

Coffs Harbour City Local Environmental Plan 2000

[2000-172]



New South Wales

Status Information

Currency of version

Historical version for 6 June 2008 to 11 September 2008 (accessed 18 April 2024 at 20:57)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

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

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 6 June 2008

Coffs Harbour City Local Environmental Plan 2000



New South Wales

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Coffs Harbour City Local Environmental Plan 2000



New South Wales

Part 1 Preliminary

1 What is this Plan called?

This Plan is called *Coffs Harbour City Local Environmental Plan 2000*.

2 What are the aims and objectives of this Plan?

(1) The aims of this Plan are:

- (a) to provide a single local environmental plan for the City of Coffs Harbour, and
- (b) to encourage sustainable economic growth and development within the City, and
- (c) to recognise the need to provide for, and to provide for, development within the City in an ecologically sustainable manner, and
- (d) to provide a quality lifestyle within the City.

(2) The objectives of this Plan are:

- (a) to provide a policy framework for the preparation of more detailed development control plans, and
- (b) to identify areas for compatible development opportunities, and
- (c) to protect environmentally sensitive areas and the City's heritage, and
- (d) to allow for the equitable provision of social services and facilities for the community, and
- (e) to minimise the risk to human life and damage to property caused by natural hazards such as bush fire, land instability and flooding.

3 Where does this Plan apply?

This Plan applies to all land within the Coffs Harbour City local government area.

4 How does this Plan affect other Plans?

- (1) *Coffs Harbour Local Environmental Plan 1988* is repealed.
- (2) *State Environmental Planning Policy No 4—Development Without Consent* is amended:
 - (a) by inserting at the end of Schedule 1 (Ancillary or incidental development involving acid sulfate soils excepted from clause 10) the following words:

Clause 23 of *Coffs Harbour City Local Environmental Plan 2000*

- (b) by inserting in alphabetical order in Schedule 2 (Land excepted from clauses 6–10) the following words:

Coffs Harbour City local government area

- (3) *State Environmental Planning Policy No 44—Koala Habitat Protection* is amended by omitting from Schedule 1 the words “Coffs Harbour”.

5 Who is the consent authority for this Plan?

For the purposes of this Plan, the Council is the consent authority unless otherwise provided for by or under the Act.

6 How are terms defined?

- (1) Terms used in this Plan which are defined in the Dictionary at the end of this Plan have the meanings set out in the Dictionary.
- (2) In this Plan:
 - (a) a reference to a map is a reference to a map deposited in the office of the Council, and
 - (b) a reference to a building or a place used for a purpose includes a reference to a building or place intended to be used for the purpose.
- (3) The Dictionary at the end of this Plan is part of this Plan, but the list of contents and notes in this Plan are not.

7 What activities do not require consent or are not prohibited by this Plan?

Nothing in this Plan prohibits or requires development consent for:

- (a) the use by the Crown of buildings that were in existence on the commencement of this Plan and that were under the control of the Crown on that date, or
- (b) any activity listed in Schedule 1, or

(c) exempt development within the meaning of clause 10 (2).

Part 2 Zoning controls

8 What zones apply in this Plan?

Land to which this Plan applies is within a zone specified below if the land is shown on the map as being within the zone:

Rural 1A Agriculture Zone (Zone 1A)

Rural 1B Living Zone (Zone 1B)

Rural 1F State Forest Zone (Zone 1F)

Residential 2A Low Density Zone (Zone 2A)

Residential 2B Medium Density Zone (Zone 2B)

Residential 2C Medium-High Density Zone (Zone 2C)

Residential 2D High Density Zone (Zone 2D)

Residential 2E Tourist Zone (Zone 2E)

Business 3A City Centre Zone (Zone 3A)

Business 3B City Support Zone (Zone 3B)

Business 3C Town Centre Zone (Zone 3C)

Business 3D Tourist Service Centre Zone (Zone 3D)

Business 3E Town Centre Support Zone (Zone 3E)

Business 3F Neighbourhood Zone (Zone 3F)

Business 3G Mixed Use Zone (Zone 3G)

Industrial 4A Zone (Zone 4A)

Special Uses 5A Community Purposes Zone (Zone 5A)

Open Space 6A Public Recreation Zone (Zone 6A)

Open Space 6C Private Recreation Zone (Zone 6C)

Environmental Protection 7A Habitat and Catchment Zone (Zone 7A)

Environmental Protection 7B Scenic Buffer Zone (Zone 7B)

Environmental Protection 7C Coastal Zone (Zone 7C)

National Parks and Nature Reserves 8 Zone (Zone 8)

9 How does the development control table work?

- (1) The objectives of a zone are set out in the following table under the heading “Objectives of zone” appearing in the matter relating to the relevant zone. The table also describes how the zone is shown on the map.
- (2) Subject to the other provisions of this Plan, in relation to land within a zone, development (if any) that:
 - (a) may be carried out without development consent, or
 - (b) may be carried out only with development consent, or
 - (c) is prohibited,is specified in the following table under the headings “Without development consent”, “Only with development consent” and “Prohibited”, respectively, appearing in the matter relating to the relevant zone.

Table

Rural 1A Agriculture Zone

Aim:

To provide for the preservation of existing or potentially productive agricultural land.

1 Objectives of zone

- to enable development which is compatible with agricultural practices, and with the amenity and character of the rural environment of the area.
- to enable development that can be adequately serviced.

2 Without development consent

Development for the purpose of:

agriculture; bed and breakfast establishments; dams; environmental protection works; forestry; home industries; home occupations; special care homes.

3 Only with development consent

Development for the purpose of:

abattoirs; animal establishments; aquaculture; attached dual

occupancies; camp or caravan sites for temporary residency; car parks; cemeteries; child care centres; communications facilities; community facilities; demolition; depots; dwelling-houses; eco-tourism facilities; educational establishments; entertainment facilities; environmental facilities; extractive industries; general stores; generating works; group homes; helicopter landing sites; mines; passenger transport terminals; places of worship; recreation areas; recreation facilities; registered clubs; restaurants; retail plant nurseries; roads; rural industries; sawmills; stock and sale yards; tourist facilities; turf farms; utility installations; veterinary hospitals.

Subdivision of land.

4 Prohibited

Any development not included in item 2 or 3.

5 Description on map

Coloured brown and lettered "1A".

Rural 1B Living Zone

Aim:

To provide for rural residential living opportunities.

1 Objectives of zone

- to enable development which is compatible with the character and amenity of the rural living environment of the area.
- to enable development that can be adequately serviced.

2 Without development consent

Development for the purpose of:

agriculture; bed and breakfast establishments; dams; environmental protection works; forestry; home industries; home occupations; special care homes.

3 Only with development consent

Development for the purpose of:

animal establishments; aquaculture; attached dual occupancies; camp or caravan sites for temporary residency; car parks; cemeteries; child care centres; communications facilities; community facilities; demolition; dwelling-houses; eco-tourism facilities; educational establishments; entertainment facilities; environmental facilities; extractive industries; general stores; generating works; group homes; helicopter landing sites; mines; passenger transport terminals; places of worship; recreation areas; recreation facilities; registered clubs; restaurants; retail plant nurseries; roads; rural industries; stock and sale yards; tourist facilities; turf farms; utility installations; veterinary clinics.

Subdivision of land.

4 Prohibited

Any development not included in item 2 or 3.

5 Description on map

Coloured light brown and lettered "1B".

Rural 1F State Forest Zone

Aim:

To identify land that is reserved for forestry purposes.

1 Objectives of zone

- to enable development for forestry and other land uses.
- to enable development which is compatible with forestry land uses and can be adequately serviced.

2 Without development consent

Development for the purpose of:

any activity authorised by or under the [Forestry Act 1916](#).

3 Only with development consent

Development for the purpose of:

extractive industries; mines; recreation areas.

4 Prohibited

Any development not included in item 2 or 3.

5 Description on map

Coloured light brown with dark green stripes and lettered "1F".

Residential 2A Low Density Zone

Aim:

To provide for the low density housing needs of the population.

1 Objectives of zone

- to enable housing development and other development that is compatible with a low density residential environment.
- to provide for development that is within the environmental capacity of a low density residential environment and can be adequately serviced.

2 Without development consent

Development for the purpose of:

agriculture; bed and breakfast establishments; environmental protection works; home industries; home occupations; special care homes.

3 Only with development consent

Development for the purpose of:

aquaculture; attached dual occupancies; boarding houses; camp or caravan sites; child care centres; communications facilities; community facilities; dams; demolition; detached dual occupancies; dwelling-houses; educational establishments; forestry; general stores; group homes; multi-unit housing; places of worship; recreation areas; recreation facilities; roads; seniors housing; utility installations; veterinary clinics.

Subdivision of land.

4 Prohibited

Any development not included in item 2 or 3.

5 Description on map

Coloured pink and lettered “2A”.

Residential 2B Medium Density Zone

Aim:

To provide for the medium density housing needs of the population.

1 Objectives of zone

- to enable housing development and other development that is compatible with a medium density residential environment.
- to provide for development that is within the environmental capacity of a medium density residential environment and can be adequately serviced.

2 Without development consent

Development for the purpose of:

agriculture; bed and breakfast establishments; environmental protection works; home industries; home occupations; special care homes.

3 Only with development consent

Development for the purpose of:

aquaculture; attached dual occupancies; boarding houses; camp or caravan sites; child care centres; communications facilities; community facilities; dams; demolition; detached dual occupancies; dwelling-houses; educational establishments; forestry; general stores; group homes; multi-unit housing; places of worship; recreation areas; recreation facilities; roads; seniors housing; utility installations; veterinary clinics.

Subdivision of land.

4 Prohibited

Any development not included in item 2 or 3.

5 Description on map

Coloured medium pink and lettered “2B”.

Residential 2C Medium-High Density Zone

Aim:

To provide for the medium-high density housing needs of the population.

1 Objectives of zone

- to enable housing development and other development that is compatible with a medium-high density residential environment.
- to provide for development that is within the environmental capacity of a medium-high density residential environment and can be adequately serviced.

2 Without development consent

Development for the purpose of:

bed and breakfast establishments; environmental protection works; home industries; home occupations; special care homes.

3 Only with development consent

Development for the purpose of:

attached dual occupancies; boarding houses; child care centres; communications facilities; community facilities; dams; demolition; detached dual occupancies; dwelling-houses; educational establishments; forestry; general stores; group homes; multi-unit housing; recreation areas; recreation facilities; roads; seniors housing; utility installations.

Subdivision of land.

4 Prohibited

Any development not included in item 2 or 3.

5 Description on map

Coloured dark pink and lettered "2C".

Residential 2D High Density Zone

Aim:

To provide for the high density housing needs of the population.

1 Objectives of zone

- to enable housing development and other development that is compatible with a high density residential environment.
- to provide for development that is within the environmental capacity of a high density residential environment and can be adequately serviced.

2 Without development consent

Development for the purpose of:

bed and breakfast establishments; environmental protection works; home industries; home occupations; special care homes.

3 Only with development consent

Development for the purpose of:

attached dual occupancies; boarding houses; car parks; child care centres; communications facilities; community facilities; dams; demolition; dwelling-houses; educational establishments; forestry; general stores; group homes; multi-unit housing; recreation areas; recreation facilities; roads; seniors housing; utility installations.

Subdivision of land.

4 Prohibited

Any development not included in item 2 or 3.

5 Description on map

Coloured red and lettered "2D".

Residential 2E Tourist Zone

Aim:

To provide for tourist accommodation and recreational land uses.

1 Objectives of zone

- to enable tourist development and other development that is compatible with the surrounding environment.
- to provide for development that is within the environmental capacity of a

high density residential environment and can be adequately serviced.

2 Without development consent

Development for the purpose of:

bed and breakfast establishments; environmental protection works;
home industries; home occupations; special care homes.

3 Only with development consent

Development for the purpose of:

advertisements; attached dual occupancies; boarding houses; camp or caravan sites; car parks; child care centres; communications facilities; community facilities; convenience stores; dams; demolition; detached dual occupancies; dwelling-houses; eco-tourism facilities; educational establishments; entertainment facilities; environmental facilities; forestry; general stores; group homes; helicopter landing sites; hotels; motels; multi-unit housing; places of worship; recreation areas; recreation facilities; restaurants; roads; seniors housing; service stations; tourist facilities; utility installations.

Subdivision of land.

4 Prohibited

Any development not included in item 2 or 3.

5 Description on map

Coloured with pink stripes and lettered "2E".

Business 3A City Centre Zone

Aim:

To encourage the growth of the Coffs Harbour City Centre as a regional centre.

1 Objectives of zone

- to enable development that contributes to the retail or commercial or housing or social needs of the community.
- to enable development that is compatible with the City Centre environment.

2 Without development consent

Development for the purpose of:

environmental protection works; home industries; home occupations; special care homes.

3 Only with development consent

Development for the purpose of:

advertisements; animal establishments; attached dual occupancies; bed and breakfast establishments; boarding houses; bulky goods salesrooms; business premises; car parks; cemeteries; child care centres; communications facilities; community facilities; convenience stores; demolition; dwelling-houses; eco-tourism facilities; educational establishments; entertainment facilities; environmental facilities; general stores; group homes; helicopter landing sites; holiday cabins; hospitals; hotels; light industries; medical centres; motels; motor showrooms; multi-unit housing; office premises; passenger transport terminals; permanent group homes; places of worship; recreation areas; recreation facilities; registered clubs; restaurants; retail plant nurseries; roads; seniors housing; shops; tourist facilities; transitional group homes; utility installations; vehicle repair stations; veterinary clinics; veterinary hospitals.

Subdivision of land.

Other development not included in item 2 or 4.

4 Prohibited

Development for the purpose of:

abattoirs; agriculture; aquaculture; brothels; camp or caravan sites; depots; detached dual occupancies; extractive industries; forestry; generating works; hazardous industries; hazardous storage establishments; heliports; industries; marinas; mines; offensive industries; offensive storage establishments; rural industries; sawmills; service stations; stock and saleyards; turf farms; vehicle body repair workshops; warehouses or distribution centres.

5 Description on map

Coloured dark blue and lettered “3A”.

Business 3B City Support Zone

Aim:

To encourage development that supports the growth of the City Centre.

1 Objectives of zone

- to enable development that contributes to the retail or commercial or housing or social needs of the community.
- to enable development that is compatible with the City Centre environment.

2 Without development consent

Development for the purpose of:

environmental protection works; home industries; home occupations; special care homes.

3 Only with development consent

Development for the purpose of:

advertisements; animal establishments; attached dual occupancies; bed and breakfast establishments; boarding houses; bulky goods salesrooms; business premises; car parks; cemeteries; child care centres; communications facilities; community facilities; convenience stores; demolition; depots; dwelling-houses; eco-tourism facilities; educational establishments; entertainment facilities; environmental facilities; group homes; helicopter landing sites; hospitals; hotels; light industries; medical centres; motels; motor showrooms; multi-unit housing; passenger transport terminals; places of worship; recreation areas; recreation facilities; registered clubs; restaurants; retail plant nurseries; roads; seniors housing; service stations; shops (only in the areas defined in Schedule 3); tourist facilities; utility installations; vehicle repair stations; veterinary hospitals; warehouses or distribution centres.

Subdivision of land.

4 Prohibited

Any development not included in item 2 or 3.

5 Description on map

Coloured medium blue and lettered "3B".

Business 3C Town Centre Zone

Aim:

To encourage development that contributes to the growth of the Town Centre.

1 Objectives of zone

- to enable development that contributes to the retail or commercial or social needs of the community.
- to encourage development that is compatible with the Town Centre environment.

2 Without development consent

Development for the purpose of:

environmental protection works; home industries; home occupations; special care homes.

3 Only with development consent

Development for the purpose of:

advertisements; animal establishments; attached dual occupancies; bed and breakfast establishments; boarding houses; bulky goods salesrooms; business premises; car parks; cemeteries; child care centres; communications facilities; community facilities; convenience stores; demolition; dwelling-houses; eco-tourism facilities; educational establishments; entertainment facilities; environmental facilities; general stores; group homes; helicopter landing sites; holiday cabins; hospitals; hotels; light industries; medical centres; motels; motor showrooms; multi-unit housing; office premises; passenger transport terminals; permanent group homes; places of worship; recreation areas; recreation facilities; registered clubs; restaurants; retail plant nurseries; roads; seniors housing; shops; tourist facilities; transitional group homes; utility installations; vehicle repair stations; veterinary clinics; veterinary

hospitals; warehouses or distribution centres.

Subdivision of land.

Other development not included in item 2 or 4.

4 Prohibited

Development for the purpose of:

abattoirs; agriculture; aquaculture; brothels; depots; detached dual occupancies; extractive industries; forestry; generating works; hazardous industries; hazardous storage establishments; heliports; industries; marinas; mines; offensive industries; offensive storage establishments; rural industries; sawmills; service stations; stock and saleyards; turf farms; vehicle body repair workshops.

5 Description on map

Coloured light blue and lettered "3C".

Business 3D Tourist Service Centre Zone

Aim:

To provide for the tourist service needs of the community.

1 Objectives of zone

- to enable tourist service development and other development that is compatible with the surrounding area.
- to provide for development that is within the environmental capacity of the land and can be adequately serviced.

2 Without development consent

Development for the purpose of:

environmental protection works; home industries; home occupations; special care homes.

3 Only with development consent

Development for the purpose of:

advertisements; animal establishments; attached dual occupancies; bed

and breakfast establishments; boarding houses; camp or caravan sites; car parks; cemeteries; communications facilities; community facilities; convenience stores; demolition; detached dual occupancies; dwelling-houses; eco-tourism facilities; entertainment facilities; environmental facilities; general stores; group homes; motels; multi-unit housing; passenger transport terminals; recreation areas; recreation facilities; restaurants; retail plant nurseries; roads; seniors housing; service stations; tourist facilities; utility installations.

Subdivision of land.

4 Prohibited

Any development not included in item 2 or 3.

5 Description on map

Coloured dark blue and lettered "3D".

Business 3E Town Centre Support Zone

Aim:

To encourage development that supports the growth of the Town Centre.

1 Objectives of zone

- to enable development that contributes to the retail or commercial or housing or social needs of the community.
- to enable development that is compatible with the Town Centre environment.

2 Without development consent

Development for the purpose of:

environmental protection works; home industries; home occupations; special care homes.

3 Only with development consent

Development for the purpose of:

advertisements; animal establishments; attached dual occupancies; bed and breakfast establishments; boarding houses; bulky goods salesrooms;

business premises; car parks; cemeteries; child care centres; communications facilities; community facilities; convenience stores; demolition; depots; dwelling-houses; eco-tourism facilities; educational establishments; entertainment facilities; environmental facilities; general stores; group homes; helicopter landing sites; hospitals; hotels; light industries; medical centres; motels; motor showrooms; multi-unit housing; passenger transport terminals; places of worship; recreation areas; recreation facilities; registered clubs; restaurants; retail plant nurseries; roads; seniors housing; service stations; shops; tourist facilities; utility installations; vehicle body repair workshops; vehicle repair stations; veterinary hospitals; warehouses or distribution centres.

Subdivision of land.

4 Prohibited

Any development not included in item 2 or 3.

5 Description on map

Coloured blue and lettered "3E".

Business 3F Neighbourhood Zone

Aim:

To provide for the local shopping and service needs of the community.

1 Objectives of zone

- to enable development that contributes to the retail or commercial or social needs of the local community.
- to provide for development that is within the environmental capacity of the land and can be adequately serviced.

2 Without development consent

Development for the purpose of:

environmental protection works; home industries; home occupations; special care homes.

3 Only with development consent

Development for the purpose of:

advertisements; animal establishments; bed and breakfast establishments; bulky good salesrooms; business premises; car parks; child care centres; communications facilities; community facilities; convenience stores; demolition; dwelling-houses (used in conjunction with other land uses allowed in this zone); eco-tourism facilities; educational establishments; entertainment facilities; environmental facilities; group homes; hospitals; hotels; medical centres; motels; passenger transport terminals; recreation areas; recreation facilities; restaurants; retail plant nurseries; roads; seniors housing; shops; tourist facilities; utility installations; vehicle repair stations; veterinary hospitals.

Subdivision of land.

4 Prohibited

Any development not included in item 2 or 3.

5 Description on map

Coloured blue and lettered "3F".

Business 3G Mixed Use Zone

Aim:

To provide for mixed use development.

1 Objectives of zone

- to enable development that contributes to the retail or commercial or social or housing needs of the community.
- to enable development that is within the environmental capacity of the land and can be adequately serviced.

2 Without development consent

Development for the purpose of:

environmental protection works; home industries; home occupations; special care homes.

3 Only with development consent

Development for the purpose of:

advertisements; animal establishments; attached dual occupancies; bed and breakfast establishments; boarding houses; bulky goods salesrooms; business premises; car parks; child care centres; communications facilities; community facilities; convenience stores; demolition; detached dual occupancies; dwelling-houses; eco-tourism facilities; educational establishments; entertainment facilities; environmental facilities; general stores; group homes; hospitals; hotels; medical centres; motels; motor showrooms; multi-unit housing; office premises; places of worship; recreation areas; recreation facilities; restaurants; retail plant nurseries; roads; seniors housing; shops (only in the areas defined in Schedule 3); tourist facilities; utility installations.

Subdivision of land.

4 Prohibited

Any development not included in item 2 or 3.

5 Description on map

Coloured with blue stripes and lettered "3G".

Industrial 4A Zone

Aim:

To provide for industrial development.

1 Objectives of zone

- to enable development for industrial or warehousing or other land uses compatible with an industrial environment.
- to enable development that is within the environmental capacity of the land and can be adequately serviced.

2 Without development consent

Development for the purpose of:

environmental protection works; home industries; home occupations.

3 Only with development consent

Development for the purpose of:

abattoirs; advertisements; agriculture; animal establishments; brothels; bulky goods salesrooms; car parks; cemeteries; child care centres; communications facilities; community facilities; convenience stores; demolition; depots; dwelling-houses (used in conjunction with other land uses allowed in this zone); educational establishments; entertainment facilities; extractive industries; forestry; general stores; generating works; hazardous industries; hazardous storage establishments; helicopter landing sites; heliports; hospitals; industries; light industries; mines; motor showrooms; offensive industries; offensive storage establishments; passenger transport terminals; places of worship; recreation areas; recreation facilities; registered clubs; restaurants; retail plant nurseries; roads; rural industries; sawmills; service stations; stock and sale yards; vehicle body repair workshops; vehicle repair stations; veterinary hospitals; utility installations; warehouses or distribution centres.

Subdivision of land.

4 Prohibited

Any development not included in item 2 or 3.

5 Description on map

Coloured purple and lettered "4A".

Special Uses 5A Community Purposes Zone

Aim:

To provide for the cultural, social and utility service needs of the community.

1 Objectives of zone

- to enable development for community land uses or other land uses compatible with the surrounding area.
- to enable development that is within the environmental capacity of the land and can be adequately serviced.

2 Without development consent

Development for the purpose of:

agriculture; environmental protection works; home industries; home

occupations; special care homes.

3 Only with development consent

Development for the particular purpose lettered on the map.

Other development not included in item 2 or 4.

4 Prohibited

Development for the purpose of:

brothels.

5 Description on map

Coloured yellow and lettered "5A".

Open Space 6A Public Recreation Zone

Aim:

To provide for the open space and recreational needs of the community.

1 Objectives of zone

- to enable development for open space or recreational or other land uses compatible with the surrounding area.
- to enable development which is compatible with recreational land uses and does not jeopardise the existing and future role of the land for recreational land uses.

2 Without development consent

Development for the purpose of:

any activity authorised by a plan of management under the [Local Government Act 1993](#) or the [Crown Lands Act 1989](#).

3 Only with development consent

Any development not included in item 2 or 4.

4 Prohibited

Development for the purpose of:

brothels.

5 Description on map

Coloured light green and lettered "6A".

Open Space 6C Private Recreation Zone

Aim:

To provide for private recreation and associated services.

1 Objectives of zone

- to enable development for private recreation or tourism or other land uses compatible with the surrounding area.
- to provide for development that is within the environmental capacity of the land and can be adequately serviced.

2 Without development consent

Development for the purpose of:

agriculture; environmental protection works; group homes; special care homes.

3 Only with development consent

Development for the purpose of:

animal establishments; aquaculture; bed and breakfast establishments; boarding houses; bushfire hazard reduction; camp or caravan sites for temporary residency; car parks; cemeteries; childcare centres; clearing of bushland; communications facilities; community facilities; dams; demolition; eco-tourism facilities; educational establishments; entertainment facilities; environmental facilities; forestry; general stores; helicopter landing sites; holiday cabins; hospitals; hotels; marinas; motels; passenger transport terminals; permanent group homes; places of worship; recreation areas; recreation facilities; registered clubs; restaurants; retail plant nurseries; roads; seniors housing; tourist facilities; transitional group homes; utility installations; veterinary clinics; veterinary hospitals.

Subdivision of land.

Other development not included in item 2 or 4.

4 Prohibited

Development for the purpose of:

abattoirs; attached dual occupancies; brothels; bulky goods salesrooms; business premises; convenience stores; depots; detached dual occupancies; dwelling-houses; extractive industries; generating works; hazardous industries; hazardous storage establishments; heliports; home industries; home occupations; industries; light industries; medical centres; mines; motor showrooms; multi-unit housing; offensive industries; offensive storage establishments; office premises; rural industries; sawmills; service stations; shops; stock and saleyards; turf farms; vehicle body repair workshops; vehicle repair stations; warehouses or distribution centres.

5 Description on map

Coloured green and lettered "6C".

Environmental Protection 7A Habitat and Catchment Zone

Aim:

To protect and enhance sensitive natural habitat and waterway catchments.

1 Objectives of zone

- to protect habitat values and water quality and enable development which does not adversely impact upon these.
- to enable development that is within the environmental capacity of the land and can be adequately serviced.

2 Without development consent

Development for the purpose of:

agriculture (which does not involve the clearing of bushland or construction of buildings); environmental protection works; home industries; home occupations.

3 Only with development consent

Development for the purpose of:

agriculture (which involves the clearing of bushland or the construction of

buildings); aquaculture; attached dual occupancies; bed and breakfast establishments; dams; demolition; dwelling-houses; eco-tourism facilities; environmental facilities; forestry; recreation areas; roads; utility installations.

Subdivision of land.

4 Prohibited

Development that is not included in item 2 or 3.

5 Description on map

Coloured orange and lettered "7A".

Environmental Protection 7B Scenic Buffer Zone

Aim:

To protect the scenic qualities of the Pacific Highway.

1 Objectives of zone

- to enable development that does not adversely impact on the scenic qualities of the Pacific Highway.
- to enable development that is within the environmental capacity of the land and can be adequately serviced.

2 Without development consent

Development for the purpose of:

agriculture (which does not involve the clearing of bushland or the construction of buildings); environmental protection works.

3 Only with development consent

Development for the purpose of:

agriculture (which involves the clearing of bushland or the construction of buildings); aquaculture; dams; demolition; environmental facilities; forestry; recreation areas; recreation facilities; roads; utility installations.

Subdivision of land.

4 Prohibited

Development that is not included in item 2 or 3.

5 Description on map

Coloured orange and lettered "7B".

Environmental Protection 7C Coastal Zone

Aim:

To protect the sensitive coastal environment.

1 Objectives of zone

- to identify sensitive coastal areas.
- to enable development that is within the environmental capacity of the land and can be adequately serviced.

2 Without development consent

Development for the purpose of:

agriculture (which does not involve the clearing of bushland or the construction of buildings); environmental protection works.

3 Only with development consent

Development for the purpose of:

agriculture (which involves the clearing of bushland or the construction of buildings); aquaculture; dams; demolition; environmental facilities; forestry; recreation areas; roads; utility installations.

Subdivision of land.

4 Prohibited

Development that is not included in item 2 or 3.

5 Description on map

Coloured orange and lettered "7C".

National Parks and Reserves 8 Zone

Aim:

To protect sensitive environments.

1 Objectives of zone

- to enable development that is authorised by or under the *National Parks and Wildlife Act 1974*.
- to enable development that is within the environmental capacity of the land and can be serviced.

2 Without development consent

Development for the purpose of any land use authorised by or under the *National Parks and Wildlife Act 1974*.

3 Only with development consent

Nil.

4 Prohibited

Development that is not included in item 2 or 3.

5 Description on map

Coloured dark green and lettered "8".

Part 3 General controls

10 Exempt and complying development

Objective of provision

To enable works and activities of a minor nature or that may be certified as meeting objective development standards to be carried out without the necessity for a formal grant of development consent.

- (1) The following development is complying development, but only if it complies with the development standards set out in this Plan and in the development control plan entitled *Complying Development* (as adopted by the Council on 11 November 1999):
 - (a) development on land within Zone 2A for the purposes of a dwelling-house,
 - (b) development for the purposes of an internal fit-out of a building on land within Zone 3A, 3B, 3C, 3D, 3E, 3F, 3G or 4A,
 - (c) development for the purposes of an internal fit-out of a building on land within any

zone if the use of the building is an existing use.

- (2) Development of minimal environmental impact identified in Schedule 2 is exempt development. It may be carried out without development consent.
- (3) Development is not exempt or complying development unless it:
 - (a) complies with the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (b) does not contravene any conditions of a development consent applicable to the land, and
 - (c) complies with development standards elsewhere in that plan that relate to the relevant class of development, and
 - (d) does not contravene any tree preservation order applying to the land.
- (4) Development is not exempt development if it is carried out:
 - (a) within an Aboriginal area (within the meaning of the *National Parks and Wildlife Act 1974*), or
 - (b) within Zone 1F or 8, or on Crown land reserved or dedicated for the purpose of fauna or flora conservation, or
 - (c) in an aquatic reserve (declared under the *Fisheries Management Act 1994*), or
 - (d) on land the development of which requires consent because of the presence of acid sulfate soil, or
 - (e) where the development could obstruct drainage, or vehicular or pedestrian access to the site, or
 - (f) in contravention of the *Coffs Harbour Koala Plan of Management* available from the office of the Council, or
 - (g) on land to which *State Environmental Planning Policy No 26—Littoral Rainforests* applies.

11 Tree preservation

Objective of provision

To enable preservation of trees to maintain the amenity of the City.

- (1) The Council may make, revoke or amend a tree preservation order that identifies trees to which this clause applies.
- (2) A person shall not carry out or permit or direct or cause any ringbarking, cutting

down, topping, lopping, removing or wilful destruction of any tree or trees to which a tree preservation order applies without development consent. This does not apply to or in respect of:

- (a) action required by regulations under the *Electricity Safety Act 1945* or the *Electricity Supply Act 1995*, or
- (b) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*, or
- (c) trees identified for removal under a bush fire management plan available from the office of the Council.

- (3) A tree preservation order, and any revocation or amendment of such an order, does not have effect until it has been published in a newspaper circulating in the area of the City of Coffs Harbour.

12 Koala habitat

Objective of provision

To provide for the protection of koalas and their habitat.

Consent shall not be granted to development on land to which this Plan applies unless the development is in accordance with a koala plan of management.

13 Landform modification

Objective of provision

To control soil erosion, sedimentation, tree loss and drainage impacts associated with landform modification.

- (1) A person shall not, without development consent, carry out a work or any other development on land to which this Plan applies for any purpose where the work or other development has the effect, in the opinion of the consent authority, of significantly adversely affecting the natural environment, through either filling or excavation.
- (2) This provision does not apply to Coffs Harbour Airport land (that is, land within Zone 5A (Aerodrome)).

14 Services

Objective of provision

To ensure that all development has adequate water and sewage services.

Consent shall not be granted to the carrying out of any development on land to which this Plan applies unless:

- (a) a water supply and facilities for the removal or disposal of sewage and drainage are

available to that land, or

- (b) arrangements satisfactory to the consent authority have been made for the provision of that supply and those facilities, or
- (c) the consent authority has formed the opinion the development proposed does not require that supply or those facilities.

15 Development near zone boundaries

Objective of provision

To allow for development near zone boundaries where the development is prohibited by zoning but is not inconsistent with the aims and objectives of this Plan.

- (1) This clause applies to transitional land, excluding land in Zone 7A, 7B or 7C.
- (2) Regardless of any other provision of this Plan, development may, with development consent, be carried out on land to which this clause applies within a zone, for any purpose for which development may be carried out in the adjoining zone, where the consent authority is satisfied that the development is not inconsistent with the aims and objectives of this Plan and the objectives of both zones.

16 Temporary use of land

Objective of provision

To permit the temporary use of land for community activities.

- (1) Regardless of any other provision of this Plan, a person may carry out development on any land without development consent for any purpose for a maximum period of 28 days, whether consecutive or non-consecutive, in any one year if, in the opinion of the Council, the purpose contributes to the cultural well-being of the community.
- (2) No development may be carried out pursuant to this clause until written notice of the proposal to carry it out has been given to the Council.

17 Suspension of covenants, agreements and similar restrictions

Objective of provision

To ensure private restrictions do not restrict development or activities being carried out in accordance with this Plan.

- (1) If any agreement, covenant or other similar instrument prohibits or restricts development allowed by this Plan, the agreement, covenant or instrument does not apply to that development to the extent necessary to allow that development to be carried out.
- (2) Nothing in subclause (1) affects the rights or interests of any public authority under

any registered instrument.

- (3) In accordance with section 28 of the *Environmental Planning and Assessment Act 1979*, the Governor approved of subclauses (1) and (2) before this Plan was made.

Part 4 Special controls

18 Subdivision and erection of dwellings within rural and environmental protection zones

Objective of provision

To allow the subdivision of land in accordance with the land's environmental capacity and zone objectives.

- (1) This clause applies to land in Zone 1A, 1B, 1F, 7A or 7C.
- (2) Consent shall not be granted to the subdivision of land within a zone specified in the first column of the table to this clause which will enable creation of an allotment smaller than the area specified for that zone in the second column of the table.
- (3) Regardless of subclause (2), consent may be granted to the subdivision of land within Zone 1A to create an allotment not less than six hectares in area where the consent authority is satisfied that the allotment will be used for the purpose of banana growing as shown on Map 1 "Banana Lands" supporting the Council's *Rural Lands Development Control Plan*.
- (4) Regardless of subclause (2):
- (a) if land in Zone 1A adjoins land in Zone 7A, consent may be granted to a subdivision of the composite parcel provided each resultant allotment contains at least 40 hectares of land within Zone 1A, or
- (b) if land in Zone 7A adjoins land in Zone 1B, 2A, 2B, 2C, 2D or 2E, consent may be granted to a subdivision of the composite parcel provided:
- (i) each resultant allotment contains an adequate (in the opinion of the consent authority) building envelope outside the land in Zone 7A, and
- (ii) the consent authority considers that the subdivision is desirable for achieving long term management of the land within Zone 7A, and
- (iii) if the composite parcel contains land in Zone 1B and 7A, each resultant allotment has an area of at least the greater of the following:
- (A) the minimum area specified in *Korora Rural Residential Development Control Plan* as in force on the commencement of *Coffs Harbour City Local Environmental Plan 2000 (Amendment No 28)*,
- (B) one hectare,

- (c) if land in Zone 7A adjoins land in Zone 2A, 2B, 2C, 2D or 2E, consent may be granted to a subdivision of the composite parcel provided:
 - (i) each resultant allotment contains an adequate (in the opinion of the consent authority) building envelope outside the land in Zone 7A, and
 - (ii) the consent authority considers that the subdivision is desirable for achieving long term management of the land within Zone 7A.
- (5) Consent shall not be granted to a subdivision pursuant to subclause (4) (a) where additional riparian access rights to streams, creeks, rivers and other waterways may be created.
- (5A) Consent may be granted to the subdivision of land to which this clause applies that comprises a boundary adjustment or rearrangement of allotment boundaries only if:
 - (a) the development consent does not authorise the creation of any additional allotment or dwelling entitlement, and
 - (b) each proposed allotment contains only one of the existing dwelling-houses or attached dual occupancies, and
 - (c) each proposed allotment comprises an area of at least 10 hectares, and
 - (d) the consent authority is satisfied that:
 - (i) if the land is within Zone 1A, the proposal meets the aim and objectives of Zone 1A, and
 - (ii) if part of the land is within Zone 7A, the long term management of the land in Zone 7A will be assisted.
- (5B) Consent may be granted to the subdivision of land within Zone 1B only if each proposed allotment has an area of at least the minimum area (not being an area of less than one hectare) specified in relation to the land in *Coramba-Karangi-Upper Orara Development Control Plan* (as adopted by the Council on 21 August 2003) and *Nana Glen-Bucca Development Control Plan* (as adopted by the Council on 21 August 2003).
- (6) Consent shall not be granted to the erection of a dwelling-house or attached dual occupancy on an allotment of land that has an area less than that required by subclause (2) or (3).

Minimum Allotment Size Table

Zone	Minimum area per allotment
Rural 1A Agriculture Zone	40 ha

Rural 1B Living Zone—but only if the land is within **Area B**, being land shown edged in part heavy red and in part with a broken green line on Map 4 (Subdivision Standards) in *Korora Rural Residential Development Control Plan* as in force on the commencement of *Coffs Harbour City Local Environmental Plan 2000 (Amendment No 28)* 2 ha

Rural 1B Living Zone (other than land within Area B) 1 ha

Rural 1F State Forest Zone 40 ha

Environmental Protection 7A Habitat and Catchment Zone 40 ha

Environmental Protection 7C Coastal Zone 40 ha

- (7) Regardless of subclause (6), consent may be granted to the erection of a dwelling or attached dual occupancy on an allotment which is:
- (a) an allotment created by a subdivision to which development consent was granted before this Plan came into force, or
 - (b) an allotment created in accordance with subclause (2), (3), (4) or (5B), where part of the allotment is within Zone 1A or 1B, or
 - (c) an allotment created by a subdivision effected in accordance with *State Environmental Planning Policy No 4—Development Without Consent*, or
 - (d) an allotment or portion referred to in Schedule 7, or
 - (e) an allotment upon which such a dwelling would have been permissible under a planning instrument which applied to the allotment immediately before this Plan came into force, or
 - (f) an allotment on which there is a dwelling and where the new dwelling or the new dual occupancy is to replace the dwelling first mentioned.
- (8) Development for the purpose of a dwelling now situated in Zone 1A or 1B in accordance with a building permit under the *Local Government Act 1919* issued between 20 October 1967 and 21 April 1988 (both dates inclusive) shall be taken to have been lawfully carried out.
- (9) Regardless of subclauses (2) and (4), if a parcel of land that is within land to which *Korora Rural Residential Development Control Plan* (as in force on the commencement of *Coffs Harbour City Local Environmental Plan 2000 (Amendment No 28)*) applies has

at least two lawfully erected dwellings, each with a separate on-site sewerage management system approved under the *Local Government (Approvals) Regulation 1999*, consent may be granted to a subdivision of the parcel provided each resultant allotment contains a lawfully erected dwelling and an adequate area of land (in the opinion of the consent authority) for bushfire hazard reduction, access, effluent disposal, vegetation and habitat, water supply, water quality, stormwater disposal and banana land buffers.

19 Classification and reclassification of public land as operational land

Objective of provision

To classify or reclassify Council land for operational purposes.

- (1) The public land described in Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (2) Land described in Columns 1 and 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land except those (if any) specified opposite the land in Column 3 of Schedule 4.
- (3) In this clause, ***the relevant amending plan***, in relation to land described in Schedule 4, means the local environmental plan cited at the end of the description of the land.
- (4) Before the relevant amending plan inserted a description of land into Schedule 4, the Governor approved of subclause (2) applying to the land.

19A Land zoned Special Uses 5A Community Purposes

Objective of provision

To provide for the development of land for community purposes.

Consent must not be granted to the development of land within Zone 5A unless:

- (a) the consent authority is satisfied that the development is consistent with:
 - (i) the aim and the objectives of the zone, and
 - (ii) any relevant plan of management under the *Local Government Act 1993* or the *Crown Lands Act 1989*, and
- (b) the consent authority has taken into consideration any masterplan for the land the subject of the development.

20 Acquisition of land for community or public purposes

Objective of provision

To provide for the acquisition of land.

- (1) The owner of any land within a zone specified in the first column of the table to this clause may, by notice in writing, require the public authority specified opposite in the second column of the table to acquire that land.
- (2) On receipt of a notice referred to in subclause (1), but subject to subclauses (3) and (4), the authority concerned shall acquire the land, unless the land is required to be provided without cost as a condition of consent to the carrying out of development or held by the public authority concerned for the public purpose for which it is reserved.
- (3) Nothing in this Plan, other than subclause (4), shall require the Council to acquire any land within Zone 5A (and lettered on the map "Council Purposes") or Zone 6A if, in the opinion of the Council, the need for the open space or public purpose has not yet been created by development in the vicinity.
- (4) On the receipt of a notice referred to in subclause (1), the Council must acquire land within Zone 5A (and lettered on the map "Council Purposes") or Zone 6A if the Council is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time.
- (5) A person may, with development consent granted and concurrence of the public authority (if any) other than the consent authority responsible for its acquisition, carry out development for any purpose on land within Zone 5A or 6A until the land is acquired or developed for the purpose for which it is zoned.
- (6) Consent shall not be granted to, and a person shall not carry out, development on land referred to in subclause (5) so as to render the land unfit in the future for the purpose for which it is zoned.
- (7) On receipt of a notice to acquire land within Zone 5A (and lettered on the map "Classified Road"), the RTA must acquire the land if:
 - (a) the land is vacant, or
 - (b) the land is not vacant but:
 - (i) the land is included in the five year works program of the RTA current at the time of the receipt of the notice, or
 - (ii) the RTA has decided not to give concurrence under subclause (5) to an application for consent to the carrying out of development on the land, or
 - (iii) the RTA is of the opinion that the owner of the land will suffer hardship if the

land is not acquired within a reasonable time,

but the RTA is not required to acquire the land if it might reasonably be required to be dedicated as public land.

- (8) The RTA or other public authority concerned must take the following matters into consideration in deciding whether to grant concurrence to proposed development as required by subclause (5):
- (a) the need to carry out development on the land for the purpose for which the land is reserved,
 - (b) whether the proposed development will render the land unfit for that purpose,
 - (c) the imminence of acquisition,
 - (d) the likely additional cost to the RTA or other person responsible for acquisition resulting from the carrying out of the proposed development, and
 - (e) whether a refusal to grant concurrence will cause undue financial hardship to any owner, mortgagee or lessee of the land.

Table

Zone	Responsible authority
5A—(lettered “Council Purposes”, and with a description of the particular purpose, on the map)	Council
5A—(lettered “Public School” on the map)	Department of Education and Training
5A—(lettered “Classified Road” on the map)	Roads and Traffic Authority (RTA)
5A—(lettered “Fire Station” on the map)	New South Wales Fire Brigades
6A	Council

21 Heritage

Objective of provision

To conserve the environmental heritage of the area to provide continuity with the past.

Heritage items and conservation areas

- (1) A person shall not, in respect of a building, work, relic, tree or place that is a heritage item or in a heritage conservation area:
- (a) demolish or alter the building or work, or
 - (b) damage or move the relic, or

- (c) excavate for the purpose of exposing the relic, or
 - (d) damage or despoil the tree or place, or
 - (e) erect a building on or subdivide land on which the building, work, relic or tree is situated or that comprises the place,
- except with development consent.
- (2) Consent shall not be granted to an application to carry out development referred to in subclause (1) that involves erecting a building or altering an existing building unless the consent authority has taken into consideration the relevant matters in subclause (5) and the extent to which the carrying out of the proposed development would affect the heritage significance of the item and any stylistic or horticultural features of its setting.
 - (3) The consent authority may decline to grant such a consent unless it has considered a conservation plan so as to enable the consent authority to fully consider the heritage significance of the item and the impact of the proposed development on the significance of the item and its setting.
 - (4) The consent authority shall not grant consent to an application to carry out development on land adjoining a heritage item unless it has made an assessment of the effect the carrying out of that development will have on the heritage significance of the item and its setting.
 - (5) The consent authority shall not grant consent to an application to carry out development referred to in this clause, being an application to erect a new building or to alter an existing building, unless it has made an assessment of:
 - (a) the pitch and form of the roof, and
 - (b) the style, size, proportion and position of the openings for windows and doors, and
 - (c) whether the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building are compatible with the materials used in the existing building (if any) to be altered.

Archaeological areas

- (6) Where the consent authority receives an application for consent to carry out development on land which is identified by the Council as an archaeological site or potential archaeological site, consent must not be granted until the consent authority has considered:
 - (a) a conservation plan which includes an assessment of how the proposed development would affect the conservation of the item, and

(b) written evidence that the applicant has complied with the provisions of Division 9 of Part 6 of the *Heritage Act 1977* in relation to any proposed excavation arrangements on the site.

(7) A person shall not carry out development on land within an archaeological site or potential archaeological site, shown on the map, unless an archaeological survey or study has been carried out after the person has consulted the Council and the Department of Environment and Climate Change about the content of the survey or study.

Note—

Other approvals from the Department of Environment and Climate Change may be required in relation to archaeological areas.

Conservation incentives

(8) Nothing in this Plan prevents consent from being granted to an application to use, for any purpose other than a brothel:

- (a) a building that is a heritage item, or the land on which the building is erected, or
- (b) a building within a heritage conservation area or the land on which the building is erected,

if the consent authority is satisfied that:

- (c) the proposed use would have little or no adverse effect on the amenity of the area, and
- (d) the conservation of the building depends on the consent being granted.

22 Waterways

Objective of provision

To protect the amenity of waterways and the Solitary Islands Marine Park and provide protection from coastal hazards.

Development of unzoned land

(1) Regardless of any other provision of this Plan, development shall not be carried out on any land that is unzoned without development consent.

Foreshore building line

- (2) A foreshore building line is shown by a broken black line and identified as “Foreshore Building Line” on the map.
- (3) Regardless of any other provision of this Plan, buildings shall not be erected, without development consent, between the foreshore building line and a bay, river, creek,

lake, lagoon, harbour or ocean in respect of which the line is fixed.

Land adjoining the Solitary Islands Marine Park

- (4) Consent must not be granted to the subdivision of, or the erection of a building or the carrying out of a work on, land adjoining the Solitary Islands Marine Park unless:
- (a) the consent authority has taken into account the following objectives of the *Marine Parks Act 1997*:
- (i) to conserve marine biological diversity and marine habitats by declaring and providing for the management of a comprehensive system of marine parks,
 - (ii) to maintain ecological processes in marine parks,
 - (iii) where consistent with the preceding objectives:
 - to provide for ecologically sustainable use of fish (including commercial and recreational fishing) and marine vegetation in marine parks, and
 - to provide opportunities for public appreciation, understanding and enjoyment of marine parks, and
- (b) where the use of the land after subdivision, erection of the building or carrying out of the work is likely to, in the opinion of the consent authority, have an effect on the plants or animals within the Marine Park and their habitat, it has consulted with the Solitary Islands Marine Park Authority.
- (5) The consent authority has consulted in accordance with this clause if it has given that Authority details of the development proposal and taken into account any submission made by that Authority about the proposed development within 28 days of providing the details to it.

Drinking water catchment

- (6) Subclauses (7) and (8) apply to the land shown edged heavy black on the Drinking Water Catchment Map.
- (7) Despite any other provisions of this Plan, development for the purposes of any of the following may be carried out on land to which this subclause applies only with development consent:
- (a) any of the following forms of agriculture:
- (i) dairy farming,
 - (ii) the cultivation of crops by means of intensive horticulture (including floriculture, hydroponic horticulture and viticulture),
 - (iii) the cultivation of fruit,

- (iv) the cultivation of plants in a wholesale plant nursery,
 - (b) a dam with a surface area greater than 5,000 square metres,
 - (c) a recreation area other than a children's playground.
- (8) Consent may be granted to development on land to which this subclause applies only if the consent authority:
- (a) has considered the impact the development will have on any public water supply source, and
 - (b) is satisfied the development will not increase the risk of pollution of any public water supply source.

23 Environmental hazards

Objective of provision

To ensure development of land subject to environmental hazards is conducted in a manner which does not adversely affect the environment.

Potential acid sulfate soils

- (1) A person must not, without development consent, carry out works on land to which this Plan applies shown as being Class 1, 2, 3, 4 or 5 land on the map marked "*Potential Acid Sulfate Soils*", being the works specified for the class of land in the following table, except as otherwise provided in this clause:

Acid Sulfate Soils Table

Class of land	Works to which this clause applies
1	Any works
2	Works below the ground surface Works by which the watertable is likely to be lowered
3	Works beyond 1 metre below the natural ground surface Works by which the watertable is likely to be lowered beyond 1 metre below natural ground surface
4	Works beyond 2 metres below the natural ground surface Works by which the watertable is likely to be lowered beyond 2 metres below natural ground surface
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land which are likely to lower the watertable below 1 metre AHD on adjacent Class 1, 2, 3 or 4 land

- (2) For the purposes of subclause (1), **works** includes:

- (a) any disturbance of more than one tonne of soils (such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries dredging, the construction of artificial water bodies (including canals, dams, and detention basins) or foundations, or flood mitigation works), or
 - (b) any other works that are likely to lower the watertable.
- (3) Subclause (1) does not require consent for the carrying out of those works if:
- (a) a copy of a preliminary assessment of the proposed works, undertaken in accordance with the Acid Sulfate Soil Manual, has been given to the Council, and
 - (b) the Council has provided written advice to the person proposing to carry out the works confirming that results of the preliminary assessment indicate the proposed works need not be carried out pursuant to an acid sulfate soils management plan prepared in accordance with the Acid Sulfate Soil Manual.
- (4) The consent authority must not grant a consent required by subclause (1) unless it has considered:
- (a) the adequacy of an acid sulfate soils management plan prepared for the proposed development in accordance with the Acid Sulfate Soil Manual, and
 - (b) the likelihood of the proposed development resulting in the discharge of acid water, and
 - (c) any comments received from the Department of Water and Energy within 21 days of the consent authority having sent that Department a copy of the development application and of the related acid sulfate soils management plan.
- (5) Subclause (1) requires consent for development proposed by the Council, another council, a county council or a drainage union despite:
- (a) clause 7, and
 - (b) clause 10 of *State Environmental Planning Policy No 4—Development Without Consent*.
- (6) Regardless of subclause (5), development to which subclause (1) applies may be carried out by the Council or a county council, without consent, being:
- (a) development consisting of emergency works, or
 - (b) development consisting of routine maintenance, or
 - (c) development consisting of minor works,
- and development ancillary to that development, such as the carrying out of excavation work, the construction of accessways and the provision of power supplies.

- (7) Despite subclause (6), development consisting of routine maintenance or minor works may be carried out only with consent for development on a site listed as a heritage item in Schedule 5.
- (8) Where the Council or a county council carries out development described in subclause (6) and encounters, or is likely to encounter, acid sulfate soils, the Council or county council shall properly deal with those soils in accordance with the Acid Sulfate Soil Manual so as to minimise the actual or potential impact to the environment arising from disturbance of the soils.
- (9) (Repealed)

23A Development on flood prone land

- (1) The objectives of this clause are:
 - (a) to maintain the existing flood regime and flow conveyance capacity, and
 - (b) to enable safe occupation of flood prone land, and
 - (c) to avoid significant adverse impacts on flood behaviour, and
 - (d) to avoid significant adverse effects on the floodplain environment that would cause avoidable erosion, saltation, destruction of riparian vegetation or a reduction in the stability of the river bank or watercourse, and
 - (e) to limit uses to those compatible with flow conveyance function and flood hazard.
- (2) This clause applies to land shown as flood prone land on the Flood Prone Land Map.
- (3) Development consent is required for the following development:
 - (a) subdivision of land,
 - (b) filling and earthworks,
 - (c) the erection of a building,
 - (d) the carrying out of a work,
 - (e) flood mitigation works,on land to which this clause applies.
- (4) Consent required by subclause (3) must not be granted unless the consent authority is satisfied that the development:
 - (a) will not adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and

- (b) will not significantly alter flow distributions and velocities to the detriment of other properties or the environment of the floodplain, and
- (c) will enable safe occupation of the flood prone land,
- (d) will not significantly detrimentally affect the floodplain environment or cause avoidable erosion, saltation, destruction of riparian vegetation or a reduction in the stability of the river bank or watercourse, and
- (e) will not be likely to result in unsustainable social and economic costs to the flood affected community or general community, as a consequence of flooding, and
- (f) is compatible with the flow conveyance function of the floodway, and
- (g) is compatible with the flood hazard within the floodway.

(5) In this clause, **Flood Prone Land Map** means the map marked “Coffs Harbour City Local Environmental Plan—Flood Prone Land Map”.

24 Exceptions

Objective of provision

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

Regardless of the table to clause 9, the following development is allowed with development consent in accordance with the following table:

Land Use Exceptions Table

Column 1	Column 2	Column 3
Address/Area	Land description	Development
“Gateway Site” Pacific Highway, Coffs Harbour	Lot 101, DP 747447; Lot 1, DP 250074; Lot 1, DP 606738; Lot 10, DP 614611	Development for the purpose of office premises not exceeding 5,000m ² gross floor area
“Paradise Palms” Pacific Highway, Sapphire	Lot 1, DP 799263	Subdivision of land pursuant to the Community Land Development Act 1989 .
Pacific Highway, Moonee	Lots 1 and 2, DP 725785	Development for the purpose of a retail plant nursery
Gaudrons Road, Sapphire	Lot 3, DP 550367	Subdivision of land into two allotments
Coramba Road, Karangi	Lots 1 and 2, DP 748043	Development for the purpose of extractive industry

Bennetts Road, Coffs Harbour	Lot 110, DP 749892	Development for the purpose of extractive industry
North Boambee Road, Coffs Harbour	Lot 22, DP 608281; Lot 1, DP 394376; Lot 1, DP 592020; Lots 300 and 301, DP 804293; Lot 1, DP 398473; Lots 1 and 2, DP 709084; Portions 236 and 239, FP 755536; Lot 32, DP 791211	Development for the purpose of extractive industry
Intersection of Pacific Highway and North Boambee Road, Coffs Harbour	That part of Lot 22, DP 593053 that is within the Residential 2E Tourist Zone	Development for the purpose of a motor showroom
Nana Glen, Nana Glen Rail, Lowanna and Ulong Villages	All land in Residential 2A Low Density Zone	Development for any purpose if the consent authority is satisfied that the development will benefit tourism and that it is consistent with <i>Nana Glen-Bucca Development Control Plan</i> , as adopted by the Council on 21 August 2003 and <i>Coastal and Hinterland Development Control Plan</i> , as adopted by the Council on 21 August 2003.
2 Halls Road, North Boambee Valley	Lot 10, DP 1076396	Development for the purpose of shops, with the total gross floor area of the shops not exceeding 3,000m ²

Schedule 1 Activities not requiring consent and not prohibited by Plan

(Clause 7)

- (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, and

- (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 of railway stations or bridges so as materially to affect their design or external appearance, and
 - (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):
- (a) development of any description effected in pursuance of any statutory power to provide drainage or a supply of water except a building designed wholly or principally as administrative or business premises or as a showroom, or
 - (b) development of any description effected in pursuance of any statutory power to provide sewerage services except a building designed wholly or principally as administrative or business premises or as a showroom, or
 - (c) development of any description effected in pursuance of any statutory power to provide electricity services except a building designed wholly or principally as administrative or business premises or as a showroom, or
 - (d) development of any description effected in pursuance of any statutory power to provide gas services except a building designed wholly or principally as administrative or business premises or as a showroom.
- (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 their design or external appearance, 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, live-stock 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 their design or external appearance, 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, alteration, maintenance and repair of ways, buildings, works and plant required for that purpose.
- (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 their design or external appearance, 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 their design or external appearance, or
- (b) the formation of any means of access to a road.
- (8)** The carrying out by a public authority of any development required in connection with the construction, reconstruction, improvement, maintenance or repair of any road.
- (9)** The carrying out of any forestry work by the Forestry Commission or a School Forest Trust 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 rural lands protection board of any development required for the improvement and maintenance of travelling stock and water reserves, except:
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect the design or purpose of the buildings, and
- (b) 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 Administration Ministerial Corporation of any work for the purposes of soil conservation, irrigation, afforestation, reforestation, 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*, the *Rivers and Foreshores Improvement Act 1948* or the *Local Government Act 1993*.
- (12)** The carrying out by persons carrying on waste management services of development of any description effected in pursuance of any statutory power to provide waste management services

(being development required for the purposes of their undertaking) except the erection or use of a building designed wholly or principally as administrative or business premises or as a showroom.

Schedule 2 Exempt development

(Clause 10 (2))

What can be erected and used or carried out? Exemption requirements

Structures

- | | |
|---|---|
| AERIAL/ANTENNAS | <ul style="list-style-type: none">• For domestic use only.• Not to exceed 3.5m above roof ridge height.• Located to the rear of premises, if practicable.• Located a minimum of 3m from any property boundary.• Noise level complies with the Environment Protection Authority's <i>Environmental Noise Control Manual</i>. |
| AIR CONDITIONING UNITS FOR DWELLINGS
(attached to external wall or ground mounted) | <ul style="list-style-type: none">• Building work must not reduce the structural integrity of the building.• Any opening created is adequately weatherproofed.• Maximum area 10m² located behind the 6m building setback line.• Roofwater disposed of without causing nuisance to adjoining premises. |
| AWNINGS/PATIOS COVERS
(not enclosed) | <ul style="list-style-type: none">• Not within a heritage conservation area.• Not attached to a heritage item.• Not involving clearing of bushland within an Environmental Protection zone.• Maximum area 10m². |
| BARBECUES | <ul style="list-style-type: none">• Maximum height 1.8m
Located behind the 6m building setback line.• Not involving clearing of bushland within an Environmental Protection zone. |

BUS SHELTERS

- Must be designed and constructed by or for the Council.
- Must reflect character and amenity of the area.
- Structurally adequate construction.
- Not obstruct the line of sight of vehicular traffic.
- A maximum height of 2.7m above the footpath.
- Have an area of less than 10m².
- Non-reflective surface finishes.
- Not involving clearing of bushland within an Environmental Protection zone.
- Maximum area 10m².
- Maximum height 2.4m.
- Rear yard only.

CABANAS; CUBBY HOUSES; GARDEN SHEDS;
GAZEBOS; GREENHOUSES; BIRD AVIARIES

- Roofwater disposed of without causing nuisance to adjoining premises.
- Not within a heritage conservation area.
- Not used for a commercial purpose.
- Not involving clearing of bushland within an Environmental Protection zone.
- Installed to manufacturer's specifications.

CLOTHES HOISTS/LINES

- Located in the rear yard or no closer to the street than rear alignment of dwelling, unless adequately screened from public view from the front of premises.

COMMUNICATIONS FACILITY

(microcell installation; in-building coverage installation; pit; manhole; underground equipment shelter or housing; underground conduit or cable; public payphone cabinet or booth; pillar; roadside cabinet; pedestal; external equipment shelter)

- Not within an Environmental Protection zone.
- Not on land shown as Class 1, 2, 3, 4 or 5 on the map marked "*Potential Acid Sulfate Soils*".

DECKS

- Maximum area 10m².
- Maximum width 1.5m.
- Maximum height above ground level 1m.
- Minimum side boundary setback 900mm.
- Minimum clearance of 200mm to timber bearers.
- Not adversely affect neighbour's privacy.
- Not involving clearing of bushland within an Environmental Protection zone.
- Complies with AS 1260—2002, *The demolition of structures*.
- The erection of the structure to be demolished would be exempt development under this Plan, or the structure is a temporary building the erection of which would be complying development under this Plan.

DEMOLITION

- Covering an area not more than 25m².
- Not within a heritage conservation area.
- Not attached to a heritage item.
- Fireplace to comply with AS/NZS 4012:1999 or AS 5013.

DOMESTIC SOLID FUEL AND OIL HEATERS

- Installation to comply with AS 2918-1990.
- The flue is 1m taller than any structure within a 15m radius; this flue height may be reduced to 0.6m where a building is within 3m.
- Structurally sound and stable construction with adequate reinforcement.
- Not elevated or suspended above natural ground level.

DRIVEWAYS AND PATHWAYS
(other than over public land)

- Stormwater not directed onto adjoining property.
- Not east of the Foreshore Building Line.
- Complies with the Council's policy on maximum gradients and transitions.
- Not involving clearing of bushland within an Environmental Protection zone.

FABRIC SHADE STRUCTURES

- Maximum area 10m².
- Located behind the 6m building setback line.
- Not involving clearing of bushland within an Environmental Protection zone.
- Maximum height 1m.
- Complies with AS 3700-1998—*Masonry structures*, if necessary.
- Not within a heritage conservation area.
- Not next to a heritage item.

FENCES (MASONRY OR BRICK)

- Not involving clearing of bushland within an Environmental Protection zone.
- Does not prevent the natural flow of stormwater drainage.
- Does not restrict access to a water meter on the property.
- Not within a heritage conservation area.
- Not next to a heritage item.

If behind 6m building setback line:

- Maximum height 1.8m if constructed of timber, metal or light weight materials.

If within 6m building setback line:

FENCES (NON-BRICK)

- Maximum height 1m.
- Does not prevent the natural flow of stormwater drainage.
- Not involving clearing of bushland within an Environmental Protection zone.
- Does not restrict access to a water meter on the property.
- Not in an Environmental Protection zone.

FLAGPOLES

- Maximum height 6m.
- Does not extend into the obstacle height limitation of the airport.

HOARDINGS

(next to buildings being erected or demolished)

- Meets with the WorkCover Authority's requirements.
- All reasonable measures taken to safe guard the general public from injury.
- The least horizontal distance between the common boundary of the site and a footpath or public thoroughfare and the nearest part of the hoarding is greater than twice the height of the structure being erected or demolished.
- If the building, to which the hoarding relates, is situated away from that common boundary by at least twice the measurement of the height of the building, additional non-solid hoardings may be provided subject to appropriate signs being provided and provision made to minimise dust from the site.
- The vertical height above footpath level of the structure being erected or demolished must be less than 4m.
- Constructed of solid materials to a height not less than 2.4m above the level of the adjacent footpath or thoroughfare.
- Does not encroach onto a public footway or thoroughfare.
- Appropriate signs are provided in accordance with AS 1319-1994.
- The hoarding is structurally adequate.
- Maximum height of 1.2m above ground level.
- Sufficient boxes to provide one for each dwelling.
- Appropriate numbering for each visible from street alignment.
- Structurally stable with adequate footings.

LETTER BOX

(free standing or in "banks")

MINOR INTERNAL ALTERATIONS

- Minor non-structural work, including:
 - replacement of doors, wall, ceiling or floor linings, or deteriorated frame members with materials of equivalent or improved quality.
 - renovations of bathrooms, kitchens, inclusion of built-in fixtures such as vanities, cupboards and wardrobes.
- Are alterations to previously completed buildings.
- Work, which complies with the *Building Code of Australia*, not to include changes to the configuration of rooms whether by removal of existing walls or partitions or by other means.
- Work not to cause reduced window arrangements for light and ventilation needs, reduced doorways for egress purposes or involve enclosure of open areas.
- The alteration must not affect the structural strength or stability of the building.
- Results in no building contravening the deemed-to-satisfy provisions of the *Building Code of Australia*.

MINOR SUBDIVISIONS

(boundary adjustments, rectification of encroachments, consolidation of allotments)

- Will not create any additional allotments.
- Will not change the area of any allotment by more than 10%.
- New allotments must not be inconsistent with any development standard.
- Construction by or for the Council.
- Designed, fabricated and installed in accordance with any relevant Australian Standards and the *Building Code of Australia*.

PARKS AND STREET FURNITURE

(seats, bins, picnic tables, minor shelters not including bus shelters and the like)

- Located on land under control of the Council.
- Not within a heritage conservation area.
- Not involving clearing of bushland in an Environmental Protection zone.

PERGOLA

(open roof and sides and either attached to a building or freestanding)

- Maximum area 20m².
- Timber framework to comply with *Timber Framing Code*.
- Located behind the building setback line.
- Maximum height 2.4m.
- No attachments to fences.
- Not attached to a heritage item.
- Not within a heritage conservation area.
- Sited so as to minimise impact on the amenity of adjoining properties.
- Not involving clearing of bushland in an Environmental Protection zone.

If for residential use only:

- Maximum height of 2.1m.

If for non-residential use:

- Maximum height of 2.1m.
- Maximum ground coverage of 10m².

PLAYGROUND EQUIPMENT

- All reasonable measures taken to protect safety of users and others.
- Not for commercial use.

All equipment:

- Must be installed in accordance with manufacturer's instructions and comply with relevant Australian Standards.

- Microwave reflector element not to exceed 650mm².
- Disk not to exceed 900mm in diameter.
- Not within a heritage conservation area.

RADIOCOMMUNICATIONS DISHES

(microwave and satellite dishes)

- Not attached to a heritage item.
- Not in an Environmental Protection zone.
- Located to the rear of the premises, if practicable.

- RAMPS FOR PERSONS WITH A DISABILITY
- Maximum height of 1m.
 - Grade a minimum of 1:14 in accordance with AS 1428.
 - Not involving clearing of bushland in an Environmental Protection zone.
 - Must only involve replacing existing materials with similar materials which are compatible with the existing building and finish.
 - Re-cladding must not involve structural alterations or change to the external configuration of a building.
- RE-CLADDING OF ROOFS OR WALLS
(or repair/maintenance of damaged materials)
- Not carried out on a heritage item.
 - Must comply with requirements of the WorkCover Authority relating to the removal of lead paint (if any) to avoid lead contamination.
 - Colour and selection of materials must be compatible with the neighbourhood.
- RETAINING WALLS
(wholly located at least 1m inside property boundaries)
- Maximum height 1m.
 - Adequate drainage lines provided behind wall.
 - Masonry walls to comply with:
 - AS 3700-1998—*Masonry structures*,
 - AS 3600-1994—*Concrete structures*,
 - AS 1170—*SAA Loading Code*.
 - Not on land identified by the Environment Protection Authority or the Council as potentially contaminated or containing acid sulfate soil.
 - Not on flood prone land, adjoining the Solitary Islands Marine Park, or east of the foreshore building line.
 - Not within a heritage conservation area.
 - Not adjacent to a heritage item.
 - Not in an Environmental Protection zone.
 - Does not restrict access to a water meter on the property.

- Maximum floor space area of 10m², and to be located within, or immediately adjacent to, the owner's property.
- To be secured to prevent danger in high wind situations.
- Not to involve clearing of bushland within an environmental protection zone.
- Not to be located within a heritage conservation area.
- Not to be attached to a heritage item.
- Not to involve food preparation.

ROADSIDE PRODUCE STALL (in Zone 1A or 1B only)

- Only primary products produced on the owner's property to be sold.
- Not to obstruct pedestrian or traffic movement.
- Not to contravene requirements of the [Roads Act 1993](#).
- Not to be located on, or involve access from, a classified road within the meaning of the [Roads Act 1993](#).
- One sign, not exceeding 0.8m² in area, may be displayed, but only if attached to the stall.
- Council to be notified of its erection.
- Not to encroach onto footpath or public thoroughfare.
- Must have sufficient structural strength to withstand and be impenetrable to the impact of falling rubble.

SCAFFOLDING

- Must enclose the work area.
- Must comply with AS 1576.
- Erected in accordance with WorkCover Authority requirements.

SKYLIGHT ROOF WINDOWS (non-opening)

- Maximum area of skylight not to exceed 1m².
- Not more than one installation per 25m² of roof area.
- Located not less than 900mm from the nearest property boundary and not less than 900mm from any wall separating attached dwellings.
- The building work must not reduce the structural integrity of the building or involve structural alterations.
- Any opening created by the installation must be adequately weatherproofed.
- Installation must be to manufacturer's instructions.
- Not installed within a heritage item.
- Installed to manufacturer's specifications and requirements.
- Installed by a licensed tradesperson.
- Associated building work must not reduce the structural integrity of the building or involve structural alterations.

SOLAR WATER HEATERS

- Any openings created by an installation must be adequately weatherproofed.
- Installations must be flush with a roof alignment.
- Not attached to a heritage item.

WASTE MANAGEMENT FACILITY (Roofed Bin Storage/ Wash Area)

- Maximum area 10m², and to be located behind any building set-back line established by a development control plan applying to the land.
- Roof water to be disposed of without causing nuisance to adjoining premises.
- Not to involve clearing of bushland within an environmental protection zone.
- Not to be located within a heritage conservation area.
- Not to be attached to a heritage item.
- Not to exceed one per property.
- Not to be located on vacant land.
- Not to discharge into the Council's stormwater drainage system.
- Comply with Bin Storage/Wash Area Controls of the *Waste Management Development Control Plan* adopted by the Council on 20 April 2006.
- Not to be located on bush fire prone land.
- Council to be notified of its construction or installation.

WATER HEATERS
(either replacement or new installations, but excluding solar systems)

- The work must not reduce the structural integrity of the building or involve structural alterations.
- Installation to be carried out by a licensed person.
- Not more than two tanks per dwelling and another two associated with farm buildings not near a dwelling.
- Maximum 17,000 litres storage capacity per tank.
- Maximum height of 2.4m.

WATER TANKS (at or above ground level) in RURAL AREAS

- Must be structurally adequate.
- Situated no closer to a street than an associated dwelling.
- Installation to meet manufacturer's and/or designer's instructions.
- Not involving clearing of bushland in an Environmental Protection zone.

	<ul style="list-style-type: none">• Not more than one per dwelling or other premises.• Maximum installed height above ground level of 1.8m including any stand (maximum stand height of 450mm).• Maximum storage capacity of 10,000 litres.• Located in the rear yard/or no closer to the street than the front alignment of a dwelling.
WATER TANKS (at or above ground level) in URBAN AREAS	<ul style="list-style-type: none">• All tank/tank stand installations to be structurally sound and comply with manufacturer's and/or designer's instructions.• Installed as per manufacturer's instructions, including in respect of any stand.• Pumps not used if a noise nuisance to neighbours would occur.• Not involving clearing of bushland in an Environmental Protection zone.• Materials used must comply with:<ul style="list-style-type: none">• AS 1288-1994 <i>Glass in buildings—Selection and installation</i>, and• AS/NZS 2208:1996—<i>Safety glazing materials in buildings</i>.
WINDOWS, GLAZED AREAS AND EXTERNAL DOORS (but only replacement in residential premises)	<ul style="list-style-type: none">• No reduction in the area provided for light and ventilation.• Structural support members are not removed.• Not where the development applies to a heritage item.
Advertising structure (including over a public road)	
BILLBOARD SIGN	<ul style="list-style-type: none">• One per allotment.• Industrial zone only.
BUSINESS SIGN	<ul style="list-style-type: none">• Must be in an industrial or business zone.
DISCRETIONARY SIGN	<ul style="list-style-type: none">• All zones, except no painted wall signs or pylon signs in Environmental Protection zones.
FLUSH WALL SIGN	<ul style="list-style-type: none">• One per allotment.• Industrial zone only.

PYLON SIGN

- One per allotment.
- Industrial zone only.

Bush fire hazard reduction

BUSH FIRE HAZARD REDUCTION

- Work to be carried out consistent with a bush fire management plan.

Shops

DIFFERENT USE OF SHOP RESULTING FROM
CHANGE OF USE OF A SHOP TO ANOTHER KIND OF
SHOP
(not involving the change of use of a non-food shop
to a food shop)

- The use before change must have been lawful.
- Publications classified Category 1 or 2 restricted or RC under the *Classification (Publications, Films and Computer Games) Act 1995* of the Commonwealth are not exhibited or sold.
- Objects primarily concerned with sexual behaviour are not exhibited.
- The curtilage of the shop is not used for storage or display purposes.
- Use is consistent with any existing condition of a development consent relating to:
 - the maintenance of landscaping,
 - the parking of vehicles, or
 - the provision of space for the loading or unloading of goods or vehicles, of the current or previous use.

Commercial premises

DIFFERENT USE OF COMMERCIAL PREMISES
RESULTING FROM CHANGE OF USE OF
COMMERCIAL PREMISES TO ANOTHER KIND OF
COMMERCIAL PREMISES

- The use before change must have been lawful.
- No extension to hours outside existing hours of operation.
- Publications classified Category 1 or 2 restricted or RC under the *Classification (Publications, Films and Computer Games) Act 1995* of the Commonwealth are not exhibited or sold.
- Objects primarily concerned with sexual behaviour are not exhibited or sold.
- Proposed use is consistent with any existing condition of an applicable consent relating to:
 - the maintenance of landscaping;
 - the parking of vehicles; or
 - the provision of space for the loading or unloading of goods or vehicles, of the current or previous use.

Industry

DIFFERENT INDUSTRY RESULTING FROM A CHANGE
OF USE FROM INDUSTRY OR LIGHT INDUSTRY TO A
LIGHT INDUSTRY OR DIFFERENT KIND OF LIGHT
INDUSTRY

- Use before change must have been lawful.
- Land occupied by the use must not exceed 500m².
- Any building used has rear service access or access to off-street loading facilities.
- The curtilage of the building is not used for storage or display purposes.
- No extension to hours outside existing hours of operation.
- Proposed use is consistent with any condition of a consent relating to:
 - the maintenance of landscaping,
 - the parking of vehicles, or
 - the provision of space for the loading or unloading of goods or vehicles, of the current or previous use.

Clubs and community or cultural centres

DIFFERENT USE RESULTING FROM CHANGE OF USE
BETWEEN DIFFERENT SOCIAL OR SPORTING CLUBS
(other than a club registered under the *Registered Clubs Act 1976*), COMMUNITY OR CULTURAL
CENTRES

- Use before change must have been lawful.
- No extension to hours outside last lawful hours of operation.

Schedule 3 Shops in Zones 3B and 3G

(Clause 9, Table)





Lot 10, DP 1076396, 2 Halls Road, North Boambee Valley



Schedule 4 Classification and reclassification of public land as operational land

(Clause 19)

Column 1	Column 2	Column 3
Locality	Description	Trusts etc not discharged
Boambee East		
Linden Avenue	Lot 81, DP 773096— <i>Coffs Harbour City Local Environmental Plan 2000 (Amendment No 11)</i>	Nil.

Sunrise Drive	So much of Lot 466, DP 793636 as is shown edged heavy black on the map marked " <i>Coffs Harbour City Local Environmental Plan 2000 (Amendment No 11)</i> "— <i>Coffs Harbour City Local Environmental Plan 2000 (Amendment No 11)</i>	Nil.
Wombat Place	Lot 521, DP 807140— <i>Coffs Harbour City Local Environmental Plan 2000 (Amendment No 30)</i>	Nil.
Coffs Harbour		
Perry Drive, No 65	Lot 1, DP 810891— <i>Coffs Harbour City Local Environmental Plan 2000 (Amendment No 30)</i>	Easements (DP 251258 and DP 260357) and lease (AC361509) as noted on Certificate of Title Folio Identifier 1/810891.
Stadium Drive	So much of Lot 1, DP 861864 that is south of Stadium Drive, Coffs Harbour— <i>Coffs Harbour City Local Environmental Plan 2000 (Amendment No 12)</i>	Nil.
Corindi Beach		
Jabiru Way	Lot 58, DP 1059403— <i>Coffs Harbour City Local Environmental Plan 2000 (Amendment No 30)</i>	Covenant (S929113) and right of carriageway (P1059403) as noted on Certificate of Title Folio Identifier 58/1059403.
Kangaroo Trail Road, No 49	Lot 4, DP 806515— <i>Coffs Harbour City Local Environmental Plan 2000 (Amendment No 30)</i>	Covenant (R51207) as noted on Certificate of Title Folio Identifier 4/806515.
Pacific Street	Lot 371, DP 1026829— <i>Coffs Harbour City Local Environmental Plan 2000 (Amendment No 30)</i>	Nil.
Red Rock Road	Lot 1, DP 1021768— <i>Coffs Harbour City Local Environmental Plan 2000 (Amendment No 30)</i>	Nil.
Toormina		
Belbowrie Road	So much of Lot 3, DP 595755 that includes water reservoirs, communications infrastructure and existing access to those facilities— <i>Coffs Harbour City Local Environmental Plan 2000 (Amendment No 30)</i>	Right of carriageway (DP 595755), easement (AA737119) and lease (AC187642) as noted on Certificate of Title Folio Identifier 3/595755.

Upper Corindi

Sherwood Creek Road, No 564	Lot 3, DP 571626— <i>Coffs Harbour City Local Environmental Plan 2000 (Amendment No 30)</i>	Nil.
Woolgoolga		
Turon Parade, No 71	Lot 6841, DP 810637— <i>Coffs Harbour City Local Environmental Plan 2000 (Amendment No 30)</i>	Covenant (S224747), easements (DP 617943 and DP 1107658) and lease (AC449283) as noted on Certificate of Title Folio Identifier 6841/810637.
Turon Parade, No 73	Lot 682, DP 618948— <i>Coffs Harbour City Local Environmental Plan 2000 (Amendment No 30)</i>	Covenant (S224747), right of carriageway (DP 617943), lease (E480697) and easements (DP 1107658) as noted on Certificate of Title Folio Identifier 682/618948.
	Lot 683, DP 703342— <i>Coffs Harbour City Local Environmental Plan 2000 (Amendment No 30)</i>	Covenant (S224747) and lease (E480697) as noted on Certificate of Title Folio Identifier 683/703342.

Schedule 5 Heritage items

(Clause 23 (7), Dictionary)

Item description	Level of significance	Property description
Arrawarra		
Fish Traps—Arrawarra Headland	Regional	N/A—Map Reference '56' 519380E 6674440N Woolgoolga 9537-4-N
Bonville		
Former Post Office—Gleniffer Road	Local	Lot 2, DP 805047
Anglican Church—Gleniffer Road	Local	Lot 46, DP 938419
Bonville Hall—East Bonville Road	Local	Lot 70, DP 755536
Coffs Harbour		
Residence—4 Azalea Avenue	Local	Lot 2, DP 714437
Residence—20 Korff Street	Local	Lots 12 and 13, Sec 2, DP 5661
Former Police Station and Court House—215 Harbour Drive	Local	Lot 1, Sec 11, DP 758258
Bunker Gallery—City Hill Drive	Local	Lot 21, DP 867844
Coffs Harbour Jetty		
Residence—10 Collingwood Street	Local	Lot 10, DP 881287

Residence—151 Edinburgh Street	Local	Lots A and B, DP 366102
Residence—23 Moore Street	Local	Lot 3, Sec 61, DP 758258
Post Office—350 Harbour Drive	Local	Lot 1, DP 211339
Buried Trestle Bridge—Foreshore	Regional	Lot 21, DP 850150
Tramway Line Site—Foreshore	Regional	Lot 21, DP 850150
Butter Factory—321 Harbour Drive	Regional	Lot 1, DP 845202
Butter Factory Pool and Park	Local	Lot 277, DP 752817
Coffs Harbour Jetty	State	N/A
Jetty Theatre—337 Harbour Drive	Local	Lots 11 and 12, Sec 65, DP 758258

Coramba

Residence—15 Hartleys Road	Local	Lot 175, DP 752834
House and Bakery—39-41 Gale Street	Local	Lots 25-28, Sec B, DP 3951
Police Station—71-73 Gale Street	Regional	Lot 2, DP 574408
Coramba Hall—4 Dorrigo Street	Local	Lot 2, Sec A, DP 3971

Dairyville

Residence—“Braeside”—201 Dairyville Road	Regional	Lot 21, DP 582871
Residence—“Creeside”—221 Dairyville Road	Regional	Lot 5, DP 262769
Residence—169 Dairyville Road	Regional	Lot 40, DP 735011

Emerald Beach

Look-At-Me-Now Headland	Local	Lot 3, DP 800108
Shelley Beach Graves	Local	Lot 3, DP 800108

Karangi

Residence—843 Coramba Road	Local	Lot 1, DP 963666
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Lowanna

George’s Gold Mine	Regional	Lot 25, DP 752824
Lowanna Railway Station—off Camp Creek Road	State	N/A

Nana Glen

Residence—"Edgefern"—Eastbank Road	Regional	Lot 333, DP 719001
Nana Glen Rail		
St Peters Church—47 Grafton Road	Local	Lot 52, DP 620497
Orara (Upper)		
Shed—420 North Island Loop Road	Regional	Lot 11, DP 802379
Anglican Church—Upper Orara Road	Local	Lot 2, DP 931299
Sapphire		
Residence—18 Split Solitary Road	Local	Lot 2, DP 628408
Sawtell		
Rock Pool—Bonville Headland	Local	Part CR 81703
Sawtell Reserve Hall	Regional	Part CR 81703
Ficus "Hillii" Trees—First Avenue	Local	Road Reserve
Shops and dwellings—8-14 First Avenue	Local	Lot G, 362060
Office—16 First Avenue	Local	Lot F, 362060
Shop—18 First Avenue	Local	Lot E, 362060
Bank—20 First Avenue	Local	Lots 181 and 182, 600370
Restaurant—21-23 First Avenue	Local	Lot 1, 622641 and Lot 6, Sec 19, DP 14800
Cinema—25 First Avenue	Local	Lot 102, 846196
Shop—26-30 First Avenue	Local	Lot 16, 18379
Shop—31-33 First Avenue	Local	Lot 1, DP 359683
Office and Dental Surgery—34-36 First Avenue	Local	Lot D, 22356
Shop—45-49 First Avenue	Local	Lot 3, Sec 19, DP 14800
Sawtell Hotel—51-55 First Avenue	Regional	Lots 1 and 2, Sec 19, DP 14800
Shops and dwellings—63-67 First Avenue	Local	Lot 7, 857331
Flats—66-68 First Avenue	Local	Lot 28, Sec 21, DP 32212 and Lot A, DP 420494
Anglican Church—15 Elizabeth Street	Local	Lot 10, Sec 10, DP 17282

Public reserve—Noreen Anderson
and Dora Climpson Memorial
Gardens (central landscaped area)

Local

Road reserve

Timmsvale

Timber Mill—Timmsvale Road

Regional

Lot 68, DP 602638

Ulong

Timber Mill

Regional

Lot 17, DP 866535

Ulong Railway Station—Pine Avenue

State

N/A

Woolgoolga

BAT Co Relics—65 River Street

Local

Lot 682, DP 618948

Schedule 6 Heritage conservation areas

(Dictionary)

Diagram 1—Sawtell Heritage Conservation Area

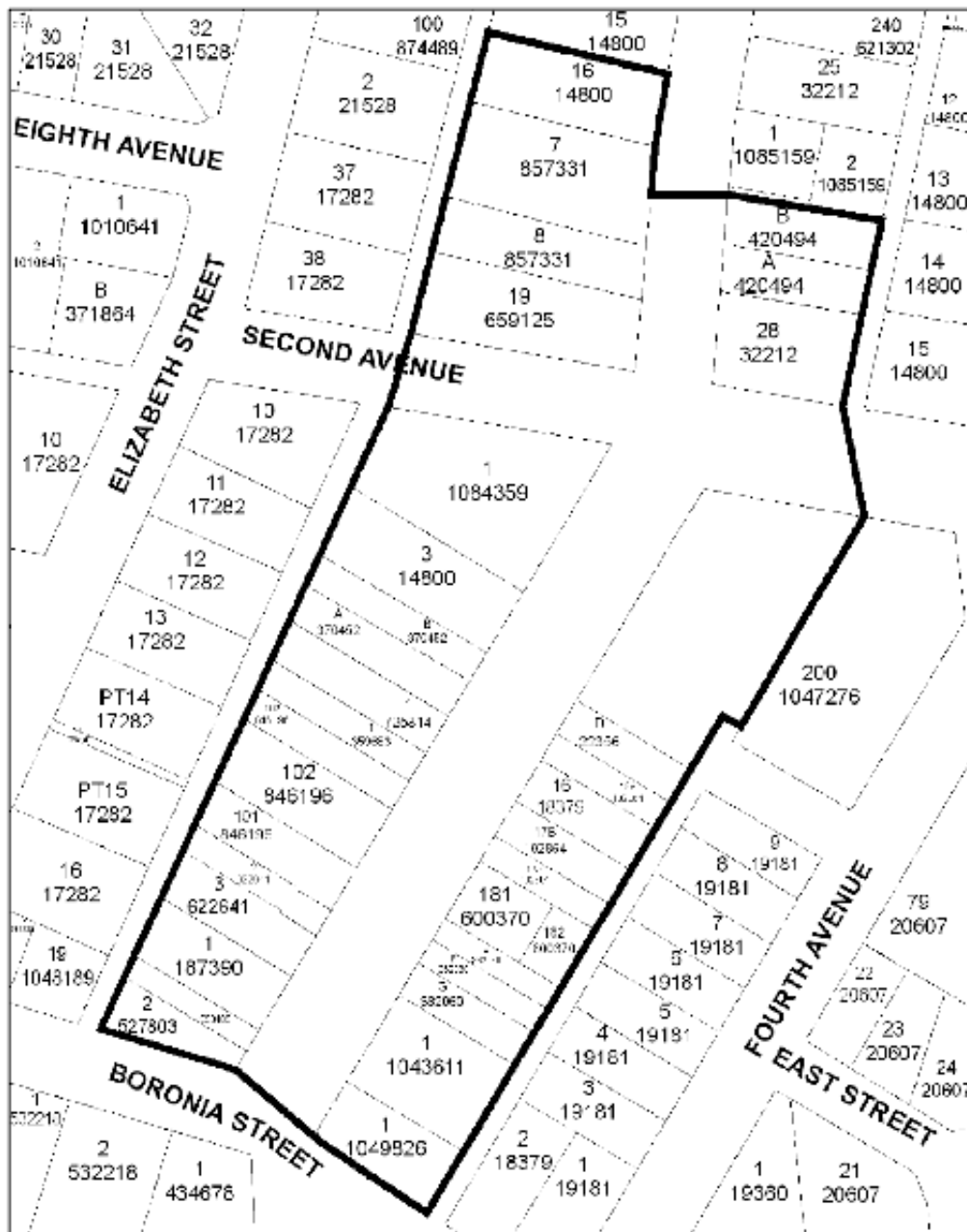
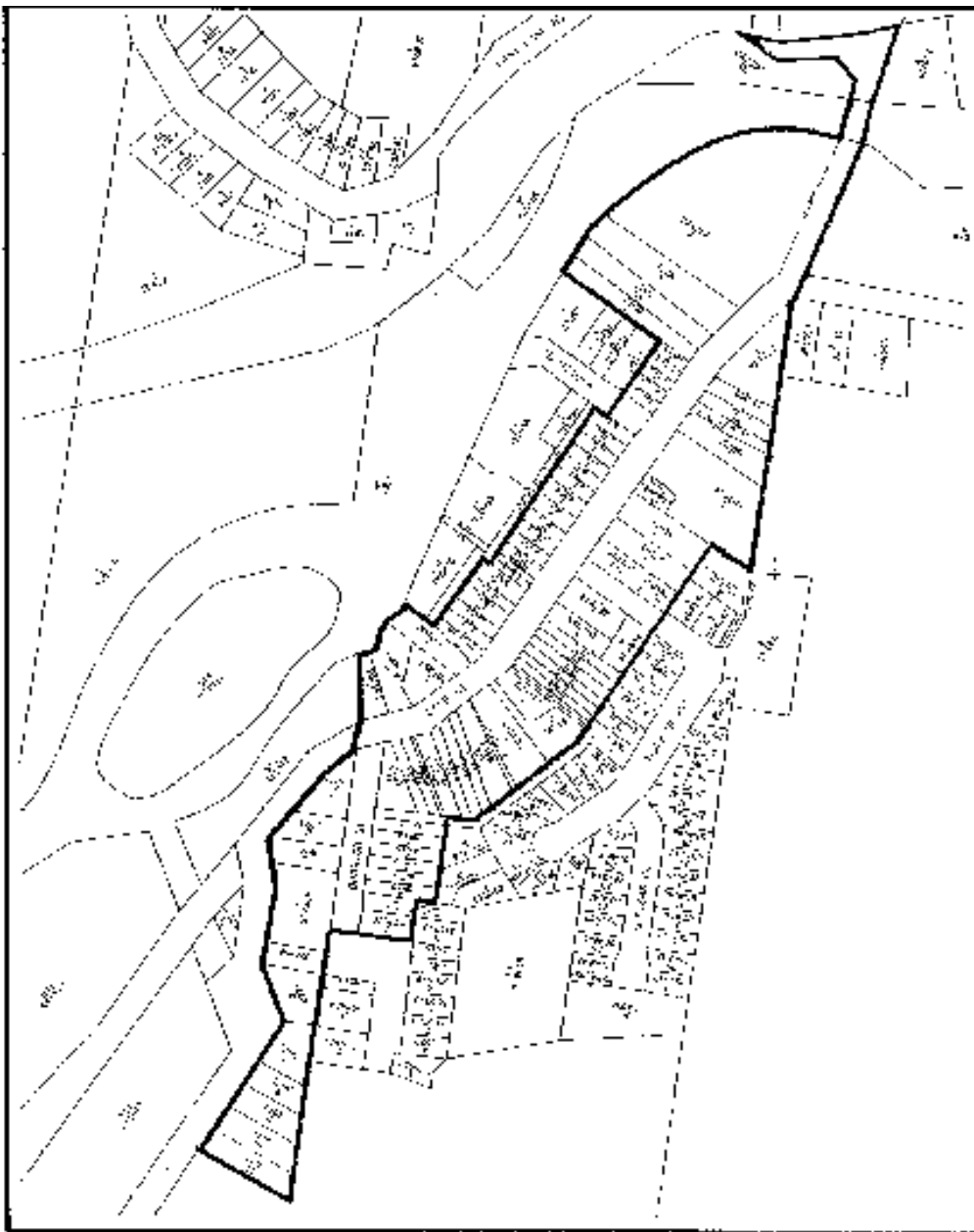


Diagram 2—Coramba Heritage Conservation Area



Schedule 7 Allotments with dwelling rights

(Clause 18 (7) (d))

- Portion 169, Parish Bagawa
- Portion 170, Parish Bagawa
- Portion 171, Parish Bagawa
- Portion 173, Parish Bagawa
- Portion 288, Parish Coff
- Portion 432, Parish Coff
- Portion 265, Parish Coff
- Lot 42, DP 633047
- Lot 261, DP 612081, Priors Road, Coramba

Portions 89, 90, 91, 92 and 93, Parish of Comlaroi
Lot 201, DP 877651, Mardells Road, Bucca

Dictionary

(Clause 6 (1))

abattoir means a building or place used for the slaughter of animals, whether or not it is also used for the processing, manufacture or distribution of animal by-products, and includes a knackery.

Acid Sulfate Soil Manual means the Acid Sulfate Soil Manual as published from time to time by the NSW Acid Sulfate Soils Management Advisory Committee and adopted by the Director.

acid sulfate soils means actual acid sulfate soils or potential acid sulfate soils.

Act means the [Environmental Planning and Assessment Act 1979](#).

actual acid sulfate soils means acid sulfate soil containing highly acidic soil horizons or layers resulting from the aeration of soil materials that are rich in iron sulfides, primarily pyrite, where the soil material has a pH of less than 4.0 when measured in dry season conditions, overlying potential acid sulfate soils or soils containing 0.05% or more oxidisable sulfur.

advertisement means the display of symbols, messages or other devices for promotional purposes or for conveying information, instructions, directions or the like.

agriculture means:

- (a) the cultivation of crops, including cereals, fruit, vegetable or flower crops, or
- (b) the keeping or breeding of livestock, bees or poultry or other birds, or
- (c) the cultivation of plants in a wholesale plant nursery,

for commercial purposes.

AHD means Australian Height Datum.

alter, in relation to a heritage item or to a building or work within a heritage conservation area, means:

- (a) make structural changes to the outside of the heritage item, building or work, or
- (b) make non-structural changes to the detail, fabric, finish or appearance of the outside of the heritage item, building or work, not including changes resulting from the maintenance of the existing detail, fabric, finish or appearance of the outside of the heritage item, building or work.

animal establishment means a building or place used for the breeding, boarding, training or keeping of, or caring for, animals for commercial purposes, and includes a riding school and a veterinary hospital.

aquaculture means the commercial cultivation (including propagation and rearing) of the living resources of the sea or inland waters, whether or not that cultivation is carried out in a farm establishment for that purpose using an artificially created body of water, and includes fish farming

and oyster farming activities.

archaeological site means a site shown as such on the map and includes a site known to the consent authority to have archaeological value.

attached dual occupancy, in relation to an allotment or portion of land, means:

- (a) where no dwelling or dwelling-house exists on the allotment or portion—the erection of two attached dwellings on that allotment or portion, or
- (b) where a dwelling-house exists on the allotment or portion—the effecting of alterations or additions to the existing dwelling-house so as to create two attached dwellings on that allotment or portion.

bed and breakfast establishment means an existing dwelling-house where the permanent resident provides temporary accommodation and breakfast to travellers which:

- (a) does not contain more than two guest bedrooms, and
- (b) includes the provision of at least two off-street vehicle parking spaces, and
- (c) does not contain facilities, in the guest bedrooms, for preparation of meals by guests.

billboard sign means a non-illuminated advertisement with an area of not more than 11m² situated away from and not attached to a building.

boarding house means a building or place:

- (a) at which accommodation, meals and laundry facilities are provided to the residents of the building or place, and
- (b) which is not licensed to sell liquor within the meaning of the [Liquor Act 1982](#), and
- (c) which is not a motel,

but does not include a bed and breakfast establishment.

brothel means premises habitually used or designed to be used for the purposes of prostitution irrespective of whether any other service is also provided at the premises.

bulky goods salesroom means a building or place used for the sale by retail or auction, or the hire or display, of items (whether goods or materials) which, in the opinion of the Council, are of such a size, shape or weight as to require:

- (a) a large area for handling, storage or display, and
- (b) direct vehicular access to the site of the building or place by members of the public, for the purpose of loading items into or onto their vehicles after purchase,

but does not include a building or place used for the sale of foodstuffs, clothing or petrol.

bushfire hazard reduction means a reduction or modification (by controlled burning or mechanical or manual means) of material which constitutes a bushfire hazard that has been approved under a bush fire management plan.

bush fire management plan has the meaning attributed to that expression by the [Rural Fires Act 1997](#).

bushland means land on which there is vegetation which is either a remainder of the natural vegetation of the land or is still representative of the structure and floristic composition of the natural vegetation.

business premises means a building or place in which there is carried on an occupation, business or profession which provides a service directly and regularly to the public, but (in the table to clause 9) does not include a building or place elsewhere defined in this Dictionary.

business sign means an advertisement that:

- (a) indicates the use of premises, or nature of goods or services sold or provided from premises, on the site where the advertisement is located, and
- (b) is located at or below the level of an awning or, where there is no awning, is located not more than 4.6 metres above ground level or the level of the bottom of any first floor window, whichever is lower, and
- (c) if it appears on a surface in conjunction with other advertisements, covers no more than 50% of the surface.

camp or caravan site means a site used for the purpose of:

- (a) placing moveable dwellings for permanent accommodation or for the temporary accommodation of tourists, or
- (b) the erection, assembly or placement of cabins for the temporary accommodation of tourists.

car park means a building or place used for parking vehicles and any related manoeuvring space and access, whether operated for gain or not.

cemetery means a building or place used for the disposal or processing of dead human beings or animals, and includes a crematorium and a burial ground.

child care centre means a building or place which is used (whether or not for profit) for the purpose of educating, minding or caring for children (whether or not any of the children are related to the owner or operator), but only if the following conditions are satisfied:

- (a) the children number 6 or more,
- (b) the building or place does not provide residential care for any of the children (other than those related to the owner or operator).

clearing of bushland has the same meaning as clearing native vegetation under the [Native Vegetation Conservation Act 1997](#).

Note—

In that Act, **clearing native vegetation** means any one or more of the following:

- (a) cutting down, felling, thinning, logging or removing native vegetation,
- (b) killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation,
- (c) severing, topping or lopping branches, limbs, stems or trunks of native vegetation,
- (d) substantially damaging or injuring native vegetation in any other way.

communications facility means a building, structure, work or place used primarily for or in connection with the transmitting or receiving of signals for the purpose of communication, and includes radio masts, towers, satellite dishes and the like.

community facility means a building or place owned or controlled by a public authority that provides for the physical, social, cultural or intellectual development or health, safety or welfare of the local community, but in the Table to clause 9 does not include a building or place elsewhere defined in this Dictionary.

community land means land classified or reclassified as community land within the meaning of the [Local Government Act 1993](#).

conservation plan means a document, including diagrams, establishing the heritage significance of a heritage item or a heritage conservation area and identifying the conservation policies and management mechanisms which are appropriate to enable that significance to be retained.

contaminated land has the same meaning as it has in Part 7A of the Act.

contaminated land planning guidelines means guidelines under section 145C of the Act.

convenience store means a shop selling a variety of small consumer goods and petrol, oil and petroleum products, whether or not other goods are available for hire at the shop.

corporation means the corporation constituted by section 8 (1) of the Act.

Council means the Coffs Harbour City Council.

county council has the meaning ascribed to that term in the [Local Government Act 1993](#).

dam means an excavation in which water is stored, or a containment for water created by earthen walls or walls made of other materials, that has a surface area in excess of 5,000m².

demolish means to wholly or partly destroy, damage or dismantle a building, work, relic, or place situated on or within any land.

demolish, in relation to a heritage item or to a building, work, relic or place within a heritage conservation area, means to damage, deface, destroy, pull down or remove the heritage item, or the building, work, relic or place, in whole or in part.

depot means a building or place used for the storage (but not sale) of plant, machinery, goods or materials used or intended to be used by the owner or occupier of the building or place, but (in the table to clause 9) does not include a building or place elsewhere defined in this Dictionary.

detached dual occupancy, in relation to an allotment or portion of land, means:

- (a) where no dwelling or dwelling-house exists on the allotment or portion—the erection of two

detached dwellings on the allotment or portion, or

- (b) where a dwelling-house exists on the allotment or portion—the erection of a second detached dwelling on the allotment or portion.

discretionary sign means:

- (a) an advertisement that is not visible from outside the site where it is located, or
- (b) a real estate sign, or
- (c) a temporary sign, or
- (d) a public notice displayed by a public authority, or
- (e) an advertisement behind the glass line of a shop window, or
- (f) a single pylon sign erected on a site lawfully used for the purpose of a tourist facility, or
- (g) a painted wall sign, or
- (h) a residential sign.

domestic waste has the same meaning as it has in the [Local Government Act 1993](#).

Drinking Water Catchment Map means the map marked “*Drinking Water Catchment*” and contained in *Coramba-Karangie-Upper Orara Development Control Plan*, as adopted by the Council on 21 August 2003.

dwelling means a room or number of rooms occupied or used, or so constructed or adapted as to be capable of being occupied or used, as a separate domicile, whether or not used temporarily for display purposes.

dwelling-house means a dwelling which is the only dwelling on an allotment.

eco-tourism facility means a building or place used primarily for tourist accommodation or recreation, or both, and may include holiday cabins, camp or caravan sites, that is in a natural setting and involves education and interpretation of the natural environment, and does not have a deleterious effect on the ecology of its location.

educational establishment means a building or place used for education (including teaching) and includes:

- (a) a school, and
- (b) a tertiary institution, being a university, a TAFE establishment (within the meaning of the [Technical and Further Education Commission Act 1990](#)), teachers’ college or other tertiary college providing formal education which is constituted by or under an Act, and
- (c) an art gallery or museum that is not used to sell the items displayed in it,

whether or not accommodation for staff or students, or both, is provided and whether or not used for the purpose of gain.

emergency works, in relation to clause 23, means the repair or replacement of any part of works, owned or controlled by the Council or a county council:

- (a) because it has been (or is being) damaged by a natural disaster, an accident, an act of vandalism or a like occurrence, or
- (b) because it has ceased to function or to function adequately,

and includes work reasonably necessary to prevent or limit any further damage or malfunction.

entertainment facility means a building or place used for the purpose of sport, entertainment, exhibitions or displays, and includes:

- (a) sports stadiums, showgrounds, racecourses and the like, and
- (b) theatres, cinemas, music halls, concert halls, open air theatres, drive-in theatres and the like.

environmental facility means a structure or work which provides for nature or scientific study or display facilities, such as walking tracks, board walks, observation decks, bird hides or the like.

environmental protection works means any works associated with the rehabilitation of land to its natural state or any works to protect land from environmental degradation.

extractive industry means an industry or undertaking (other than a mine) which depends for its operation on the winning or removal of extractive material from the land on which it is carried on.

extractive material means a substance such as sand, soil, gravel, clay, rock or stone, but does not include coal, shale, petroleum, uranium or any mineral within the meaning of the [Mining Act 1992](#).

flush wall sign means an advertisement with an area of not more than 10m² attached to the wall of a building and projecting not more than 0.3m from the wall.

forestry includes arboriculture, silviculture and the destruction of trees and shrubs for the purpose of:

- (a) afforestation, forest protection or the cutting, dressing and preparing (otherwise than in a sawmill) of wood and other forest products, or
- (b) establishing roads necessary for the removal of wood and forest products, or
- (c) forest protection,

but does not include any clearing permitted under the [Native Vegetation Conservation Act 1997](#).

general store means a shop which sells foodstuffs for human consumption, personal care products, household cleaning products and small items of hardware (whether or not other goods are also sold and whether or not the facilities of a post office are also included) and which has a floor space (exclusive of any dwelling used in connection with the shop) not exceeding 50m².

generating works means a building or place used for the purpose 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 1.4m

above each floor level, excluding:

- (a) columns, fin walls, sun control devices, awnings and any other elements, projections or works outside the general lines of the outer face of the external wall, and
- (b) lift towers, cooling towers, machinery and plant rooms, ancillary storage space and air-conditioning ducts, and
- (c) car parking needed to meet any requirements of the Council and any internal designated vehicular or pedestrian access, and
- (d) space for the loading and unloading of goods, and
- (e) internal public arcades and thoroughfares, and
- (f) terraces and balconies with outer walls less than 1.4m high.

group home means a permanent group home or a transitional group home, but does not include a special care home.

hazardous industry means development for the purpose of an industry which, if the development were in operation and all measures proposed to reduce or minimise its impact on the locality were employed (such as measures to isolate the development from existing or likely future development on other land in the locality), would pose a significant risk, in the locality:

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

hazardous storage establishment means any establishment at which goods, materials or products are stored which, if in operation and when all measures proposed to reduce or minimise its impact on the locality are employed (such as measures to isolate the establishment from existing or likely future development on other land in the locality), would pose a significant risk, in the locality:

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

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

heliport means a place open to the public used for the taking off and landing of helicopters, whether or not it includes:

- (a) a terminal building, or
- (b) facilities for the parking, storage or repair of helicopters.

heritage assessment means an assessment of the impact of proposed development on the heritage significance of a heritage item and its setting and any heritage conservation area within which it is situated which may or may not include a management strategy for the ongoing conservation of the item or area.

heritage conservation area means land shown edged heavy black on a diagram in Schedule 6 and includes buildings, works, relics, trees and places (such as gardens) situated on or within the land.

heritage item means a building, work, relic, tree, or place described in Schedule 5.

heritage maintenance means the ongoing protective care of the fabric of a heritage item and its setting.

heritage significance means historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance.

holiday cabin means a dwelling used for the provision of holiday accommodation only, being one of a group of dwellings erected on an allotment of land, or allotments of land, in the same ownership.

home industry means an industry carried on in a building which is a dwelling-house or dwelling, or is within the curtilage of a dwelling-house or dwelling, under the following circumstances:

- (a) the industry is conducted by the permanent residents of the dwelling-house or dwelling, and
- (b) except where the building is a dwelling-house or dwelling, the building does not exceed 50m² in area, and
- (c) the industry does not involve the employment of more than one person other than such residents, and
- (d) 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 or oil or otherwise, or
 - (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 building that is or contains a dwelling-house or a dwelling, or is within the curtilage of a dwelling-house or dwelling, by the permanent residents of the dwelling-house or dwelling and which does not involve:

- (a) the registration of the building, dwelling-house or dwelling under the [Shops and Industries Act 1962](#), or
- (b) the employment of more than 1 person other than such residents, or
- (c) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil or otherwise, or
- (d) the display of goods, except for the purposes of home galleries, whether in a window or otherwise, or

(e) the erection of a sign not exceeding 0.8m in area, or

(f) prostitution.

hospital means a building or place used for the purpose of providing professional health services (including preventative care, diagnosis, medical or surgical treatment or counselling) to people admitted as in-patients, whether or not out-patients are also cared for or treated at the building or place.

hotel means premises to which a hotelier's licence granted under the [Liquor Act 1982](#) relates and may include temporary or short-term accommodation for travellers.

industry means the manufacturing, assembling, altering, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, processing or adapting of any goods or articles for commercial purposes, but (in the table to clause 9) does not include any other use of land elsewhere defined in this Dictionary.

investigation area means land declared to be an investigation area by a declaration in force under Division 2 of Part 3 of the [Contaminated Land Management Act 1997](#).

koala plan of management means a koala plan of management prepared in accordance with the provisions of [State Environmental Planning Policy No 44—Koala Habitat Protection](#).

light industry means an industry in which the processes carried on, or the transportation involved or the machinery or materials used, do not interfere unreasonably with the amenity of the neighbourhood, but (in the table to clause 9) does not include a use of land elsewhere defined in this Dictionary.

marina means a building or place used or intended to be used to provide moorings for boats and includes any associated:

(a) slipways, pontoons, jetties, piers or the like, and

(b) facilities for the repair, maintenance and fuelling of, or for the provision of accessories and parts for, boats.

medical centre means a building or place used for the purpose of providing professional health services (such as preventative care, diagnosis, medical or surgical treatment or counselling) to out-patients only, and includes health consulting rooms.

mine means a place which depends for its operation on the winning or removal of any material to which the [Mining Act 1992](#) or the [Petroleum \(Onshore\) Act 1991](#) applies, and includes a place used for the storage and primary processing of the material obtained.

minor works, in relation to clause 23, means new work effected by the Council or a county council, but not drainage works, which has a value not greater than \$20,000 or such larger amount (agreed to by the Director) as the Council fixes by resolution from time to time.

motel means premises, not being a hotel, used for the temporary or short-term accommodation of travellers.

motor showroom means a building or place used or intended for use for the display or sale of motor

vehicles and accessories, including boats, caravans and trailers.

moveable dwelling has the same meaning as it has in the [Local Government Act 1993](#).

multi-unit housing means three or more dwellings in a group, whether attached or not, but does not include a hotel or motel.

offensive industry means development for the purpose of an industry which, if the development were in operation and all measures proposed to reduce or minimise its impact on the locality were employed (such as measures to isolate the development from existing or likely future development on other land in the locality), would emit a polluting discharge (such as noise) in a manner which would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

offensive storage establishment means any establishment at which goods, materials or products are stored and which, if in operation and when all measures proposed to reduce or minimise its impact on the locality were employed (such as measures to isolate the establishment from existing or likely future development on other land in the locality), would emit a polluting discharge (such as noise) in a manner which would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

office premises means a building or place used for the purpose of administration, clerical, technical, professional or like activities (where there is no direct and regular dealing with members of the public or otherwise than by appointment), but (in the table to clause 9) does not include a building or place elsewhere defined in this Dictionary.

operational land means land classified or reclassified as operational land within the meaning of the [Local Government Act 1993](#).

painted wall sign means an advertisement painted onto a wall of a building (including an advertisement consisting of adhesive vinyl or similar material fixed to a wall) and covering not more than 25% of the surface of the wall.

passenger transport terminal means any building or place used for the assembly and dispersal of passengers travelling by any form of passenger transport, and includes any facilities required for parking, manoeuvring, storage or routine servicing of any vehicle forming part of that undertaking.

permanent group home means a dwelling:

- (a) used to provide a household environment for disabled persons or socially disadvantaged persons, whether those persons are related or not, and
- (b) occupied by the persons referred to in paragraph (a) as a single household, with or without paid or unpaid supervision or care and either with or without payment for board and lodging being required,

but does not include a building to which [State Environmental Planning Policy \(Housing for Seniors or People with a Disability\) 2004](#) applies or a transitional group home.

place of worship means a building or place used for the purpose of religious worship, whether or not the building or place is also used for counselling, social events or religious training by a congregation

or religious group.

potential acid sulfate soils means soil material which is waterlogged and contains oxidisable sulfur compounds and that has a field pH of 4 or more but will become severely acid when oxidised.

Potential Acid Sulfate Soils Planning Map means a map in the series of maps marked “*Potential Acid Sulfate Soils*” kept in the office of the Council.

potential archaeological site means a site shown on the map as such and includes a site known to the Council to have archaeological potential.

preliminary investigation, in relation to land, means a preliminary investigation referred to in the contaminated land planning guidelines.

prostitution has the meaning ascribed to that word in the [Summary Offences Act 1988](#) but does not include services provided in the normal course of a medical practice.

pylon sign means an advertisement erected on a pole (or pylon) which is independent of a building and has a height of not more than 6m but not less than 2.7m above ground level.

real estate sign means a sign advertising land for sale or lease erected at or affixed to the land and:

(a) in the case of an advertisement in respect of residential or rural premises, that does not exceed 2.5 m² in area, or

(b) in all other cases, that does not exceed 4.5 m² in area,

and is not displayed for more than 14 days after an agreement has been entered into for the sale or lease.

recreation area means:

(a) an area used or intended for use for sporting activities or sporting facilities,

(b) an area used or intended for use to provide facilities for recreational activities which promote the physical, cultural or intellectual welfare of persons within the community, being facilities provided by:

(i) the Council, or

(ii) a body of persons associated for the purpose of the physical, cultural or intellectual welfare of persons within the community,

but does not include a racecourse or a showground.

recreation facility means a building or place used for sporting activities, recreational or leisure activities, whether or not operated for the purpose of gain, but (in the table to clause 9) does not include a building or place elsewhere defined in this Dictionary.

registered club means a building or place which is used by persons associated, or by a body incorporated, for a social, literary, political, sporting, athletic or other similar lawful purpose and is, or is intended to be, registered under the [Registered Clubs Act 1976](#).

relic means:

- (a) any deposit, object or material evidence (including human remains) relating to the use or settlement of the Council's area, not being Aboriginal habitation, which is more than 50 years old, or
- (b) any deposit, object or material evidence (including human remains) relating to Aboriginal habitation of the Council's area whether before or after its occupation by persons of European extraction.

remediation means:

- (a) removing, dispersing, destroying, reducing, mitigating or containing the contamination of any land, or
- (b) eliminating or reducing any hazard arising from the contamination of any land (including by preventing the entry of persons or animals on the land).

residential sign means a non-illuminated advertisement not exceeding 0.8 m² in area that indicates the name, occupation or other particulars of the residents of the premises on which the advertisement is displayed.

restaurant means a building or place principally used for the provision of food to people for consumption on the premises.

retail plant nursery means a building or place used for growing plants and selling plants by retail, whether or not it is also used for the sale of landscape supplies (including earth products) or other landscape and horticultural products.

road means an area that is open to or used by the public and is developed for, or has as one of its main uses, the driving or riding of motor vehicles.

routine maintenance, in relation to clause 23, means the periodic inspection, cleaning, repair and replacement of Council works or the works of a county council, but does not include work that would result in an increase in the design capacity of any part of those works or necessitate the deepening or increasing an existing work's capacity, except where one tonne, or less, of soil is disturbed.

RTA means the Roads and Traffic Authority constituted under the [Transport Administration Act 1988](#).

rural industry means a business or activity involving:

- (a) the handling, treating, processing or packing of primary products produced in the locality in which it is carried out, or
- (b) the regular servicing or repairing of plant or equipment used for the purpose of agriculture or aquaculture or for the purpose of a business or activity referred to in paragraph (a).

sawmill means a mill handling, cutting and processing timber from logs or baulks.

seniors means any of the following:

- (a) people aged 55 or more years,

- (b) people who are resident at a facility at which residential care (within the meaning of the *Aged Care Act 1997* of the Commonwealth) is provided,
- (c) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider (within the meaning of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*).

seniors housing means residential accommodation that consists of:

- (a) a residential care facility, or
- (b) a hostel, or
- (c) a group of self-contained dwellings, or
- (d) a combination of these,

and that is, or is intended to be, used permanently for:

- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the residential accommodation or in the provision of services to persons living in the accommodation,

but does not include a hospital.

service station means a building or place used for the fuelling of motor vehicles and for the sale by retail of petrol, oil or other petroleum products, whether or not the building or place is also used for one or more of the following purposes:

- (a) the hiring of trailers,
- (b) the retail selling or the installing of spare parts and accessories for motor vehicles,
- (c) the washing and greasing of motor vehicles,
- (d) the repairing or servicing of motor vehicles (other than body building, panel beating or spray painting),
- (e) the retail selling or hiring of small consumer goods.

shop means a building or place used for the purpose of selling, whether by retail or auction, or for the hiring or display for the purpose of selling or hiring, of items (whether goods or materials), but in the Table to clause 9 does not include a building or place elsewhere defined in this Dictionary.

Solitary Islands Marine Park means the area declared under section 6 of the *Marine Parks Act 1997* and described as the Solitary Islands Marine Park.

Solitary Islands Marine Park Authority means the Marine Park Authority constituted under section 29 of the *Marine Parks Act 1997* in relation to the Solitary Islands Marine Park.

special care home means a dwelling:

- (a) which is used to provide a household environment for disabled persons or socially disadvantaged persons, whether or not those persons are related, and
- (b) which is occupied by the persons referred to in paragraph (a) as a single household, with or without paid or unpaid supervision or care and with or without payment for board and lodging being required, and
- (c) which does not contain more than five bedrooms or is occupied at the same time by not more residents (including resident staff, if any) than is equal to the number calculated by multiplying the number of bedrooms in the home by two.

stock and sale yard means a building or place used for the purpose of offering livestock or poultry for sale.

subdivision of land has the same meaning as it has in the Act.

temporary sign means an advertisement of a temporary nature which:

- (a) concerns any local event of a religious, educational, cultural, political, social or recreational nature, and
- (b) does not include advertising of a commercial nature, except for the name of any sponsor, and
- (c) is not displayed earlier than 28 days before the commencement of the event and is removed within 14 days after the end of the event.

the map means the map marked “*Coffs Harbour City Local Environmental Plan 2000*”, as amended by the maps (or specified sheets of maps) marked as follows:

Editorial note—

The amending maps are not necessarily listed in the order of gazettal. Information about the order of gazettal can be determined by referring to the Historical notes at the end of the Plan.

Coffs Harbour City Local Environmental Plan 2000 (Amendment No 1)

Coffs Harbour City Local Environmental Plan 2000 (Amendment No 2)

Coffs Harbour City Local Environmental Plan 2000 (Amendment No 3)

Coffs Harbour City Local Environmental Plan 2000 (Amendment No 4)

Coffs Harbour City Local Environmental Plan 2000 (Amendment No 7)

Coffs Harbour City Local Environmental Plan 2000 (Amendment No 9)

Coffs Harbour City Local Environmental Plan 2000 (Amendment No 10)

Coffs Harbour City Local Environmental Plan 2000 (Amendment No 14)

Coffs Harbour City Local Environmental Plan 2000 (Amendment No 15)

Coffs Harbour City Local Environmental Plan 2000 (Amendment No 16)

Coffs Harbour City Local Environmental Plan 2000 (Amendment No 18)

Coffs Harbour City Local Environmental Plan 2000 (Amendment No 21)

Coffs Harbour City Local Environmental Plan 2000 (Amendment No 25)

Coffs Harbour City Local Environmental Plan 2000 (Amendment No 27)

Coffs Harbour City Local Environmental Plan 2000 (Amendment No 28)

Coffs Harbour City Local Environmental Plan 2000 (Amendment No 30)

Coffs Harbour City Local Environmental Plan 2000 (Amendment No 31)

Coffs Harbour City Local Environmental Plan 2000 (Amendment No 36)

tourist facility means an establishment providing primarily for tourist accommodation or recreation, or both, and may include boatsheds, camp or caravan sites, holiday cabins, picnic grounds, playgrounds, restaurants, rural enterprises such as wineries, a tourist booking office, water sport facilities, clubs, marinas and motels.

transitional group home means a dwelling:

- (a) used to provide temporary accommodation, for the purposes of relief or rehabilitation, for disabled persons or socially disadvantaged persons, whether those persons are related or not, and
- (b) occupied by the persons referred to in paragraph (a) as a single household, either with or without paid or unpaid supervision or care and either with or without payment for board and lodging being required,

but does not include a building to which [State Environmental Planning Policy \(Housing for Seniors or People with a Disability\) 2004](#) applies.

transitional land means land that is within 20m of a boundary between any two zones.

turf farm means the commercial cultivation, and removal from land, of turf.

utility installation means a building, work or undertaking carried out under the authority of any Government authority (including the Council), or in pursuance of any Commonwealth or State Act, for the purpose of:

- (a) railways or roads, or
- (b) railway, road, water or air transport, or wharf or river undertakings, or
- (c) the provision of sewerage or drainage services, or
- (d) the supply of water, hydraulic power, electricity or gas, or
- (e) telecommunications facilities.

vacant land means, for the purposes only of clause 20, land on which, immediately before the day on which a notice under clause 20 (1) is given, there were no buildings other than fences.

vehicle body repair workshop means a building or place used for the repair of vehicles or

agricultural machinery, being repairs involving body building, panel beating or spray painting.

vehicle repair station means a building or place, other than a vehicle body repair workshop, used for the purpose of carrying out repairs to vehicles or the selling and fitting of accessories to vehicles or agricultural machinery.

veterinary clinic means a building or place used for diagnosing or medically (but not surgically) treating animals where animals are not accommodated on the premises.

veterinary hospital means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment, and includes a veterinary clinic.

warehouse or distribution centre means a building or place used mainly for storing, handling or displaying items (whether goods or materials) which have been produced or manufactured for sale, but not for the retail sale of items to the public from the building or place.

waste has the same meaning as it has in the [Local Government Act 1993](#).

waste depot has the same meaning as it has in the [Local Government Act 1993](#).

waste management service means any service for the purpose of collecting, sorting, processing or disposing of waste including providing domestic waste services or conducting of waste depots.

winery means a building used for the purposes of manufacturing, storing and offering for sale of wine.