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(Grant Issued)

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COFFS HARBOUR SHIRE COUNCIL

for Showground

Public Recreation

Gazette 16th September 1966

HARBOUR

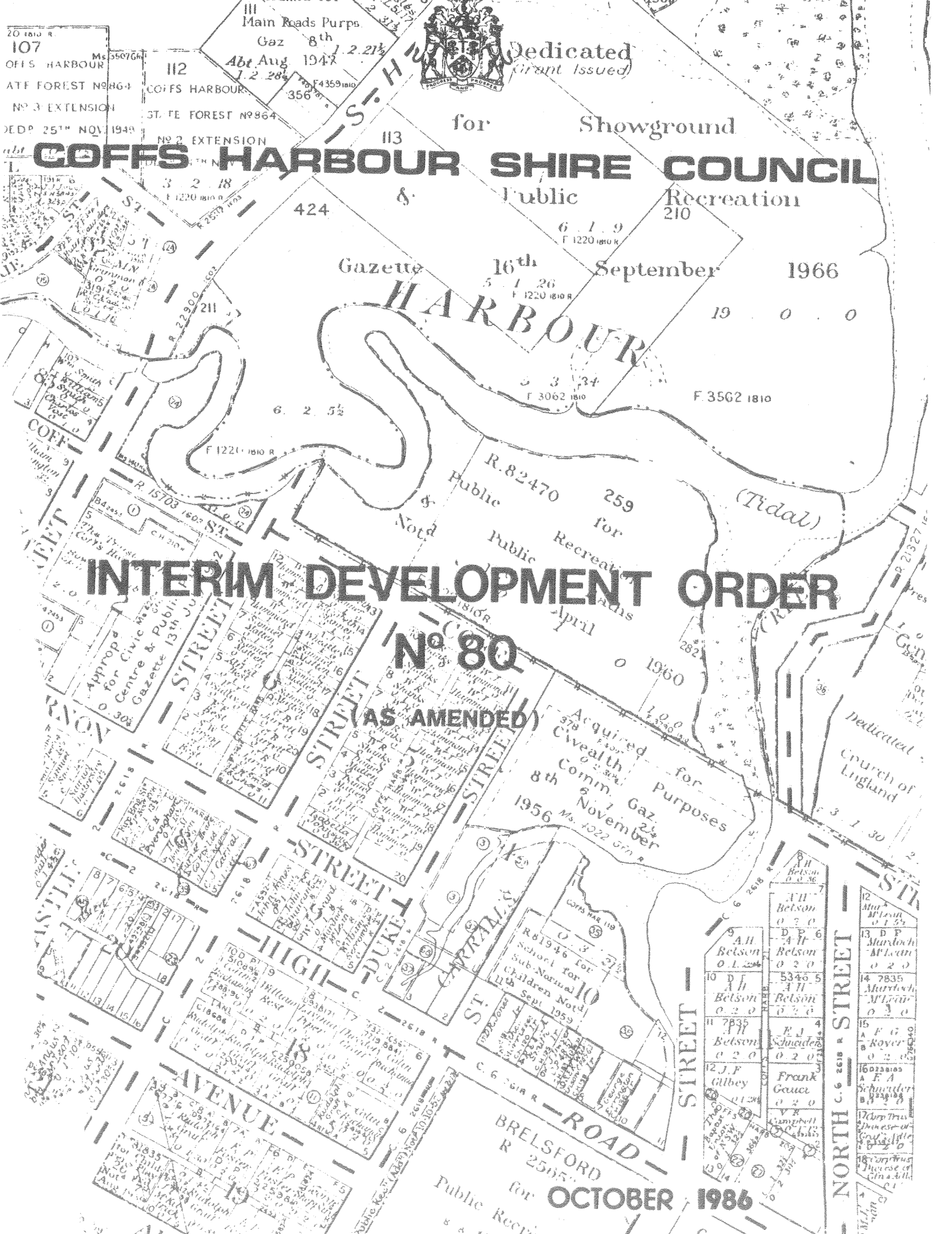
INTERIM DEVELOPMENT ORDER

N° 80

(AS AMENDED)

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for OCTOBER 1986



LOCAL GOVERNMENT ACT, 1919

NOTIFICATION OF SUSPENSION OF PROVISIONS OF THE COFFS HARBOUR
PLANNING SCHEME AS RESPECTS CERTAIN LAND WITHIN THE SHIRE OF COFFS
HARBOUR, RESCISSION OF CERTAIN INTERIM DEVELOPMENT ORDERS AND THE
MAKING OF INTERIM DEVELOPMENT ORDER NO. 80 - SHIRE OF COFFS HARBOUR

I, the Minister for Planning and Environment, having considered a report
by the New South Wales Planning and Environment Commission, do, by this my
notification -

- (a) in pursuance of section 342Y of the Local Government Act, 1919, suspend the provisions of the Shire of Coffs Harbour Planning Scheme as respects the lands to which the scheme applies; and
- (b) in pursuance of section 342U (5) of that Act rescind all interim development orders relating to lands within the Shire of Coffs Harbour as are in force at the date of this notification; and
- (c) in pursuance of section 342U (1A) of that Act and as required by sections 342U (5A) and 342Y (3) of that Act and in pursuance of section 7 (3) of the Local Government (Town and Country Planning) Amendment Act, 1962, make the interim development order as set out in Schedule "A" relating to all land within the Shire of Coffs Harbour being the land to which the interim development orders referred to in paragraph (b) hereof related, together with the land referred to in paragraph (a) hereof. (79-1902)

ERIC BEDFORD,
Minister for Planning and Environment.

Sydney, 30th May, 1980.

SCHEDULE "A"

1. This order may be cited as "Interim Development Order No. 80 - Shire of Coffs Harbour".

This order has been amended by:-

- (i) Government Gazette No. 115 of 15/8/80
- (ii) Government Gazette No. 139 of 26/9/80
- (iii) Coffs Harbour Local Environmental Plan No. 1 -
Government Gazette No. 189 of 12/12/80
- (iv) Coffs Harbour Local Environmental Plan No. 2 -
Government Gazette No. 67 of 8/5/81
- (v) Coffs Harbour Local Environmental Plan No. 3 -
Government Gazette No. 60 of 16/4/81
- (vi) Coffs Harbour Local Environmental Plan No. 4 -
Government Gazette No. 185 of 11/12/81
- (vii) Coffs Harbour Local Environmental Plan No. 5 -
Government Gazette No. 14 of 29/1/82
- (viii) Coffs Harbour Local Environmental Plan No. 6 -
Government Gazette No. 35 of 12/3/82
- (ix) Coffs Harbour Local Environmental Plan No. 7 -
Government Gazette No. 101 of 30/7/82
- (x) Coffs Harbour Local Environmental Plan No. 8 -
Government Gazette No. 28 of 11/2/83
- (xi) Coffs Harbour Local Environmental Plan No. 9 -
Government Gazette No. 37 of 4/3/83
- (xii) Coffs Harbour Local Environmental Plan No. 10 -
Government Gazette No. 128 of 23/9/83
- (xiii) Coffs Harbour Local Environmental Plan No. 11 -
Government Gazette No. 57 of 8/4/83
- (xiv) Coffs Harbour Local Environmental Plan No. 12 -
Government Gazette No. 124 of 9/9/83
- (xv) Coffs Harbour Local Environmental Plan No. 13 -
Government Gazette No. 172 of 16/12/83
- (xvi) Coffs Harbour Local Environmental Plan No. 15 -
Government Gazette No. 6 of 13/1/84
- (xvii) Coffs Harbour Local Environmental Plan No. 17 -
Government Gazette No. 42 of 16/3/84
- (xviii) Coffs Harbour Local Environmental Plan No. 16 -
Government Gazette No. 69 of 4/5/84

- (xix) Coffs Harbour Local Environmental Plan No. 18 -
Government Gazette No. 108 of 6/7/84
- (xx) Coffs Harbour Local Environmental Plan No. 21 -
Government Gazette No. 110 of 13/7/84
- (xxi) Coffs Harbour Local Environmental Plan No. 19 -
Government Gazette No. 137 of 21/9/84
- (xxii) Coffs Harbour Local Environmental Plan No. 26 -
Government Gazette No. 145 of 12/10/84
- (xxiii) Coffs Harbour Local Environmental Plan No. 23
Government Gazette No. 157 of 9/11/84
- (xxiv) Coffs Harbour Local Environmental Plan No. 22
Government Gazette No. 163 of 23/11/84
- (xxv) Coffs Harbour Local Environmental Plan No. 24
Government Gazette No. 163 of 23/11/84
- (xxvi) Coffs Harbour Local Environmental Plan No. 28
Government Gazette No. 178 of 21/12/84
- (xxvii) Coffs Harbour Local Environmental Plan No. 30
Government Gazette No. 9 of 11/1/85
- (xxviii) Coffs Harbour Local Environmental Plan No. 29
Government Gazette No. 38 of 8/2/85
- (xxix) Coffs Harbour Local Environmental Plan No. 27
Government Gazette No. 19 of 18/1/85
- (xxx) Coffs Harbour Local Environmental Plan No. 31
Government Gazette No. 69 of 12/4/85
- (xxxi) Coffs Harbour Local Environmental Plan No. 20
Government Gazette No. 80 of 10/5/85
- (xxxii) Coffs Harbour Local Environmental Plan No. 14
Government Gazette No. 114 of 9/8/85
- (xxxiii) Coffs Harbour Local Environmental Plan No. 33
Government Gazette No. 141 of 11/10/85
- (xxxiv) Coffs Harbour Local Environmental Plan No. 35
Government Gazette No. 8 of 10/1/86
- (xxxv) Coffs Harbour Local Environmental Plan No. 36
Government Gazette No. 8 of 10/1/86
- (xxxvi) Coffs Harbour Local Environmental Plan No. 34
Government Gazette No. 24 of 7/2/86
- (xxxvii) Coffs Harbour Local Environmental Plan No. 37
Government Gazette No. 81 of 16/5/86
- (xxxviii) Coffs Harbour Local Environmental Plan No. 39
Government Gazette No. 94 of 13/6/86

- (xxxix) Coffs Harbour Local Environmental Plan No. 38
Government Gazette No. 139 of 5/9/86
- (xxxx) Coffs Harbour Local Environmental Plan No. 42
Government Gazette No. 142 of 12/9/86
- (xxxxi) Coffs Harbour Local Environmental Plan No. 41
Government Gazette No. 146 of 19/9/86

2. This order is divided as follows:

PART I - Preliminary - cl. 1-3.

PART II- General Restrictions on Development - cl. 4.

PART III-Existing Buildings, Existing Works and Existing Use
of Land - cl. 5-8.

PART IV- Consents - cl. 9-17.

PART V - General Amenity and Convenience - cl. 18,19.

PART VI- Special Provisions - cl. 20-66.

PART VII-General - cl. 67-72.

SCHEDULES.

3. (1) In this order, except in so far as the context or subject-matter otherwise indicates or requires -

"advertisement" has the meaning ascribed to it in section 510 of the Act;

"advertising structure" has the meaning ascribed to it in Ordinance No. 55 under the Act but does not include "temporary advertising structure" or "advertising structure for the purpose only of displaying a commercial sign" within the meaning of that Ordinance;

"agriculture" has the meaning ascribed to it in section 514A of the Act;

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

"appointed day" means the day upon which this order is gazetted;

"arterial road" means any road shown on the I.D.C. Map by a continuous red band on white between firm black lines;

"boarding house" includes a house let in lodgings or a hostel but does not include a motel;

"bulk store" means a building or place used for the bulk storage of goods, where the goods stored or to be stored are not required for use in a shop or commercial premises on the same parcel of land or on adjoining land in the same ownership;

"bus depot" means a building or place used for the servicing, repair, and garaging of buses and other vehicles used for the purpose of a bus transport undertaking;

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

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

(a) body building;

(b) panel beating which involves dismantling; or

(c) spray painting other than of a touching-up character;

"child care centre" means a building or place used as a child care centre within the meaning of Part VII of the Child Welfare Act, 1939;

"club" means a building used by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes whether of the same or of a different kind and whether or not the whole or a part of such building is the premises of a club registered under the Registered Clubs Act, 1976;

"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 specifically defined in this clause or a building or place used for a purpose elsewhere specifically defined in this clause or for a roadside stall;

"community centre" means a building or place owned or controlled by the council and used to provide facilities comprising or relating to any one or more of the following:

- (a) a public library;
- (b) public health services;
- (c) rest rooms;
- (d) meeting rooms;
- (e) indoor recreation;
- (f) child minding; or
- (g) any other like purpose.

"council" means the council of the Shire of Coffs Harbour;

"Department" means the Department of Environment and Planning;

"development" has the meaning ascribed to it in section 342T of the Act;

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

"dwelling-house" means a building containing one but not more than one dwelling;

"educational establishment" means a building used as a school, college, technical college, academy, lecture hall, gallery or museum but does not include a building used wholly or principally as an institution or child care centre;

"existing building" or "existing work" means a building or work, as the case may be, erected, constructed or carried out -

- (a) before the appointed day; or
- (b) in accordance with clause 70;

"existing use", in relation to a building or work or to land,
means -

- (a) the use of that building, work or land for the purpose for which it was used immediately before the appointed day;
- (b) in the case of a building or work erected, constructed or carried out in accordance with clause 70 the use of that building or work for the purpose for which the erection of the building or the carrying out of the work, as the case may be, was approved; or
- (c) a use of a building, work or land for a purpose for which the council has given its consent under clause 7;

"extractive industry" means (a) the winning of extractive material, or (b) an industry or undertaking which depends for its operations on the winning of extractive material from the land upon which it is carried on;

"extractive material" means sand, gravel, clay, turf, soil, rock, stone or similar substances;

"floor" means any separate level within a building;

"floor space" includes all wall thicknesses, ducts, vents, staircases and lift wells, but does not include -

- (a) any car-parking space in the building provided to meet the standards required by the council (but not car parking space provided in excess of those standards) or any internal access to any such car parking space;
- (b) space used for the loading or unloading of goods; and
- (c) lift towers, cooling towers, machinery and plant rooms and any storage space related thereto;

"forestry" includes arboriculture, silviculture, forest protection, the cutting, dressing and preparation (other than in a sawmill) of wood and other forest products and the establishment of roading required for the removal of wood and forest products and for forest protection;

"former planning instrument" means -

- (a) the Coffs Harbour Planning Scheme Ordinance; or
- (b) any interim development order relating to land in the Shire of Coffs Harbour in force at the appointed day;

"general store" means a shop used or intended for use for the sale by retail of general merchandise whether or not the facilities of a post office are also included;

"generating works" means a building or place used for the purposes of making or generating gas, electricity or other forms of energy;

"gross floor area" means the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1400 millimetres above each floor level excluding -

- (i) columns, fin walls, sun control devices and any elements, projections or works outside the general line of the outer face of the external wall;
- (ii) lift towers, cooling towers, machinery and plant rooms and ancillary storage space and vertical air-conditioning duct;
- (iii) car-parking needed to meet any requirements of the council and any internal access thereto;
- (iv) space for the loading and unloading of goods.

"health care professional" means a person who renders professional health services to members of the public, and includes -

- (a) a chiropodist registered under the Chiropodists Registration Act, 1962;
- (b) a chiropractor or an osteopath or a chiropractor and an osteopath registered under the Chiropractic Act, 1978;
- (c) a physiotherapist registered under the Physiotherapists Registration Act, 1945;
- (d) an optometrist registered under the Optometrists Act, 1930;

"heliport" means a building or a place set apart or adapted for use for the takeoff and landing of helicopters;

"home industry" means an industry carried on in a building other than a dwelling-house or dwelling in a residential flat building, under the following circumstances -

- (a) the floor space of the building does not exceed 30 square metres and the building is erected within the curtilage of a dwelling-house or residential flat building occupied by the person carrying on the industry or on adjoining land owned by that person; and
- (b) the industry does not -
 - (i) interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise;
 - (ii) involve exposure to view from any adjacent premises, or from any public place, of any unsightly matter; or
 - (iii) require the provision of any essential service main of a greater capacity than that available in the locality;

"home occupation" means an occupation carried on in a dwelling-house or a dwelling in a residential flat building by the permanent residents of the dwelling-house or dwelling which does not involve -

- (a) the registration of the building under the Factories, Shops and Industries Act, 1962, except where such registration is required by reason of the installation and use in the dwelling-house or dwelling of not more than one electric motor having a capacity not exceeding 38kV;
- (b) the employment of persons other than such residents;
- (c) the interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise;
- (d) the display of goods, whether in a window or otherwise; or
- (e) the exhibition of any notice, advertisement or sign other than a notice or sign not exceeding 0.8 square metres exhibited on the dwelling-house or dwelling to indicate the name and occupation of the resident.

"hospital" means a building or place used as a -

- (a) hospital;
- (b) sanatorium;
- (c) health centre;
- (d) nursing home; or
- (e) home for aged persons, infirm persons, incurable persons or convalescent persons,

whether public or private, and includes a shop or dispensary used in conjunction therewith, but does not include an institution;

"hotel" means any premises specified in a publican's licence granted under the Liquor Act, 1912;

"industry" means -

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

"I.D.C. Map" means the series of maps bound in a book, the title sheet of which is marked "Shire of Coffs Harbour - Interim Development Control Map referred to in Interim Development Order No. 80 - Shire of Coffs Harbour", signed by the Minister for Planning and Environment and deposited in the office of the council, as amended by the maps marked as follows and deposited in the office of the council:

Coffs Harbour Local Environmental Plan No. 4
Coffs Harbour Local Environmental Plan No. 5
Coffs Harbour Local Environmental Plan No. 6
Coffs Harbour Local Environmental Plan No. 8
Coffs Harbour Local Environmental Plan No. 9
Coffs Harbour Local Environmental Plan No. 10
Coffs Harbour Local Environmental Plan No. 11
Coffs Harbour Local Environmental Plan No. 12
Coffs Harbour Local Environmental Plan No. 13
Coffs Harbour Local Environmental Plan No. 17
Coffs Harbour Local Environmental Plan No. 16
Coffs Harbour Local Environmental Plan No. 18
Coffs Harbour Local Environmental Plan No. 19
Coffs Harbour Local Environmental Plan No. 26
Coffs Harbour Local Environmental Plan No. 23
Coffs Harbour Local Environmental Plan No. 22
Coffs Harbour Local Environmental Plan No. 24
Coffs Harbour Local Environmental Plan No. 28
Coffs Harbour Local Environmental Plan No. 29
Coffs Harbour Local Environmental Plan No. 30
Coffs Harbour Local Environmental Plan No. 27
Coffs Harbour Local Environmental Plan No. 31
Coffs Harbour Local Environmental Plan No. 20
Coffs Harbour Local Environmental Plan No. 14
Coffs Harbour Local Environmental Plan No. 33
Coffs Harbour Local Environmental Plan No. 36
Coffs Harbour Local Environmental Plan No. 34
Coffs Harbour Local Environmental Plan No. 37
Coffs Harbour Local Environmental Plan No. 38
Coffs Harbour Local Environmental Plan No. 42
Coffs Harbour Local Environmental Plan No. 41

"institution" means a building (other than a hospital) used wholly or principally as -

- (a) a home or other institution for mental defectives;
- (b) a mental hospital; or
- (c) a penal or reformatory institution;

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

"light industry" means an industry, not being an offensive or hazardous industry, in which the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise;

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

"main road" means a main road within the meaning of the Main Roads Act, 1924;

"major road frontage" in relation to land, means the frontage of that land to -

(a) a main or arterial road; or

(b) a road connecting with a main or arterial road, if the whole or any part of the frontage is within 90 metres (measured along the road alignment of the connecting road) of the alignment of the main or arterial road;

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

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

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

"motor showroom" means a building or place used for the display or sale of motor vehicles, caravans or boats, whether or not accessories are also sold or displayed therein or thereon;

"offensive or hazardous industry" means an industry which, by reason of the processes involved or the method of manufacture or the nature of the materials used or produced, requires isolation from other buildings;

"parking space" includes any garage or court available for use by vehicles;

"place of assembly" means a public hall, theatre, cinema, music hall, concert hall, dance hall, open-air theatre, drive-in theatre, music bowl or any other building of a like character used as such, and whether used for the purposes of gain or not, but does not include a place of public worship, an institution or an educational establishment;

"place of public worship" means a church, chapel or other place of public worship or religious instruction or place used for the purpose of religious training;

"professional consulting rooms" means a room or a number of rooms forming either the whole of or part of, attached to or within the curtilage of a dwelling-house and used by not more than three legally qualified medical practitioners or by not more than three dentists within the meaning of the Dentists Act, 1934, or by not more than three health care professionals, who practise therein the profession of medicine, dentistry or health care respectively, and if more than one, practice in partnership, and who employ not more than three employees in connection with that practice.

"public building" means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organization established for public purposes;

"public utility undertaking" means any of the following undertakings carried on or permitted or suffered to be carried on by or by authority of any Government Department or under the authority of or in pursuance of any Commonwealth or State Act -

(a) railway, road transport, water transport, air transport, wharf or river undertakings;

(b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services;

and a reference to a person carrying on a public utility undertaking shall be construed as including a reference to a council, county council, Government Department, corporation, firm or authority carrying on the undertaking;

"recreation establishment" means health farms, religious retreat houses, rest homes, youth camps, golf courses, and the like but does not include a building or place elsewhere specifically defined in this clause or a building or place used or intended for use for a purpose elsewhere specifically defined in this clause;

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

- "refreshment room" means a restaurant, cafe, tea room, eating-house or the like;
- "residential flat building" means a building containing 2 or more dwellings;
- "retail plant nursery" means a building or place used for both the growing and retail selling of plants;
- "road transport terminal" means a building or place used for the principal purpose of the bulk handling of goods for transport by road, including facilities for the loading and unloading of vehicles used to transport those goods and for the parking, servicing and repair of those vehicles;
- "roadside stall" means a building or place not exceeding 20 square metres in floor space or area respectively where only primary products produced on the property on which the building or place is situated are exposed or offered for sale or sold by retail;
- "rural industry" means handling, treating, processing or packing primary products and includes the servicing in a workshop of plant or equipment used for rural purposes in the locality;
- "sawmill" means a mill handling, cutting and processing timber from logs or baulks;
- "service station" means a building or place used for retailing petrol, oils and other petroleum products whether or not the building or place is also used for any one or more of the following purposes -
- (a) retailing spare parts and accessories for motor vehicles;
 - (b) washing and greasing of motor vehicles;
 - (c) installation of accessories;
 - (d) repairing and servicing of motor vehicles other than top overhaul, body building, panel beating, spray painting or suspension, transmission or chassis restoration;
- "shop" means a building or place used for the purpose of selling, exposing or offering for sale by retail goods, merchandise, or materials, but does not include a building or place elsewhere specifically defined in this clause or a building or place used for a purpose elsewhere specifically defined in this clause or for a roadside stall;
- "site area" means the area of land to which an application under this Order relates, excluding therefrom any land upon which development to which the application relates is not permitted by or under this Order;
- "statutory authority" includes a statutory body, a Government Department, the Police Department (Traffic Branch), the Totalizator Agency Board and the Traffic Authority of New South Wales;

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

"tavern" means any premises specified in a publican's licence endorsed as a tavern granted under the Liquor Act, 1912;

"the Act" means the Local Government Act, 1919;

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

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

"units for aged or disabled persons " means a residential flat building used to house aged or disabled persons as defined in the Aged Persons Act 1954, of the Parliament of the Commonwealth, erected or to be erected by an eligible organization as defined in that Act, the Housing Commission of New South Wales or any other Department or instrumentality of the Crown;

"utility installation" means a building or work used by a public utility undertaking but does not include a building designed wholly or principally as administrative or business premises or as a showroom;

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

"zone" means land referred to in Column I of the Table to clause 4 and shown on the I.D.C Map by distinctive colouring or edging or in some distinctive manner as referred to in that Column for the purpose of indicating the restrictions imposed by this order on the development of land.

(2) A reference in this clause to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose.

(3) The operation in relation to any land within the Shire of Coffs Harbour of Division 7 of Part XIII A of the Local Government Act, 1919, and of any Ordinance made thereunder as continued in force by section 7 (1) of the Local Government Act, 1962, are hereby suspended.

PART II

GENERAL RESTRICTIONS ON DEVELOPMENT

4. Subject to Parts III, IV, V and VI, the purposes -
- (a) for which development may be carried out without the consent of the council;
 - (b) for which development may be carried out subject to such conditions as may be imposed by the council under clause 14 (1) (a);
 - (c) for which development may be carried out only with the consent of the council; and
 - (d) for which development is prohibited

on land within each of the zones specified in Column I of the Table to this clause are respectively shown opposite thereto in Columns II, III, IV and V of that Table.

- TABLE -

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on I.D.C. Map.	Purposes for which development may be carried out without the consent of the Council.	Purposes for which development may be carried out subject to such conditions as may be imposed by the Council pursuant to clause 14(1)(a).	Purposes for which development may be carried out only with the consent of the Council.	Purposes for which development is prohibited.
1. RURAL: (a) Rural "A" Light Brown.	Agriculture; forestry.	Dwelling-houses referred to in Clause 22.	Any purpose other than those referred to in Column II, III or V. Note: Concurrence of Dept. required for uses listed in Clause 17.	Boarding houses; holiday cabins; motor showrooms; residential flat buildings; roadside stalls; shops
(a1) Rural "A1" Agricultural Protection. Light brown with dark scarlet edging and lettered 1(a1).	Agriculture; forestry.	.....	Drainage; dwelling-houses; extractive industries; home industries; home occupations; open space; recreation establishments; refreshment rooms; retail plant nurseries; roads; roadside stalls; rural industries; stock and sale yards; utility installations (other than gas holders or generating works).	Any purpose other than those referred to in Column II or IV
(b) Rural "B" Light brown with dark scarlet edging and lettered 1(b).	Agriculture; forestry.	.....	Any purpose other than those referred to in Column II or V. Note: Concurrence of Dept. required for uses listed in Clause 17.	Boarding houses; bulk stores; car repair stations; commercial premises; holiday cabins; junk yards; liquid fuel depots; motor showrooms; offensive or hazardous industries; residential flat buildings; roadside stalls; shops; timber yards; warehouses; taverns.

Column I	Column II	Column III	Column IV	Column V
<p>Zone and colour or indication on I.D.C. Map.</p>	<p>Purposes for which development may be carried out without the consent of the Council.</p>	<p>Purposes for which development may be carried out subject to such conditions as may be imposed by the Council pursuant to clause 14(1)(a).</p>	<p>Purposes for which development may be carried out only with the consent of the Council.</p>	<p>Purposes for which development is prohibited.</p>
<p>(c) Rural "C" Light brown with dark scarlet edging and lettered 1(c).</p>	<p>Agriculture; forestry.</p>	<p>.....</p>	<p>Any purpose other than those referred to in Column II or V. Note: Concurrence of Dept. required for uses listed in Clause 17.</p>	<p>Boarding houses; bulk stores; car repair stations; commercial premises; dwelling houses other than those referred to in clause 22; holiday cabins; industries, (other than rural industries, extractive industries and home industries); hotels; junk yards; liquid fuel depots; motor showrooms; quarries; residential flat buildings; refreshment rooms; roadside stalls; service stations; shops; timber yards; transport terminals; warehouses; taverns.</p>

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on I.D.C. Map.	Purposes for which development may be carried out without the consent of the Council.	Purposes for which development may be carried out subject to such conditions as may be imposed by the Council pursuant to clause 14(1)(a).	Purposes for which development may be carried out only with the consent of the Council.	Purposes for which development is prohibited.
(d) Rural "D1" Small Holdings. Light brown with dark scarlet edging and lettered 1(d1).	Agriculture; forestry.	.....	Drainage, dwelling-houses; roads; open space; utility installations (other than gas holders or generating works).	Any purpose other than those referred to in Column II or IV.
(d2) Rural "D2" Small Holdings. Light brown with dark scarlet edging and lettered 1(d2).	Agriculture; forestry.	.....	Drainage; dwelling-houses; roads; open space; utility installations (other than gas holders or generating works).	Any purpose other than those referred to in Column II or IV.
(d3) Rural "D3" Small Holdings. Light brown with dark scarlet edging and lettered 1(d3).	Agriculture; forestry.	.....	Drainage; dwelling-houses; roads; open space; utility installations (other than gas holders or generating works).	Any purpose other than those referred to in Column II or IV.
(e) Rural "E" Tourist. Light brown with dark scarlet edging and lettered 1(e).	Agriculture; forestry.	.....	Dwelling houses referred to in clause 22; drainage; recreation establishments; recreation facilities; roads; shops (in a building or group of buildings having a total floor space not exceeding 500 sq metres); tourist facilities; open space; utility installations (other than gas holders or generating works).	Any purpose other than those referred to in Column II or IV.

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on I.D.C. Map.	Purposes for which development may be carried out without the consent of the Council.	Purposes for which development may be carried out subject to such conditions as may be imposed by the Council pursuant to clause 14(1)(a).	Purposes for which development may be carried out only with the consent of the Council.	Purposes for which development is prohibited.
(f) Rural "F". Forests. Light brown with dark Scarlet edging and lettered 1(f)	Any purpose authorised under the Forestry Act, 1916, or any purpose ordinarily incidental or subsidiary to such a purpose; agriculture.	.....	Any purpose other than those referred to in Column II or V.	Boarding-houses; bulk stores; bus depots; car repair stations; child care centres; clubs; commercial premises; community centres; dwelling-houses; general stores; holiday cabins; hospitals; hotels; industries (other than rural industries, extractive industries and home industries); institutions; junk yards; liquid fuel depots; motels; motor showrooms; places of assembly; places of public worship; recreation facilities; residential flat buildings; roadside stalls; service stations; shops; taverns; timber yards; tourist facilities; transport terminals; units for aged or disabled persons; warehouses.

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on I.D.C. Map.	Purposes for which development may be carried out without the consent of the Council.	Purposes for which development may be carried out subject to such conditions as may be imposed by the Council pursuant to clause 14(1)(a).	Purposes for which development may be carried out only with the consent of the Council.	Purposes for which development is prohibited.
2. RESIDENTIAL: (a) Residential "A" Light scarlet.	Dwelling-houses other than dwelling-houses where more than one dwelling is erected on a single allotment.	.....	Any purpose other than those referred to in Column II or V.	Advertising structures; bulk stores; caravan parks; car repair stations; clubs; commercial premises; gas holders; generating works; hotels; industries other than home industries; institutions; junk yards; liquid fuel depots; mines; motels; motor show-rooms; places of assembly; quarries; recreation facilities; refreshment rooms; retail plant nurseries; roadside stalls; sawmills; service stations; shops; stock and sale yards; taverns; timber yards; tourist facilities; transport terminals; warehouses.
(b1) Residential "B1" Light scarlet with dark scarlet edging and lettered 2(b1).	As above.	.....	As above.	
(b2) Residential "B2" Light scarlet with dark scarlet edging and lettered 2(b2).	As above.	.....	As above.	
(b3) Residential "B3" Light scarlet with dark scarlet edging and lettered 2(b3).	As above.	.....	As above.	
(c) Residential Tourist "C" Light scarlet with dark scarlet edging and lettered 2(c).	Dwelling-houses	Boarding-houses; caravan parks; drainage; dwelling-houses where more than one dwelling is erected on a single allotment; home occupations; holiday cabins; motels; open space; places of public worship; recreation facilities; residential flat buildings; refreshment rooms; roads; utility installations (other than generating works or gas holders).		Any purpose other than those referred to in Columns II or IV.

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on I.D.C. Map.	Purposes for which development may be carried out without the consent of the Council.	Purposes for which development may be carried out subject to such conditions as may be imposed by the Council pursuant to clause 14(1)(a).	Purposes for which development may be carried out only with the consent of the Council.	Purposes for which development is prohibited.
(d1) Residential Tourist "D1" Light scarlet with dark scarlet edging and lettered 2(d1).	Dwelling-houses.	.....	Boarding houses; caravan parks; drainage; dwelling-houses where more than one dwelling is erected on a single allotment; home occupations; holiday cabins; motels; open space; places of public worship; refreshment rooms; recreation facilities; residential flat buildings; roads; utility installations (other than gas holders or generating works).	Any purpose other than those referred to in Columns II or IV.
(d2) Residential Tourist "D2" Light scarlet with dark scarlet edging and lettered 2(d2).	As above.	.....		As above.
(d3) Residential Tourist "D3" Light scarlet with dark scarlet edging and lettered 2(d3).	As above.	.....		As above.
(d4) Residential Tourist "D4" Light scarlet with dark scarlet edging and lettered 2(d4).	As above.		As above.
(d5) Residential Tourist "D5" Light scarlet with dark scarlet edging and lettered 2(d5).	As above.	.....	As above.	As above.
(d6) Residential Tourist "D6" Light scarlet with dark scarlet edging and lettered 2(d6).	.....	.....	Any purpose other than those referred to in Column V.	Bulk stores; bus depots; bus stations; car repairs stations; commercial premises; educational establishments; extractive industries; generating works; home industries; hospitals; industries; institutions; junk yards; liquid fuel depots; mineral sand mines; motor showrooms; offensive or hazardous industries; retail plant nurseries; road transport terminals; roadside stalls; sawmills; service stations; shops, where the total floor area exceeds 500 square metres for any one shop; transport terminals; warehouses.
(e) Residential Village "E" Light scarlet with dark scarlet edging and lettered 2(e).	.....	.....	Any purpose other than those referred to in Column V.	Offensive or hazardous industries; institutions; junk yards within 90 metres of a main or arterial road; mines.

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on I.D.C. Map	Purposes for which development may be carried out without the consent of the Council.	Purposes for which development may be carried out subject to such conditions as may be imposed by the Council pursuant to clause 14(1)(a).	Purposes for which development may be carried out only with the consent of the Council.	Purposes for which development is prohibited.
3. BUSINESS: (a1) General Business Light blue with dark scarlet edging and lettered 3(a1).	Commercial premises referred to in Schedule 1, the floor space of which does not exceed 1,500 sq.m; shops, the floor space of which does not exceed 1,000 sq.m.	Any purpose other than those referred to in Column III or V.	Amusement parks; car repair stations; caravan parks; dwelling houses (other than those used in conjunction with shops or commercial premises); educational establishments; gas holders; generating works; hospitals; industries referred to in Schedule 2; institutions; junk yards; liquid fuel depots; mines; roadside stalls; sawmills; stock and sale yards; timber yards; transport terminals; wholesale markets.
(a2) General Business. Light blue with dark scarlet edging and lettered 3(a2).	As above	As above	Amusement parks; car repair stations; caravan parks; dwelling houses (other than those used in conjunction with shops or commercial premises); educational establishments; gas holders; generating works; hospitals; industries referred to in Schedule 2; institutions; junk yards; liquid fuel depots; mines; roadside stalls; sawmills; stock and sale yards; timber yards; transport terminals; wholesale markets.
(a3) General Business. Light blue with dark scarlet edging and lettered 3(a3).	Commercial premises referred to in Schedule 1, the floor space of which does not exceed 1500 square metres; shops, the floor space of which does not exceed 1000 square metres.	Any purposes other than those referred to in Column III or IV.	Amusement parks; car repair stations; caravan parks; dwelling-houses (other than those used in conjunction with shops or commercial premises); educational establishments; gas holders; generating works; hospitals; industries referred to in Schedule 2; institutions; junk yards; liquid fuel depots; mines; roadside stalls; sawmills; stock and sale yards; timber yards; transport terminals; wholesale markets.
(a4) General Business. Light blue with dark scarlet edging and lettered 3(a4).	Commercial premises referred to in Schedule 1, the floor space of which does not exceed 1500 square metres; shops, the floor space of which does not exceed 1000 square metres.	Any purposes other than those referred to in Column III or V.	Amusement parks; car repair stations; caravan parks; dwelling-houses (other than those used in conjunction with shops or commercial premises); educational establishments; gas holders; generating works; hospitals; industries referred to in Schedule 2; institutions; junk yards; liquid fuel depots; mines; roadside stalls; sawmills; stock and sale yards; transport terminals; wholesale markets.

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on I.D.C. Map.	Purposes for which development may be carried out without the consent of the Council.	Purposes for which development may be carried out subject to such conditions as may be imposed by the Council pursuant to clause 14(1)(a).	Purposes for which development may be carried out only with the consent of the Council.	Purposes for which development is prohibited.
(b1) Special Business. Light blue with dark scarlet edging and lettered 3(b1).	Advertising structures; amusement parks; child care centres; hotels; motels; places of assembly; purposes referred to in Schedule 3; refreshment rooms; recreation facilities; service stations; shops.	Any purpose other than those referred to in Column IV.
(b2) Special Business. Light blue with dark scarlet edging and lettered 3(b2).	Advertising structures; boarding houses; clubs; commercial premises; dwellings; hotels; motels; places of assembly; places of public worship; refreshment rooms; residential flat buildings; shops.	Any purpose other than those referred to in Column IV.
(b3) Special Business. Light blue with dark scarlet edging and lettered 3(b3).	Advertising structures; building supplies; modular home sales; motor showrooms; outdoor furniture; refreshment rooms; retail plant nurseries.	Any purpose other than those referred to in Column IV.
(b4) Special Business. Light blue with dark scarlet edging and lettered 3(b4).	Advertising structures; amusement parks; refreshment rooms; shops (in a building or group of buildings the total floor space of which does not exceed 500 sq. m); utility installations (other than gas holders or generating works).	Any purpose other than those referred to in Column IV.
(c) Neighbourhood Business. Dark blue.	Commercial premises not exceeding 100 sq. m; dwelling attached to and used in conjunction with shops; purposes referred to in Schedule 4; roads; shops (provided that the total floor space of such shops in any building or group of buildings does not exceed 1000 sq. m.); utility installations (other than gas holders or generating works).	Any purpose other than those referred to in Column IV.
(d) Business Special "D". Light blue with dark scarlet edging and lettered 3(d).	Commercial premises; medical centres; places of assembly; places of worship; public buildings.	Any purposes other than those referred to in Column IV.

Column I	Column II	Column III	Column IV	Column V
<p>Zone and colour or indication on I.D.C. Map.</p>	<p>Purposes for which development may be carried out without the consent of the Council.</p>	<p>Purposes for which development may be carried out subject to such conditions as may be imposed by the Council pursuant to clause 14(1)(a).</p>	<p>Purposes for which development may be carried out only with the consent of the Council.</p>	<p>Purposes for which development is prohibited.</p>
<p>4. INDUSTRIAL: (a1) General Industrial. Purple with dark scarlet edging and lettered 4(a1).</p>	<p>.....</p>	<p>Industries referred to in Schedule 5; utility installations (other than gas holders or generating works).</p>	<p>Any purpose other than those referred to in Column III or V.</p>	<p>Abattoirs; boarding houses; commercial premises; dwelling houses or residential flat buildings (other than dwelling houses used in conjunction with an industry and situated on the land on which the industry is conducted or residential flat buildings so used and so situated); caravan parks; educational establishments; extractive industries; hospitals; institutions; mines; motels; offensive or hazardous industries; places of assembly; recreation establishments; recreation facilities; roadside stalls; shops (other than those referred to in Schedule 6 or 8); stock and sale yards; taverns; tourist facilities.</p>
<p>(a2) Industrial General. Purple with dark scarlet edging and lettered 4(a2).</p>	<p>.....</p>	<p>Industries referred to in Schedule 5; utility installations (other than gas holders or generating works).</p>	<p>Any purpose other than those referred to in Column III or V.</p>	<p>Abattoirs; boarding houses; commercial premises; dwelling houses or residential flat buildings (other than dwelling houses used in conjunction with an industry and situated on the land on which the industry is conducted or residential flat buildings so used and so situated); caravan parks; educational establishments; extractive industries; hospitals; institutions; mines; motels; offensive or hazardous industries; places of assembly; recreation establishments; recreation facilities; roadside stalls; shops (other than those referred to in Schedule 6 or 7); stock and sale yards; taverns; tourist facilities.</p>

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on I.D.C. Map.	Purposes for which development may be carried out without the consent of the Council.	Purposes for which development may be carried out subject to such conditions as may be imposed by the Council pursuant to clause 14(1)(a).	Purposes for which development may be carried out only with the consent of the Council.	Purposes for which development is prohibited.
5. SPECIAL USES: (a) Special Uses "A". Yellow with scarlet lettering.	.....	The particular purposes indicated by scarlet lettering on the I.D.C. map.	Any purposes ordinarily incidental to the purpose referred to in Column III; roads; drainage; utility installations (other than gas holders or generating works).	Any purpose other than those referred to in Column III or IV.
(b) Special Uses "B" (Railways). Mauve purple.	.....	.....	Railway purposes (including any purpose authorised under the Government Railways Act, 1912); drainage; roads; utility installations (other than gas holders or generating works).	Any purpose other than those referred to in Column IV.
(c) Special Uses "C" (Arterial Route). Grey.	.....	Arterial road.	Any purposes ordinarily incidental to the purpose referred to in Column III; roads; drainage; utility installations (other than gas holders or generating works).	Any purpose other than those referred to in Column III or IV.

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on I.D.C. Map.	Purposes for which development may be carried out without the consent of the Council.	Purposes for which development may be carried out subject to such conditions as may be imposed by the Council pursuant to clause 14(1)(a).	Purposes for which development may be carried out only with the consent of the Council.	Purposes for which development is prohibited.
6. OPEN SPACE: (a) Existing Recreation. Green.	.....	Any purpose authorised by Division 2 or 3 of Part XIII of the Act; racecourses; show-grounds; sports grounds.	Agriculture; camping areas; drainage; forestry; parking; roads; utility installations (other than gas holders or generating works); water supply.	Any purpose other than those referred to in Column III or IV.
(b) Proposed Recreation. Green with dark green edging.	.....	Any purpose authorised by Division 2 or 3 of Part XIII of the Act; sportsgrounds.	Agriculture; drainage; forestry; parking; roads; utility installations (other than gas holders or generating works).	Any purpose other than those referred to in Column III or IV.
(c) Private Recreation. Green with yellow edging.	.....	.....	Bowling greens; clubs; golf courses; racecourses; recreation areas; recreation facilities; show-grounds; sportsgrounds; training tracks; utility installations (other than gas holders or generating works).	Any purpose other than those referred to in Column IV.
(d) Private Landscaping. Green with red edging and hatching.	Agriculture (not including piggeries or poultry farms).	.....	Dams; drainage; landscaping; public utility installations (other than gas holders or generating works); roads.	Any purpose other than those referred to in Column II or IV.

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on I.D.C. Map.	Purposes for which development may be carried out without the consent of the Council.	Purposes for which development may be carried out subject to such conditions as may be imposed by the Council pursuant to clause 14(1)(a).	Purposes for which development may be carried out only with the consent of the Council.	Purposes for which development is prohibited.
7. ENVIRONMENT PROTECTION: (a) Environmental Protection (Wetlands). Orange with red edging and lettered 7(a).	.....	.....	Agriculture; dwelling-houses; landscaping; open space; roads; utility installations (other than gas holders or generating works).	Any purpose other than those referred to in Column IV.
(f1) Coastal Lands Protection. Orange with red edging and lettered 7(f1).	Agriculture	.....	Camping grounds; caravan parks; dams; drainage; dwelling houses; forestry; golf courses; home industries; mining; sand extraction; roads; utility installations (other than gas holders or generating works). Note: Concurrence of Dept. required for uses listed in Clause 17.	Any purpose other than those referred to in Column II or IV.
(f2) Coastal Lands Acquisition. Orange with red edging and lettered 7(f2).	Agriculture	.....	Dams; drainage; dwelling houses; roads; utility installations (other than gas holders or generating works). Note: Concurrence of Dept. required for uses listed in Clause 17.	Any purpose other than those referred to in Column II or IV.
(1) Rural Environmental Protection - General. Orange with red edging and lettered 7(1).	Agriculture (other than piggeries and poultry farms).	.....	Dams; drainage; dwelling-houses; public utility installations (other than gas holders or generating works); roads; subdivisions (other than for the erection of dwellings); removal or destruction of trees.	Any purpose other than those referred to in Column II or IV.

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on I.D.C. Map.	Purposes for which development may be carried out without the consent of the Council.	Purposes for which development may be carried out subject to such conditions as may be imposed by the Council pursuant to clause 14(1)(a).	Purposes for which development may be carried out only with the consent of the Council.	Purposes for which development is prohibited.
8. National Parks and Nature Reserves. Uncoloured with dark green edging	Any purpose authorised under the National Parks and Wildlife Act, 1974, or any purpose ordinarily incidental or subsidiary to such a purpose.	.....	.....	Any purpose other than those referred to in Column II.

PART III

- 5. DELETED
- 6. DELETED
- 7. DELETED
- 8. DELETED

PART IV

- 9. DELETED

Advertisement of certain applications

10. (1) The council shall, before determining an application for its consent to carry out development on any land within Zone No. 2(a), 2(b1), 2(b2), 2(b3) or 2(c) for the purpose of a home industry, a hospital or a place of public worship give notice of the receipt of the application in a newspaper circulating in the locality in which the development the subject of the application is proposed to be carried out.

(2) The cost of giving notice in accordance with subclause (1) may be included in the fees, if any, fixed in respect of an application for consent under this order.

(3) A notice referred to in subclause (1) shall -

(a) set out particulars sufficient to identify the land to which the application relates and the nature of the proposed development; and

(b) allow a period of 21 days from the date of publication during which any person may lodge with the council written objection to the proposed development on the ground that it will injuriously affect the ownership or occupation by that person of vacant land a dwelling-house or a dwelling in a residential flat building in the vicinity.

(4) After expiry of the period referred to in subclause (3) (b), the council shall consider the application having regard to any objections lodged in pursuance of the notice.

- 11. DELETED

Consideration of certain applications

12. (1) The council shall, in respect of an application for its consent to the carrying out of development, within view of any waterway or adjacent to any main or arterial road, public reserve or land within Zone No. 6(a), 6(b) or 6(c), take into consideration the probable aesthetic appearance of the proposed building or work or that land when used for the proposed purpose and viewed from that waterway, main or arterial road, public reserve or land so zoned.

(2) The council shall in respect of an application under this order for its consent to the carrying out of development for the purposes of a hotel, motel, service station, car repair station, place of assembly, commercial premises, shop, residential flat building, caravan park or industrial premises or to the carrying out of any other development likely to cause increased vehicular traffic on any road in the vicinity of that development, take into consideration -

- (a) whether adequate vehicular entrances to and exits from the site have been provided so that vehicles using those entrances and exits will not endanger persons and vehicles using those roads;
- (b) the provision of space on the site or on land adjoining the site, other than a public road, for the parking or standing of such number of vehicles as the council may determine;
- (c) whether any representations made by the Traffic Authority of New South Wales have been met; and
- (d) whether adequate space has been provided within the site of the building or development for the loading, unloading and fuelling of vehicles and for the picking up and setting down of passengers.

(3) The council shall in respect of an application under this order for its consent to the carrying out of development for the purposes of a transport terminal, consult with the Traffic Authority of New South Wales and shall take into consideration -

- (a) any representations made to it by the Traffic Authority of New South Wales and the Department of Main Roads;
- (b) the standard of the roads in the locality in relation to the size and the weight of the vehicles likely to use the transport terminal;
- (c) traffic conditions and facilities generally in the vicinity of the approaches to the transport terminal;
- (d) the means of ingress and egress;
- (e) the provision on land (other than a public road) of space for the parking or standing of vehicles; and

- (f) the layout of buildings on the site in relation to -
- (i) the provision of space for the parking and standing of vehicles;
 - (ii) the provision of space for the loading, unloading or fuelling of vehicles; and
 - (iii) the traffic facilities within the site.

(4) The council shall in respect of an application under this order for its consent to the carrying out of development for the purposes of a residential flat building, take into consideration any code for the erection of residential flat buildings adopted by resolution of the council.

(5) The council shall in respect of an application under this order for its consent to the carrying out of development for the purpose of an extractive industry or mine, take into consideration the advisability of imposing conditions to secure the reinstatement of the land, to facilitate the removal of waste material or refuse, to secure public safety in the neighbourhood and to protect the amenity of the neighbourhood.

(6) The council shall, on applications to erect dwellings on existing holdings, consider the adequacy of the access, the availability and adequacy of services and the likelihood of the creation of or aggravation of a condition of ribbon development.

(7) The council shall, on applications for subdivision of land, consider ratio of depth to frontage of any proposed allotment having regard to the purpose for which the allotment is created and the building set back requirements of this order.

Concurrence of the Minister

13. The council, in respect of an application made to it under this order for its consent to carry out development by the Crown, a public utility undertaking or a statutory authority -

- (a) shall not refuse to grant its consent to the application; and
- (b) shall not attach any conditions to its consent,

except with the concurrence of the Minister.

Determination of Applications

14. (1) Subject to this order the council in respect of -
- (a) an application for consent to carry out development for a purpose specified in Column III of the Table to clause 4 shall not be entitled to refuse its consent to the application but may attach to its consent such conditions as it thinks proper to impose relating to any one or more of the matters referred to in clause 11; and
 - (b) an application for consent to carry out any other development, may grant the application unconditionally or subject to such conditions as it thinks proper to impose or may refuse to grant the application.
- (2) DELETED
15. DELETED
16. DELETED

Concurrence

17. (1) Except with the concurrence of the Director, the council shall not consent to the carrying out of development -
- (a) on land within Zone No. 1(a) for the purpose of a mine or an industry (other than an extractive industry, home industry, offensive or hazardous industry, or a rural industry);
 - (b) on land within Zone No. 1(b) for the purpose of a caravan park, hotel, industry (other than an extractive industry, home industry, offensive or hazardous industry or a rural industry), mine, refreshment room, service station or transport terminal;
 - (c) on land within Zone No. 1(c) for the purpose of a mine;
 - (d) on land within Zone No. 7(f1) or 7(f2) for a purpose referred to in Column IV of the Table to clause 4 shown opposite that zone in Column I of the Table.
- (2) The Director, in deciding whether concurrence should be granted to an application for the consent of the council to the carrying out of development referred to in subclause (1), shall take into consideration -
- (a) the probable aesthetic appearance of the proposed development;
 - (b) the likelihood of the proposed development causing increased vehicular traffic on any road in the vicinity of that development; and
 - (c) whether adequate safeguards have been or will be made to protect the environment of the locality.

PART V

GENERAL AMENITY AND CONVENIENCE

Foreshore Building Lines

18. (1) The council may by resolution fix building lines (in this clause called "foreshore building lines") in respect of any land fronting the Pacific Ocean or any river, creek, lake, lagoon, estuary or other natural water-course.

(2) A foreshore building line shall, when fixed by the council be marked upon a plan or clearly described in the resolution and that plan or resolution shall be open for inspection by the public during office hours of the council.

(3) A building (other than a boat launching ramp or oyster shed) shall not be erected between a foreshore building line and the river, creek or natural watercourse in respect of which it is fixed.

(4) The council may alter or abolish any foreshore building line, except a line deemed to be a foreshore building line in accordance with subclause (5), where the levels or depth of the allotment or other exceptional conditions of the site make it necessary to do so.

(5) A line shown on the I.D.C. map by a broken black line and the letters "F.S.B.L." shall be deemed to be a foreshore building line fixed in accordance with subclause (1).

Tree Preservation

19. (1) Where it appears to the Council that it is expedient for the purpose of securing amenity or of preserving existing amenity, the Council may, for that purpose and by resolution, make an order (hereinafter referred to as a "tree preservation order") and may, by like resolution, rescind or vary any such order.

(2) A tree preservation order may prohibit the ring-barking, cutting down, topping, lopping, removing, injuring or wilful destruction of any tree or trees specified in the order except with the consent of the council and any such consent may be given subject to such conditions as the Council thinks fit.

(3) A tree preservation order may relate to any tree or trees or to any specified class, type or description of trees on land described in the order and that land may be described particularly or generally by reference to the municipality or any divisions thereof.

(4) The Council shall forthwith upon the making of a tree preservation order cause notice of the making of the order to be published in the Gazette and in a newspaper circulating in the area in which the land described in the order is situated.

(5) A person who contravenes or causes or permits to be contravened a tree preservation order shall be guilty of an offence.

(6) In any proceedings under this clause it shall be sufficient defence to prove that the tree ringbarked, cut down, topped, lopped, removed, injured or wilfully destroyed, was dying or dead or had become dangerous.

(7) The powers conferred on the Council in pursuance of this clause shall not apply in respect of a tree or trees in a State forest or on land reserved as a timber reserve within the meaning of the Forestry Act, 1916.

Tree Preservation Area

19A. (1) This clause applies to any land shown diagonally hatched on the map marked "Coffs Harbour Local Environmental Plan No. 30".

(2) A person shall not, except with the consent of the Council, ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree on the land to which this clause applies which -

(a) is not less than 4 metres high; or

(b) has a girth of not less than 0.3 metres at a height of 1 metre from the ground.

(3) Any tree preservation order made under clause 19 shall be deemed to have no effect to the extent that it would, but for this subclause, apply to or in respect of the land to which this clause applies.

PART VI

SPECIAL PROVISIONS

Division A

Subdivision of land within Zone No. 1(a), 1(b), 1(c), 1(e), 7(f1) or 7(f2)

20. (1) This clause applies to land within Zone No. 1(a), 1(b), 1(c), 1(e), 7(f1) or 7(f2).

(2) In this clause -

"concessional allotments" means -

(a) an allotment excised in accordance with clause 12(2) of Interim Development Order No. 6 - Shire of Coffs Harbour as it was prior to 3rd September, 1976;

(b) an allotment excised in accordance with clause 12(3) or (4) of Interim Development Order No. 6 - Shire of Coffs Harbour from land within the meaning of clause 12(7) of that interim development order;

(c) an allotment referred to in subclause 5(a); or

(d) an allotment referred to in subclause 5(b);

"existing holding" means -

- (a) in relation to land to which Interim Development Order No. 6 - Shire of Coffs Harbour applied -
 - (i) except as provided by paragraph (ii) - the area of a lot, portion or parcel of land as it was at 20th October, 1967; or
 - (ii) where, as at the 20th October, 1967, a person owned 2 or more adjoining or adjacent lots, portions or parcels of land, the aggregation of the areas of those lots, portions or parcels as they were as at the 20th October, 1967; or

- (b) in relation to land referred to in clause 4 of the Coffs Harbour Planning Scheme Ordinance -
 - (i) except as provided by paragraph (ii) - the area of a lot, portion or parcel of land as it was at the appointed day, or
 - (ii) where, as at the appointed day, a person owned 2 or more adjoining or adjacent lots, portions or parcels of land, the aggregation of the areas of those lots, portions or parcels as they were as at the appointed day.

(3) Except as provided by subclause (10), land to which this clause applies shall not be subdivided without the consent of the Council.

(4) The Council may consent to an application to subdivide land to which this clause applies if each separate allotment of land created by the subdivision has -

- (a) an area of not less than 40 hectares;
- (b) a ratio of depth to frontage satisfactory to the Council having regard to the purpose for which the allotment is or is intended to be used; and
- (c) where the allotment has a frontage to a main or arterial road, a frontage to that road of not less than 400 metres.

(5) Subject to subclause (6) the Council may consent to an application to subdivide land within Zone No. 1(a), 1(b), 1(c) or 1(e) (not being land which forms the whole or part of an existing holding of less than 10 hectares in area) for either or both of the following purposes:

- (a) to create an allotment of less than 40 hectares but not less than 2 hectares if the Council is satisfied that -
 - (i) the allotment is intended to be used for the purpose of agriculture;
 - (ii) where the allotment has a frontage to a main road, the frontage is not less than 200 metres;
- (b) to create an allotment of less than 40 hectares but not less than 1000 square metres if the Council is satisfied that a dwelling-house is or will be erected on the allotment and is or will be actually occupied by -
 - (i) the owner of the land, as at 1st May, 1959;
 - (ii) a relative of that owner; or
 - (iii) a person employed or engaged by that owner in the use, for the purpose of agriculture, of land belonging to that owner which adjoins or is adjacent to the allotment.

(6) The total number of concessional allotments that may be created (whether by one or more subdivisions made at any time on or after 20th October, 1967) from an existing holding is -

- (a) where the area of the existing holding is less than 20 hectares but not less than 10 hectares - 1;
- (b) where the area of the existing holding is less than 30 hectares but not less than 20 hectares - 2;
- (c) where the area of the existing holding is not less than 30 hectares - 3.

(7) Subject to subclause (8) the Council may grant consent in respect of an application to subdivide land to which this clause applies so as to create an allotment of less than 40 hectares if the Council is satisfied that -

- (a) the allotment is intended to be used for a purpose (other than agriculture, forestry or a dwelling-house) for which it may be used without or only with the consent of the Council;
- (b) the ratio of depth to frontage is satisfactory having regard to the purpose for which the allotment is intended to be used; and
- (c) where the allotment has a frontage to a main or arterial road, the frontage is not less than -
 - (i) in the case of land within zone No. 1(a), 1(b), 1(c) or 1(e), 200 metres; or
 - (ii) in the case of land within zone No. 7(f1) or 7(f2), 400 metres.

(8) Where the land is within zone No. 7(f1) or 7(f2) only one allotment of less than 40 hectares may be created under subclause (7).

(9) The Council shall not grant consent in respect of an application to subdivide land to which this clause applies so as to create an allotment other than an allotment referred to in subclause (4), (5), (7) or (10).

(10) The consent of the Council to the subdivision of land to which this clause applies is not required if the subdivision is for any one or more of the following purposes -

- (a) to open a public road (not involving the creation of an allotment referred to in subclause (4), (5) or (7) or to widen a public road;
- (b) to make minor adjustments to common property boundaries;
- (c) to enlarge the area of an existing holding by amalgamating that existing holding with one or more existing holdings; or
- (d) to rectify an encroachment upon an existing holding.

- (11) The Council shall maintain -
- (a) a register in which shall be recorded all decisions given by the Council in accordance with this clause; and
 - (b) a map showing the location of all subdivisions made in accordance with this clause,

and the register and the map shall be available for inspection by an officer of the Department.

Subdivision of land within Zone 1(a1)

20A. (1) Land within Zone No. 1(a1) shall not be subdivided without the consent of the Council.

(2) Subject to subclause (3), the Council shall not consent to the subdivision of land within Zone No. 1(a1) unless each allotment created by the subdivision has -

- (a) an area of not less than 20 hectares; or
- (b) an area of not less than 4 hectares wholly within the lands identified as first, second and third class banana lands on the 1:25,000 scale Agricultural Land Use maps (1980) produced by the New South Wales Department of Agriculture, a copy of which is deposited in the office of the Council.

(3) The Council may grant consent in respect of an application to subdivide land within Zone No. 1(a1) so as to create an allotment of less than 20 hectares if the Council is satisfied that -

- (a) The allotment is intended to be used for a purpose (other than agriculture, forestry or a dwelling-house) for which it may be used without or only with the consent of the Council;
- (b) the ratio of depth to frontage is satisfactory having regard to the purpose for which the allotment is intended to be used; and
- (c) where the allotment has a frontage to a main or arterial road, the frontage is not less than 200 metres.

Subdivision of land within Zone Nos. 1(d1), 1(d2) and 1(d3).

21. (1) Land within Zone No. 1(d1) shall not be subdivided without the consent of the council.
- (2) The council shall not consent to the subdivision of the land within Zone No. 1(d1) unless -
- (a) each allotment created by the subdivision has an area of not less than 0.3 hectares;
 - (b) the length of the frontage of a non-hatchet shaped allotment is not less than 36 metres;
 - (c) the width of allotments diverging to the rear is not less than 36 metres, measured at the building line set by council; and
 - (d) access to each allotment created by the subdivision is to a road not being a main or arterial road.
- (3) Land within Zone No. 1(d2) shall not be subdivided without the consent of the council.
- (4) The council shall not consent to the subdivision of the land within Zone No. 1(d2) unless -
- (a) each allotment created by the subdivision has an area of not less than 0.6 hectares;
 - (b) the length of the frontage of a non-hatchet shaped allotment is not less than 50 metres;
 - (c) the width of allotments diverging to the rear is not less than 50 metres, measured at the building line set by the council; and
 - (d) access to each allotment created by the subdivision is to a road not being a main or arterial road.
- (5) Land within Zone No. 1(d3) shall not be subdivided without the consent of the council.
- (6) The council shall not consent to the subdivision of the land within Zone No. 1(d3) unless -
- (a) each allotment created by the subdivision has an area of not less than 2 hectares;
 - (b) the length of the frontage of a non-hatchet shaped allotment is not less than 120 metres;
 - (c) the width of allotments diverging to the rear is not less than 120 metres, measured at the building line set by the council; and
 - (d) access to each allotment created by the subdivision is to a road not being a main or arterial road.

Subdivision of land within Zone No. 6(d) and certain other Zones

21A. A person shall not subdivide land -

- (a) within Zone No. 6(d); or
- (b) within a zone where development for the purpose of residential accommodation is permitted,

without the consent of the Council.

Subdivision of land within Zone No. 1(f)

21B. (1) Land within Zone No. 1(f) shall not be subdivided without the consent of the Council.

- (2) The Council may only consent to the subdivision of land within Zone No. 1(f) where each allotment created by the subdivision has an area of not less than 40 hectares.

Subdivision of land within Zone No.2(d6)

21C. (1) This clause applies to the land shown by distinctive colouring, edging and lettering on the map marked 'Coffs Harbour Local Environmental Plan No.20' deposited in the office of the Council.

- (2) A person shall not, except by a subdivision effected under Division I of Part II of the Strata Titles Act, 1973, subdivide land to which this clause applies into allotments having an area of less than one hectare.

Erection of dwelling houses

22. (1) This clause applies to land within Zone No. 1(a), 1(b), 1(c) or 1(e).

(2) A dwelling-house may, with the consent of the Council, be erected on land to which this clause applies if the land -

- (a) has an area of not less than 40 hectares;
- (b) comprises the whole of an existing holding within the meaning of clause 20(2) (or such an existing holding affected only by a subdivision made on or after the appointed day for one or more of the purposes referred to in clause 20(10) (a) - (d)), the area of which is less than 40 hectares and on which no dwelling-house is erected and the Council is satisfied that -
 - (i) there will be adequate vehicular access to the dwelling-house;
 - (ii) the erection of the dwelling-house will not create or increase ribbon development along a main road; and
 - (iii) adequate public utility services are or will be available to the existing holding;
- (c) is a concessional allotment within the meaning of paragraph (a) or (b) of the definition of "concessional allotment" in clause 20(2);
- (d) is a concessional allotment within the meaning of paragraph (c) of the definition of "concessional allotment" in clause 20(2) and the Council is satisfied that the dwelling-house is ancillary or subsidiary to the present or intended development or use of the land for the purpose of agriculture; or
- (e) is a concessional allotment within the meaning of paragraph (d) of the definition of "concessional allotment" in clause 20(2) and the Council is satisfied that the dwelling-house will be actually occupied by a person referred to in clause 20(5)(b)(i),(ii) or (iii).

(3) One additional dwelling-house may, with the consent of the Council, be erected on land to which this clause applies which has an area of not less than 40 hectares for each 40 hectares of the land if the Council is satisfied that each additional dwelling-house will be actually occupied by a person employed or engaged by the owner of the land in the use, for the purpose of agriculture, of that land or land belonging to the owner which adjoins or is adjacent to that land.

(4) An additional dwelling-house of the kind referred to in subclause (3) which, but for this subclause, could not be erected, may be erected with the consent of the Council and the concurrence of the Director.

(5) A dwelling-house may, with the consent of the Council, be erected on an allotment of land to which this clause applies on which another dwelling-house is erected if the first-mentioned dwelling-house is intended to wholly replace the second-mentioned dwelling-house.

(6) The Shire Clerk of the Council may issue a certificate to the effect that land specified or described in the certificate is -

- (a) an existing holding to which subclause (2)(b) applies; or
- (b) a concessional allotment to which subclause (2)(c) applies.

(7) Nothing in this clause shall prevent the council consenting to the erection of one but not more than one dwelling-house upon portion 112, Parish of Woolgoolga provided the council is satisfied that it shall be used in conjunction with development lawfully carried out on that land pursuant to clause 41 (1)(g).

(8) Nothing in this clause shall prevent the council from consenting to the erection of one but not more than one dwelling-house upon part lot 91, D.P. 547404, as shown being within Zone No. 1(b) on the map marked "Coffs Harbour Local Environmental Plan No. 22" deposited in the office of the council.

Erection of dwelling houses - Zone No. 1(a1)

22A. (1) This clause applies to land within Zone No. 1(a1).

(2) One dwelling-house may, with the consent of the Council, be erected on land to which this clause applies if the land is an allotment created by a subdivision in accordance with clause 20A(2) or is an allotment in a subdivision approved by the Council on or before the coming into effect of Coffs Harbour Local Environmental Plan No. 30 and the Council is satisfied that the allotment was created for the purpose of erecting a dwelling house.

(3) The Council shall not consent to the erection of a dwelling-house pursuant to this clause unless public road access is available to the land.

(4) One additional dwelling-house may, with the consent of the Council, be erected on land to which this clause applies which has an area of not less than 20 hectares for each 20 hectares of the land if the Council is satisfied that each additional dwelling-house will be actually occupied by a person employed or engaged by the owner of the land in the use, for the purpose of agriculture, of that land or land belonging to that owner which adjoins or is adjacent to that land.

(5) A dwelling-house may, with the consent of the Council, be erected on an allotment of land to which this clause applies on which another dwelling-house is erected if the firstmentioned dwelling-house is intended to wholly replace the secondmentioned dwelling-house.

23. A person shall not erect a dwelling-house on land within Zone No. 1(d1) without the consent of the Council and unless the land has an area of not less than 0.3 hectares.

24. A person shall not erect a dwelling-house on an allotment of land within Zone No. 7(f1) or 7(f2) unless the allotment -

- (a) has an area of not less than 40 hectares;
- (b) is an existing holding within the meaning of clause 20(2);
or
- (c) is a concessional allotment within the meaning of paragraph (a) or (b) in clause 20 (2).

24A. (1) This clause applies to portions 337, 338 and 334, Parish of North Bellinghen.

(2) Nothing in this Order prevents a person, with the consent of the council, from carrying out development for residential purposes comprising permanent dwellings or living accommodation upon land to which this clause applies where -

- (a) the land upon which the development is to be carried out -
 - (i) has an area of not less than 40 hectares; and
 - (ii) is and remains unsubdivided under the Local Government Act, 1919, and the Strata Titles Act, 1973, so as to comprise a single parcel;
- (b) at least two-thirds of the number of adult persons residing on the land upon which the development is to be carried out have a share in the ownership of the land, whether or not people not residing on the land also share in that ownership;
- (c) the proposed residential accommodation does not exceed -
 - (i) that reasonably required to house one person for each hectare of the area of the land on which the development is proposed to be carried out; or
 - (ii) 1 dwelling-house for each 4 hectares of the area of that land,whichever is the lesser; and
- (d) the proposed residential accommodation consists of individual buildings or groups or clusters of buildings which together function as dwelling-houses.

(3) The council shall not consent to the carrying out of development on land as referred to in subclause (2) unless -

- (a) the council has made an assessment of -
 - (i) the capacity of the land to accommodate additional people;
 - (ii) the existing and possible future use of the land and of land in the locality;
 - (iii) the availability of community facilities and services to occupants of the land;

- (iv) the availability of an all-weather access road to the land;
 - (v) potential bushfire risks;
 - (vi) potential erosion hazards;
 - (vii) the agricultural suitability of the land;
 - (viii) the vegetation cover of the land;
 - (ix) the proposed location of buildings;
 - (x) the location of the land; and
 - (xi) the area and character of the land; and
- (b) arrangements satisfactory to the council (whether by the imposition of conditions under section 91 of the Environmental Planning and Assessment Act, 1979, or otherwise) are made for the provision of adequate water supply and drainage and adequate waste disposal facilities with respect to the proposed development.
- (4) The council may approve an application for consent to development on land to which this clause applies which would, but for the fact that the land the subject of the application consists of more than one parcel, be a development permitted by subclause (2), but any such consent shall be subject to the requirement that the land be consolidated into a single parcel prior to the development being carried out.
- (5) Where land is developed in accordance with a consent under this clause, the following development on that land is prohibited:
- (a) development for the purpose of a residential flat building, motel, hotel, caravan park or any other type of holiday, tourist or weekend residential accommodation;
 - (b) subdivision of the land under the Local Government Act, 1919;
 - (c) the separate occupation of the several lots proposed to be created by a subdivision pursuant to the Strata Titles Act, 1973.
- (6) Pursuant to section 30(4) of the Environmental Planning and Assessment Act, 1979, the provisions of sections 84, 85, 86, 87 (1) and 90 of that Act apply to and in respect of development referred to in subclause (2) or (4) in the same way as those provisions apply to and in respect of designated development within the meaning of that Act.

Acquisition

25. (1) The owner of any land within Zone No. 7(f2) may by notice in writing, request the corporation constituted by section 8(1) of the Environmental Planning and Assessment Act, 1979 to acquire the land.

(2) Upon receipt of notice referred to in subclause (1), the corporation constituted by section 8(1) of the Environmental Planning and Assessment Act, 1979 shall acquire the land.

Development Zone 7(f1) or 7(f2)

26. A person shall not carry out development involving the cutting down, topping or lopping of trees having a height of 3 metres or more on land within Zone No. 7(f1) or 7(f2) in respect of which a Tree Preservation Order is not in force without the consent of the Council.

27. (1) A person shall not erect a building or carry out a work on land within Zone No. 7(f1) without the consent of the Council.

(2) Nothing in subclause (1) shall prevent a person from erecting a fence without the consent of the Council.

Development along main roads

28. (1) A person shall not erect a building on land within a Zone specified in Column I of the Table to this clause for a purpose specified in Column II of that Table shown opposite that Zone -

- (a) in the case of land having a frontage to a main or arterial road which has a width of not less than 40 metres, closer than the distance specified in Column III of that Table opposite that purpose to the nearest alignment of the road; or
- (b) in the case of land having a frontage to a main or arterial road which has a width of less than 40 metres, closer than the distance specified in Column IV of that Table opposite that purpose to the centre-line of the road.

(2) Nothing in subclause (1) shall prevent the Council from consenting to the erection of a building for the purpose of agriculture on land within Zone No. 1(b), 1(c) or 1(e) within the distances prescribed in subclause (1) where, in the opinion of the Council -

- (a) the levels or depths or other exceptional physical conditions of the land make it necessary or expedient to do so; and
- (b) the erection of the building will not -
 - (i) cause a traffic hazard; or
 - (ii) create or tend to create ribbon development along the road.

(3) Nothing in subclause (1) shall apply to land within the townships of Coramba, Nana Glen, Sawtell, Toormina or Woolgoolga, or within Zone No. 1(b) having frontage to Main Road. No. 540.

TABLE

Column I	Column II	Column III	Column IV
Zone	Purpose	Distance in metres from alignment	Distance in metres from centreline
1(b),1(c),1(e)..	Motel; Caravan Park	45	65
1(b),1(c),1(e)..	Industry	30	50
1(b),1(c),1(e)..	Any building other than a motel or industry	18	38
2(e)	Any building	9	30

(4) A person shall not erect a building other than a dwelling-house or utility installation, within 40 metres of any road reserve on land within Zone No. 7(1).

Hotels, etc.

29. A person shall not erect a hotel, motel or caravan park on land -

- (a) within Zone No. 1(a), unless the area of the land is not less than 2 hectares;
- (b) within Zone No. 1(b) unless -
 - (i) the area of the land is not less than 4 hectares; and
 - (ii) where the land has frontage to a main or arterial road the frontage is not less than 200 metres; or
- (c) within Zone No. 1(c) unless -
 - (i) the area of the land is not less than 2 hectares; and
 - (ii) where the land has frontage to a main or arterial road the frontage is not less than 200 metres.

30. A person shall not erect a motel or holiday cabins on land within Zone No. 1(e) unless -

- (i) the area of the land is not less than 2 hectares; and
- (ii) where the land has frontage to a main or arterial road the frontage is not less than 100 metres.

Density

31. (1) In this clause -

"floor space", in relation to a building, does not include the width of any external wall of that building;

"landscaped area", in relation to a site area, means that part of the site area not occupied, by any building or buildings, except for swimming pools or open air recreation facilities, which part is to be predominantly landscaped by way of the planting of gardens, lawns, shrubs or trees and is available for use and enjoyment by the occupants of the building erected on the site area, but does not include so much of the site area as is used for driveways, parking areas or drying yards;

"large dwelling" means a dwelling, the floor space of which is more than 90 square metres;

"medium dwelling" means a dwelling, the floor space of which is not less than 60 square metres and not more than 90 square metres;

"small dwelling" means a dwelling, the floor space of which is less than 60 square metres.

(1A) For the purpose of ascertaining the landscaped area of an allotment, the reference to site area in the definition of "landscaped area" in sub-clause (1) includes a reference to any part of the allotment that is within Zone No. 6(c).

(2) The Council shall not consent to the erection of a dwelling-house on land within a zone specified in Column I of Table A to this clause unless the site area of the allotment is not less than the area, where the dwelling-house is a small, medium or large dwelling, specified opposite that zone in Column II, III or IV of that Table respectively.

(3) The Council shall not consent to the erection of a residential flat building on land within a zone specified in Column I of Table A to this clause unless the site area of the allotment is not less than the sum of the areas calculated by multiplying the number of small, medium and large dwellings contained in the residential flat building by the area specified opposite that zone in respect of those dwellings in Columns II, III and IV of that Table respectively.

(4) The Council shall not consent to the erection of a motel on land within a zone specified in Column I of Table A to this clause unless the site area of the allotment is not less than the sum of the areas calculated by multiplying the number of units contained in the motel by the area specified opposite that zone in respect of those units in Column V of that Table.

(5) The Council shall not consent to the erection of a dwelling-house on land within a zone specified in Column I of Table B to this clause unless the landscaped area of the allotment is not less than the area, where the dwelling-house is a small, medium or large dwelling, specified opposite that zone in Column II, III or IV of that Table respectively.

(6) The Council shall not consent to the erection of a residential flat building on land within a zone specified in Column I of Table B to this clause unless the landscaped area of the allotment is not less than the sum of the areas calculated by multiplying the number of small, medium and large dwellings contained in the residential flat building by the area specified opposite that zone in respect of those dwellings in Columns II, III and IV of that Table respectively.

(7) The Council shall not consent to the erection of a motel on land within a zone specified in Column I of Table B to this clause unless the landscaped area of the allotment is not less than the sum of the areas calculated by multiplying the number of units contained in the motel by the area specified opposite that zone in respect of those units in Column VI of that Table.

(8) The Council shall not consent to the erection of holiday cabins on land within a zone specified in Column I of Table A to this clause unless the site area of the allotment is not less than the area calculated by multiplying the number of holiday cabins proposed by the area specified opposite that zone in respect of those holiday cabins in Column V of that Table.

(9) The Council shall not consent to the erection of holiday cabins on land within a zone specified in Column I of Table B to this clause unless the landscaped area of the allotment is not less than the area calculated by multiplying the number of holiday cabins proposed by the area specified opposite that zone in respect of those holiday cabins in Column V of that Table.

(10) Nothing in subclause (2), (3), (5) or (6) prevents the council from consenting to the carrying out of interim development for the purposes of dwelling-houses or residential flat buildings on land within Zone No. 2(e) generally within the township of Woolgoolga or Emerald Beach where it imposes the conditions relating to density which relate to land within Zone No. 2(b3) under this clause.

TABLE "A"

Column I	Column II	Column III	Column IV	Column V
Zone	Area in respect of a small dwelling (in square metres)	Area in respect of a medium dwelling (in square metres)	Area in respect of a large dwelling (in square metres)	Area in respect of a holiday cabin or a unit in a motel (in square metres)
1(e)	..	..	..	350
2(a)	350	350	500	..
2(b1)	160	200	240	..
2(b2)	120	150	180	..
2(b3)	80	100	120	..
2(c)	50	62.5	75	45
2(d1)	1400	1400	1400	700
2(d2)	700	700	700	350
2(d3)	160	200	240	120
2(d4)	180	225	269	135
2(d5)	80	100	120	65
2(d6)	700	700	700	350
2(e)	350	350	500	120

TABLE "B"

Column I	Column II	Column III	Column IV	Column V	Column VI
Zone	Area in respect of a small dwelling (in square metres)	Area in respect of a medium dwelling in square metres)	Area in respect of a large dwelling (in square metres)	Area in respect of a holiday cabin (in square metres)	Area in respect of a unit in a motel (in square metres)
2(b1)	70	88	107	..	..
2(b2)	53	72	81	..	..
2(b3)	37	56	65	..	..
2(c)	28	37	46	25	16
2(d1)	700	700	700	300	200
2(d2)	350	350	350	175	116
2(d3)	70	88	107	50	33
2(d4)	113	147	170	73	57
2(d5)	37	56	65	30	20
2(d6)	350	350	350	175	116
2(e)	170	185	200	50	33

31A. (1) This clause applies to land in the vicinity of Sawtell, being the land shown edged heavy black on the map marked "Coffs Harbour Local Environmental Plan No. 10" deposited in the office of the Council.

(2) Notwithstanding the definition of "Site area" in clause 3, where any land to which this clause applies has been subdivided and the application for the council's approval to the subdivision has set forth -

(a) the total area that is surplus area as referred to in subclause (3), the allotments from which it is derived and the amount of any such area derived from each; and

(b) the manner of apportionment of any such area to other specified allotments, being allotments created by the subdivision and having an area exceeding 2,500 square metres,

the site area of an allotment referred to in paragraph (b) shall be deemed, for the purposes of calculating any site area referred to in clause 31, to be increased by so much surplus area as is apportioned to it, and the site area of an allotment referred to in paragraph (a) shall be deemed, for the like purposes, to be diminished by so much surplus area as is derived therefrom.

(3) For the purposes of subclause (2), so much of the area of an allotment created by a subdivision, being an allotment having an area greater than 500 square metres but less than 700 square metres, as exceeds 500 square metres, is surplus area.

(4) For the purposes of any requirement of clause 31 relating to the landscaped area of an allotment of land to which this clause applies and on which residential development is proposed to be carried out, the area of any land within Zone No. 6(c) or 6(d) in the same ownership as the site area and identified in the development application may be counted as landscaped area within the allotment.

32. (1) A person shall not erect a building or carry out a work on any land shown on the I.D.C. Map by diagonal hatching without the consent of the Council.

(2) The Council may, as condition of its consent, require the floor of the building or work to be erected at a height sufficient, in the opinion of the Council, to prevent or reduce the incidence of flooding of that building or work or of any other land.

33. (1) Except as provided in subclause (2), the Council shall not consent to -

- (a) the subdivision of any land within Zone No. 2(a), 2(b1), 2(b2), 2(b3), 2(c), 2(d1), 2(d2), 2(d3), 2(d4), 2(d5) or 2(d6) unless a reticulated water supply and reticulated sewerage system is available to the land; or
- (b) the erection of a building or the carrying out of a work on any land unless -
 - (i) a water supply and facilities for the removal of sewage are available to the land; or
 - (ii) arrangements satisfactory to the Council have been made for the provision of that supply and those facilities.

(2) Nothing in subclause (1) shall prevent the Council from consenting to the erection of 6 holiday cabins on that parcel of land being part Portion 10 and Portion 478, Parish of Coff, situate in the vicinity of James Small Drive, Korora.

Buildings, etc., not to be erected within Zone No. 5(c),
without consent

34. (1) Except as provided in subclause (2), a person shall not, on land within Zone No. 5(c), erect a building or carry out or alter a work of a permanent character or make or alter a permanent excavation other than a building or a permanent work or a permanent excavation required for or incidental to the purpose of a road and a person shall not spoil or waste land so as to render it unfit for that purpose.

(2) Where it appears to the Council that the purpose to which land within Zone No. 5(c) may be put cannot be carried into effect within a reasonable time after the appointed day, a person may, with the consent of the Council and of the Commissioner for Main Roads, erect a building or carry out or alter a work of a permanent character or make or alter a permanent excavation.

(3) A consent granted under this clause shall be subject to such conditions (including conditions with respect to the removal or alteration of the building, work or excavation, or any such alteration of a work or excavation, or the reinstatement of the land or the removal of any waste material or refuse, with or without payment of compensation) as the Council thinks fit, and to such conditions as the Commissioner for Main Roads requires to be imposed.

(4) Nothing in this clause shall operate so as to prohibit the erection of a fence on land within Zone No. 5(c).

Acquisition of Lands

35. The owner of any land described in Column I of the Table to this clause may, by notice in writing, require the responsible authority specified opposite that land in Column II of that Table to acquire that land and upon receipt of a notice the responsible authority shall acquire the land to which the notice relates.

TABLE

<u>Column I</u>	<u>Column II</u>
Land within Zone No. 6(b): Proposed Recreation	Coffs Harbour Shire Council
Land within Zone No. 5(a): Special Uses (school)	Department of Education
Land within Zone No. 5(a): Special Uses (Community Purposes)	Coffs Harbour Shire Council
Land within Zone No. 5(a): Special Uses (Technical College)	Department of Technical and Further Education

Floor Space Ratio

36. The Council shall not consent to the erection of a building on land within a zone specified in Column I of the Table to this clause if the ratio of the floor space of the building to the site area of the land on which the building is to be erected exceeds the ratio specified opposite that zone in Column II of that Table.

TABLE

Column I ZONE	Column II FLOOR SPACE
3(a1)	2:1
3(a2)	1:1
3(a3)	3:1
3(a4)	3.5:1
3(d)	2.5:1

37. A person shall not carry out development on any land having frontage to a main or arterial road and another road unless access to that land is gained exclusively from that other road.

Certain Development

39. A person shall not -

- (a) DELETED
- (b) erect a building on that part of part lot 3, D.P. 501495 being land in the vicinity of the junction of Thompsons Road and Pacific Highway within 18 metres of that Highway;
- (c) subdivide land within Zone No. 3(b1); or
- (d) in relation to lots 5 and 6, D.P. 510871 -
 - (i) carry out interim development for a purpose other than that of a club; or
 - (ii) erect a building or carry out a work other than landscaping ancillary to the purpose referred to in subparagraph (i) on that part of the land being the 4 metre splayed corner at the junction of the Pacific Highway and Vernon Street, Coffs Harbour.

40. The Council may consent to the erection of a dwelling-house on an allotment of land created by the subdivision of the land referred to in Column I of the Table to this clause where -

- (a) the number of allotments created in the subdivision is not greater than the number specified in Column II of the Table shown opposite that land; and
- (b) the area of the allotment is not less than the area specified in Column III of the Table shown opposite that land.

TABLE

Column I	Column II	Column III
Lot 212, D.P. 520868	2	2 ha.
Lot 1, D.P. 233542 and Lot 23, D.P. 258135	3	4 ha.
Lot 2, D.P. 592020	2	4 ha.
Lot 1, D.P. 522143	2	1.7 ha.
Lot 5, D.P. 565978	2	3.3 ha.
Lot 47, D.P. 258784 and Lot 1, D.P. 509010	5	4 ha.
Lot 11, D.P. 586288, South Boambee Rd. Boambee	3	4 ha.
Lot 41, D.P. 584592 and portion 277		
Parish of Moonee	2	8.42 ha.
Lot 13, D.P. 253836, Wakelands Road, Moonee	2	4.03 ha.
Part Lot 2, D.P. 520487, and part lot 3		
D.P. 522033	2	1433 sq. m.

41. (1) Nothing in clause 4 shall prevent the Council from consenting to -

- (a) the interim development of lots 2 - 5, D.P. 17053, Park Beach Road for the purpose of a roller skating rink;
- (b) the erection and use of a community hall on the parcel of land being lot 17, D.P. 208473, lots 2 and 3, D.P. 22513, Bray Street; or
- (c) the interim development of lot 1, D.P. 17053 Park Beach Road for the purpose of a professional consulting room occupied by no more than 3 legally qualified medical practitioners or dentists, or by 2 qualified medical practitioners or dentists, or by 2 legally qualified medical practitioners and 1 dentist, or by 1 legally qualified medical practitioner and 2 dentists;
- (d) the interim development of lot 72, D.P. 561539 for the purposes of:

Heavy engineering workshop and associated administrative buildings and staff amenities; recreation; testing of incinerators, mobile sawmills, cranes, industrial buckets and other heavy equipment; storage of explosives; watchman's dwelling-house;

- (e) the interim development of lot 3, D.P. 591289 for a purpose referred to in Column II or IV of the Table to clause 4 shown opposite Zone 2(a) in Column I of that Table, where arrangements satisfactory to the council have been entered into and agreed upon between the council and the person proposing to carry out interim development of the land for the construction of any local road and/or structure across the line of the proposed motorway adjacent to that land and not otherwise;
- (f) the subdivision of -
 - (i) lot 102, D.P. 528632, into two allotments, one having an area of 5.7 hectares or thereabouts, and the other having an area of 7,800 square metres or thereabouts; and
 - (ii) lot 1, D.P. 536529, into two allotments, one having an area of 2,400 square metres or thereabouts, comprising land on which is situated an existing brick dwelling-house, and the other having an area of 3.42 hectares or thereabouts;
- (g) development of portion 112, Parish of Woolgoolga for any purpose for which land within Zone No. 1(b) may be developed;
- (h) development of land fronting Gordon and Duke Streets, between Vernon and Coff Streets, in Zone No. 2(b3), for the purposes of medical centres;
- (i) development of lot B, D.P. 379427, Norman Hill Drive, Biggin, for any purpose for which land within Zone Nos. 2(a) and 6(b) may be developed where arrangements satisfactory to the council have been made for the provision of a reticulated water supply to and facilities for removal of sewage from the land;
- (j) development of lot 2, D.P.550722, James Small Drive, Korora, for the purpose of 12 holiday cabins where -
 - (i) a water supply and facilities for the removal of sewage are available to the land; or
 - (ii) arrangements satisfactory to the council have been made for the provision of that supply and those facilities;
- (k) development of portion 264, Parish of Coff, Howard Street, Coffs Harbour, for the purpose of recreation activities and facilities approved by the council;
- (l) development of portion 129, Parish of Moonee, Bucca Road, Lower Bucca, for the purpose of a dwelling;
- (m) development of lot 11, section 76, No. 243 High Street, Coffs Harbour, for the purpose of a motor showroom.

- (n) the use of any land within Zone No. 5(a): Special Uses "A" (Car Park) for markets, stalls and other similar uses of a retail or commercial nature where no permanent structures are erected and all materials, goods and facilities are removed from the land daily.
- (o) development of lots 1 and 2. D.P. 542407, and part of portions 34 and 292, Parish of Coff, as shown edged heavy black on the map marked "Coffs Harbour Local Environmental Plan No. 17" deposited in the office of the Council, for the following purposes:
 - (i) in relation to so much of that land as is within Zone No. 6(b) - golf courses:
 - (ii) in relation to so much of that land as is within Zone No. 6(c) - access ways, parking and tennis courts:
 - (iii) in relation to so much of that land as is within Zone No. 6(d) - access ways, parking and golf courses:
 - (iv) in relation to so much of that land as is within Zone No. 7(a) - golf courses and swimming pools.
(734)

- unless -
- (2) The Council shall not grant consent under subclause (1)(d)
 - (a) no building, other than a watchman's dwelling-house, is erected within a distance of 330 metres from the existing alignment of the Pacific Highway;
 - (b) the watchman's dwelling-house is not erected within a distance of 33 metres from such alignment;
 - (c) the location and construction of any means of access between the Pacific Highway and the land to which this Order relates complies with the requirements of the Department of Main Roads;
 - (d) it imposes a condition requiring the landscaping, and the maintenance thereof, of those parts of the land to which this Order relates as are marked "Landscaped Area" on the plan prepared by Messrs Miller and Stewart, Surveyors; on behalf of Isles Forge & Engineering Pty. Limited, which plan accompanied Council's letter dated 17th April, 1972, to the State Planning Authority; and
 - (e) in relation to the erection of any advertising structure visible from the Pacific Highway, the prior concurrence of the Department of Main Roads is obtained.
 - (3) The Council shall not grant consent under subclause (1)(e) unless the prior concurrence of the Department of Main Roads is obtained.

- (4) Where the council grants consent under subclause (1)(g), the land referred to in that paragraph shall cease to be within Zone No. 6(b) and clause 35 shall not apply to the land.

Development of certain land within Zone No. 2(d6)

in the vicinity of the Port of Coffs Harbour.

- 41A. (1) This clause applies to so much of the land shown on the map marked "Coffs Harbour Local Environmental Plan No. 38", deposited in the office of the Council, as is with Zone No. 2(d6).
- (2) A person shall not erect a building on land to which this clause applies except with the consent of the Council.
- (3) The Council shall not consent to the erection of a building of more than 3 storeys on land to which this clause applies except with the concurrence of the Director.
- (4) In considering whether to grant concurrence under subclause (3), the Director shall take into consideration the visual impact of the proposed building on scenic quality of the coastal landscape.
- (5) The Council shall not consent to the erection of a building on the land shown hatched black on the map referred to in subclause (1) (being land adjacent to the wall of the quarry shown on that map) if the height of the proposed building is greater than the height of the quarry wall.
- (6) Clause 31 applies to the land to which this clause applies as if the land were within Zone No. 2 (d5).

Division B

Subdivision 1 (Roads)

42. The Council shall not, without the approval of the Director cause to be aligned or realigned any main road or any other roads which the Commissioner for Main Roads has notified as a proposed main road.

43. (1) A road or other means of access which forms a junction or intersection with a main road shall not be opened without the consent of the Council.

(2) In respect of any application for consent to open a public road or other means of access forming a junction or intersection with a main road, the Council shall take into consideration -

- (a) the treatment of the junction or the intersection and its location having regard to town and country planning principles and to the safety and convenience of the public;

- (b) the effect of opening the road or other means of access on the development of the locality; and
- (c) any representations by the Traffic Authority of New South Wales or the Commissioner for Main Roads.

(3) The council shall not consent to an application for the development of any land where the application proposes access from that land to a main road and the map marked "Coffs Harbour Local Environmental Plan No. 10" deposited in the office of the council shows by a broken black line that that access is denied.

(4) Nothing in subclause (3) prevents the retention of any access to or from existing development on any land.

44. Where the land is zoned for the purpose of a proposed new road, the Council shall 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.

45. (1) This clause shall apply to all land having frontage to a main or arterial road used or to be used for commercial or industrial purposes, whether or not it forms the site of a building.

(2) If -

- (a) there is no building on the land or the only building thereon is of a minor character - the land; or
- (b) the land forms the site of a building, other than one of a minor character - the land between the road frontage and the buildings,

shall not be used for the storage, sale or display of goods or for advertising purposes without the consent of the Council.

46. (1) Subject to subclause (2), (3) and (4), the Council shall not consent to the erection of any building on land zoned for business or industrial purposes unless provision is made within the site-area for loading and unloading facilities satisfactory to the Council.

(2) If a building referred to in subclause (1) has access to a rear lane, the loading and unloading facilities shall be provided from that lane unless the Council is satisfied that the lane is inadequate for the purpose.

(3) This clause does not apply to development being minor alterations to an existing building if, in the opinion of the Council, the size and shape of the land having regard to existing buildings render the provision of facilities in accordance with this clause impracticable.

(4) Where in the opinion of the Council provision can not be made for loading and unloading facilities, the Council may consent to the erection of a building subject to such conditions as it thinks fit.

47. Where on the I.D.C. Map a proposed new alignment of a road is shown by a broken black line with the words "Proposed new alignment" the Council shall not consent to the erection of buildings or the carrying out of works on land between the existing alignment of the road and the proposed new alignment other than repairs for the purpose of permitting reasonable preservation and temporary use of a building or work or improvements for that purpose.

48. Where a public road shown on the I.D.C. map or part of such road is lawfully closed, no development shall be carried out on the road so closed without the consent of the Council and the concurrence of the Director.

Subdivision 2 - Residential Development

49. (1) The Council may consent to the use of a dwelling-house erected on land within a residential zone as an exhibition home.

(2) The Council shall not grant consent under subclause (1) in respect of a dwelling-house erected on land with a main road frontage without the concurrence of the Director.

50. (1) A person may, with the consent of the Council, alter or add to a dwelling-house so as to create two separate dwellings.

(2) Consent shall not be granted under subclause (1)

unless -

(a) the allotment on which the dwelling-house is erected exceeds 400 square metres;

(b) the ground floor area of the building will not, by virtue of the proposed alteration or addition, be increased by more than 30 per centum; and

(c) Council is satisfied that -

(i) public utility services are available and adequate to satisfy the needs generated by the development; and

(ii) one of the dwellings is intended to be used by the owner of the allotment.

(3) Subclause (2)(b) does not apply where the building as proposed to be altered or added to, would not occupy more than 35 per centum of the allotment.

(4) For the purpose of this Order a building altered or added to in accordance with consent given under subclause (1) shall be deemed not to be a residential flat building.

(5) For the purpose of enabling development to which this clause applies to be carried out in accordance with this order or a consent granted under the Environmental Planning and Assessment Act, 1979, section 314(1)(c) of and Schedule 7 to, the Local Government Act, 1919, in so far as that section or Schedule contains provisions relating to -

- (a) the proportion of a site to be covered by any such development; or
- (b) the position, in relation to other buildings or to the boundaries of a site, of any such development,

to the extent necessary to serve that purpose, shall not apply to any such development.

(6) A proclamation -

- (a) made by the Governor under section 314A of the Local Government Act, 1919; and
- (b) applying to any land to which this Order applies, is in so far as the proclamation contains provisions relating to the matters referred to in subclause (5) (a) and (b) and to the extent to which the proclamation applies to that land, repealed.

51. (1) A residential flat building (other than units for aged persons) shall not be erected or used unless provision is made within the site for -

- (a) one parking space not less than 5.5 by 2.4 metres for each dwelling within the building; and
- (b) proper vehicular access to the parking space.

(2) In the case of units for aged persons, there shall be provided so many vehicular parking spaces not less than 5.5 metres by 2.4 metres, as the Council may require, having regard to the location of the building in relation to public transport and the availability of alternative car parking facilities, but so that there shall be provided not less than 1 such space for each 10 dwellings, and that the Council may not require the provision of more than 1 such space for each 5 dwellings.

Restriction on excavations

52. Where immediately before the appointed day, any land within a residential zone was used for the purpose of winning extractive materials, no excavation for that purpose shall be made, opened or extended within 15 metres of adjoining land which is within a residential zone, and was not immediately prior to the appointed day in the same ownership.

Subdivision 3 - Certain Development

Service Stations

53. (1) A building or work shall not be erected or used and land shall not be used for the purpose of a service station unless -
- (a) the site is more than 90 metres from the junction or intersection of a main or arterial road, with another main or arterial road;
 - (b) where the site has frontage to a main or arterial road -
 - (i) the Traffic Authority of New South Wales and the Department of Main Roads have been consulted; and
 - (ii) where the site is not a corner lot, the frontage to the road is not less than 38 metres, or, where the site is a corner lot, the frontage to the road is not less than 30 metres;
 - (c) where the site has frontage to a road other than a main or arterial road, the frontage is not less than 30 metres;
 - (d) the width of a vehicular crossing over a footpath is not more than 9 metres;
 - (e) any vehicular crossing over a footpath is not closer than 6 metres to a road intersection;
 - (f) separate entrances to and exits from the site are provided and those entrances and exits are separated by physical barriers constructed on the road alignment and so identified by suitable signs readily visible to persons using the adjoining road or entering;
 - (g) where the site is a corner lot and the Council so requires, separate entrances and exits are provided to and from each of the adjoining roads and a physical barrier is erected so that a vehicle entering the site must, when leaving it, use an exit leading only to the road from which entrance was gained.
 - (h) inlets to bulk fuel storage tanks are so situated on the site as to ensure that tankers, while discharging fuel into such tanks, shall stand wholly within the site;
 - (i) fuel pumps are within the site and not closer than 3 metres to the road alignment;
 - (j) the layout of the site is such as to facilitate the movement of vehicles entering into or leaving the site with the flow of traffic on the adjoining road;

- (k) vehicular access to or from the site from or to an adjoining road is situated not less than 24 metres to any traffic lights on the roads; and
- (l) the site is suitably landscaped to the satisfaction of the Council.

Drive-in Theatre

54. (1) A drive-in theatre shall not be erected or used unless the following conditions are complied with -

- (a) a vehicular entrance to or exit from the drive-in theatre shall not be located within 90 metres of a main or arterial road;
- (b) a vehicular drive-way, at least 60 metres in length and 21 metres in width, leading from the entrance to the site to the location of the ticket office, shall be located within the site of the drive-in theatre;
- (c) the screen of the drive-in theatre shall be so located or protected that no image projected thereon shall be visible and identifiable from a main or arterial road;
and

(2) Where an application is received by the Council for consent to erect a building or to use a building or land for the purpose of a drive-in theatre, the Council shall, before determining the application, consult with the Traffic Authority of New South Wales and take into consideration any representations made by that Authority.

Drive-in take-away food shops

55. A drive-in take-away food shop shall not be erected or used unless the following conditions are complied with -

- (a) the site area is not less than 1,000 square metres;
- (b) where the site has a frontage to a main or arterial road -
 - (i) the frontage is not less than 27 metres; and
 - (ii) there is provided on the site parking space for not less than 30 motor vehicles;
- (c) where the site has a frontage to any other road -
 - (i) that frontage is not less than 21 metres; and
 - (ii) there is provided on the site parking space for so many motor vehicles as the Council may determine;
- (d) any vehicle crossing is not
 - (i) less than 6 metres wide;
 - (ii) closer than 9 metres to another vehicular crossing on the site area; or
 - (iii) closer than 7.6 metres to a road intersection;
- (e) the site is landscaped to the satisfaction of the Council; and
- (f) not more than 2 advertising structures are displayed outside the shop.

Motel

56. (1) A person shall not erect a motel on an allotment of land in a residential zone or a rural zone where the percentage of the area of the allotment to be occupied by the building exceeds -

- (a) in the case of a building 1 storey in height - 40 per cent;
- (b) in the case of a building 2 storeys in height - 35 per cent; or
- (c) in the case of a building 3 or more storeys in height - 25 per cent.

(2) A person shall not erect a motel on an allotment of land referred to in subclause (1) unless the minimum distance of the external walls of the building from the side and rear boundaries of the allotment shall be -

- (a) where the external walls are 3 metres in height or less - 3 metres; or
- (b) where the external walls exceed 3 metres in height - 3 metres plus one-quarter of the height by which the external walls exceed 3 metres.

Motor showrooms

57. A person shall not carry out development for the purposes of a motor showroom on any land unless -

- (a) that land has a frontage of not less than 40 metres to a public road;
- (b) where the land has a frontage to a main or arterial road, vehicular access to the site is only by way of a road, other than the main or arterial road; and
- (c) where the site is a corner lot, the Council is satisfied that the layout and placement of caravans, boats or motor vehicles (as the case may be) will not obstruct the vision of drivers using the intersection.

Industrial use of land

58. A person shall not, within a special business zone erect or use a building or use land for the purposes of an industry other than a service station or car repair station if -

- (a) the total floor space of the building or the part of the buildings so used or proposed to be used or the total area of the land so used or proposed to be used exceeds 500 square metres; or
- (b) the allotment of land upon which the proposed development is to be established exceeds 1,000 square metres.

Subdivision 4 - Miscellaneous Development

Railway sidings

59. Nothing in this order shall operate to prohibit the construction and use of any railway siding designed to serve lands in an industrial zone.

Passenger Transport Systems

- 59A. (1) This clause applies to land shown by distinctive colouring, edging and lettering on the map marked "Coffs Harbour Local Environmental Plan No. 20" deposited in the office of the council.
- (2) In this clause, "passenger transport system" includes a railway or tramway system, a cablecar or gondola system, or any similar system, above, on or below the surface of the land, together with all associated buildings (including station facilities), structures, works, rolling stock, gondolas, machinery, plant and equipment.

- (3) Nothing in this Order prevents development, with the consent of the council, for the purposes of a passenger transport system on the land to which this clause applies.

Liquid Fuel depots

60. A person shall not establish, enlarge or use a liquid fuel depot having an above ground storage capacity of 500 kilolitres or more of inflammable liquid without the prior consent of the Council and the concurrence of the Department for the time being engaged in the administration of the Dangerous Goods Act, 1975.

Junk yards and offensive or hazardous industries

61. Development for the purpose of a junkyard or an offensive or hazardous industry -

- (a) shall not be carried out within 90 metres of a main or arterial road; and
- (b) shall be screened from view to the satisfaction of the Council.

Sawdust and sawmill waste

62. Except with the consent of the Council sawdust or sawmill waste shall not be -

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

General store

63. (1) A person shall not erect or use a building for the purpose of a general store on an allotment of land within a zone Nos. 1(a), 1(b), 1(c), 1(e) or 2(e), where such allotment has frontage to a main road or is less than 800 metres distant from any other allotment of land on which is erected a shop or a general store.

(2) A person shall not erect or use a building for the purpose of a general store in any zone referred to in subclause (1) of this clause closer to the alignment of a road other than the building line fixed in respect of any adjoining premises or, where no such building line has been fixed, closer to such alignment than the distance generally applying in respect of other premises having frontage to such road.

Subdivision 5

(General)

Reclamation

64. A person shall not carry out development on any land -

- (a) below high water mark;
- (b) forming part of the bed of a river, creek, bay, lagoon or other natural watercourse shown uncoloured on the I.D.C. Map; or
- (c) which has been reclaimed;

without the consent of the Council.

Extractive Industry Transport Terminal

65. A person shall not erect or use a building or work or use land within Zone No. 1(b) or 1(c) for the purpose of -

- (a) an extractive industry; or
 - (b) a transport terminal,
- unless -
- (c) the building or work or land to be used is more than 90 metres from the alignment of a main or arterial road; and
 - (d) there is no direct access from the land to a main or arterial road.

Advertising structure

66. A person may erect an advertising structure only with the consent of the Council where -

- (a) (i) the advertisement on or to be placed on the structure indicates or is to indicate the purpose for which the premises on the land are used; or
- (ii) where it is to be erected on land within Zone No. 1(a), 1(b), 1(c) or 1(e), the advertising structure is to be used for the purpose of displaying an advertisement indicating the location of tourist facilities and places of scientific, historic or scenic interest; and
- (b) the Council is satisfied that the advertising structure will not interfere with the amenity of the area.

66A. (1) A building whose design provides for more than 2 floors above natural ground level shall not be erected by any person on any land shown cross-hatched in black on the I.D.C. Map.

(1A) Nothing in subclause (1) prohibits the occupation of the roof area of any building lawfully erected on any land to which that subclause applies, if the pitch of all parts of the roof is not greater than 30 degrees and if the consent of the Council to the occupation is first obtained.

(2) Floors used only for car parking, where the ceiling height of those floors is less than 1 metre above natural ground level at the lowest point of the main frontage of the building, shall not be included for the purposes of subclause (1).

PART VII

GENERAL

Savings

67. Nothing in the interim development order shall be construed as restricting or prohibiting or enabling the Council to restrict or prohibit -

- (a) the carrying out of development of any description specified in Schedule 9;
- (b) the use of existing buildings of the Crown by the Crown; or
- (c) home occupations carried on in dwelling-houses.

68. (1) Nothing in the interim development order shall prevent the carrying out of interim development in accordance with the terms of any consent granted under a former planning instrument commenced but not completed before the appointed day or substantially commenced within 12 months of that day.

(2) A consent referred to in subclause (1) shall have effect as if it were a consent lawfully granted under this Order and shall be enforced accordingly.

Minor departures from dimensions

69. Nothing in the interim development order shall prevent the Council from consenting to the interim development of land where the dimensions of that development when related to the dimensions of the land upon which the development is proposed depart only to a minor extent from any dimensions specified in that order in relation to the carrying out of that development on that land.

Illegal development

70. Any development which was carried out otherwise than in accordance with the provisions of the former planning instrument applying to the land upon which the development was carried out at the time the development was carried out and which does not conform with the provisions of this order shall be deemed to be in contravention of this order.

Registers

71. The council shall retain and catalogue a copy of every plan of subdivision approved by it and upon registration of each such plan in the office of the Registrar General, shall clearly mark on a copy of a map of its area the location of the land to which that plan relates with a reference to the catalogued copy.

71A. (1) This clause applies to land within the Coffs Harbour Town Centre area as shown edged heavy black on the map marked "Coffs Harbour Local Environmental Plan No. 12" deposited in the office of the council.

(2) For the purpose of enabling development to be carried out on land to which this clause applies in accordance with this Order or in accordance with a consent granted under the Act -

- (a) section 314 (1A) and 314 (1) (c) of the Local Government Act, 1919; and
- (b) Schedule 7 to that Act,

to the extent necessary to serve that purpose, shall not apply to any such development.

(3) Pursuant to section 28 of the Environmental Planning and Assessment Act, 1979, before the making of this clause -

- (a) the Governor approved of subclause (2); and
- (b) the Minister for the time being administering the provisions of the Local Government Act, 1919, referred to in that subclause concurred in writing in the recommendation for the approval of the Governor of subclause (2) in so far as that subclause relates to those provisions.

72. (1) For the purpose of enabling development to be carried out in accordance with this Order or a consent granted under the Environmental Planning and Assessment Act, 1979, a covenant, agreement or instrument which is inconsistent with any provision of this Order or any such consent shall not apply to that development.

(2) Nothing in subclause (1) affects the rights or interests, under any registered instrument, of any public authority.

Dedication and Contribution

73. As a consequence of the carrying out of development in accordance with this order (as in force at the time the development is carried out) - this order identifies a likely increased demand for public amenities and public services as specified in Schedule 10 and stipulates that dedication or a contribution under section 94 (1) of the Environmental Planning and Assessment Act, 1979, or both, may be required as a condition of any consent to that development.

Reservation of Land for Local Road

74. (1) The land shown coloured yellow with the words "Local Road" inscribed thereon in red lettering on the map marked "Coffs Harbour Local Environmental Plan No. 10" deposited in the office of the council is hereby reserved for the purpose of a local road.

(2) The owner of land referred to in subclause (1) may, by notice in writing, require the council to acquire the land and the council shall, upon receipt of such a notice, acquire the land accordingly.

Ancillary uses of Land used for Educational Establishment

75. (1) Where land to which this order applies is used for the purposes of an educational establishment, the site and facilities of the establishment may, with the consent of the council, be used for the additional purposes of meeting rooms, public halls, public libraries, entertainment, sport or recreation or for any other additional community purpose, whether or not the use of that site or those facilities for any such additional purpose results in the use of that site or those facilities for a commercial purpose.

(2) Nothing in this clause requires development consent to be granted for the carrying out of any development on land to which this clause applies if the development could, but for this clause, be carried out on that land without development consent.

Schedule I

Butcher's shop.

Chemist's shop.

Clothing shop.

Confectionery shop.

Crockery shop.

Delicatessen.

Electrical appliances shop.

Florist's shop.

Footwear shop.

Fruit and Vegetable shop.

Furniture shop.

Grocery and Health Food shop.

Hardware shop.

Jewellery and watchmakers shop.

Leathergoods and travel goods shop.

Musical instruments shop.

Optical goods shop.

Philatelist's shop.

Photographic apparatus and material shop.

Small arms and ammunition shop.

Smallgoods shop.

Sports requisites shop.

Stationery shop (Books and Newspaper).

Tobacconist's and hairdresser's shop.

Wine and spirit merchants shop.

Agency offices other than T.A.B.

Banks.

Finance and property company premises.

Friendly and Benefit Society premises.

Insurance Offices.

Professional chambers.

Schedule 2

Abattoirs.
Agricultural machinery manufacture.
Asbestos cement products manufacture.

Bag and sack (textile) manufacture.
Boiler maker.
Boot and shoe manufacture.
Brick, tile and pipe manufacture.

Cement manufacture.
Cement products manufacture.

Electrical machinery manufacture.
Extractive industries.

Fibrous plaster manufacture.

Glass products manufacture.
Grain milling.

Hardboard manufacture.
Heavy engineering.
Hot mix (bitumen) manufacture.

Machinery manufacture (heavy).
Match manufacture.
Metal founding.
Motor body building.
Motor vehicles manufacturing and assembly.

Offensive or hazardous industry.

Panel beating and/or spray painting.
Plastics manufacture.

Sawmilling.
Steel products manufacture (heavy).
Stone cutting and crushing.

Wine manufacture.
Wool scouring.

Schedule 3

Banks.
Boot and shoe repairing.
Bread, cake and pastry manufacture.

Dressmaking.
Dry cleaning and dyeing.

Estate agencies.
Plant nursery.
Practices carried on by health care professionals (as defined in the Environmental Planning and Assessment Model Provisions 1980.)

Radio mechanics workshop.

Schedule 4

Boot and shoe repairs.
Child care centres.
Dressmaking.
Dry cleaning and dyeing.
Electrical Workshops.
Home Industries.
Lending Libraries.
Photographic studies.
Professional consulting rooms.
Radio and T.V. Workshop.
Service Station.
Tailoring.
Retail Plant nursery.
Preschools.
Place of Worship.
Recreation facility.
Outdoor Sports facility.

Schedule 5

Abrasives manufacture.
Brooms and brushes manufacture.
Boots, shoes and accessories manufacture.
Clothing, knitted goods and hat manufacture.
Drawing and Writing materials manufacture.
Drugs, patent medicines, cosmetics and other toilet preparations
(excluding soap) manufacture.
Food, drink and tobacco manufacture (other than meat and fish
processing, grain milling, sugar milling and refinery).
Furniture and fittings, bedding and furnishing, drapery manufacture.
Haberdashery articles manufacture.
Jewellery manufacture, watchmaking, electroplating and minting.
Job and general printing, bookbinding.
Linoleum and leather cloth manufacture.

Manufacture of bicycles, parts and accessories.
Manufacture of goods and leather substitutes.
Manufacture of parts and accessories for motor vehicles, caravans and trailers.
Manufacture and repair of machinery and machinery parts other than agriculture and earthmoving machines(including tractors), stationary machines and power transmitting equipment.
Manufacture and repair of radio and electronic apparatus, electrical machinery cables.
Manufacture of textile products other than bags and sacks.
Manufacture of cutlery and small tools (not machine), stoves, heater, metal furniture and builders hardware.
Musical, surgical and scientific instruments and apparatus manufacture.

Paper products (other than paper board) manufacture.
Plastic products manufacture.

Toys, games and sporting requisites manufacture.

Schedule 6

Chemist's shop.
Confectionery shop and milk bar.

Fish and Chip shop.
Fruit shop.

General Store.

Newsagent shop.

Small goods and sandwich shop.

Tobacconist's and hairdresser's shop.

Schedule 7

Agricultural supplies.
Builders supplies.
Electrical appliance shops.
Furniture shops.
Motor accessories.
Retail plant nursery.
Wholesale markets.

Schedule 8

Agricultural supplies.

Builders supplies.

Motor accessories.

Retail Plant Nursery.

Schedule 9

1. The carrying out by persons carrying on railway undertakings on land comprised in their undertakings of -

- (a) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant; and
- (b) the erection within the limits of a railway station of buildings for any purpose,

but excluding -

- (c) the construction of new railways, railway stations and bridges over roads;
- (d) the erection, reconstruction and alteration of buildings for purposes other than railway undertaking purposes outside the limits of a railway station and the reconstruction or alteration so as materially to affect the design thereof of railway stations or bridges;
- (e) the formation or alteration of any means of access to a road; and
- (f) the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings have direct access to a public place.

2. The carrying out by persons carrying on public utility undertakings, being water, sewerage, drainage, electricity or gas undertakings, of any of the following development, being development required for the purpose of their undertakings, that is to say -

- (a) development of any description at or below the surface of the ground;
- (b) the installation of any plant inside a building or the installation or erection within the premises of a generating station or substation established before the appointed day of any plant or other structures or erections required in connection with the station or substation;

- (c) the installation or erection of any plant or other structures or erections by way of addition to or replacement or extension of plant or structures or erections already installed or erected, including the installation in an electrical transmission line of substations, feeder-pillars or transformer housing, but not including the erection of overhead lines for the supply of electricity or pipes above the surface of the ground for the supply of water, or the installation of substations, feeder-pillars or transformer housings of stone, concrete or brickworks;
- (d) the provision of overhead services lines in pursuance of any statutory power to provide a supply of electricity;
- (e) the erection of service reservoirs on land acquired or in process of being acquired for the purposes thereof before the appointed day, provided reasonable notice of the proposed erection is given to the council; or
- (f) any other development except -
 - (i) the erection of buildings, the installation or erection of plant or other structures or erections, and the reconstruction or alteration, so as materially to affect the design or external appearance thereof, of buildings; or
 - (ii) the formation or alteration of any means of access to a road.

3. The carrying out by persons carrying on public utility undertakings, being water transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by water, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except -

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect the design or external appearance thereof; or
- (b) the formation or alteration of any means of access to a road.

4. The carrying out by persons carrying on public utility undertakings, being wharf or river undertakings, on land comprised in their undertakings, of any development required for the purposes of shipping or in connection with the embarking, loading, discharging or transport of passengers, livestock or goods at a wharf or the movement of traffic by a railway forming part of the undertaking, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant for those purposes, except -

- (a) the construction of bridges, the erection of any other buildings, and the reconstruction or alteration of bridges or of buildings so as materially to affect the design or external appearance thereof; or
- (b) the formation or alteration of any means of access to a road.

5. The carrying out by persons carrying on public utility undertakings, being air transport undertakings, on land comprised in their undertakings within the boundaries of any aerodrome, of any development required in connection with the movement of traffic by air, including the construction, reconstruction, alterations, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except -

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect the design or external appearance thereof; or
- (b) the formation or alteration of any means of access to a road.

6. The carrying out by persons carrying on public utility undertakings, being road transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by road, including the construction, reconstruction, alteration, maintenance and repair of buildings, works and plant required for that purpose, except -

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect the design or external appearance thereof; or
- (b) the formation or alteration of any means of access to a road.

7. The carrying out by the owner or lessee of a mine (other than a mineral sands mine), on the mine, of any development required for the purposes of a mine, except -

- (a) the erection of buildings (not being plant or other structures, or erections required for the mining, working, treatment or disposal of minerals) and the reconstruction, alteration or extension of buildings, so as materially to affect the design or external appearance thereof; or
- (b) the formation or alteration of any means of access to a road.

8. The carrying out of any development required in connection with the construction, reconstruction, improvement, maintenance or repair of any road, except the widening, realignment or relocation of such road.

9. The carrying out of any forestry work by the Forestry Commission, School Forest Trust or Community Forest Authorities empowered under relevant Acts to undertake afforestation, roading, protection, cutting and marketing of timber, and other forestry purposes under such Acts or upon any Crown land temporarily reserved from sale as a timber reserve under the Forestry Act, 1916.

10. The carrying out by a Pastures Protection Board of any development required for the improvement and maintenance of travelling stock and water reserves, except -

- (i) the erection of buildings and the reconstruction of alteration of buildings, so as materially to affect the design or purposes thereof;
- (ii) any development designed to change the use or purpose of any such reserve.

11. The carrying out or causing to be carried out by a Council engaged in flood mitigation works or by the Water Resources Commission of any work for the purposes of soil conservation, irrigation, afforestation, reafforestation, flood mitigation, water conservation or river improvement in pursuance of the provisions of the Water Act, 1912, the Irrigation Act, 1912, the Farm Water Supplies Act, 1946, and the Rivers and Foreshores Improvement Act, 1948, except -

- (i) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect the design or external appearance thereof;
- (ii) the formation or alteration of any means of access to a road.

Schedule 10

(Cl. 73)

1. Community facilities.
2. Community facility structures, child-care centres, community meeting rooms, halls, community arts centres, community libraries, community health and welfare offices, interim community houses.
3. Public open space.
4. Embellishment, landscaping and infrastructure providing for passive, active and other public open space, routes and areas for walkways, cycleways and parking systems, lighting and amenities, active outdoor recreation facilities and structures, sport courts facilities, playing fields, swimming facilities, sportsground facilities and amenity structures, active indoor recreation structures facilities and land requirements.
5. Stormwater drainage purposes.
6. Construction and landscaping and drainage structures including drainage swales, retention basins, inlet/outlet systems and culvert piping systems.
7. Local roads, construction and landscaping of local roadwork.
8. Public car parks and landscaped areas in business centres, construction and embellishment of public car parks and landscaped areas.
9. Water and sewerage reticulation and headworks.

