

INFORMATION ON NON URBAN LAND IN NORTH ARM COVE, PINDIMAR, BUNDABAH, CARRINGTON, THE BRANCH AND HAMILTON VILLAGE LOCALITIES

Background

Land that is in a rural or environmental zone, that has an area of less than 40 hectares and may not have any development entitlement, is commonly referred to as Non-Urban Land.

Non-urban lands were created by 'paper-subdivisions' in the 1800s and early 1900s, before the introduction of planning legislation. More information on paper subdivisions is available from the [Department of Planning and Environment](#).

Non-urban land is NOT exempt from rates. Councils are required to charge rates on private land under the [Local Government Act 1993](#). Great Lakes Council, because of the limited use of non-urban land, charges the lowest rates possible.

There is no plan to rezone Non-urban land for urban purposes in the above area. This is reflected in the Tea Gardens/ Hawks Nest Conservation and Development Strategy (2003) adopted by Great Lakes Council and the State Government's Mid-North Coast Regional Strategy (2009).

Summary

There are rules about building and development, clearing trees and vegetation, bushfire hazard reduction, camping and occupying non-urban land. You may be fined or prosecuted if you carry out these activities without consent on non-urban land. It is important that you get your own town planning, legal or other advice if you want to remove vegetation, build anything or occupy your land.

More information on the rules can be found in Great Lakes Local Environmental Plan 2014. This Plan is a legal document and explains what you can and cannot do on non-urban land. If you want to talk to a Council officer about these rules please call the Customer Service Centre (02) 6591 7222.

The information in this sheet is for general information purposes only and is NOT to be considered as town planning or legal advice. This information is current as at the date of publication and it may change without notice.

A list of websites with more information is provided at the end of this fact sheet.

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CAN I BUILD A HOUSE ON MY LAND?

Before you start building a house on your land you must have approval.

A house can only be built on non-urban land if it is an 'existing holding', is part of a Council approved subdivision or has an area of more than 40 hectares. [Great Lakes Local Environmental Plan 2014](#) Clause 4.2A - *Erection of dwelling houses on land in certain rural and environmental protection zones* has more information on these rules.

To find out if your land is an existing holding you can complete and lodge the [Request for Determination of Existing Parcel Rights](#) form with Council. There is a fee for this service.

A Development Application (DA) for building a house may also be lodged if your land is at least 36 hectares. [Great Lakes Local Environmental Plan 2014](#) Clause 4.6 *Exceptions to Development Standards* has more information on this rule.

If your land meets these criteria you can lodge a development application (DA) with Council. Each Development Application is then assessed against criteria such as:

- whether there is legal road access to the property
- the condition of road access to the property
- bushfire hazard
- proposed effluent disposal system
- availability of water, electricity, telephone and garbage services
- the likely impact of flood and coastal hazards on the property
- the likely impacts on native animal and plant species, ecological communities and wildlife habitats
- the restrictions of State Planning Instruments such as [SEPP 14 Coastal Wetlands](#).

If your application does not meet these and other relevant criteria and is refused, you have a right to appeal to the Land and Environment Court.

Please note:

- Council officers carry out regular inspections of North Arm Cove, Pindimar, Bundabah, Carrington and Hamilton Village localities to check if buildings being used as houses are lawful and have Council consent.
- Council can start legal and criminal proceedings against people who build on or clear land without consent. There are severe penalties up to \$1.1 million for undertaking unlawful development ([Environmental Planning and Assessment Act 1979](#)).
- Council has been successful in prosecuting unlawful development in the Land & Environment Court. A large fine may be imposed by the Court and the land owner can be required to pay Council's court costs. The fine and court costs can be expensive and result in bankruptcy.

OUR MESSAGE IS: Before you start building a house on your land you must have approval.

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DO I NEED APPROVAL FOR A SHED OR OTHER SMALL BUILDING?

Please check with Council before building any structure to see if approval is required.

The State Environmental Planning Policy (Exempt and Complying Development) 2008 allows some buildings and structures without Council approval. However, the Policy has strict rules and not all non-urban land can meet these rules for carrying out work without Council approval.

The State Environmental Planning Policy (Exempt and Complying Development) 2008 is also commonly called the 'Codes SEPP'.

Some building or development on your land may not need approval from Council if it is related to another use on the same land. For example, a farm building may not need approval if the land is already used for Agriculture. 'Agriculture' is clearly defined in [Great Lakes Local Environmental Plan 2014](#) and it must be a genuine business enterprise, have a distinct commercial purpose and character and must be carried out for the purpose of financial gain.

The planting of fruit trees or vegetable patches for personal use is not considered to be an agricultural activity having a commercial purpose or character.

Please check with Council before commencing any building by calling the Customer Service Centre on (02) 6591 7222. You can also lodge a '[Request for Exempt/Complying Development](#)' form for written advice. There is a fee for lodging this form.

If you want to remove or prune trees or clear any other vegetation so you can build, you will need Council approval. For more information please see the Great Lakes Local Environmental Plan 2014 Clause 5.9 Preservation of trees or vegetation and the Great Lakes Development Control Plan. You may also need the approval of the Office of Environment and Heritage under the [Native Vegetation Act 2003](#).

Please Note:

- It is unlawful to live in or occupy a shed. It is also unlawful to install plumbing and drainage for toilets, basins, showers and rain water tanks in sheds or outbuildings without approval from Council.
- It is important to check with Council before removing trees and vegetation or building on your land.
- If the work you do does not have Council approval and does not meet the rules of the Codes SEPP it will be considered unlawful development. Council can take action to have the structures removed, issue a penalty infringement notice and/or commence legal proceedings. Council would also ask the Court to require the land owner to pay Council's legal costs.

OUR MESSAGE IS: please do not commence construction of any building or structure without first checking with Council if approval is required.

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CAN I REMOVE TREES OR CLEAR MY LAND WITHOUT APPROVAL?

Approval is needed for the removal or clearing of any native vegetation.

There are strict rules about the removal of trees and vegetation on non-urban land. In these areas [Great Lakes Local Environmental Plan 2014](#) Clause 5.9 *Preservation of Trees or Vegetation* and the Tree Preservation chapter of the [Great Lakes Development Control Plan](#) do not allow for the clearing of trees and vegetation except in very limited situations. To seek approval for removing trees a '[Tree Removal Application](#)' may be lodged with Council.

You may also need the approval of the Office of Environment and Heritage under the [Native Vegetation Act 2003](#) which controls the clearing of native vegetation on rural land.

It is also unlawful to remove, prune or damage trees or vegetation on neighbouring properties without consent from the owner.

Please Note:

- It is important to have approval before clearing trees and vegetation. Severe penalties of up to \$1.1 million or \$1,500 per tree may apply for clearing without approval ([Environmental Planning and Assessment Act 1979](#)).
- Your land and the surrounding area may contain rare and threatened species of native plants and animals. If these are damaged or destroyed, even unintentionally, large penalties apply.
- Council and other government authorities regularly use satellite images and aerial photographs to check for the clearing of native vegetation. This information may be used in legal proceedings to prosecute the people responsible for clearing trees or vegetation without proper approval.
- You need approval from Council if you want to clear land or remove trees to allow for any building work, as well as approval for the building. Council may start legal proceedings if you remove trees or vegetation or build on your land without approval.

OUR MESSAGE IS: Please do not remove trees or native vegetation without first checking with Council if approval is required.

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CAN I REMOVE TREES AND OTHER PLANTS TO REDUCE THE RISK OF BUSHFIRES?

Written approval for bushfire hazard reduction must be obtained from the NSW Rural Fire Service.

There are strict rules about removing trees and other plants on your land.

The [Rural Fires Act 1997](#) allows for 'Bushfire Hazard Reduction' in some situations. 'Bushfire Hazard Reduction' includes work done in a bushfire emergency (such as removing fuel and making fire breaks) or work that is done as part of a Bushfire Risk Management Plan that has been approved by the Rural Fire Service.

[Great Lakes Local Environmental Plan 2014](#) *Clause 5.11 Bush fire hazard reduction* allows for Bushfire Hazard Reduction work to be carried out without consent in very limited circumstances. Clearing of your land is not generally considered to be bushfire hazard reduction if you do not have written approval from the Rural Fire Service.

It is important to check with Council and obtain written approval of the NSW Rural Fire Service before you start any clearing or removing trees and vegetation for bushfire hazard reduction, as large penalties may apply if you do not have the proper approval.

Clearing of trees or vegetation from adjoining properties also needs the owners' consent.

Please Note:

- It is important to have approval before clearing trees and vegetation. Severe penalties of up to \$1.1 million or \$1,500 per tree may apply for clearing without Approval ([Environmental Planning and Assessment Act 1979](#)).
- Your land and the surrounding area may contain rare and threatened species of native plants and animals. If these are damaged or destroyed, even unintentionally, large penalties apply.
- Council and other government authorities regularly use satellite images and aerial photographs to check for the clearing of native vegetation. This information may be used in legal proceedings to prosecute the people responsible for clearing trees or vegetation without proper approval.

OUR MESSAGE IS: Please do not remove trees or native vegetation without first checking with Council if approval is required.

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CAN I CAMP ON OR OCCUPY MY PROPERTY?

Camping or occupying private land is not allowed unless you have approval from Council.

Permits are required for camping on or occupation of your land. Permits have conditions which relate to occupation timeframes, building of structures and effluent removal.

Caravans and the like are not allowed to be permanently located on non-urban land. Council is currently undertaking legal action against several land owners to have caravans removed from their land.

You need Council approval before building any structure on your land such as a concrete slab, shelter/carport or rainwater tank.

Trees and vegetation cannot be removed, pruned or damaged for the purpose of camping.

More information can be found in Council's [Policy on Camping on Private Land](#).

OUR MESSAGE IS CLEARLY - Please do not camp or occupy your property without the appropriate permit and please do not leave caravans on your land.

Website locations/links for further information:

Great Lakes Council Customer Service Centre (02) 6591 7222

Great Lakes Local Environmental Plan 2014

www.greatlakes.nsw.gov.au/Development/Planning_Rules

Great Lakes Development Control Plan (DCP)

www.greatlakes.nsw.gov.au/Development/Planning_Rules

Request for Determination of Existing Parcel Rights application form

www.greatlakes.nsw.gov.au/Development/Lodging_a_DA/Preliminary

Request for Exempt/Complying Development form

www.greatlakes.nsw.gov.au/Development/Building/ExemptComplying_Development

Great Lakes Councils Camping Policy

www.greatlakes.nsw.gov.au/Your_Council/Policy_Register

Department of Planning and Environment

www.planning.nsw.gov.au/en-au/deliveringhomes/planningforpapersubdivisions.aspx

Environmental Planning and Assessment Act 1979

www.legislation.nsw.gov.au/maintop/view/inforce/act+203+1979+cd+0+N

Local Government Act 1993

www.legislation.nsw.gov.au/maintop/view/inforce/act+30+1993+cd+0+N

State Environmental Planning Policy (Exempt and Complying Development) 2008

www.legislation.nsw.gov.au/maintop/view/inforce/epi+572+2008+cd+0+N

Bushfire Hazard Reduction - Rural Fires Act 1997

www.legislation.nsw.gov.au/maintop/view/inforce/act+65+1997+cd+0+N

Office of Environment and Heritage

www.environment.nsw.gov.au/vegetation/approval.htm

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