
Booral	Booral Public School—classroom, former residence and bricked capped well	2300 The Bucketts Way	Lot 1, DP 797564	Local	166
Booral	Alderley House	2653 The Bucketts Way	Lot 100, DP 839447	Local	11
Bulahdelah	Former courthouse (museum)	2-4 Ann Street	Lot 204, DP 753154	Local	19
Bulahdelah	Catholic Church and School Group—presbytery, St Brigid's Church and St Joseph's Convent	26 Bulahdelah Way	Lots 1 and 2, DP 1231651	Local	170

Bulahdelah	Former Alum Mine (also known as Bulahdelah Mountain) including Aboriginal scatter site, 2 scarred trees, former Alum Mountain House site, Alum Mountain Park, Twin Dams, incline tramway, mullock heap, boiler wall, clay brick crucible and former home site of Rachel Henning (remaining persimmon trees)	Meade Street, eastern side of Pacific Highway (Bulahdelah Mountain Park)	Lot SF 00296; Part of Bulahdelah State Forest off Scott Street	Local	110
Bulahdelah	War Memorial	Meade Street—median strip between Bulahdelah and Crawford Streets	Road reserve	Local	169
Bulahdelah	Tramline Trestle Bridge	Horses Creek, Wang Wauk State Forest (between Upper Myall and Wootton)		Local	18
Bulahdelah	General Cemetery	Corner of Markwell and Red Gum Roads and Mahogany Street	Lot 7015, DP 1002815; Lot 7005, DP 1055396	Local	17
Bungwahl	Old Bungwahl Cemetery	The Lakes Way	Crown land in Lot 7306, DP 1136540	Local	111
Bungwahl	Bungwahl Cemetery	2214–2216 The Lakes Way	Lots 1 and 2, DP 506289	Local	173
Bungwahl	Bungwahl Community Hall, Roll of Honour and Community Memorials	2473 The Lakes Way	Lot 1, DP 950982	Local	174
Bungwahl	St James Anglican Church	2523 The Lakes Way	Lot 1, DP 724147	Local	172
Bungwahl	Bungwahl Public School—administration building and classroom	56 Seal Rocks Road	Lot 479, DP 821624; Lot 1, DP 1048738	Local	171
Carrington	Former soldiers barracks cottage	21 Church Street	Lot 521, DP 540736	Local	114

Carrington	Former St Andrew's Church	25 Church Street	Lot 1, Section K, DP 998506	Local	I13
Carrington	Carrington Boat Harbour and Lime Kiln	Off Pier Street (Cock Renoyo Point)	Lot 46, DP 719492	Local	I15
Carrington	Carrington Cemetery	Tahlee Road	Crown land in Lot 206, DP 1055554	Local	I12
Carrington	Tahlee House Estate group, including main building, reception and ballroom wing, boat harbour, grounds, gardens and Nissen Huts	Tahlee Road	Lot 342, DP 740621	State	I16
Carrington	Corduroy section of Australian Agricultural Company	Tahlee Road to Karuah Road (Karuah Nature Reserve)	Edge of Lot 1, DP 814128 to Yalimbah Creek	Local	I17
Coolongolook	Worth Family Graves (previously Morris Property Graves)	49 Curreeki Creek Road	Southern portion of Lot 11, DP 883955	Local	I18
Darawank	Former Darawank Public School	31 Manns Road (south western boundary)	Lot 121, DP 753207	Local	I19
Failford	The Old Brock House	33 Bullocky Way	Lot B, DP 415592	Local	I20
Failford	Failford House	291 Failford Road	Lot 12, DP 747289	Local	I21
Forster	Angel Close Cemetery	Angel Close	Reserve No 19324; Lot 110, DP 753168	Local	I77
Forster	Breakwater	Cape Hawke Harbour	Adjacent to Lot 7088, DP 1066047 and Lot 44, DP 753168	Local	I82
Forster	Pilot Hill	John Holland Park	Part of Reserve No 79681; Lot 440, DP 40071	Local	I78



Forster	Little Street Waterfront—including wharf, waterside vegetation, the “Little Street Baths” and concrete block from former Albert von Ehlefeldt’s shop and bakery	Little Street foreshore	Lot 7099, DP 1051650; Lot 7102, DP 1051700; Lot 382, DP 753168; Lot 7103, DP 1100390; Lot 7149, DP 1107429	Local	175
Forster	War Memorial	Little Street—Belton Park waterfront	Lot 7378, DP 1157446	Local	176
Forster	Former ferry wharf site	Off Forster side of Memorial Drive	Part of Lot 7098, DP 1051656	Local	179
Forster	Forster Ocean Baths	North Street	Reserve No 66029; Lot 7086, DP 1055392	Local	180
Forster	General Cemetery	Corner of St Albans Place and Strand Street	Lot 7123, DP 1056466; Lot 7079, DP 1075117; Lot 7115, DP 1056467	Local	122
Forster/Tuncurry	Forster-Tuncurry Bridge	Head Street/ Manning Street	Road reserve	Local	181
Hawks Nest	Former ferry approach site—foreshore reserve north of Singing Bridge	Foreshore reserve—Myall River	Adjacent to Lot 1002, DP 1187432	Local	183
Monkerai	Monkerai Bridge over Karuah River	Monkerai Road	Road reserve; off northern part of Lot State 1, DP 798203		184
Monkerai	Monkerai Hall	Moores Road	Lot 1, DP 910544	Local	123
Nabiac	Willow Point Cemetery	Access via Carefree Road	Lot 1, DP 668409; Lot 1, DP 650654; Lot 1, DP 668410; Lot 1, DP 1054152; Lot 7318, DP 1137167; Lot 1, DP 668443	Local	192
Nabiac	Nabiac Public School—administration building and classroom	17 Clarkson Street	Lot 17, DP 753195	Local	187
Nabiac	Former St Paul’s Rectory	21 Clarkson Street	Lots 11 and 12, DP 5687	Local	188

Nabiac	St Paul's Anglican Church	38 Clarkson Street	Lot 3, Section 3, DP 758747	Local	189
Nabiac	War Memorial	70A Clarkson Street	Memorial Reserve No 90741; Lot 6, Section 1, DP 758747	Local	185
Nabiac	Shop and dwelling	77 Clarkson Street	Lot 50, DP 601632	Local	128
Nabiac	Timber mill and Bullocky Wharf site	Nabiac Street—Bullocky Wharf Recreation Reserve	Lot 7011, DP 1028701	Local	186
Nabiac	Showground	Nabiac Street and Showground Lane	Lot 4, DP 1031013	Local	127
Nabiac	Former Hancock's Store	7 Nabiac Street	Lot 1, DP 948711	Local	124
Nabiac	Former ES & A Bank and dwelling	19 Nabiac Street	Lot 12, DP 384311	Local	126
Nabiac	Nabiac Neighbourhood Centre (formerly Nabiac Hospital)	37 Nabiac Street	Lots 2 and 3, DP 7007	Local	125
Nabiac	Nabiac Uniting Church	44 Nabiac Street	Lot 1, DP 618787	Local	191
Nabiac	Dwelling	9 Showground Lane	Lot 1, DP 936568	Local	190
Neranie Head	Neranie Head Cemetery	Myall Lakes National Park (off Seal Rocks Road)	Lot 692, DP 521209	Local	129
Nerong	Old Mill Well site	Whimbrel Drive and Nerong Inlet foreshore	Lot 181, DP 753190 and adjacent foreshore	Local	193
Seal Rocks	Lighthouse ancillary items	Sugarloaf Point (Myall Lakes National Park, off Kinka Road)	Lot 3, DP 847752	Local	132
Seal Rocks	Two lightkeeper's residences	Sugarloaf Point (Myall Lakes National Park, off Kinka Road)	Lot 2, DP 847752	Local	131
Seal Rocks	Sugarloaf Lighthouse	Sugarloaf Point (Myall Lakes National Park, off Kinka Road)	Lot 1, DP 847752	Local	130

Smiths Lake	Anti-landing Pyramids	Wamwarra Bay (opposite 2291 The Lakes Way, Tarbuck Bay)	Lot 7044, DP 1059824	Local	194
Stroud	A.A. Co. Cottage	1 Berkeley Street	Lot 16, DP 705627	Local	133
Stroud	A.A. Co. Cottage	3 Berkeley Street	Lot 15, DP 705627	Local	134
Stroud	A.A. Co. Cottage	5 Berkeley Street	Lot 1, DP 194077	Local	135
Stroud	A.A. Co. Cottage	7 Berkeley Street	Lot 1, DP 745192	Local	136
Stroud	School of Arts	8 Berkeley Street	Lot 4, DP 1098616	Local	153
Stroud	A.A. Co. Cottage	9 Berkeley Street	Lot 1, DP 782050	Local	137
Stroud	Thornleigh—2-storey dwelling	13 Berkeley Street	Lot 1, DP 800052	Local	150
Stroud	Dwelling	39 Berkeley Street	Lot 3, DP 1088361	Local	196
Stroud	Dwelling	46 Berkeley Street	Lot 1, DP 1095460	Local	197
Stroud	Dwelling	51 Berkeley Street	Lot 3, Section N, DP 95902	Local	198
Stroud	Dwelling	6 Bridge Street	Lot 20, DP 1016958	Local	151
Stroud	Silo Hill—underground grain silos and cannons	Broadway Street	Lots 8–11, Section 4, DP 95878	Local	138
Stroud	St Columbanus Catholic Church	Corner of Broadway and Mallon Streets	Lot 1, DP 803474	Local	149
Stroud	Dwelling	27 Cowper Street	Lot 130, DP 544206	Local	199
Stroud	Stroud Showground	36 Cowper Street	Lot 1, DP 719494	Local	1100
Stroud	Stroud House	42 Cowper Street	Lot 75, DP 1063954	State	152
Stroud	Former Bank of NSW (ANZ)	44 Cowper Street	Lot 1, DP 150877	Local	139
Stroud	Central Hotel	52 Cowper Street	Lot 1, DP 1106136	Local	154
Stroud	Post office	59 Cowper Street	Lot 1, DP 753193	Local	142
Stroud	Uniting Church	62 Cowper Street	Lot 1, DP 770116	Local	140
Stroud	Former courthouse	67 Cowper Street	Lot 613, DP 709600	Local	143

Stroud	Baptist Church	70 Cowper Street	Lot 3, DP 1137882; Lot 11, DP 1137838	Local	I41
Stroud	Bowen Chambers (former Council Chambers)	73 Cowper Street	Lot 1, DP 718388	Local	I44
Stroud	St John the Evangelist Anglican Church Group (including Quambi House)	83-87 Cowper Street	Lots 6 and 7, DP 1134158; Lots 91 and 92, DP 584892	State	I45
Stroud	Primary school and residence	15-21 Erin Street	Lot 1, DP 137185; Lots 2 and 3, DP 794878	Local	I48
Stroud	St James Presbyterian Church	25 Erin Street	Lot 4, Section 1, DP 95874	Local	I47
Stroud	War Memorial	Memorial Avenue (near Gloucester Street)	Road reserve	Local	I95
Stroud Road	Washpool	Karuah River (north of Washpool Bridge)	East of Lot 177, DP 95648	Local	I56
Stroud Road	Railway bridge	North Coast Railway Line over Karuah River	Railway reserve	Local	I101
Stroud Road	Stroud Road Community Hall	8 The Bucketts Way	Lot 1, DP 1032311	Local	I103
Stroud Road	Uniting Church	15 The Bucketts Way	Lots 1 and 2, DP 770309	Local	I55
Stroud Road	Former brick kiln site	520 The Bucketts Way	Lot 1, DP 996294	Local	I104
Stroud Road	Stroud Road Public School—classroom and weather shed	733 The Bucketts Way	Lot 1, DP 794883	Local	I102
Tea Gardens	Slipway	Anzac Park (eastern end of foreshore reserve on Marine Drive)	Part of Lot 45, DP 151242	Local	I107
Tea Gardens	War Memorial	Anzac Park—eastern end of foreshore reserve on Marine Drive	Part of Lot 45, DP 151242	Local	I108

Tea Gardens	2 Norfolk Island Pines	Road frontage to 45 Marine Drive	Road reserve	Local	I106
Tea Gardens	Courthouse and police residence	51-53 Marine Drive	Lot 1, DP 780806	Local	I58
Tea Gardens	Large Fig tree	Road frontage to 57 Marine Drive	Road reserve	Local	I105
Tea Gardens	Universal Store	91-95 Marine Drive	Lot 1, DP 1021873	Local	I57
Tea Gardens	Dwelling and former St Andrew's Anglican Church	181 Myall Street	Lot 10, DP 996102	Local	I109
Tea Gardens	General Cemetery	Yalinbah Street	Lots 7003 and 7004, DP 1054204; Lot 7005, DP 1054218	Local	I59
Tea Gardens	Site of original Durness homestead, including Canary Island Palms and gardens surrounding second Durness homestead	Viney Creek Road	Lot 2, DP 1154170	Local	I60
Tea Gardens	Memorial Park—including entry gates	9 Witt Street	Lot 1, DP 719495	Local	I110
Telegherry	Dwelling	501 The Bucketts Way	Lot 1, DP 797984	Local	I111
Tiona	The Green Cathedral—including adjacent wharf remains	4451 The Lakes Way	Lot 7127, DP 1074971	Local	I112
Tuncurry	Former Tuncurry Public School—museum	3 Capel Street	Lot 5, DP 1213611 (Reserve No 91224)	Local	I119
Tuncurry	Memorial Park and former ferry crossing site	Coral Avenue—former ferry crossing site located south of bridge on Tuncurry side	Part of Reserve No 88846; Lot 232, DP 753207	Local	I117

Tuncurry	John Wright Park	Manning Street	Lots 7030 and 7031, DP 1116836; Lot 7044, DP 1116839; Lot 267, DP 753207; Lots 7027 and 7028, DP 1000967; Lot 7029, DP 1116845; Lots A and B, DP 376137	Local	I113
Tuncurry	Slipway—John Wright Park	Manning Street—part of John Wright Park and Tuncurry foreshore	Lot 3, Section 8, DP 759005	Local	I114
Tuncurry	Tokelau	2 Manning Street	SP 67172	Local	I61
Tuncurry	Reorganised Church of Jesus Christ of Latter Day Saints	4 Manning Street	Lot 11, DP 1036872	Local	I62
Tuncurry	2 Norfolk Island Pines	Road frontage near 18–22 Manning Street	Road reserve; near SP 19711 and SP 69922	Local	I116
Tuncurry	Rotunda—including barbecue area	Point Road	Part of Reserve No 88846; Lot 7309, DP 1130452	Local	I118
Tuncurry	Tuncurry House	143 South Street	Lot 2, DP 619110	Local	I63
Tuncurry	6 Canary Island Date Palms	Taree Street—road frontage near Tokelau	Road reserve	Local	I115
Weismantels	Former Weismantels' Inn	1716 The Bucketts Way	Lot 4, DP 803291	Local	I64

## Part 2 Heritage conservation areas

Description	Identification on <a href="#">Heritage Map</a>	Significance
Bulahdelah Conservation Area	Shown edged red with red hatching and labelled "C1"	Local
Bulahdelah Mountain Conservation Area	Shown edged red with red hatching and labelled "C2"	Local
Carrington Conservation Area	Shown edged red with red hatching and labelled "C3"	Local
Nabiac Conservation Area	Shown edged red with red hatching and labelled "C4"	Local
Stroud Conservation Area	Shown edged red with red hatching and labelled "C5"	Local
Tea Gardens Conservation Area	Shown edged red with red hatching and labelled "C6"	Local
Tuncurry Conservation Area	Shown edged red with red hatching and labelled "C7"	Local

## Schedule 6 Pond-based and tank-based aquaculture

(Clause 5.19)

### Part 1 Pond-based and tank-based aquaculture

#### Division 1 Site location requirements

##### 1 Conservation exclusion zones

- (1) Must not be carried out on the following land, except to the extent necessary to gain access to water—
  - (a) land declared an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*,
  - (b) vacant Crown land,
  - (c) land within a wetland of international significance declared under the Ramsar Convention on Wetlands.
- (2) Must not be carried out on the following land, except for the purposes of minimal infrastructure to support the extraction of water from, and discharge of water to, the land concerned—
  - (a) land declared as an aquatic reserve under the *Marine Estate Management Act 2014*,
  - (b) land declared as a marine park under the *Marine Estate Management Act 2014*.

**Note—**

Nothing in this clause affects any requirement under an Act relating to land specified in this clause to obtain a licence or other authority under that Act for development of the land.

#### Division 2 Operational requirements

##### 2 Species selection

Species of fish or marine vegetation cultivated or kept must be consistent with the relevant aquaculture industry development plan (within the meaning of clause 5.19).

##### 3 Pond-based aquaculture that is also intensive aquaculture—pond design

For pond-based aquaculture that is also intensive aquaculture—ponds must be capable of being drained or pumped and then completely dried.

##### 4 Pond-based aquaculture and tank-based aquaculture that is also intensive aquaculture—freshwater discharges

For pond-based aquaculture and tank-based aquaculture that is also intensive

aquaculture—no discharge of freshwater used to intensively cultivate or keep fish to natural waterbodies or wetlands is permitted, except freshwater discharge from open flow through systems.

## **5 Outlets from culture ponds etc**

All outlets from culture ponds, tanks and other culture facilities must be screened to avoid the escape of fish.

## **6 Definition**

In this Division—

**intensive aquaculture** has the same meaning as it has in the [Fisheries Management \(Aquaculture\) Regulation 2017](#).

# **Part 2 Extensive pond-based aquaculture**

## **Division 1 Site location requirements**

### **7 Conservation exclusion zones**

- (1) Must not be carried out on the following land, except to the extent necessary to gain access to water—
  - (a) land declared an area of outstanding biodiversity value under the [Biodiversity Conservation Act 2016](#),
  - (b) vacant Crown land,
  - (c) land within a wetland of international significance declared under the Ramsar Convention on Wetlands.

#### **Note—**

Nothing in this clause affects any requirement under an Act relating to land specified in this clause to obtain a licence or other authority under that Act for development of the land.

### **8 Flood liability**

Must be designed or constructed on land so that it will not be inundated by the discharge of a 1:100 ARI (average recurrent interval) flood event.

## **Division 2 Operational requirements**

### **9 Species selection**

Species of fish or marine vegetation cultivated or kept must be consistent with the relevant aquaculture industry development plan (within the meaning of clause 5.19).



## 10 Pond design

- (1) Must not require the construction of new ponds, water storages, dams or buildings.
- (2) Must not be located on permanent watercourses, creeks, billabongs or isolated outreaches of creeks or rivers.
- (3) Must be capable of preventing the escape of stock into natural waterbodies or wetlands.

## 11 Culture water

Must use freshwater.

## Dictionary

(Clause 1.4)

### Note—

The Act and the [Interpretation Act 1987](#) contain definitions and other provisions that affect the interpretation and application of this Plan.

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

**Aboriginal place of heritage significance** means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the [Heritage Map](#), that is—

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

### Note—

The term may include (but is not limited to) places that are declared under section 84 of the [National Parks and Wildlife Act 1974](#) to be Aboriginal places for the purposes of that Act.

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

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

**Acid Sulfate Soils Map** means the [Great Lakes Local Environmental Plan 2014 Acid Sulfate Soils Map](#).

**Active Street Frontages Map** means the [Great Lakes Local Environmental Plan 2014 Active Street Frontages Map](#).

**Additional Permitted Uses Map** means the [Great Lakes Local Environmental Plan 2014 Additional Permitted Uses Map](#).

**advertisement** has the same meaning as in the Act.

**Note—**

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

**advertising structure** has the same meaning as in the Act.

**Note—**

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

Advertising structures are a type of **signage**—see the definition of that term in this Dictionary.

**affordable housing** has the same meaning as in the Act.

**Note—**

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

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

**Note—**

Agricultural produce industries are a type of **rural industry**—see the definition of that term in this Dictionary.

**agriculture** means any of the following—

- (aaa) agritourism,
- (a) aquaculture,
- (b) extensive agriculture,
- (c) intensive livestock agriculture,
- (d) intensive plant agriculture.

**Note—**

Part 6 of the [Plantations and Reafforestation Act 1999](#) provides that exempt farm forestry within the meaning of that Act is not subject to the [Environmental Planning and Assessment Act 1979](#).

**agritourism** means the following—

- (a) farm gate premises,
- (b) farm experience premises.

**Note—**

Agritourism is a type of **agriculture**—see the definition of that term in this Dictionary.

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

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

**Note—**

Airports are a type of **air transport facility**—see the definition of that term in this Dictionary.

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

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

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

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

**aquaculture** has the same meaning as in the [Fisheries Management Act 1994](#). It includes oyster aquaculture, pond-based aquaculture and tank-based aquaculture.

**Note—**

Aquaculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**archaeological site** means a place that contains one or more relics.

**artisan food and drink industry** means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following—

- (a) a retail area for the sale of the products,
- (b) the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided,
- (c) facilities for holding tastings, tours or workshops.

**Note—**

See clause 5.4 for controls in certain zones relating to the retail floor area of an artisan food and drink industry.

Artisan food and drink industries are a type of **light industry**—see the definition of that term in this Dictionary.

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

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land, and
- (c) none of the dwellings is located above any part of another dwelling.

**Note—**

Attached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

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

**backpackers' accommodation** means a building or place that—

- (a) provides temporary or short-term accommodation on a commercial basis, and
- (b) has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (c) provides accommodation on a bed or dormitory-style basis (rather than by room).

**Note—**

Backpackers' accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

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

**bed and breakfast accommodation** means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where—

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

**Note—**

See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation.

Bed and breakfast accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**bee keeping** means a building or place used for the keeping and breeding of bees for commercial purposes.

**Note—**

Bee keeping is a type of **extensive agriculture**—see the definition of that term in this Dictionary.

**biodiversity** or **biological diversity** means the variety of living animal and plant life from all sources, and includes diversity within and between species and diversity of ecosystems.

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

**Note—**

Biosolids treatment facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

**boarding house** means a building or place—

- (a) that provides residents with a principal place of residence for at least 3 months, and
- (b) that contains shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (c) that contains rooms, some or all of which may have private kitchen and bathroom facilities, and
- (d) used to provide affordable housing, and
- (e) if not carried out by or on behalf of the Land and Housing Corporation—managed by a registered community housing provider,

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

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

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

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

**brothel** has the same meaning as in the Act.

**Note—**

This definition is relevant to the definitions of **home occupation (sex services)** and **sex services premises** in this Dictionary.

**building** has the same meaning as in the Act.

**Note—**

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

**building height** (or **height of building**) means—

- (a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or
- (b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the

highest point of the building,

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

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

**Note—**

Building identification signs are a type of **signage**—see the definition of that term in this Dictionary.

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

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

whichever distance is the shortest.

**bush fire hazard reduction work** has the same meaning as in the [Rural Fires Act 1997](#).

**Note—**

The term is defined as follows—

**bush fire hazard reduction work** means—

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

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

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

**Note—**

The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 10.3(2) of the Act.

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

**business identification sign** means a sign—

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

the business,

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

**Note—**

Business identification signs are a type of **signage**—see the definition of that term in this Dictionary.

**business premises** means a building or place at or on which—

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

and includes funeral homes, goods repair and reuse premises and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

**Note—**

Business premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

**camping ground** means an area of land, with access to communal amenities, used for the short term placement of campervans, tents, annexes or other similar portable and lightweight temporary shelters for accommodation and includes a primitive camping ground but does not include—

- (a) a caravan park, or
- (b) farm stay accommodation.

**canal estate development**—see clause 2.9.

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

**caravan park** means an area of land, with access to communal amenities, used for the installation or placement of caravans, or caravans and other moveable dwellings, but does not include farm stay accommodation.

**Carmona Drive Development Map** means the [Great Lakes Local Environmental Plan 2014 Carmona Drive Development Map](#).

**catchment action plan** has the same meaning as in the [Catchment Management Authorities Act 2003](#).

**Note—**

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

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

**Note—**

Cellar door premises are a type of **farm gate premises**—see the definition of that term in this Dictionary.

**cemetery** means a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.

**centre-based child care facility** means—

- (a) a building or place used for the education and care of children that provides any one or more of the following—
  - (i) long day care,
  - (ii) occasional child care,
  - (iii) out-of-school-hours care (including vacation care),
  - (iv) preschool care, or
- (b) an approved family day care venue (within the meaning of the *Children (Education and Care Services) National Law (NSW)*),

**Note—**

An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the *Children (Education and Care Services) National Law (NSW)*) is provided.

but does not include—

- (c) a building or place used for home-based child care or school-based child care, or
- (d) an office of a family day care service (within the meanings of the *Children (Education and Care Services) National Law (NSW)*), or
- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or
- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

**Note—**

Centre-based child care facilities are a type of **early education and care facility**—see the definition of that term in this Dictionary.

**charter and tourism boating facility** means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but



does not include a marina.

**classified road** has the same meaning as in the [Roads Act 1993](#).

**Note—**

The term is defined as follows—

**classified road** means any of the following—

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

(See [Roads Act 1993](#) for meanings of these terms.)

**clearing native vegetation** has the same meaning as in Part 5A of the [Local Land Services Act 2013](#).

**clearing vegetation** has the same meaning as in [State Environmental Planning Policy \(Biodiversity and Conservation\) 2021](#), Chapter 2.

**coastal hazard** has the same meaning as in the [Coastal Management Act 2016](#).

**coastal lake** means a body of water identified in [State Environmental Planning Policy \(Resilience and Hazards\) 2021](#), Schedule 1.

**coastal protection works** has the same meaning as in the [Coastal Management Act 2016](#).

**Coastal Risk Planning Map** means the [Great Lakes Local Environmental Plan 2014 Coastal Risk Planning Map](#).

**coastal waters of the State**—see section 58 of the [Interpretation Act 1987](#).

**coastal zone** has the same meaning as in the [Coastal Management Act 2016](#).

**co-living housing** means a building or place that—

- (a) has at least 6 private rooms, some or all of which may have private kitchen and bathroom facilities, and
- (b) provides occupants with a principal place of residence for at least 3 months, and
- (c) has shared facilities, such as a communal living room, bathroom, kitchen or laundry, maintained by a managing agent, who provides management services 24 hours a day,

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

**Note—**

Co-living housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

**commercial farm** means a farm on which agriculture is undertaken that is—

- (a) on land categorised as farmland under the *Local Government Act 1993*, section 515, or
- (b) a primary production business within the meaning of the *Income Tax Assessment Act 1997* of the Commonwealth, or part of a primary production business, including a business that—
  - (i) was a primary production business, and
  - (ii) has temporarily ceased to be a primary production business because of a natural disaster, including a drought, flood or bush fire.

**commercial premises** means any of the following—

- (a) business premises,
- (b) office premises,
- (c) retail premises.

**community facility** means a building or place—

- (a) owned or controlled by a public authority or non-profit community organisation, and
  - (b) used for the physical, social, cultural or intellectual development or welfare of the community,
- but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

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

**correctional centre** means—

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

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

**Council** means the Mid-Coast Council.

**creative industry** means a building or place the principal purpose of which is to produce or demonstrate arts, crafts, design or other creative products, and includes artists' studios, recording studios, and set design and production facilities.

**Note—**

Creative industries are a type of **light industry**—see the definition of that term in this Dictionary.

**crematorium** means a building or place in which deceased persons or pets are cremated or processed by alkaline hydrolysis, whether or not the building or place contains an associated building for conducting memorial services.

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

**dairy (pasture-based)** means a dairy that is conducted on a commercial basis where the only restriction facilities present are milking sheds and holding yards and where cattle generally feed by grazing on living grasses and other plants on the land and are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

**Note—**

Dairies (pasture-based) are a type of **extensive agriculture**—see the definition of that term in this Dictionary.

**dairy (restricted)** means a dairy that is conducted on a commercial basis where restriction facilities (in addition to milking sheds and holding yards) are present and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief). It may comprise the whole or part of a restriction facility.

**Note—**

Dairies (restricted) are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

**data centre** means a building or place the principal purpose of which is to collect, distribute, process or store electronic data using information technology.

**Note—**

Data centres are a type of **high technology industry**—see the definition of that term in this Dictionary.

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

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

**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).

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

**Drinking Water Catchment Map** means the [Great Lakes Local Environmental Plan 2014 Drinking Water Catchment Map](#).

**dual occupancy** means a dual occupancy (attached) or a dual occupancy (detached).

**Note—**

Dual occupancies are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**dual occupancy (attached)** means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

**Note—**

Dual occupancies (attached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

**dual occupancy (detached)** means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

**Note—**

Dual occupancies (detached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

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

**Dwelling Density Map** means the [Great Lakes Local Environmental Plan 2014 Dwelling Density Map](#).

**dwelling house** means a building containing only one dwelling.

**Note—**

Dwelling houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**early education and care facility** means a building or place used for the education and care of children, and includes any of the following—

- (a) a centre-based child care facility,
- (b) home-based child care,
- (c) school-based child care.

**earthworks** means excavation or filling.

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

**eco-tourist facility** means a building or place that—

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and

- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

**Note—**

See clause 5.13 for requirements in relation to the granting of development consent for eco-tourist facilities.

Eco-tourist facilities are not a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

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

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

**electricity generating works** means a building or place used for the purpose of—

- (a) making or generating electricity, or
- (b) electricity storage.

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

**emergency services organisation** means any of the following—

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

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

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

**environmental protection works** means works associated with the rehabilitation of land towards its

natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.

**estuary** has the same meaning as in the [Water Management Act 2000](#).

**Note—**

The term is defined as follows—

**estuary** means—

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

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

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

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

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

**extensive agriculture** means any of the following—

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock (other than pigs and poultry) for commercial purposes on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the livestock,
- (c) bee keeping,
- (d) a dairy (pasture-based) where the animals generally feed by grazing on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the animals.

**Note—**

Extensive agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**extractive industry** means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing,

stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

**Note—**

Extractive industries are not a type of *industry*—see the definition of that term in this Dictionary.

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

**farm building** means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

**farm experience premises** means a building or place—

- (a) on a commercial farm, and
- (b) ancillary to the farm, and
- (c) used to provide visitors to the farm, on a commercial basis, with small-scale and low-impact tourist or recreational activities, including the following, but not including motor sports—
  - (i) horse riding,
  - (ii) farm tours,
  - (iii) functions or conferences,
  - (iv) farm field days.

**Note—**

Farm experience premises are a type of *agritourism*—see the definition of that term in this Dictionary.

**farm gate premises—**

- (a) means a building or place—
  - (i) on a commercial farm, and
  - (ii) ancillary to the farm, and
  - (iii) used to provide visitors to the farm, on a commercial basis, with agricultural products predominantly from the farm, supplemented by products from other farms in the region, or with services or activities related to the products, including the following—
    - (A) processing, packaging and sale of the products, but not the processing of animals,
    - (B) the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided,
    - (C) tastings or workshops,
    - (D) the provision of information or education related to the products, and

(b) includes cellar door premises.

**Note—**

Farm gate premises are a type of **agritourism**—see the definition of that term in this Dictionary.

**farm stay accommodation** means a building or place—

(a) on a commercial farm, and

(b) ancillary to the farm, and

(c) used to provide temporary accommodation to paying guests of the farm, including in buildings or moveable dwellings.

**Note—**

Farm stay accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**feedlot** means a confined or restricted area that is operated on a commercial basis to rear and fatten cattle, sheep or other animals, but does not include a poultry farm, dairy or pig farm.

**Note—**

Feedlots are a type of **intensive livestock agriculture**. Intensive livestock agriculture does not include **extensive agriculture**. See the definitions of those terms in this Dictionary.

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

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

(b) the use of land as a waste disposal facility.

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

(a) still photography, or

(b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or

(c) recording images as a visitor or tourist for non-commercial purposes, or

(d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

**fish** has the same meaning as in the [Fisheries Management Act 1994](#).

**Note—**

The term is defined as follows—

**Definition of “fish”**



(1)

**Fish** means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).

(2)

**Fish** includes—

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

(3)

**Fish** also includes any part of a fish.

(4)

However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the [Fisheries Management Act 1994](#).

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

**floor space ratio**—see clause 4.5.

**Floor Space Ratio Map** means the [Great Lakes Local Environmental Plan 2014 Floor Space Ratio Map](#).

**food and drink premises** means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

**Note—**

Food and drink premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**Foreshore Building Line Map** means the [Great Lakes Local Environmental Plan 2014 Foreshore Building Line Map](#).

**forestry** means forestry operations within the meaning of the [Forestry Act 2012](#) or Part 5B of the [Local Land Services Act 2013](#).

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

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

**funeral home** means premises that are used to arrange, conduct and cater for funerals and memorial services, whether or not the premises include facilities for the short-term storage, dressing and viewing of bodies of deceased persons.

**Note—**

Funeral homes are a type of **business premises**—see the definition of that term in this Dictionary.

**garden centre** means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may include a restaurant or cafe and the sale of any of the following—

- (a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,
- (b) pets and pet supplies,
- (c) fresh produce.

**Note—**

Garden centres are a type of **retail premises**—see the definition of that term in this Dictionary.

**general industry** means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

**Note—**

General industries are a type of **industry**—see the definition of that term in this Dictionary.

**goods repair and reuse premises** means a building or place the principal purpose of which is to collect, repair or refurbish goods, including furniture and appliances, for the purposes of sale, hire or swap, and includes premises known as op shops.

**Note—**

Goods repair and reuse premises are a type of **business premises**—see the definition of that term in this Dictionary.

**gross floor area** means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

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

but excludes—

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

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

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

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

**group home** means a permanent group home or a transitional group home.

**Note—**

Group homes are a type of **residential accommodation**—see the definition of that term in this Dictionary.

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

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

but does not include development to which [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 3, Part 5 applies.

**Note—**

Permanent group homes are a type of **group home**—see the definition of that term in this Dictionary.

**group home (transitional) or transitional group home** means a dwelling—

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and

- (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

but does not include development to which [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 3, Part 5 applies.

**Note—**

Transitional group homes are a type of **group home**—see the definition of that term in this Dictionary.

**hardware and building supplies** means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

**Note—**

Hardware and building supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

**hazardous industry** means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), pose a significant risk in the locality—

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

**Note—**

Hazardous industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

**hazardous storage establishment** means a building or place that is used for the storage of goods, materials or products and that would, 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 building or place from existing or likely future development on other land in the locality), pose a significant risk in the locality—

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

**Note—**

Hazardous storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

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

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

**health consulting rooms** means premises comprising one or more rooms within (or within the

curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.

**Note—**

Health consulting rooms are a type of **health services facility**—see the definition of that term in this Dictionary.

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

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

**heavy industrial storage establishment** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and that requires separation from other development because of the nature of the processes involved, or the goods, materials, plant or machinery stored, and includes any of the following—

- (a) a hazardous storage establishment,
- (b) a liquid fuel depot,
- (c) an offensive storage establishment.

**heavy industry** means a building or place used to carry out an industrial activity that requires separation from other development because of the nature of the processes involved, or the materials used, stored or produced, and includes—

- (a) hazardous industry, or
- (b) offensive industry.

It may also involve the use of a hazardous storage establishment or offensive storage establishment.

**Note—**

Heavy industries are a type of **industry**—see the definition of that term in this Dictionary.

**Height of Buildings Map** means the [Great Lakes Local Environmental Plan 2014 Height of Buildings Map](#).

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

**heliport** means a place open to the public that is 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.

**Note—**

Heliports are a type of **air transport facility**—see the definition of that term in this Dictionary.

**heritage conservation area** means an area of land of heritage significance—

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

**heritage conservation management plan** means a document prepared in accordance with guidelines prepared by the Public Service agency responsible to the Minister administering the [Heritage Act 1977](#) that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

**heritage impact statement** means a document consisting of—

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

**heritage item** means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

**Note—**

An inventory of heritage items is also available at the office of the Council.

**heritage management document** means—

- (a) a heritage conservation management plan, or
- (b) a heritage impact statement, or
- (c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Heritage Map** means the [Great Lakes Local Environmental Plan 2014 Heritage Map](#).

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

**high technology industry** means a building or place predominantly used to carry out an industrial activity that involves any of the following—

- (a) electronic or micro-electronic systems, goods or components,
- (b) information technology (such as computer software or hardware),

- (c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,
  - (d) biological, pharmaceutical, medical or paramedical systems, goods or components,
  - (e) film, television or multi-media technologies, including any post production systems, goods or components,
  - (f) telecommunications systems, goods or components,
  - (g) sustainable energy technologies,
  - (h) any other goods, systems or components intended for use in a science or technology related field,
- and includes a data centre, but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.

**Note—**

High technology industries are a type of **light industry**—see the definition of that term in this Dictionary.

**highway service centre** means a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following—

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

**home-based child care** means a family day care residence (within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#)) at which the education and care service is provided at any one time to no more than 7 children (including any child of the person providing the service) all of whom are under the age of 13 years and no more than 4 of whom are children who do not ordinarily attend school.

**Note 1—**

A family day care residence is a residence at which a family day care educator educates and cares for children as part of a family day care service—see the [Children \(Education and Care Services\) National Law \(NSW\)](#).

**Note 2—**

Home-based child care is a type of **early education and care facility**—see the definition of that term in this Dictionary.

**home business** means a business, whether or not involving the sale of items online, carried on in a dwelling, or in a building ancillary to a dwelling, by 1 or more permanent residents of the dwelling and not involving the following—

- (a) the employment of more than 2 persons other than the residents,
- (b) interference with the amenity of the neighbourhood because 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,

- (c) the exposure to view, from adjacent premises or from a public place, of unsightly matter,
- (d) the exhibition of signage, other than a business identification sign,
- (e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing,

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

**Note—**

See clause 5.4 for controls relating to the floor area used for a home business.

**home industry** means an industrial activity, whether or not involving the sale of items online, carried on in a dwelling, or in a building ancillary to a dwelling, by 1 or more permanent residents of the dwelling and not involving the following—

- (a) the employment of more than 2 persons other than the residents,
- (b) interference with the amenity of the neighbourhood because 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,
- (c) the exposure to view, from adjacent premises or from a public place, of unsightly matter,
- (d) the exhibition of signage, other than a business identification sign,
- (e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing,

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

**Note—**

See clause 5.4 for controls relating to the floor area used for a home industry.

Home industries are a type of **light industry**—see the definition of that term in this Dictionary.

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

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, 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 signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,



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

**home occupation (sex services)** means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve—

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
- (c) the exhibition of any signage, or
- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

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

**horticulture** means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include a plant nursery, turf farming or viticulture.

**Note—**

Horticulture is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

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

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

**Note—**

Hospitals are a type of **health services facility**—see the definition of that term in this Dictionary.

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

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

**Note—**

Hostels are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**hotel or motel accommodation** means a building or place (whether or not licensed premises under the [Liquor Act 2007](#)) that provides temporary or short-term accommodation on a commercial basis and that—

- (a) comprises rooms or self-contained suites, and
  - (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,
- but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

**Note—**

Hotel or motel accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**independent living unit** means a dwelling or part of a building, whether or not attached to another dwelling—

- (a) used to house seniors or people with a disability, and
- (b) containing private facilities for cooking, sleeping and bathing, and
- (c) where clothes washing facilities or other facilities for use in connection with the dwelling or part of a building may be provided on a shared basis,

but does not include a hostel.

**Note—**

Independent living units are a type of **seniors housing**—see the definition of that term in this Dictionary.

**industrial activity** means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

**industrial retail outlet** means a building or place that—

- (a) is used in conjunction with an industry (other than an artisan food and drink industry) or rural industry, and

- (b) is situated on the land on which the industry or rural industry is located, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located,

but does not include a warehouse or distribution centre.

**Note—**

See clause 5.4 for controls relating to the retail floor area of an industrial retail outlet.

**industrial training facility** means a building or place used in connection with vocational training in an activity (such as forklift or truck driving, welding or carpentry) that is associated with an industry, rural industry, extractive industry or mining, but does not include an educational establishment, business premises or retail premises.

**industry** means any of the following—

- (a) general industry,
- (b) heavy industry,
- (c) light industry,

but does not include—

- (d) rural industry, or
- (e) extractive industry, or
- (f) mining.

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

**intensive livestock agriculture** means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses, sheep or other livestock, and includes any of the following—

- (a) dairies (restricted),
- (b) feedlots,
- (c) pig farms,
- (d) poultry farms,

but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.

**Note—**

Intensive livestock agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**intensive plant agriculture** means any of the following—

- (a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder

crops),

(b) horticulture,

(c) turf farming,

(d) viticulture.

**Note—**

Intensive plant agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

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

**kiosk** means premises that are used for the purposes of selling food, light refreshments and other small convenience items.

**Note—**

See clause 5.4 for controls relating to the gross floor area of a kiosk.

Kiosks are a type of **retail premises**—see the definition of that term in this Dictionary.

**Land Application Map** means the [Great Lakes Local Environmental Plan 2014 Land Application Map](#).

**Land Reservation Acquisition Map** means the [Great Lakes Local Environmental Plan 2014 Land Reservation Acquisition Map](#).

**Land Zoning Map** means the [Great Lakes Local Environmental Plan 2014 Land Zoning Map](#).

**landholding** means an area of land—

(a) constituted or worked as a single property, and

(b) if comprising more than 1 lot—the lots are—

(i) contiguous, or

(ii) separated only by a road or watercourse.

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

**landscaping material supplies** means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

**Note—**

Landscaping material supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

**light industry** means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following—

- (a) high technology industry,
- (b) home industry,
- (c) artisan food and drink industry,
- (d) creative industry.

**Note—**

Light industries are a type of **industry**—see the definition of that term in this Dictionary.

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

**Note—**

Liquid fuel depots are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

**livestock processing industry** means a building or place used for the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals and includes abattoirs, knackeries, tanneries, woolscours and rendering plants.

**Note—**

Livestock processing industries are a type of **rural industry**—see the definition of that term in this Dictionary.

**local distribution premises** means a building or place used for the storage or handling of items (whether goods or materials) pending their delivery to people and businesses in the local area, but from which no retail sales are made.

**Lot Size Map** means the [Great Lakes Local Environmental Plan 2014 Lot Size Map](#).

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

**manufactured home** has the same meaning as in the [Local Government Act 1993](#).

**marina** means a permanent boat storage facility (whether located wholly on land, wholly on a waterway or partly on land and partly on a waterway), and includes any of the following associated facilities—

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

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

**Note—**

Markets are a type of **retail premises**—see the definition of that term in this Dictionary.

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

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

**Note—**

Medical centres are a type of **health services facility**—see the definition of that term in this Dictionary.

**mezzanine** means an intermediate floor within a room.

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

**mine subsidence district** means a mine subsidence district proclaimed under section 15 of the [Mine Subsidence Compensation Act 1961](#).

**Mineral Resource Area Map** means the [Great Lakes Local Environmental Plan 2014 Mineral Resource Area Map](#).

**mining** means mining carried out under the [Mining Act 1992](#) or the recovery of minerals under the [Offshore Minerals Act 1999](#), and includes—

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

**Note—**

Mining is not a type of **industry**—see the definition of that term in this Dictionary.

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

**mooring** means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel, but does not include a mooring pen.

**mooring pen** means an arrangement of freestanding piles or other restraining devices designed or used for the purpose of berthing a vessel.

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

**moveable dwelling** has the same meaning as in the [Local Government Act 1993](#).

**Note—**

The term is defined as follows—

**moveable dwelling** means—

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

**multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

**Note—**

Multi dwelling housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

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

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

**native vegetation** has the same meaning as in Part 5A of the [Local Land Services Act 2013](#).

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

**neighbourhood shop** means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, but does not include neighbourhood supermarkets or restricted premises.

**Note—**

See clause 5.4 for controls relating to the retail floor area of neighbourhood shops.

Neighbourhood shops are a type of **shop**—see the definition of that term in this Dictionary.

**neighbourhood supermarket** means premises the principal purpose of which is the sale of groceries and foodstuffs to provide for the needs of people who live or work in the local area.

**Note—**

See clause 5.4 for controls relating to the gross floor area of neighbourhood supermarkets.

Neighbourhood supermarkets are a type of **shop**—see the definition of that term in this Dictionary.

**nominated State heritage item** means a heritage item that—

- (a) has been identified as an item of State significance in a publicly exhibited heritage study adopted by the Council, and

(b) the Council has, by notice in writing to the Heritage Council, nominated as an item of potential State significance.

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

**North Tuncurry Urban Release Area** means the land identified as “North Tuncurry Urban Release Area” on the [Urban Release Area Map](#).

**offensive industry** means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

**Note—**

Offensive industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

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

**Note—**

Offensive storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

**office premises** means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

**Note—**

Office premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

**open cut mining** means mining carried out on, and by excavating, the earth’s surface, but does not include underground mining.

**operational land** has the same meaning as in the [Local Government Act 1993](#).

**oyster aquaculture** means the cultivation of any species of edible oyster for a commercial purpose.

**Note—**

Oyster aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary.

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

**passenger transport facility** means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or



routine servicing of any vehicle that uses the building or place.

**people who are socially disadvantaged** means—

- (a) people who are disadvantaged because of their alcohol or drug dependence, extreme poverty, psychological disorder or other similar disadvantage, or
- (b) people who require protection because of domestic violence or upheaval.

**people with a disability** means people of any age who, as a result of having an intellectual, psychiatric, sensory, physical or similar impairment, or a combination of such impairments, either permanently or for an extended period, have substantially limited opportunities to enjoy full and active lives.

**pig farm** means land that is used to keep or breed pigs for animal production, whether an indoor, outdoor, free-range or other type of operation.

**Note—**

Pig farms are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

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

**plant nursery** means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

**Note—**

Plant nurseries are a type of **retail premises**—see the definition of that term in this Dictionary.

**pond-based aquaculture** means aquaculture undertaken predominantly in ponds, raceways or dams (including any part of the aquaculture undertaken in tanks such as during the hatchery or depuration phases), but not including natural water-based aquaculture.

**Note—**

Pond-based aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary. Typical pond-based aquaculture is the pond culture of prawns, yabbies or silver perch.

**port facilities** means any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the [Ports and Maritime Administration Act 1995](#)—

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

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

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

**poultry farm** means land that is used to keep or breed poultry for animal production, whether for meat or egg production (or both) and whether an indoor, outdoor, free-range or other type of operation.

**Note—**

Poultry farms are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

**primitive camping ground** means a camping ground approved under the [Local Government Act 1993](#), Chapter 7, Part 1 as a primitive camping ground.

**Note—**

Primitive camping ground is a type of **camping ground**—see the definition of that term in this Dictionary.

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

**property vegetation plan** mean a property vegetation plan approved under Part 4 of the [Native Vegetation Act 2003](#) before the repeal of that Act (as continued in force by the regulations under the [Biodiversity Conservation Act 2016](#)).

**Protection of Wildlife Corridors Map** means the [Great Lakes Local Environmental Plan 2014 Protection of Wildlife Corridors Map](#).

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

**Note—**

Pubs are a type of **food and drink premises**—see the definition of that term in this Dictionary.

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

**public authority** has the same meaning as in the Act.

**public land** has the same meaning as in the [Local Government Act 1993](#).

**public reserve** has the same meaning as in the [Local Government Act 1993](#).

**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** means any of the following undertakings carried on or permitted to be carried on by or by authority of any Public Service agency or under the authority of or in pursuance of any Commonwealth or State Act—

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

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

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

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

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

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

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

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

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

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

**registered club** means a club that holds a club licence under the [Liquor Act 2007](#).

**registered community housing provider** has the same meaning as in the [Community Housing](#)

*Providers (Adoption of National Law) Act 2012*, section 13.

**relic** has the same meaning as in the *Heritage Act 1977*.

**Note—**

The term is defined as follows—

**relic** means any deposit, artefact, object or material evidence that—

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance.

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

**residential accommodation** means a building or place used predominantly as a place of residence, and includes any of the following—

- (a) attached dwellings,
- (b) boarding houses,
- (baa) co-living housing,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (faa) (Repealed)
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

**residential care facility** means accommodation for seniors or people with a disability that includes—

- (a) meals and cleaning services, and

(b) personal care or nursing care, or both, and

(c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

but does not include a dwelling, hostel, hospital or psychiatric facility.

**Note—**

Residential care facilities are a type of **seniors housing**—see the definition of that term in this Dictionary.

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

**Note—**

Residential flat buildings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

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

**Note—**

Resource recovery facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

**respite day care centre** means a building or place that is used for the care of seniors or people who have a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.

**restaurant or cafe** means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided, but does not include the preparation and serving of food and drink to people that occurs as part of—

(a) an artisan food and drink industry, or

(b) farm gate premises.

**Note—**

Restaurants or cafes are a type of **food and drink premises**—see the definition of that term in this Dictionary.

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

**restriction facilities** means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

**retail premises** means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or

materials (or whether also sold by wholesale), and includes any of the following—

- (a), (b) (Repealed)
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (la) specialised retail premises,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include farm gate premises, highway service centres, service stations, industrial retail outlets or restricted premises.

**Note—**

Retail premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

**road** means a public road or a private road within the meaning of the [Roads Act 1993](#), and includes a classified road.

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

**Note—**

See clause 5.4 for controls relating to the gross floor area of roadside stalls.

Roadside stalls are a type of **retail premises**—see the definition of that term in this Dictionary.

**rural industry** means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following—

- (a) agricultural produce industries,
- (b) livestock processing industries,

- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

**Note—**

Rural industries are not a type of **industry**—see the definition of that term in this Dictionary.

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

**Note—**

Rural supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

**rural worker's dwelling** means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land.

**Note—**

Rural workers' dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

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

**Note—**

Sawmill or log processing works are a type of **rural industry**—see the definition of that term in this Dictionary.

**school** means a government school or non-government school within the meaning of the [Education Act 1990](#).

**Note—**

Schools are a type of **educational establishment**—see the definition of that term in this Dictionary.

**school-based child care** means a building or place within a school that is used to provide out-of-school-hours care (including vacation care) for school children only.

**Note 1—**

Accordingly, a building or place within a school that is used to provide out-of-school-hours care for both school children and pre-school children is not school-based child care.

**Note 2—**

School-based child care is a type of **early education and care facility**—see the definition of that term in this Dictionary.

**secondary dwelling** means a self-contained dwelling that—

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land as the principal dwelling, and

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

**Note—**

See clauses 5.4 and 5.5 for controls relating to the total floor area of secondary dwellings.

Secondary dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

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

**Note—**

Self-storage units are a type of **storage premises**—see the definition of that term in this Dictionary.

**semi-detached dwelling** means a dwelling that is on its own lot of land and is attached to only one other dwelling.

**Note—**

Semi-detached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**seniors housing** means a building or place that is—

- (a) a residential care facility, or
- (b) a hostel within the meaning of *State Environmental Planning Policy (Housing) 2021*, Chapter 3, Part 5, or
- (c) a group of independent living units, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),  
and that is, or is intended to be, used permanently for—
  - (e) seniors or people who have a disability, or
  - (f) people who live in the same household with seniors or people who have a disability, or
  - (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

**Note—**

Seniors housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

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

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



(e) the ancillary retail selling or hiring of general merchandise or services or both.

**serviced apartment** means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

**Note—**

Serviced apartments are a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**Seven Mile Beach Development Map** means the [Great Lakes Local Environmental Plan 2014 Seven Mile Beach Development Map](#).

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

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

**Note—**

Sewage reticulation systems are a type of **sewerage system**—see the definition of that term in this Dictionary.

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

**Note—**

Sewage treatment plants are a type of **sewerage system**—see the definition of that term in this Dictionary.

**sewerage system** means any of the following—

- (a) biosolids treatment facility,
- (b) sewage reticulation system,
- (c) sewage treatment plant,
- (d) water recycling facility,
- (e) a building or place that is a combination of any of the things referred to in paragraphs (a)–(d).

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

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

**shop** means premises that sell merchandise such as groceries, personal care products, clothing,

music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.

**Note—**

Shops are a type of **retail premises**—see the definition of that term in this Dictionary.

**shop top housing** means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.

**Note—**

Shop top housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

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

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign or traffic control facilities.

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

**Note—**

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

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

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

**small bar** means a small bar within the meaning of the [Liquor Act 2007](#).

**Note—**

Small bars are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**spa pool** has the same meaning as in the [Swimming Pools Act 1992](#).

**Note—**

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

**specialised retail premises** means a building or place the principal purpose of which is the sale, hire or display of goods that are of a size, weight or quantity, that requires—

- (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 or unloading such goods into or from their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale, hire or display of other goods referred to in this definition.

**Note—**

Examples of goods that may be sold at specialised retail premises include automotive parts and accessories, household appliances and fittings, furniture, homewares, office equipment, outdoor and recreation equipment, pet supplies and party supplies.

Specialised retail premises are a type of **retail premises**—see the definition of that term in this Dictionary.

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

**Note—**

Stock and sale yards are a type of **rural industry**—see the definition of that term in this Dictionary.

**storage premises** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment, local distribution premises or a warehouse or distribution centre.

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

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

**swimming pool** has the same meaning as in the [Swimming Pools Act 1992](#).

**Note—**

The term is defined as follows—

**swimming pool** means an excavation, structure or vessel—

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

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

**take away food and drink premises** means premises that are predominantly used for the

preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

**Note—**

Take away food and drink premises are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**tank-based aquaculture** means aquaculture undertaken exclusively in tanks, but not including natural water-based aquaculture.

**Note—**

Tank-based aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary. Typical tank-based aquaculture is the tank culture of barramundi or abalone.

**telecommunications facility** means—

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing used in or in connection with a telecommunications network.

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

**temporary structure** has the same meaning as in the Act.

**Note—**

The term is defined as follows—

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

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

**timber yard** means a building or place the principal purpose of which is the sale of sawn, dressed or treated timber, wood fibre boards or similar timber products. It may include the cutting of such timber, boards or products to order and the sale of hardware, paint, tools and materials used in conjunction with the use and treatment of timber.

**Note—**

Timber yards are a type of **retail premises**—see the definition of that term in this Dictionary.

**tourist and visitor accommodation** means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following—

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,

- (e) serviced apartments,
- but does not include—
- (f) camping grounds, or
- (g) caravan parks, or
- (h) eco-tourist facilities.

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

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

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

**Note—**

Turf farming is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

**underground mining** means—

- (a) mining carried out beneath the earth's surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and
- (b) shafts, drill holes, gas and water drainage works, surface rehabilitation works and access pits associated with that mining (whether carried out on or beneath the earth's surface),

but does not include open cut mining.

**urban release area** means the area of land identified as “Urban Release Area” on the [Urban Release Area Map](#).

**Urban Release Area Map** means the [Great Lakes Local Environmental Plan 2014 Urban Release Area Map](#).

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

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

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

**Note—**

Vehicle sales or hire premises are a type of **retail premises**—see the definition of that term in this Dictionary.

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

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

**Note—**

Viticulture is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

**warehouse or distribution centre** means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, but does not include local distribution premises.

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

**Note—**

Waste disposal facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

**waste or resource management facility** means any of the following—

- (a) a resource recovery facility,
- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

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

**Note—**

Waste or resource transfer stations are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

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

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

- (a) retention structures, and
- (b) treatment works, and

(c) irrigation schemes.

**Note—**

Water recycling facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

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

**Note—**

Water reticulation systems are a type of **water supply system**—see the definition of that term in this Dictionary.

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

**Note—**

Water storage facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

**water supply system** means any of the following—

- (a) a water reticulation system,
- (b) a water storage facility,
- (c) a water treatment facility,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

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

**Note—**

Water treatment facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

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

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

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

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

**Watercourse Map** means the [Great Lakes Local Environmental Plan 2014 Watercourse Map](#).

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

**wetland** means—

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

**Wetlands Map** means the [Great Lakes Local Environmental Plan 2014 Wetlands Map](#).

**wharf or boating facilities** means a wharf or any of the following facilities associated with a wharf or boating that are not port facilities—

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

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

**Winda Woppa Coastal Development Map** means the [Great Lakes Local Environmental Plan 2014 Winda Woppa Coastal Development Map](#).