



New South Wales

Nambucca Local Environmental Plan 1995 (Amendment No 40)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (G01/00092/S69)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

2002 No 576

Clause 1 Nambucca Local Environmental Plan 1995 (Amendment No 40)

Nambucca Local Environmental Plan 1995 (Amendment No 40)

1 Name of plan

This plan is *Nambucca Local Environmental Plan 1995 (Amendment No 40)*.

2 Aims of plan

This plan aims to amend *Nambucca Local Environmental Plan 1995*:

- (a) to remove undertakings for the purpose of telecommunications facilities or communications facilities from the definition of ***public utility undertaking*** from clause 5 (1) of that plan, and
- (b) to permit development for the purpose of communications facilities to be carried out with the consent of Nambucca Shire Council in all zones except Zone Nos 5 (b), 7 (a), 7 (b), 7 (f), 7 (g), 8 (a), 9 and 10 where such development is to be prohibited, and
- (c) to permit development for the purpose of utility installations to be carried out without the consent of Nambucca Shire Council in all zones except Zone Nos 7 (a), 7 (b), 7 (f), 7 (g), 8 (a), 9 and 10.

3 Land to which plan applies

This plan applies to all land to which *Nambucca Local Environmental Plan 1995* applies.

4 Amendment of Nambucca Local Environmental Plan 1995

Nambucca Local Environmental Plan 1995 is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 How are terms defined in this plan?

Omit paragraphs (d) and (e) from the definition of *public utility undertaking* in clause 5 (1).

[2] Clause 11 What rural and environmental zones apply in this plan?

Insert “; utility installations” in appropriate order in Item 3 of the matter relating to Zone Nos 1 (a1), 1 (a2), 1 (a3), 1 (a4) and 1 (d) in the development control table to the clause.

[3] Clause 11, development control table

Insert “communications facilities;” in appropriate order in Item 4 of the matter relating to Zone No 1 (f).

[4] Clause 25 What residential zones apply in this plan?

Insert “; utility installations” in appropriate order in Item 3 of the matter relating to Zone Nos 2 (a), 2 (b), 2 (c), 2 (d) and 2 (v) in the development control table to the clause.

[5] Clause 31 What business zones apply in this plan?

Insert the following before “Exempt development” in Item 3 of the matter relating to Zone No 3 (a) in the development control table to the clause:

Development for the purpose of:
utility installations.

[6] Clause 33 What industrial zones apply in this plan?

Insert the following before “Exempt development” in Item 3 of the matter relating to Zone Nos 4 (a) and 4 (b) in the development control table to the clause:

Development for the purpose of:
utility installations.

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Schedule 1 Amendments

[7] Clause 34 What special use zones apply in this plan?

Insert “; utility installations” after “bush fire hazard reduction” in Item 3 of the matter relating to Zone No 5 (a) in the development control table to the clause.

[8] Clause 34, development control table

Omit Item 4 of the matter relating to Zone No 5 (a). Insert instead:

4 Only with Development Consent

The particular development indicated on the map and any development ordinarily incidental or ancillary to that development.

Development for the purpose of:

communications facilities; roads.

[9] Clause 34, development control table

Insert the following before “Exempt development” in Item 3 of the matter relating to Zone No 5 (b):

Development for the purpose of:

utility installations.

[10] Clause 36 What open space zones apply in this plan?

Insert the following at the end of Item 3 of the matter relating to Zone Nos 6 (a) and 6 (c) in the development control table to the clause:

Development for the purpose of:

utility installations.

[11] Clause 36, development control table

Insert “communications facilities;” in appropriate order in Item 4 of the matter relating to Zone Nos 6 (a) and 6 (c).

[12] Clause 36, development control table

Omit “; utility installations” from Item 4 of the matter relating to Zone Nos 6 (a) and 6 (c).

BY AUTHORITY