

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

1. What are the objectives of the zone?

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

- (a) promotes worthwhile community benefits; and
- (b) does not reduce the amount and distribution of public open space areas below acceptable levels and standards which meet the needs of the community; and
- (c) does not have an unacceptable impact on the amenity of adjacent areas.

2. What is permitted without development consent?

Development for the purpose of:

landscaping, gardening or bush fire hazard reduction.

3. What is permitted only with development consent?

Development for the purpose of:

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

4. What is prohibited?

Any development not included in Item 2 or 3.

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

1. What are the objectives of the zone?

The objective of the zone is to restrict the type and scale of development to that which is compatible with the special ecological or scientific values of coastal wetlands and littoral rainforests and which is unlikely to:

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

(Amendment No. 25)

2. What is permitted without development consent?

Nil.

3. What is permitted only with development consent?

Development for the purpose of:

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

Development that promotes the scientific or educational value of wetlands.

4. What is prohibited?

Any development not included in Item 2 or 3.

Zone No. 7(b) — Conservation

1. What are the objectives of the zone?

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

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

(Amendment No. 25)

2. What is permitted without development consent?

Development for the purpose of:

Nil. *(Amendment No. 28)*

3. What is permitted only with development consent?

Development for the purpose of:

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

4. What is prohibited?

Any development not included in Item 2 or 3.

Zone No. 7(c) — Scenic Protection

1. What are the objectives of the zone?

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

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

2. What is permitted without development consent?

Development for the purpose of:

Nil. *(Amendment No. 28)*

3. What is permitted only with development consent?

Any development not included in Item 2 or 4.

4. What is prohibited?

Development for the purpose of:

abattoirs; bulky goods salesrooms or showrooms; commercial premises; entertainment facilities; generating works; industries (other than extractive industries or rural industries); materials recycling yards; medical centres; multiple dwellings; off-site promotional signs; residential flat buildings; transport terminals; vehicle body repair workshops; vehicle repair stations; warehouses. (Amendment No. 28)

Zone No. 7(f1) — Coastal Lands Protection

1. What are the objectives of the zone?

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

(Amendment No. 25)

2. What is permitted without development consent?

Nil.

3. What is permitted only with development consent?

Development for the purpose of:

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

4. What is prohibited?

Any development not included in Item 2 or 3.

Zone No. 7(f2) — Coastal Lands Acquisition

1. What are the objectives of the zone?

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

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

(Amendment No. 25)

2. What is permitted without development consent?

Nil.

3. What is permitted only with development consent?

Development for the purpose of:

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

4. What is prohibited?

Any development not included in Item 2 or 3.

Zone No. 8(a) National Parks and State Recreation Area

1. What are the objectives of the zone?

The objectives of the zone are -

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

2. What is permitted without development consent?

Development for the purpose of:

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

3. What is permitted only with development consent?

Nil.

4. What is prohibited?

Any development not included in Item 2.

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

1. What are the objectives of the zone?

The objectives of the zone are -

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

2. What is permitted without development consent?

Nil.

3. What is permitted only with development consent?

Development for the purpose of:

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

4. What is prohibited?

Any development not included in Item 3.

3 — SPECIAL PROVISIONS

9 — SUSPENSION OF RESTRICTIONS

Objective of Provision

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

Suspension of covenants, agreements and similar instruments

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

10 — TREE PRESERVATION

Objective of Provision

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

Tree preservation

- (1) The Council may make, revoke or amend a tree preservation order.
- (2) A person must not carry out or permit or direct or cause any ringbarking, cutting down, topping, lopping, removing or willful destruction of any tree or trees to which a tree preservation order applies without the consent of the Council. This does not apply to or in respect of -
 - (a) trees within a State forest, or within a timber or forest reserve, within the meaning of the Forestry Act 1916; or
 - (b) trees in a national park within the meaning of the National Parks and Wildlife Act 1974; or
 - (c) action required by clause 23 or 24 of the Electricity (Overhead Line Safety) Regulation 1991; or
 - (d) plants declared to be noxious weeds under the Noxious Weeds Act 1993; or
 - (e) trees within a fuel free zone within the meaning of the document entitled "Planning for Bush Fire Protection" published by the Department of Bush Fire Services and as approved by the Council; or
 - (f) the destruction or removal of trees from a property for the purpose of erecting or maintaining a fence on the property.
- (3) The Council must give public notice in a local newspaper circulating in the affected area of any decision to prepare a tree preservation order or to revoke or amend such an order.
- (4) Following preparation of a draft tree preservation order or a draft amendment to such an order, the Council must:
 - (a) give notice in a local newspaper of the places, dates and times for inspection of the draft order or amendment; and
 - (b) publicly exhibit at the place, on the dates and during the times set out in the notice, a copy of the draft tree preservation order or amendment; and
 - (c) specify in the notice the period during which submissions on the draft order or amendment may be made to the Council.
- (5) A draft tree preservation order or amendment must be publicly exhibited for at least 28 days.

- (6) After considering any submission on the draft order or amendment that have been duly made, the Council:
 - (a) may approve the order or amendment in the form in which it was publicly exhibited; or
 - (b) may approve the order or amendment in that form with such alterations as the Council thinks fit; or
 - (c) may decide not to proceed with the order or amendment.
- (7) The Council must publish a public notice of its decision to make, revoke or amend a tree preservation order in a local newspaper within 14 days after the decision is made.
- (8) Such an order, revocation or amendment takes effect when the public notice is first so published.
- (9) A tree preservation order may apply to all or some trees and to all or some of the Great Lakes area. (*Amendment No. 12*)
- (10) In this clause, **tree** means vegetation:
 - (a) that exceeds 3 metres in height or, in the case of a cabbage tree palm (*Livistona australis*), that exceeds 0.5 metres in height; or
 - (b) with a trunk girth of 0.3 metres or more at 1 metre above ground level,but includes all species of mangroves regardless of size.
(*Amendment No. 12*)

11 — LAND FORM MODIFICATION

Objective of Provision

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

Land form modification

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

12 — SERVICES

Objective of Provision

To ensure that all development has adequate water and sewerage services.
(*Amendment No. 25*)

Services

The Council must not grant consent to the carrying out of development on any land unless- (*Amendment No. 25*)

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

13 — TEMPORARY USE OF LAND

Objective of Provision

To permit the temporary use of land for cultural activities.

Temporary use of land

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

14 — EXEMPT AND COMPLYING DEVELOPMENT

- (1) In this clause (except subclause (7)):
Development Control Plan No. 28 is "Development Control Plan No. 28 – Exempt and Complying Development", as adopted by the Council on 24 August 1999.

Exempt development

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

Complying development

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

General

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

Note:

Government Gazette Notices published on 17 December 1999 (Amendment No. 7 to GLLEP No. 7 – folios 12022 & 12023) and 11 February 2000 (Amendment Nos. 19 & 29 to GLLEP 1996 – folios 877 & 878) have the effect of requiring the development consent of Council for the erection of a dwelling house.

14A — BED AND BREAKFAST ESTABLISHMENTS

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

15 — ACTIVITIES UNAFFECTED BY THIS PLAN

Objective of Provision

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

Activities unaffected by this plan

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

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

16 — COMMUNITY USE IN SCHOOLS

Objective of Provision

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

Community use of schools

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

17 — SUBDIVISION

Objective of Provision

To impose restrictions on the subdivision of land.

Subdivision

- (1) A person may subdivide land to which this plan applies but only with the consent of the Council. (*Amendment No. 25*).
- (2) The Council may consent to a subdivision in which the boundaries of the proposed allotments do not correspond with a zone boundary only if the Council considers that the departure is minor and that the total area of land available for use or identified for use as public open space will not be reduced.
- (3) The Council may consent to the subdivision of land within Zone No. 1(a), 1(c), 7(a), 7(b), 7(f1) or 7(f2) only if each allotment to be created will have an area of not less than 40 hectares.
- (4) The Council may consent to the subdivision of land within Zone No. 1(d) only if each allotment to be created will have an area of not less than one hectare.
- (5) The Council may consent to the subdivision of land within Zone No. 7(c) only if each allotment to be created will have an area of not less than 10 hectares.
- (5A) The Council may consent to the subdivision of land within Zone No. 1(d1) only if each allotment to be created will have an area of not less than 5000 square metres. (*Amendment No. 6*)
- (6) Notwithstanding subclauses (3) and (4), land may be subdivided into allotments smaller than the sizes specified in those subclauses if the subdivision is for the purpose of -
 - (a) making minor adjustments to common property boundaries; or
 - (b) rectifying any encroachment on an existing allotment.

Subdivision - new roads

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

18 — MULTIPLE DWELLINGS IN RURAL ZONES

Objective of Provision

To enable the erection of 2 attached dwellings on rural properties.

Multiple dwellings in rural areas

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

19 — DWELLING HOUSES IN ZONE No.1(A) OR ZONE No. 7(B)

Objective of Provision

To identify the circumstances where dwelling-houses may be erected on land within Zone No. 1(a) or Zone No. 7(b) (Amendment No. 26).

Dwelling-houses in Zone No. 1(a)

- (1) This clause applies to land within Zone No. 1(a) or Zone No. 7(b).
- (2) In this clause "existing holding" means:
 - (a) except as provided by paragraph (b) - the land comprised in a lot, portion or parcel of land as it was on 15 May 1964, whether or not it has subsequently been subdivided; or
 - (b) where, on 15 May 1964, a person owned 2 or more adjoining or adjacent lots, portions or parcels of land, the land comprised in all of those lots, portions or parcels as they were on that date, whether or not they have subsequently been subdivided or consolidated. (Amendment No. 17)
- (3) Despite any other provision of this plan, a dwelling-house must not be erected on land with Zone No. 1(a) or Zone No. 7(b) unless the land (Amendment No. 26):
 - (a) has an area of not less than 40 hectares; or
 - (b) comprises the whole of an existing holding (or an existing holding affected only by a subdivision made on or after the date on which this plan came into force pursuant to State Environmental Planning Policy No. 4 - Development Without Consent, the area of which is less than 40 hectares and on which no dwelling-house is erected); or
 - (c) comprises an allotment lawfully created under any environmental planning instrument.
- (4) In addition to the dwelling-house permitted under subclause (3), one additional dwelling may, with the consent of the Council, be erected where that additional dwelling is or will be actually occupied by a person employed or engaged by the owner of the land and where the agricultural use of the land can economically support such additional labor.

20 — LAND ACQUISITION

Objective of Provision

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

Land acquisition

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

Column 1	Column 2
Zone No. 5(a) and lettered "carpark"	Council
Zone No. 5(a) and lettered "drainage reserve"	Council
Zone No. 5(c)	Council
Zone No. 5(d)	The RTA
Zone No. 6(a)	Council
Zone No. 7(f2)	The Corporation constituted by section 8(1) of the Act.
Zone No. 8(b)	Director-General of National Parks and Wildlife

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

Acquisition of land reserved for arterial roads

- (3) The owner of any vacant land within Zone No. 5(d) may, by notice in writing, require the RTA (in the case of land that is included in the 5 year works program of the RTA current at the time of receipt of the notice) to acquire the land.
- (4) The owner of any land within Zone No. 5(d) that is not vacant may, by notice in writing, require the RTA to acquire the land if -
 - (a) the land is included in the 5 year works program of the RTA current at the time of the receipt of the notice; or
 - (b) the RTA has decided not to give concurrence under subclause (6) to an application for consent to the carrying out of development on the land; or
 - (c) the RTA is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time.
- (5) On receipt of a notice under subclause (3) or (4), the RTA must acquire the land unless the land might reasonably be required to be dedicated for public roads.
- (6) A person may, with the consent of the Council and concurrence of the RTA, carry out development on land within Zone No. 5(d) -
 - (a) for a purpose for which development may be carried out on land in an adjoining zone; or
 - (b) for any purpose which is compatible with development which may be carried out on land in an adjoining zone.
- (7) In deciding whether to grant concurrence to proposed development under subclause (6), the RTA must take the following matters into consideration -
 - (a) the need to carry out development on the land for the purposes of classified roads or proposed classified roads within the meaning of the Roads Act 1993;
 - (b) the imminence of acquisition; and
 - (c) the likely additional cost to the RTA resulting from the carrying out of the proposed development.
- (8) Land acquired under this clause may be developed, with the consent of the Council, for any purpose, until such time as it is required for the purpose for which it was acquired.
- (9) In this clause:

"the RTA" means the Roads and Traffic Authority constituted under the Transport Administration Act 1988;

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

Objective of Provision

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

Consent for heritage items and conservation area

- (1) The consent of the Council is required to carry out the following development -
 - (a) demolishing, defacing or damaging a heritage item or a building, work, relic, tree or place within a heritage conservation area;
 - (b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area by making structural changes to its exterior;
 - (c) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area by making non-structural changes to the detail, fabric, finish or appearance of its exterior, except changes resulting from any maintenance necessary for its ongoing protective care which does not adversely affect its heritage significance;
 - (d) moving a heritage item or a building, work, relic, tree or place within a heritage conservation area, or excavating land for the purpose of discovering or moving a relic that is a heritage item or within such an area;
 - (e) erecting a building on, or subdividing, land on which such a heritage item is located or which is within a heritage conservation area.
- (2) Development consent is not required by this clause if the Council is of the opinion that the proposed development would not adversely affect the heritage significance of the heritage item or heritage conservation area.
- (3) When determining a development application required by this clause, the Council must take into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area.

Heritage Council to be notified of proposed demolition

- (4) Before granting consent to an application to demolish a heritage item, the Council must notify the Heritage Council of its intention to do so and take into consideration any comments received from the Heritage Council within 28 days after the notice was sent.

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

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

Notice of certain heritage development applications

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

Development of known or potential archaeological sites

- (7) The Council may grant consent to the carrying out of development on an archaeological site that has Aboriginal heritage significance (such as a site that is the location of an Aboriginal place or relic within the meaning of the National Parks and Wildlife Act 1974) or a potential archaeological site that is reasonably likely to have Aboriginal heritage significance only if:
 - (a) it has considered an assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site prepared in accordance with any guidelines for the time being notified to it by the Director-General of National Parks and Wildlife; and
 - (b) it has notified the Director-General of its intention to do so and taken into consideration any comments received from the Director-General within 28 days after the notice was sent; and
 - (c) it is satisfied that any necessary consent or permission under the National Parks and Wildlife Act 1974 has been granted.

- (8) The Council may grant consent to the carrying out of development on an archaeological site that has non-Aboriginal heritage significance or a potential archaeological site that is reasonably likely to have non-Aboriginal heritage significance only if:
 - (a) it has considered an assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site prepared in accordance with any guidelines for the time being notified to it by the Heritage Council; and
 - (b) it has notified the Heritage Council of its intention to do so and taken into consideration any comments received from the Heritage Council within 28 days after the notice was sent; and
 - (b) it is satisfied that any necessary excavation permit required by the Heritage Act 1977 has been granted.

Conservation incentives

- (9) The Council may grant consent to the use, for any purpose, of a building that is a heritage item or is within a heritage conservation area, or of the land on which the building is erected, even though the use would otherwise be prohibited by this plan, if it is satisfied that:
 - (a) the proposed use would not adversely affect the heritage significance of the item or heritage conservation area; and
 - (b) the conservation of the building depends on the granting of the consent.
- (10) When considering an application for consent to erect a building on land on which a heritage item is located or on land within a heritage conservation area, the Council may, for the purpose of determining:
 - (a) the floor space ratio; and
 - (b) the number of parking spaces to be provided on the site,

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

Heritage items of State significance

- (11) The Council must not grant consent to a development application required by this clause for heritage items identified in Schedule 2 as being of State significance unless the concurrence of the Department of Urban Affairs and Planning has been obtained.
- (12) In deciding whether to grant concurrence under subclause (11), the Department must take into consideration -
 - (a) the views of the Heritage Council; and
 - (b) the heritage significance of the item to the State; and
 - (c) the extent to which the carrying out of the development would affect the heritage significance of the item and its site; and
 - (d) whether the setting of the item and, in particular, whether any stylistic, horticultural or archaeological features of the setting, should be retained; and
 - (e) measures to be taken to conserve and preserve heritage items including, where appropriate, any conservation plan; and
 - (f) whether the item constitutes a danger to the users or occupiers of that item or to the public.

Heritage items of regional significance

- (13) The Council must not grant a consent required by this clause for demolishing or altering a heritage item identified in Schedule 2 as being of regional significance, unless it has referred the application to the Director-General of the Department of Urban Affairs and Planning.
- (14) Subclause (13) does not apply to the partial demolition of a building or work which, in the opinion of the Council, is of a minor nature and does not adversely affect the heritage significance of the building or work.
- (15) Where a copy of an application has been forwarded to the Director-General pursuant to subclause (13), the Council must not determine the application until -
 - (a) it has received and considered advice with respect to the application from the Director-General; or
 - (b) the Council has been notified that the Director-General does not wish to submit any advice with respect to the application; or
 - (c) 28 working days have elapsed after the date on which the application was referred to the Director-General,

whichever occurs first.

22 — CONTAMINATED LAND

Objective of Provision

To identify the procedures to be followed where the Council considers a development application for contaminated land.

Contaminated land

- (1) In this clause:

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

 - (a) the requirements of the Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites, jointly developed by the Australian and New Zealand Environment and Conservation Council (ANZECC), and the National Health and Medical Research Council (NH & MRC), published in 1992; and
 - (b) any guidelines, protocols or standards published by the Environment Protection Authority and notified to the Council which are relevant to remediation procedures, the type of contamination on the land or the type of use to which the land was, or is proposed to be, put;
- "independent review" means the checking of adherence to standards, procedures and protocols employed in a redemption process and the expression of an opinion on the conclusions reached in that process by a party who is independent of the person who is carrying out the remediation, or on whose behalf the remediation is being carried out, and who is recognised by the Environment Protection Authority as satisfying a suitable public standard of competence and expertise.
- (2) Subject to subclause (3), if the Council considers that land subject to a development application may be contaminated due to the prior or current use of land adjoining the subject site, it must not consent to the carrying out of development unless a site contamination study has been carried out.
- (3) Subclause (2) does not apply to any land the subject of a direction to remediate contamination from the Environment Protection Authority or any land which the Council has been advised in writing by the Environment Protection Authority has been remediated in compliance with a direction from it.
- (4) Where a site has been identified by the Council as being contaminated, the Council must not grant consent to carrying out of development unless the development will include remediation of the subject land to an appropriate standard.
- (5) Despite any other provision of this plan, the carrying out of any development on land referred to in subclause (2), (3) or (4) must not commence until the Council accepts in writing an independent review verifying the remediation of the land to an appropriate standard.

23 — PROHIBITED ACCESS

Objective of Provision

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

Prohibited access

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

24 —

Deleted (Amendment No. 28)

25 — WATERWAYS

Objective of Provision

To protect the amenity and environment of foreshore areas and waterways and to control development within flood prone areas. (Amendment No. 25)

Development below mean high water mark

- (1) Despite any other provision of this plan, the consent of the Council is required for development below mean high water mark other than development which, in the opinion of the Council, constitutes minor works.

Development does not constitute minor works where, in the opinion of the Council, there is likely to be an adverse impact from carrying out the development:

 - (a) on the existing water quality; or
 - (b) on the scenic value of the area; or
 - (c) on the amenity of the waterway through obstructing or restricting navigation; or
 - (d) on recreational or professional fishing or other recreational activities; or
 - (e) on important habitat areas.
- (Amendment No. 25)

Maintenance Dredging

- (1A) Notwithstanding subclause (1), the consent of the Council is required for development for the purpose of dredging, for maintenance of oyster leases or otherwise, of the bed of any river or lake where more than 1,000m³ of material is to be removed. (Amendment No. 25)

Foreshore building line

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

Flood - liable land

- (5) Despite any other provision of this plan, a person must not erect a building or carry out a work (other than buildings or works which, in the opinion of the Council, are unlikely to significantly affect flood behaviour) on flood-liable land without the consent of the Council.
- (6) The Council must not consent to the erection of a building or the carrying out of a work on flood-liable land unless the provisions of the Council's Flood Management Policy that relate to the proposed development have been taken into consideration. Copies of the Flood Management Policy are available for inspection at the Council's Office.
- (7) The Council may refuse consent to an application to carry out any development which in its opinion will significantly -
 - (a) adversely affect flood behaviour, including the flood peak at any point upstream or downstream of the proposed development and the flow of floodwater on adjoining lands; or
 - (b) increase the flood hazard or flood damage to property; or
 - (c) cause erosion, siltation or destruction of riverbank vegetation in the locality; or
 - (d) affect the water table on any adjoining land; or
 - (e) affect riverbank stability; or
 - (f) affect the safety of the proposed development in time of flood; or
 - (g) restrict the capacity of the floodway; or
 - (h) require the Council, the State Emergency Service or any other Government agency to increase its provision of emergency equipment, personnel, welfare facilities or other resources associated with an evacuation resulting from flooding; or
 - (i) increase the risk to life and personal safety of emergency services and rescue personnel.

26 — DEVELOPMENT OF UNZONED LAND

Objective of Provision

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

Development of unzoned land

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

27 — RESTRICTION OF DEVELOPMENT AT WINDA WOPPA

Objective of Provision

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

Restriction on development at Winda Woppa

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

Subdivision

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

Multiple Dwellings

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

28 — CONCURRENCE PROVISIONS — MINERAL SAND MINES

Objective of Provision

To require consultation in respect of development consent for mineral sand mines.

Mineral sand mines

- (1) The Council must not grant consent to development for the purpose of a mineral sand mine without the concurrence of the Department of Urban Affairs and Planning.
- (2) The Department of Urban Affairs and Planning must take into consideration, in deciding whether concurrence should be granted, the impact of the proposed development on the environment.

29 — CONCURRENCE PROVISIONS — COASTAL LANDS

Objective of Provision

To identify development on coastal land which requires the concurrence of the Department of Urban Affairs and Planning.

Concurrence provisions

- (1) This clause applies to -
 - (a) development of land within Zone 7(f1) or 7(f2), not being development for the purpose of agriculture (other than intensive animal husbandry); and
 - (b) subdivision of land within Zone No. 7(f1) or 7(f2) for the purpose of agriculture.
- (2) In determining an application for development to which this clause applies, the Council must not grant the application except with the concurrence of the Department of Urban Affairs and Planning.
- (3) In considering whether to give concurrence, as referred to in subclause (2), the Department must take into consideration -
 - (a) the extent to which the proposed development is likely to affect the scenic and environmental qualities of the coastal landscape, headlands, dune systems and the hinterland, including lagoons, lakes and areas where the original vegetation is still dominant; and
 - (b) whether the development would result in the degradation of, or restriction of access to, coastal recreation areas; and
 - (c) any plan, code, policy or design adopted by resolution of the Coastal Council of New South Wales for the purpose of protecting coastal lands.

30 — CONCURRENCE PROVISIONS - PROPOSED NATIONAL PARKS

Objective of Provision

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

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

31 — SAWDUST AND SAWMILL WASTE

Objective of Provision

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

Sawdust and sawmill waste

Sawdust or sawmill waste must not be -

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

32 — SPECIFIC DEVELOPMENTS

Objective of Provision

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

Specific Developments

Despite any other provisions of this plan, development may be carried out on land to which a clause in the following Table applies in accordance with the requirements of that clause. (Amendment No. 6)

Table

1 — Neighbourhood plan subdivision at Forster

- (1) This clause applies to lot 3, DP 548504, Tea Tree Road, Forster.
- (2) In this clause -
"approved tourist facility" means the tourist facility the subject of Development Consent No. 5694 granted by the Council on 30 September 1992 and located on the land to which this clause applies;
"approved water body" means the water body that will result from the dredging and associated activities the subject of Development Consent No. 5693 granted by the Council on 30 September 1992 and carried out on the land to which this clause applies.
- (3) Nothing in this plan or any other environmental planning instrument prevents a person, with the consent of the Council, from subdividing the land to which this clause applies under the *Community Land Development Act 1989* for the purposes of the approved tourist facility and approved water body.
- (4) The Council may grant consent as referred to in subclause (3) only if the Council is satisfied that adequate means are to be implemented to carry out the ongoing obligations of the conditions of the consent for the approved tourist facility and approved water body insofar as those conditions relate to water quality, maintenance of the water body and associated easements, maintenance of the public access along the waterfront reserve and maintenance of navigation markers.
- (5) In considering whether to grant consent as referred to in subclause (3), the Council must have regard to:
 - (a) the layout of the lots, including the location of the neighbourhood property in relation to the approved tourist facility and approved water body; and
 - (b) whether satisfactory means are to be implemented to ensure that the neighbourhood lots created will only be available for tourist accommodation.

2 — Neighbourhood plan subdivision at Failford

(Amendment No. 6)

- (1) This clause applies to Lot 2, DP830075, Failford Road, Failford
- (2) Regardless of any other provision of this plan, consent must not be granted for a subdivision of the land to which this clause applies unless:
 - (i) the registration of the subdivision will result in the creation of a neighbourhood scheme under the *Community Land Development Act 1989* for the land; or
 - (ii) that land is already subject to such a scheme.
- (3) The Council may grant consent as referred to in sub-clause (2) only if the Council is satisfied that each lot in Zone No. 1(d1) which has an area of less than 1 hectare is to be connected to reticulated sewerage.
- (4) In considering whether to grant consent to development as referred to in subclause (2), the Council must have regard to:
 - (a) the capability of the land for any proposed development, and
 - (b) the protection of remnant vegetation and habitats, and
 - (c) the facilitation of fauna movement in a regional context, and
 - (d) the protection of the rural character and scenic attributes of the land, and
 - (e) the siting of allotments and access, and
 - (f) a plan of management containing proposals to minimise the impacts of fire.
- (5) All land to which this clause applies that is in Zone No. 7(b) the Conservation Zone) must, as a result of the subdivision become neighbourhood property, as defined by the *Community Land Development Act 1989*.
- (6) The Council may grant consent to the development of the land only if satisfied that adequate means are to be implemented to achieve:
 - (a) the preservation and management of biological diversity and ecological integrity on the site; and
 - (b) the protection and management of significant habitat, including that used by threatened species, for conservation purposes; and
 - (c) the protection and management of corridors to facilitate fauna movement within the region.

3 — Subdivision at Minimbah Road, Nabitac

(Amendment No. 7)

- (1) This clause applies to so much of Lots 4 and 6, DP261078 and Lot 31, DP819686, Minimbah Road, Nabitac, as is within Zone No. 1(d) and shown edged heavy black on the map marked "Great Lakes Local Environmental Plan 1996 (Amendment No. 7)"
- (2) Regardless of any other provision of this plan, the Council may consent to the subdivision of the land to which this clause applies only if each allotment to be created will have an area of not less than 3 hectares, or into not more than 4 lots each of not less than 2.5 hectares if the land fronts Minimbah Road.

Consent required for erection of dwelling-house

The amendment made by this clause allows the erection of a dwelling-house on land to which this plan applies only with development consent.

33 — ADDITIONAL LAND USES

Objective of Provision

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

Additional land uses

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

Column 1	Column 2
Lots 1, 2 & 3, DP 841381, Wallis Island	Aerodrome
Lots 9 & 10, Section 18 Manning Street, Tuncurry	Motor showroom & Vehicle repair station
Lot 1, DP817061, Darawank	Caravan Park or Camping Ground
Land within Zone No. 1(a), 1(c), 7(b) or 7(c)	Subdivision of the land to create a community, neighbourhood or precinct scheme under the Community Land Development Act 1989 or a strata scheme under the Strata Schemes (Freehold Development) Act 1973 and use of the land subject to the scheme for carrying out development for the purpose of tourist facilities or recreation facilities for tourists. (Amendment No. 9)
Lot 202, DP815120, Coomba Road, Parish of Forster	The garaging (excluding repair) of any motor-powered vehicle used in connection with the passenger transport business. (Amendment No. 3)
Islands and peninsulas within Wallis Lake within Zones Nos. 7(a) and 7(b).	The removal of sand deposited by dredging activities. (Amendment No. 25)
Tem Island, Tuncurry	The depositing of sand. (Amendment No. 25)
Lot 38, DP548478, Macintosh Street, Forster & Lot 40, DP625401, Kularoo Drive, Forster	Service Station (Amendment No. 25)
Lot 3, DP245522, Coomba Road, Pacific Palms	Vehicle repair station (Amendment No. 25)
Lots 5 & 6, DP224177, Corner of Yamba Street and Tuloa Avenue, Hawks Nest	Chemist's shop located within the premises of a medical centre. (Amendment No. 25)
Lot 36, DP1023220 The Lakes Way, Forster	Motor showroom used in conjunction with a motor showroom existing on Lot 32, DP850018 (Amendment No. 32)

33A — DEVELOPMENT AT MYALL QUAYS

(Amendment No. 5)

Objective of Provision

To ensure that development on certain land at Myall Quays, being Lots 1, 8, Pt. 9, 10 and 11, DP270100, Myall Street, Admiralty Avenue, Budgeree Street and Toonang Drive, Lots 1-23, DP285341 and Lots 1 - 15, DP285432, Admiralty Avenue and Boston Street, Lots 413 and 487, DP32559, Port Stephens Street and Tamworth Esplanade and Lot 80, DP702022, Myall Street is controlled so that:

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

Local Shopping Centre — Myall Quays

- Notwithstanding any other provision of this plan, a person may, with the consent of the Council, carry out development for the purposes of a local shopping centre on land within Zone No. 2(f) that is generally bounded by Toonang Drive, Myall Street, Budgeree Street and the Myall River where the gross floor area (excluding pedestrian arcades, public mall areas and colonnades) of any building or buildings at the centre used for retail, office and business purposes does not exceed 3,000 square metres. However, the Council must not grant consent for the development of more than one local shopping centre on any such land.

Impact on adjoining conservation areas and Myall River

- This subclause applies to development on land within Zone No. 2(f) for the purpose of a lake or other waterbody.
 - In determining an application for development to which this clause applies, the Council must not grant the application except with the concurrence of the Department of urban Affairs and Planning.
 - In considering whether to give concurrence, as referred to in paragraph (b), the Department must take into consideration:
 - the extent to which the proposed development is likely to affect the environmental qualities on the adjoining wetlands within Zone No. 7(a) or wet heath areas within Zone 7(b); and
 - the likely cumulative impact (in conjunction with existing waterbodies) on the Myall River.

Works for scientific or educational purposes on wetlands

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

Application of SEPP No. 50 – Canal Estate Development

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

Deleted. (Amendment No. 28)

35 — RECLASSIFICATION OF LAND

Amendment No. 20

Objective of Provision

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

Reclassification of Land

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

Column 1	Column 2	Column 3
So much of the land within R83636, in South Street near Short Street, Forster, as is shown edged heavy black on the map marked "Great Lakes Local Environmental Plan 1996. (Amendment No. 20)".	Community land	Operational land
So much of the land within R79681 in Beach Street near Head Street, Forster, as is shown edged heavy black on the map marked "Great Lakes Local Environmental Plan 1996. (Amendment No. 18)".	Community land	Operational land

SCHEDULE 1 — DEVELOPMENT NOT REQUIRING CONSENT

(CL.15)

1. Railway undertakings comprising:
 - (a) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant; or
 - (b) the erection of buildings within the limits of a railway station,but excluding:
 - (c) the construction of new railways, railway stations and bridges over roads; and
 - (d) the erection, reconstruction and alteration of buildings for purposes other than railway undertakings; and
 - (e) the reconstruction or alteration of railway stations or bridges where that reconstruction or alteration would materially affect the design of those railway stations or bridges; and
 - (f) the formation or alteration of any means of access to a road.
2. Public utility water, sewerage, drainage, electricity or gas undertakings comprising:
 - (a) development of any description at or below the surface of the ground; or
 - (b) the installation of any plant inside a building; or
 - (c) the installation or erection within the site of a generating station or substation of any plant or other structure required in connection with the station or substation; or
 - (d) the installation or erection of any plant or structure by way of addition to or replacement or extension of plant or structures already installed or erected, including the installation in an electrical transmission line of substations, feeder-pillars or transformer housings, but not including the erection of pipes above the surface of the ground for the supply of water; or
 - (e) the provision of overhead service lines under any statutory power to provide a supply of electricity; or
 - (f) the erection of service reservoirs provided reasonable notice of the proposed erection is given to the Council; or
 - (g) any other development except:
 - (i) the erection of buildings; and
 - (ii) the installation or erection of plant or structures; and
 - (iii) the reconstruction or alteration of buildings where that reconstruction or alteration would materially affect the design or external appearance of those buildings; and
 - (iv) the formation or alteration of any means of access to a road.
3. Public utility water transport undertakings, comprising any development required in connection with the movement of traffic by water, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:
 - (a) the erection of buildings; and
 - (b) the reconstruction or alteration of buildings where that reconstruction or alteration would materially affect the design or external appearance of those buildings; and
 - (c) the formation or alteration of any means of access to a road.
4. Public utility wharf or river undertakings, comprising any development required for the purposes of shipping or in connection with the embarking, loading, discharging or transport of passengers, livestock or goods at a wharf or the movement of traffic by a railway forming part of the undertaking, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant for those purposes, except:
 - (a) the construction of bridges; and
 - (b) the erection of any other buildings; and
 - (c) the reconstruction or alteration of bridges or of buildings where that reconstruction or alteration would materially affect the design or external appearance of those bridges or buildings; and
 - (d) the formation or alteration of any means of access to a road.
5. Public utility air transport undertakings comprising, within the boundaries of any aerodrome, any development required in connection with the movement of traffic by air, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant required for that purpose, except:
 - (a) the erection of buildings; and
 - (b) the reconstruction or alteration of buildings where that reconstruction or alteration would materially affect the design or external appearance of those buildings; and
 - (c) the formation or alteration of any means of access to a road.
6. Public utility road transport undertakings comprising any development required in connection with the movement of traffic by road, including the construction, reconstruction, alteration, maintenance and repair of buildings, works and plant required for that purpose, except:
 - (a) the erection of buildings; and
 - (b) the reconstruction or alteration of buildings where that reconstruction or alteration would materially affect the design or external appearance of those buildings; and
 - (c) the formation or alteration of any means of access to a road.

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

SCHEDULE 2 — HERITAGE

(Cl. 21)

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

(Amendment No. 25)

ADDRESS	PROPERTY DESCRIPTION	ITEM	SIGNIFICANCE
ALLWORTH Allworth River and Karuah River	Eastern side of Karuah River, south of concrete boat ramp	Allworth Wharf (remains)	R
BOORAL The Bucketts Way Isaacs Lane The Bucketts Way and Lowes Lane Karuah River The Bucketts Way Lowes Lane	Parish Booral, Portions 55/154 Portion 81, Parish Booral, Lot 1, DP632812 Lot 1, DP47370 Lot 1, DP632812 about 1 mile south of Booral Parish Booral, Pt Portion 6 —	Alderley House Booral House Gundayne House Group, Residence Outhouse and Schoolhouse Booral Wharf St Barnabas Church and Cemetery The Gables	R R S R L R
BULAHDELAH Markwell Road Horses Creek Crawford Street Bulahdelah Mountain Bulahdelah region	Cnr Red Gum Road and Mahogany Street Wang Wauk State Forest Part Lot DP226885 Lot 1 DP228555 (Portion 150), Portions 64, 122 & 187 Parish of Bulahdelah Railway from Simsville to Allworth	General Cemetery Tramline Trestle Bridge Former Courthouse Former Aluminium Mine Kauri & Co's Railway	R S R R S
BUNGWAHL	The Lakes Way	Old Bungwahl Cemetery	R
CARRINGTON Tahlee Road Tahlee Road Church Street Cock Renoyo Point	Pt Portion 206, Parish Carrington Lot 340, DP735514 and Lot 342, DP740621 Lot 1, Section K, Carrington —	Carrington Cemetery Tahlee House Former St Andrews Church Carrington Boat Harbour and Lime Kiln 2 roomed brick cottage	S S L S R
COOLONGOLOOK Curreeki Creek Road	Lot 4, DP749633, Curreeki Creek Road	Morris Property Graves	R
DARAWANK	Part Portion 121 Manns Road, Darawank, located on Eastern shores of Wallamba River	Former Darawank Public School	L
FAILFORD Failford Road	Cnr Failford Road and Bullocky Way	House - Failford	R
FORSTER West Street, Cnr North Street Lake and West Streets St Albans Place and Likely Street	Lot 9, DP536200 — —	Tudor House Restaurant and Bar Former Court House Group General Cemetery	R L R
HAWKS NEST Bennett Street	—	Timber Cottage	L

ADDRESS	PROPERTY DESCRIPTION	ITEM	SIGNIFICANCE
MONKERAI			
Cnr Weismantels Rd & Bucketts Way	Lot 4, DP803291, The Bucketts Way	Former Weismantels Inn	R
Moore's Road	FP970544, Moore's Road	Monkerai Hall	L
NABIAC			
7-9 NABIAC Street	Lot 1, DP948711, Parish of Talawahl	Hancocks Store	S
Cnr NABIAC Street and Showground Lane	Portion 96, Parish of Talawahl	Showground	R
NABIAC Street	37 NABIAC Street - opp. NABIAC Sports Field	Former Hospital	L
NABIAC Street	Lot 12, DP394311	Former ES&A Bank & Dwelling	L
Clarkson Street	77 Clarkson Street - opp. Police Station	House opposite Park	L
NERANI HEAD	Between two knolls which form Nerani Head	Nerani Head Cemetery	R
SEAL ROCKS			
Sugarloaf Point	National Park	Lighthouse Group	R
STROUD			
Bridge Street	—	House - Bridge Street	R
Berkeley Street	Lot 1, DP745192 and Lot 1, DP782050	Former AA Co Cottages	R
Berkeley Street	Located between Broadway & Collins Sts	3 single storey residences	R
Berkeley Street	"Thornleigh"	2 storey colonial home	L
Cnr Broadway & Mallon Streets	Lot 1, DP803474	St Columbines Church	R
Cowper Street	70 Cowper Street	Baptist Church	L
Cowper Street	Lot 1, DP202634	Former Council Chambers	R
Cowper Street	44 Cowper Street	Former Bank of New South Wales	L
Cowper Street	Lot 5, Section 2	Post Office	R
Cowper Street	Lot 4, Section E	School of Arts	L
Cowper Street	Lot 6B, DP709600	Former Courthouse	R
Cowper Street	Lots 91 & 92, DP584892 and Lots 6 & 7, DP939759	St Johns The Evangelist Church Group including Quambi House	S
Cowper Street	Pt Portion 75, Parish of Stroud	Stroud House	S
Memorial Avenue	9 Memorial Avenue	Central Hotel	L
Erin Street	Lots 1-3, DP794878	Public School and Residence	R
Erin Street	25 Erin Street	St James Church	L
Silo Hill	—	Underground Grain Silos and Cannons	R
Karuah River	7.5km south of Stroud	Washpool	S
Mill Creek Road	—	House - Mill Creek Road	L
Stroud Road	Lot 1, DP770116	Methodist Church	L
Church Street	North-east corner Cowper St & Church St	Uniting Church and Hall	L
TEA GARDENS			
Fronting Myall River	53 Marine Drive	Courthouse	R
Yalinbah Street (south end)	DP95468, Portion 28, Yalinbah Street	General Cemetery	L
TUNCURRY			
Opposite Tuncurry Park	Corner Wharf Street/Manning Street	Timber Church	S
Opposite Tuncurry Park	Lot 3, Sec 2, DP759005, 2 Manning Street	"Tokelau" (single dwelling)	R
South Street	DP619110	Tuncurry House	L

DICTIONARY

(Cl. 1)

"Abattoir"	means a building or place used for the slaughter of animals, whether or not the by-products are processed, manufactured or distributed, and includes a knackery.
"Advertisement"	means a display of symbols, messages or devices for promotional purposes or for conveying information, instructions or directions, whether or not the display involves the erection of a structure or the carrying out of a work.
"Aerodrome"	has the meaning ascribed to it in the Air Navigation Regulations made under the Air Navigation Act 1920 of the Commonwealth.
"Agriculture"	means the use of land for: <ul style="list-style-type: none"> (a) the production of crops or fodder; or (b) the keeping or breeding of livestock, bees, poultry or other birds; or (c) horticultural purposes including fruit, vegetable and flower crop production, and wholesale plant nurseries; or (d) the grazing of livestock, but does not include anything elsewhere defined in this plan.
"Animal establishment"	means a building or place used for the breeding, boarding, training or keeping of, or caring for, animals for commercial purposes.
"Aquaculture"	means the cultivation (including propagating and rearing) of the living resources of the sea or inland waters, whether or not that cultivation is carried out in a farm established for that purpose using an artificially created body of water.
"Archaeological site"	means a heritage item that has, in the opinion of the Council, archaeological significance.
"Arterial road"	means a road that carries through traffic from one area or region to another, and which may or may not be a classified road within the meaning of the Roads Act 1993.
"Backpackers accommodation"	means a dwelling, residential flat building or hostel having an average of two beds or more per room and providing shared accommodation for persons who have their principal place of residence elsewhere.
"Bed & Breakfast Establishment" (Amendment No. 28)	means the use of no more than three bedrooms, contained within a building lawfully being used as a dwelling house, for the overnight accommodation of no more than six travellers.
"Boarding house"	means a building wholly or partly let in lodgings which provides lodgers with a principal place of residence, but does not include backpackers' accommodation, a building containing serviced apartments, a hotel or a motel.
"Bulky goods salesroom or showroom"	means a building or place used for the sale by retail or auction or the hire or display of items (whether goods or materials) which are of such a size, shape or weight as to require: <ul style="list-style-type: none"> (a) a large area for handling, storage or display; or (b) but does not include a building or place used for the sale of foodstuffs or clothing.
"Bushfire hazard reduction"	means a reduction (by controlled burning or mechanical or manual means) of material that constitutes a bush fire hazard.
"Camping ground" or "caravan park"	means a site used for the purpose of: <ul style="list-style-type: none"> (a) placing moveable dwellings (as defined in the Local Government Act 1993) for permanent accommodation or for temporary accommodation by tourists; or (b) the erection, assembly or placement of cabins for temporary accommodation by tourists.
"Carpark"	means a building or place used for parking vehicles (otherwise than as an ancillary use of land) whether or not operated for gain, and includes any associated access and manoeuvring space.
"Child care centre"	means a building or place (other than a family day care home or home based care home) used for the purpose of supervising or caring for children and which: <ul style="list-style-type: none"> (a) caters for more than 7 children, whether or not some of those children are related to the owner or operator; and (b) includes an educational function; and (c) may operate for the purpose of gain; and (d) does not provide overnight accommodation for children other than those related to the owner or operator.
"Club"	means a building or place used for the gathering of persons for social, literary, political, sporting, athletic or other lawful purposes, and includes a club registered or intended to be registered under the Registered Clubs Act 1976.
"Commercial premises"	means a building or place used as an office or for other business or commercial purposes, but does not include a building or place elsewhere defined in this plan.

"Commercial sign"	means an advertisement which contains only: <ul style="list-style-type: none"> (a) matter identifying or describing a building or place or any person living or carrying on an occupation in the building or at the place; or (b) particulars of any occupation carried on in the building or at the place; or (c) particulars of any affiliation with a trade, professional or other association relevant to the business carried out in the building or at the place on or at which the advertisement is displayed; or (d) particulars relating to: <ul style="list-style-type: none"> (i) any necessary or usual directions or cautions relating to the building or place or any occupation carried on; or (ii) goods, commodities or services dealt with or provided; or (iii) at the building or place on which the advertisement is displayed; or (e) information required or permitted to be displayed by or under any State or Commonwealth law.
"Communication facility"	means a building, structure, work or place used primarily for transmitting or receiving signals for the purposes of communication, and includes radio masts and towers, but not satellite dishes.
"Community facility"	means a building or place owned or controlled by a public authority or a body of persons which provides for the physical, social, cultural or intellectual development, safety or welfare of the community, but does not include a building or place elsewhere defined in this plan.
"Conservation plan"	means a document, including diagrams, establishing the heritage significance of a heritage item or a heritage conservation area and identifying the conservation policies and management mechanisms that are appropriate to enable that significance to be retained.
"Convenience store"	means a shop selling a variety of small consumer goods.
"Council"	means the Council of Great Lakes.
"Demolish"	means a heritage item or a building, work, relic, tree or place within a heritage conservation area means wholly or partly destroy or dismantle the heritage item or building, work, relic, tree or place
"Dwelling"	means a room or number of rooms occupied or used, or so constructed or adapted as to be capable of being occupied or used, as a separate domicile.
"Dwelling-house"	means a dwelling which is the only dwelling erected on an allotment of land.
"Educational establishment"	means a building or place used for teaching and learning, and includes: <ul style="list-style-type: none"> (a) a school; or (b) a tertiary institution which is constituted by or under an Act, being a university, teachers' college, technical college or other tertiary college providing formal education; or (c) whether or not accommodation for staff and students is provided and whether or not used for the purposes of gain.
"Entertainment facility"	means a building or place used for the purpose of sport, entertainment, exhibitions or displays, and includes: <ul style="list-style-type: none"> (a) sports stadiums, showgrounds, race courses and the like; or (b) theatres, cinemas, music halls, concert halls, open air theatres, and drive-in theatres and the like;
"Exhibition home"	means a dwelling-house or dwelling used temporarily for display purposes, and includes a sales office for the purpose of promoting the sale of that or other dwellings and interior household fixtures.
"Extractive industry"	means <ul style="list-style-type: none"> (a) an activity involving the obtaining or removal of extractive material from land; or (b) an industry or undertaking (other than a mine) which depends on the obtaining or removal of extractive material from the land on which it is carried on, and includes any washing, crushing, grinding, milling or separating into different sizes of that extractive material on that land; or (c) manufacturing of clay products.
"Extractive material"	means natural resources such as sand, soil, clay, shale and gravel, but does not include coal, petroleum, uranium or any material within the meaning of the Mining Act 1992, the Coal Mines Regulation Act 1982 or the Petroleum (Onshore) Act 1991.
"Flood-liable land"	means land identified by the Council as being affected by flooding and indicated as such on the map.
"Floodway"	means the channel of a river or stream and those portions of the flood-plain adjoining the channel which constitute the main flow path for floodwaters.
"Forestry"	means the cultivation, growing and tending of trees and shrubs, and includes forest protection, the cutting, dressing and preparation of wood and other forest products otherwise than in a sawmill, and any construction or maintenance of roads required for the removal of wood, forest products and forest protection.
"Generating works"	means a building or place used for the purpose of making or generating gas, electricity or other forms of energy, but not temporary or portable generating works.
"Hazardous industry"	means a development for the purposes of an industry which, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality: <ul style="list-style-type: none"> (a) to human health, life or property; or (b) to the biophysical environment.

"Hazardous storage establishment"	means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed, (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality: (a) to human health, life or property; or (b) to the biophysical environment.
"Helicopter landing site"	means a place (not open to the public) used for the taking-off and landing of helicopters.
"Heliport"	means a place open to the public used for the taking-off and landing of helicopters, whether or not it includes: (a) a terminal building; or (b) facilities for the parking, storage or repair of helicopters.
"Heritage conservation area"	means land shown by distinctive edging and marked "Heritage Conservation Area" on the map.
"Heritage item"	means a building, work, relic, tree or place specified in Schedule 2.
"Heritage significance"	means historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance.
"Hospital"	means a building or place used for the purpose of providing professional health services (including preventative care, diagnosis, medical or surgical treatment or counselling) to people admitted as in-patients, whether or not out-patients are also cared for or treated, and includes: (a) a nursing home; or (b) ancillary facilities for accommodation of staff and visitors; or (c) associated educational or research facilities.
"Hostel"	means a building where accommodation and meals or kitchen facilities are provided to the residents whether or not on a shared basis and where a person with nursing or social work experience, or other similar experience, maintains and provides services for the occupants of the building on a full-time basis.
"Hotel"	means a building or place specified or proposed to be specified in a hotelier's licence granted under the Liquor Act 1982.
"Industry"	means the manufacturing, assembling, altering, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, processing or adapting of any goods or articles for commercial purposes, but does not include an activity elsewhere defined in this plan.
"Institution"	means a building or place used as a penal or reformatory establishment.
"Intensive agriculture"	means a form of agriculture, such as an intensive livestock enterprise, which requires particular treatment or practices for the management of wastes (including faeces or other by-products) or which requires separation from surrounding land uses to minimise the risk of land use conflict for another reason.
"Light industry"	means an industry in which none of the processes carried on or the transportation involved or the machinery or materials used or the scale of the activities involved interferes unreasonably with the amenity of the neighbourhood.
"Map"	means the map marked "Great Lakes Local Environmental Plan 1996" as amended by the maps (or specified sheets of the maps) marked as follows: Great Lakes Local Environmental Plan 1996 (Amendment No. 1) Great Lakes Local Environmental Plan 1996 (Amendment No. 2) Great Lakes Local Environmental Plan 1996 (Amendment No. 8) Great Lakes Local Environmental Plan 1996 (Amendment No. 20) Great Lakes Local Environmental Plan 1996 (Amendment No. 9) Great Lakes Local Environmental Plan 1996 (Amendment No. 14) Great Lakes Local Environmental Plan 1996 (Amendment No. 15) Great Lakes Local Environmental Plan 1996 (Amendment No. 18) Great Lakes Local Environmental Plan 1996 (Amendment No. 21) Great Lakes Local Environmental Plan 1996 (Amendment No. 24) Great Lakes Local Environmental Plan 1996 (Amendment No. 6) Great Lakes Local Environmental Plan 1996 (Amendment No. 25) Great Lakes Local Environmental Plan 1996 (Amendment No. 7) Great Lakes Local Environmental Plan 1996 (Amendment No. 19) Great Lakes Local Environmental Plan 1996 (Amendment No. 29) Great Lakes Local Environmental Plan 1996 (Amendment No. 5) Great Lakes Local Environmental Plan 1996 (Amendment No. 31) Great Lakes Local Environmental Plan 1996 (Amendment No. 32)
"Marina"	means a pontoon, jetty, pier or the like, used to provide moorings for boats used for pleasure or recreation, and includes: (a) slipways; or (b) facilities for the repair, maintenance and fuelling of, or the provision of accessories and parts for, boats or boating enthusiasts; or (c) facilities for the storage or provision of food.
"Materials recycling yard"	means a building or place used for the collecting, dismantling, storing, abandoning or recycling of second-hand or scrap materials for the purpose of resale.
"Medical centre"	means a building or place used for the purpose of providing professional health services (including preventative care, diagnosis, medical or surgical treatment or counselling) to out-patients only.
"Mine"	means a place at which there is obtained, or from which there is removed, any material to which the Mining Act 1992, the Coal Mines Regulations Act 1982, or the Petroleum (Onshore) Act 1991 applies, and includes the storage and primary processing of the material obtained.

"Motel"	means a building or place used for the temporary or short-term accommodation of travellers or the general public, whether or not a restaurant is included, but does not include a hotel.
"Motor showroom"	means a building or place used for the display or sale of motor driven or motor drawn vehicles or boats.
"Multiple dwellings"	means a building or buildings consisting of 2 or more dwellings (whether or not attached) on one allotment of land, each with an individual entrance and direct private access to ground level open space, and includes villas, townhouses, terraces, cluster housing and the like.
"Offensive industry"	means an industry which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the industry from existing or likely future development on other land in the locality), would emit a polluting discharge (including, for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.
"Offensive storage establishment"	means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), would emit a polluting discharge (including, for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.
"Off-site promotional sign" (Amendment No. 10)	means a sign that promotes goods, services or a special event. The goods or services are not provided, produced or sold on the land or in the building, and the event does not take place on the land or in the building and does not include any other form of sign defined elsewhere in this dictionary.
"Place of worship"	means a building or place used predominantly for the purpose of religious worship, whether or not the building or place is also used for counselling, social events or religious training by a congregation or religious group.
"Plant hire"	means a building or place used for the purpose of hire of builders' and handymens' tools, plant and equipment, whether or not it is used for the servicing and maintenance of such machinery.
"Potential archaeological site"	means a site known to the Council to have archaeological potential.
"Public building"	means a building or place used as an office or business by a public or statutory authority or an authority established for public purposes.
"Recreation area"	means <ul style="list-style-type: none"> (a) a children's playground; and (b) an area used for sporting activities or sporting facilities; and (c) an area used by the Council to provide recreational facilities for the physical, cultural or intellectual welfare of the community; and (d) but does not include a racecourse or a showground.
"Recreation facility"	means a building or place used for indoor recreation, such as a table tennis centre, squash court, swimming pool, gymnasium, health studio, bowling alley or any other building or place of a like character used for recreation, whether or not operated for profit or gain, but does not include a building or place elsewhere defined in this plan.
"Relic"	means any deposit, object or material evidence (which may consist of, or include, human remains) relating to: <ul style="list-style-type: none"> (a) the use or settlement of the area of Great Lakes, not being Aboriginal habitation, which is more than 50 years old; or (b) Aboriginal habitation of the area of Great Lakes before or after its occupation by persons of European extraction.
"Residential flat building"	means a building containing three or more dwellings, but does not include anything elsewhere defined in this plan.
"Restaurant"	means a building or place used principally to provide food for people to consume in that building or place.
"Retail plant nursery" (Amendment No. 25)	means a building or place used for the growing and sale by retail of plants, whether or not landscape supplies (including earth products) and other landscape and horticultural products are also sold by retail from the premises.
"Road"	means a public thoroughfare used for the passage of motor vehicles.
"Roadside stall"	means a temporary structure used to sell primary produce grown on the land on which the structure is located.
"Rural industry"	means an industry involving: <ul style="list-style-type: none"> (a) the treating or processing of primary products; or (b) the regular servicing or repairing of plant or equipment used for agriculture or for the treating or processing of primary products.
"Sawmill"	means a mill handling, cutting and processing timber from logs or baulks.
"Serviced apartment"	means a self-contained dwelling (in a building containing three or more self-contained dwellings) which is cleaned or serviced by the owner or manager of the building (or the agent of the owner or manager), and which provides short-term accommodation for persons who have their principal place of residence elsewhere, but does not include backpackers accommodation, a boarding house, guest house, or hotel.
"Service station"	means a building or place used for the fuelling of motor vehicles involving the sale by retail of petrol, oil or other petroleum products, whether or not the building or place is also used for one or more of the following: <ul style="list-style-type: none"> (a) the sale by retail of spare parts and accessories and installation of motor vehicle accessories for motor vehicles; (b) the washing and greasing of motor vehicles; (c) the repairing or servicing of motor vehicles (other than body building, panel beating or spray painting).