

# Bellingen Local Environmental Plan 1990

[1990-80]



New South Wales

## Status Information

### Currency of version

Repealed version for 24 December 1999 to 27 February 2003 (accessed 18 July 2024 at 2:17)

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.

### Notes—

- **Repeal**

The Plan was repealed by the *Bellingen Local Environmental Plan 2003*, cl 4 (1) with effect from 28.2.2003.

### 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](#).

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New South Wales

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# Bellingen Local Environmental Plan 1990



New South Wales

## Part 1 Preliminary

### 1 Name of plan

This plan may be cited as *Bellingen Local Environmental Plan 1990*.

### 2 Aims, objectives etc

- (1) The principal aim of this plan is to encourage development in the Shire of Bellingen which is designed and carried out in a way that respects the environmental quality and capacity of the land and the needs of the community.
- (2) The objectives of this plan are:
  - (a) in relation to agriculture—to define prime agricultural land and to discourage from such land those uses which jeopardise the potential of the land for agricultural purposes, and
  - (b) in relation to environmental protection—to encourage a form of development that minimises risks to sensitive environments, including wetlands, coastal systems, wooded slopes, ridge lines, scenic areas, river systems (including the mitigation of river bank failure, erosion or accretion) and other similar resources, and
  - (c) in relation to the environmental heritage—to provide for the protection of items of the environmental heritage and historic importance (including Bellingen business centre) and to guide the restoration of any items of the environmental heritage that may from time to time be identified, and
  - (d) in relation to employment—to accommodate development which will both directly and indirectly increase job opportunities for the residents of the Shire in appropriate locations, and
  - (e) in relation to tourism—to provide opportunities for tourist oriented development while protecting those elements of the Shire's character and environmental quality that are attractive to tourists, and
  - (f) in relation to housing—to enable development for residential purposes that

maximises housing choice (in terms of dwelling types and costs and different lifestyles) and the use of existing physical and social infrastructure and minimises development costs, and

- (g) in relation to services—to encourage a type and intensity of development appropriate for the location and in a sequence that maximises the efficiency and minimises the cost of providing transport, utility and community services, and
- (h) in relation to land hazard—to limit the development of land adversely affected by flooding, soil erosion, landslip or bushfire, and
- (i) in relation to recreation—to provide opportunities for public and private recreation facilities associated with tourist and local resident needs, and
- (j) in relation to land at Urunga generally bounded by Hillside Drive, Pacific Highway, South Pacific Ocean and Hungry Head Road:
  - (i) to provide opportunities for the staged expansion of residential and rural residential development at Urunga, and
  - (ii) to encourage a range and choice of housing types and densities, and
  - (iii) to enable the provision of public and private services and amenities to meet the needs of an increased population, and
  - (iv) to encourage development related to tourism and recreation in a manner which complements the lifestyle and living environment for permanent residents, and
  - (v) to ensure that development is carried out in a manner which minimises risks of pollution, siltation or other degradation of significant wetlands, Urunga Lagoon and coastal ecosystems, and
  - (vi) to maximise the retention of existing trees in any development, and
  - (vii) to preserve wildlife habitat, and
  - (viii) to enable the council to prepare development control plans to provide guidelines for applicants and to regulate the carrying out of development in any zone:
    - (A) by restricting the carrying out of that development to a specified area within the zone, or
    - (B) by fixing standards or specifying requirements in respect of any aspect of that development.

### 3 Land to which plan applies

This plan applies to the whole Shire of Bellingen.

### 4 Relationship to other environmental planning instruments

- (1) *Interim Development Order No 1—Shire of Bellingen* is repealed.
- (2) Clauses 6, 9 and 10 of *State Environmental Planning Policy No 4—Development Without Consent* do not apply to the carrying out of certain development in conservation areas in the manner indicated in clause 24.
- (3) (Repealed)

### 5 Definitions

- (1) In this plan:

**allotment** means a lot in a current plan within the meaning of the *Conveyancing Act 1919*, or section 327AA of the *Local Government Act 1919* before that section was repealed.

**alter** in relation to a building or work means:

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

**animal establishment** means a building or place used intensively for the purposes of animal husbandry or the boarding, training or keeping of animals, birds, fish, crustaceans, insects or the like, generally requiring the importation of feed other than feed produced on the land on which the establishment is conducted.

**arterial road** means a road listed in Schedule 1.

**appointed day** means the day on which this plan takes effect.

**bushfire hazard reduction** means a reduction or modification of all types of combustible material by burning, chemical, mechanical or manual means in order to reduce the hazard of bushfires.

**clearing of land** means the destruction or removal of a native tree, sapling or shrub which:

- (a) is 3 metres or more in height, or
- (b) has a girth of 300mm or more at a height of 1 metre above natural ground surface, or

(c) has a branch spread of 3 metres or more.

**cluster housing** means the erection of more than two dwellings having communal open space and other shared facilities on a single allotment of land.

**community centre** means a building or place used to provide facilities comprising or relating to any one or more of the following:

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

**conservation area** means an area of heritage significance shown cross-hatched on the map.

**council** means the Council of the Shire of Bellingen.

**demolition**, in relation to a building or work means the damaging, defacing, destruction, pulling down or removal of the building or work, in whole or in part.

**Dorrigo Plateau** means land to which this plan applies situated generally to the north of the line formed by the boundaries of the New England National Park, the Bellingen River State Forest, the Dorrigo National Park and the Never Never State Forest.

**flood liable land** means land which is below the 1 in 100 year flood level as determined from time to time by the council and as indicated on a map.

**heritage item** means a building, work, relic, tree or place of heritage significance to the Shire of Bellingen:

- (a) situated in a conservation area, or
- (b) described in Schedule 2.

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

**home occupation** means an occupation carried on in a dwelling-house or in a dwelling by the permanent residents of the dwelling-house or dwelling which does not

involve:

- (a) the registration of the building under the *Factories, Shops and Industries Act 1962*, except where registration is required by reason only of the installation and use in the dwelling-house or dwelling of not more than one electric motor having a capacity of not more than 370 watts, or
- (b) the employment of more than 2 persons other than those residents, or
- (c) interference 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
- (d) the display of goods, whether in a window or otherwise, or
- (e) the exhibition of any notice, advertisement or sign (other than a notice or sign exhibited on the dwelling-house, dwelling or the land on which the dwelling-house or dwelling is situated to indicate the name and occupation of the resident), or
- (f) the sale of items (whether goods or materials) or the exposure or offer for sale of items, by retail.

**1969 existing holding** means land which is, or has boundaries coextensive with the boundaries of:

- (a) an allotment not held in the same ownership as any adjoining or adjacent allotment, or
- (b) the aggregation of all adjoining or adjacent allotments held in the same ownership (including land held under a Crown lease),

as at 12 September 1969.

**1990 existing holding** means land located on the Dorrigo plateau which is, or has boundaries coextensive with the boundaries of:

- (a) an allotment not held in the same ownership as any adjoining or adjacent allotment, or
- (b) the aggregation of all adjoining or adjacent allotments held in the same ownership (including land held under a Crown lease),

as at 9 February 1990, but only if the land has a total area of not less than 40 hectares all of which, before that date, formed part of a single 1969 existing holding.

**1996 existing holding** means land, not located on the Dorrigo plateau, which is, or has boundaries coextensive with the boundaries of:

- (a) an allotment not held in the same ownership as any adjoining or adjacent

allotment, or

- (b) the aggregation of all adjoining or adjacent allotments held in the same ownership (including land held under a Crown lease),

as at 18 June 1996, but only if the land has a total area of not less than 40 hectares all of which, before that date, formed part of a single 1969 existing holding.

**recreation area** means:

- (a) a children's playground, or
- (b) an area used for sporting activities or sporting facilities, or
- (c) an area used by the council or a public authority to provide recreational facilities for the physical, cultural or intellectual welfare of the community, or
- (d) an area used by a body of persons associated together for the purposes of the physical, cultural or intellectual welfare of the community to provide recreational facilities for those purposes,

but does not include a racecourse or a showground.

**relic** means any deposit, object or material evidence relating to the settlement (including aboriginal habitation) of the area of the Shire of Bellingen which is 50 or more years old.

**renovation**, in relation to a building or work, means:

- (a) the making of structural changes to the inside or outside of the building or work, or
- (b) the making of non-structural changes to the fabric or appearance of the outside of the building or work, including changes that involve the repair or the painting, plastering or other decoration of the outside of the building or work.

**residue land** means land which is, or has boundaries coextensive with the boundaries of:

- (a) an allotment not held in the same ownership as any adjoining or adjacent allotment, or
- (b) the aggregation of all adjoining or adjacent allotments held in the same ownership (including land held under a Crown lease),

as at 12 September 1969 exclusive of:

- (c) any allotment for which consent was granted pursuant to clause 11, 11A, 11AA, 11B or 11C of *Interim Development Order No 1—Shire of Bellingen*, and

(d) any allotment on which consent for a dwelling-house was granted pursuant to clause 12 (3) (e) of *Interim Development Order No 1—Shire of Bellingen*.

**rural enterprise** means an industry or other business which, by virtue of its nature, the service provided or the products produced, distributed or sold, is in the opinion of the council appropriately located in a rural zone.

**the map** means the map marked "*Bellingen Local Environmental Plan 1990*", as amended by the maps (or, if sheets of maps are specified, by the specified sheets of the maps) marked as follows:

*Bellingen Local Environmental Plan 1990 (Amendment No 1)*

*Bellingen Local Environmental Plan 1990 (Amendment No 3)*

*Bellingen Local Environmental Plan 1990 (Amendment No 4)*

*Bellingen Local Environmental Plan 1990 (Amendment No 6)*

*Bellingen Local Environmental Plan 1990 (Amendment No 9)*

*Bellingen Local Environmental Plan 1990 (Amendment No 14)—Sheet 1*

**tourist facilities** means an establishment providing for holiday accommodation or recreation and may include a boatshed, boat landing facilities, camping ground, caravan park, holiday cabins, hotel, houseboat, marina, motel, playground, refreshment room, water sport facilities or a club used in conjunction with any such activities, but does not include total destination resorts (meaning largely self-contained tourist accommodation providing a wide range of facilities and experience in a resort style arrangement).

**transport terminal** means a building or place used as an airline terminal or a road transport terminal, bus station or bus depot, but does not include such a building or place used by not more than 2 trucks or buses.

(2) In this plan:

- (a) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose, and
- (b) a reference to a map is a reference to a map deposited in the office of the council, and
- (c) a reference to land within a zone specified in the Table to clause 9 is a reference to land shown on the map in the manner indicated in clause 8 as the means of identifying land of the zone so specified.

## 6 Model provisions

- (1) Subject to subclause (2) the *Environmental Planning and Assessment Model Provisions 1980* except clauses 10, 15, 16 (2), 22, 28, 32, 33 and 34 and the definitions of **arterial road**, **home occupation**, **map**, **tourist facilities** and **transport terminal** in clause 4 (1) are adopted for the purposes of this plan.
- (2) For the purposes of this plan, the *Environmental Planning and Assessment Model Provisions 1980* shall be read as if:
  - (a) the words “including transmission towers and the like” were inserted after the words “electricity” in paragraph (b) of the definition of **public utility undertaking** in clause 4 (1), and
  - (b) the words “(except a dam constructed elsewhere than on a permanent watercourse in Zone No 1 (a1) or 1 (a2) and which disturbs an area less than 0.25 hectares)” were inserted after the word “dam” in clause 29,
  - (c) the words “in which only residents are employed” were inserted in clause 35 (c) after the word “dwelling-houses”, and
  - (d) the word “widening,” was omitted from clause 8 of Schedule 1.

## 7 Consent authority

The council shall be the consent authority for the purposes of this plan.

## Part 2 General restrictions on development

### 8 Zones indicated on the map

For the purposes of this plan, land to which this plan applies shall be within a zone specified hereunder if the land is shown on the map in the manner specified hereunder in relation to that zone:

Zone No 1 (a1) (Agricultural Protection Zone)—coloured light brown and lettered “1 (a1)”.

Zone No 1 (a2) (Secondary Agriculture Zone)—coloured light brown and lettered “1 (a2)”.

Zone No 1 (c1) (Rural Residential Zone)—coloured light brown and lettered “1 (c1)”.

Zone No 1 (c2) (Rural Small Holdings Zone)—coloured light brown and lettered “1 (c2)”.

Zone No 1 (c3) (Rural Settlement Zone)—coloured light brown and lettered 1 (c3).

Zone No 1 (d) (Investigation Zone)—coloured light brown and lettered “1 (d)”.

Zone No 1 (f) (Forestry Zone)—coloured light brown and lettered “1 (f)”.

Zone No 2 (a) (Residential Zone)—coloured pink and lettered “2 (a)”.

Zone No 2 (b) (Village Area Zone)—coloured pink and lettered “2 (b)”.

Zone No 3 (Business Zone)—coloured light blue and lettered “3”.

Zone No 4 (Industrial Zone)—coloured purple and lettered “4”.

Zone No 5 (Special Uses Zone)—coloured yellow and lettered “5”.

Zone No 6 (a) (Public Recreation Zone)—coloured dark green and lettered “6 (a)”.

Zone No 6 (b) (Private Recreation Zone)—coloured dark green and lettered “6 (b)”.

Zone No 7 (a) (Environmental Protection (Wetlands) Zone)—coloured orange and lettered “7 (a)”.

Zone No 7 (f) (Environmental Protection (Coastal Land) Zone)—coloured orange and lettered “7 (f)”.

Zone No 8 (National Parks and Nature Reserves Zone)—uncoloured with dark green edging and lettered “8”.

Zone No 9 (a) (Proposed Arterial Road Zone)—indicated by a broken red band between firm black lines and lettered 9 (a).

## **9 Zone objectives and development control table**

- (1) The objectives of a zone are set out in the Table to this clause under the heading “Objectives of zone” appearing in the matter relating to the zone.
- (2) Except as otherwise provided by this plan, in relation to land within a zone specified in the Table to this clause, the purposes (if any) for which:
  - (a) development may be carried out without development consent, and
  - (b) development may be carried out only with development consent, and
  - (c) development is prohibited,are specified under the headings “Without development consent”, “Only with development consent” and “Prohibited”, respectively, appearing in the matter relating to the zone.
- (3) Except as otherwise provided by this plan, the council shall not grant consent to the carrying out of development on land to which this plan applies unless the council has considered the objectives of this plan and the objectives of the zone in which the land is situated, and is of the opinion that the carrying out of the development is consistent

with those objectives.

Table

## **Zone No 1 (a1) (Agricultural Protection Zone)**

### **1 Objectives of zone**

The objectives are:

- (a) to encourage the productive and efficient use of land for agricultural purposes, and
- (b) to control subdivision of land having regard to the efficient use of the land for agricultural purposes, and
- (c) to enable other forms of development associated with rural activity to be carried out where they are in keeping with the rural character of the area and where they minimise potential interference with the agricultural use of the land, and
- (d) to prevent development for the purposes of inappropriate traffic generating uses along main road frontages, and
- (e) to prevent development for purposes which are inappropriate having regard to the risks of bushfire hazard, flooding, soil erosion, land instability, quality of access and the provision of utility services and community facilities, and
- (f) to protect the natural and scenic resources of the Shire of Bellingen.

### **2 Without development consent**

Agriculture (other than animal establishments or activities involving the clearing of land).

### **3 Only with development consent**

Any purpose other than a purpose included in item 2 or 4.

### **4 Prohibited**

Boarding-houses; bulk stores (other than those associated with agriculture); car repair stations; caravan parks; clubs; commercial premises (other than veterinary hospitals or veterinary surgeons establishments); hospitals; hotels; industries (other than rural industries, home industries or extractive industries); institutions; junk yards; liquid fuel depots; motels; motor

showrooms; places of assembly; professional consulting rooms; public buildings; recreation facilities; refreshment rooms; residential flat buildings; service stations; shops (other than general stores or produce stores); taverns; tourist facilities; transport terminals; units for aged persons; warehouses.

## **Zone No 1 (a2) (Secondary Agriculture Zone)**

### **1 Objectives of zone**

The objectives of this zone are:

- (a) to enable the continuation of traditional forms of rural land use and occupation, and
- (b) to ensure that any new development is of a type and intensity that is appropriate to the characteristics of the land, the rural environment, the standard of public services and amenities available to the development and the costs of upgrading those services, and
- (c) to ensure that development is carried out in a manner that does not adversely affect water quality, and
- (d) to prevent development for purposes which are inappropriate having regard to the risks of bushfire hazard, flooding, soil erosion, land instability, quality of access and the provision of utility services and community facilities, and
- (e) to protect the natural and scenic resources of the Shire of Bellingen.

### **2 Without development consent**

Agriculture (other than animal establishments or activities involving the clearing of land).

### **3 Only with development consent**

Any purpose other than a purpose included in item 2 or 4.

### **4 Prohibited**

Boarding-houses; bulk stores (other than those associated with agriculture); car repair stations; commercial premises (other than veterinary hospitals or veterinary surgeons' establishments); hotels; industries (other than rural industries, home industries or extractive industries); junk yards; liquid fuel

depots; motor showrooms; professional consulting rooms; public buildings; residential flat buildings; shops (other than general stores or produce stores); transport terminals; units for aged persons; warehouses.

## **Zone No 1 (c1) (Rural Residential Zone)**

### **1 Objectives of zone**

The objectives of this zone are:

- (a) to enable appropriately staged development for the purposes of small holdings, rural residential development or hobby farms to be carried out on land which is suitable for those purposes, and
- (b) to enable other forms of development to be carried out on land within the zone if it is in keeping with the rural character of the locality and is compatible with existing or likely future small holdings, rural residential development or hobby farms, and
- (c) to ensure that the type or intensity of development is appropriate in relation to the characteristics of the land, the rural environment and the costs of providing public services and amenities.

### **2 Without development consent**

Agriculture (other than animal establishments or activities involving the clearing of land).

### **3 Only with development consent**

Agricultural purposes other than those permitted without development consent; bushfire fighting establishments; cemeteries; child care centres; community centres; dwelling-houses; educational establishments; forestry; general stores; home industries; home occupations; hospitals; picnic grounds; places of public worship; public buildings; reception establishments; recreation establishments; recreation facilities; retail plant nurseries; rural industries; stables; tourist facilities; utility installations; veterinary hospitals; veterinary surgeons establishments; any other purpose which in the opinion of the council is consistent with the objectives of the zone.

### **4 Prohibited**

Any purpose other than a purpose included in item 2 or 3.

## **Zone No 1 (c2) (Rural Small Holdings Zone)**

### **1 Objectives of zone**

The objectives are:

- (a) to provide the opportunity for closer rural settlement and tourist development in appropriate areas of the Shire of Bellingen, and
- (b) to maximise housing choice, and
- (c) to encourage a type and intensity of development that does not create unreasonable or uneconomic demands, or both, for the provision of extension of public amenities or services, including road access, and
- (d) to ensure that any development maintains the rural character of the locality, and
- (e) to prevent development for the purposes of inappropriate traffic generating uses along main road frontages, and
- (f) to prevent development for purposes which are inappropriate having regard to the risks of bushfire hazard, flooding, soil erosion, land instability, quality of access and the provision of utility services and community facilities, and
- (g) to protect the natural and scenic resources of the Shire of Bellingen.

### **2 Without development consent**

Agriculture (other than animal establishments or activities involving the clearing of land).

### **3 Only with development consent**

Any purpose other than a purpose included in item 2 or 4.

### **4 Prohibited**

Boarding-houses; bulk stores (other than those associated with agriculture); car repair stations; commercial premises (other than veterinary hospitals or veterinary surgeons establishments); industries (other than rural industries, home industries or extractive industries); institutions; junk yards; liquid fuel depots; motor showrooms; public buildings; residential flat buildings; shops (other than general stores or produce stores); warehouses.

## **Zone No 1 (c3) (Rural Settlement Zone)**

### **1 Objectives of zone**

The objectives are:

- (a) to encourage rural settlement in locations where existing services and facilities can be efficiently utilised, and
- (b) to reinforce the existing hierarchy of services and functions within the Bellingen local government area, and
- (c) to encourage integrated rural settlement to avoid environmental damage, maintain the traditional rural landscape and maintain the viability of the existing infrastructure throughout the Bellingen local government area, and
- (d) to provide the opportunity for closer rural settlement and tourist development in appropriate locations, and
- (e) to maximise housing choice, and
- (f) to encourage a type and intensity of development that does not create unreasonable or uneconomic demands, or both, for the provision or extension of public amenities or services, including road access, and
- (g) to ensure that any development maintains the rural character of the locality, and
- (h) to prevent development of inappropriate traffic-generating uses along main road frontages, and
- (i) to prevent development which is inappropriate having regard to the risks of bushfire hazard, flooding, soil erosion, land instability, quality of access and the provision of utility services and community facilities, and
- (j) to protect the natural and scenic resources of the Bellingen local government area.

### **2 Without development consent**

Agriculture (other than animal establishments or activities involving the clearing of land).

### **3 Only with development consent**

Any purpose other than a purpose included in item 2 or 4.

### **4 Prohibited**

Boarding-houses; bulk stores (other than those associated with agriculture); car repair stations; commercial premises (other than veterinary hospitals or veterinary surgeons establishments); industries (other than rural industries, home industries or extractive industries); institutions; junk yards; liquid fuel depots; motor showrooms; public buildings; residential flat buildings; shops (other than general stores or produce stores); warehouses.

## **Zone No 1 (d) (Investigation Zone)**

### **1 Objectives of zone**

The objectives are:

- (a) to indicate areas suitable for future development subject to further investigation, and
- (b) to ensure that development within this zone is compatible with and does not frustrate future development of the land.

### **2 Without development consent**

Agriculture (other than animal establishments or activities involving the clearing of land).

### **3 Only with development consent**

Clearing of land; dwelling-houses; forestry; home occupations; utility installations.

### **4 Prohibited**

Any purpose other than a purpose included in item 2 or 3.

## **Zone No 1 (f) (Forestry Zone)**

### **1 Objectives of zone**

The objective is to make provision for all State forests within which forestry activities do not require the consent of the council.

## **2 Without development consent**

Any purpose authorised under the *Forestry Act 1916* or any purpose ancillary or incidental to such a purpose.

## **3 Only with development consent**

Drainage; extractive industries; mines; public utility installations; recreation establishments; tourist facilities.

## **4 Prohibited**

Any purpose other than a purpose included in item 2 or 3.

### **Zone No 2 (a) (Residential Zone)**

#### **1 Objectives of zone**

The objectives are:

- (a) to identify suitable lands to be used for the purposes of housing and associated facilities, and
- (b) to encourage a range of housing types in appropriate locations and at densities compatible with surrounding residential uses, and
- (c) to enable development for purposes providing services to surrounding residential areas only if it is compatible with the character of the living area, and
- (d) to control by means of a development control plan the location, form and density of development, and
- (e) to ensure that the height and scale of buildings are compatible with a normal detached dwelling character.

#### **2 Without development consent**

Dwelling-houses of not more than 10 metres in height on a single allotment of land.

#### **3 Only with development consent**

Any purpose other than a purpose included in item 2 or 4.

## **4 Prohibited**

Abattoirs; animal establishments; advertising structures; bulk stores; car repair stations; clubs; commercial premises; drive-in theatres; forestry; generating works; heliports; hotels; industries other than home industries or extractive industries comprising site works associated with development which may be carried out in accordance with this plan; institutions; junk yards; liquid fuel depots; mines; motor showrooms; places of assembly; roadside stalls; sawmills; shops other than general stores; stock and sale yards; transport terminals; warehouses; wholesale markets.

### **Zone No 2 (b) (Village Area Zone)**

#### **1 Objectives of zone**

The objectives are:

- (a) to make provision for certain suitable lands to be used for urban purposes, and
- (b) to encourage a range of housing types in appropriate locations, and
- (c) to enable development for retail, commercial and service purposes for the local and nearby rural community in appropriate locations within the zone where the scale and type of development is compatible with living areas, and
- (d) to control by means of a development control plan the location, form and density of development, and
- (e) to recognise existing villages and to enable future development appropriate to their function.

#### **2 Without development consent**

Dwelling-houses of not more than 10 metres in height on a single allotment of land (other than those having access by way of an unformed or unmade road).

#### **3 Only with development consent**

Any purpose other than a purpose included in item 2 or 4.

## **4 Prohibited**

Abattoirs; animal establishments; extractive industries except where comprising site works undertaken in association with development which may be carried out in accordance with this plan; institutions; junk yards; liquid fuel depots; mines; offensive or hazardous industries; sawmills; stock and sale yards.

## **Zone No 3 (Business Zone)**

### **1 Objectives of zone**

The objectives are:

- (a) to encourage the development and expansion of business activities which will contribute to economic growth and employment opportunities within the Shire of Bellingen, and
- (b) to facilitate the establishment of retail, commercial and professional services to meet the needs of the community and which are compatible with the surrounding environment, and
- (c) to provide for forms of business activities normally located on the fringe of the central business area, and
- (d) to facilitate the establishment of services required by the travelling public and the tourist industry and for the development of facilities for refreshment, accommodation, recreation and amusement, and
- (e) to permit non-commercial development within the zone where such development is compatible with the commercial character of the locality, and
- (f) to encourage development which enhances the historic character of the Bellingen business centre, and
- (g) to allow detailed provision to be made, by means of a development control plan, to set aside specific areas within the zone for particular intensities of commercial, retail and other uses.

### **2 Without development consent**

Nil.

### **3 Only with development consent**

Any purpose other than a purpose included in Item 4.

### **4 Prohibited**

Abattoirs; animal establishments; caravan parks; extractive industries; generating works; heliports; hospitals; industries (other than light industries); institutions; junk yards; mines; recreation establishments; residential flat buildings (other than those containing commercial premises or shops); roadside stalls; sawmills; stock and sale yards; transport terminals (other than bus stations and bus depots).

## **Zone No 4 (Industrial Zone)**

### **1 Objectives of zone**

The objectives are:

- (a) to encourage development of land for the purpose of industry within convenient distances of the urban centres of the Shire of Bellingen and with good access to major arterial roads, and
- (b) to enable certain other forms of development compatible with or ancillary to the industrial use of the land, and
- (c) to provide opportunities for non-industrial commercial activities that may reasonably be located in an industrial zone, and
- (d) to allow detailed provision to be made, by means of a development control plan, to set aside specific areas within the zone for different types of industry.

### **2 Without development consent**

Nil.

### **3 Only with development consent**

Any purpose which, by virtue of its nature, the services provided or the products produced, distributed or sold, is in the opinion of the council, appropriately located in an industrial zone; industry; purposes associated with, ancillary to, dependent on or which provide services to industrial or other development permitted in this zone or the employees thereof; utility installations.

#### **4 Prohibited**

Any purpose other than a purpose included in Item 3.

### **Zone No 5 (Special Uses Zone)**

#### **1 Objectives of zone**

The objective is to identify land used for key public purposes, community purposes and purposes incidental thereto.

#### **2 Without development consent**

Development by a public authority for the particular purpose indicated on the map.

#### **3 Only with development consent**

Advertisements; advertising structures; any public purpose; any purpose ordinarily incidental or subsidiary to the purpose indicated on the map; bulk stores; development for the particular purpose indicated on the map other than by a public authority; drainage; roads; utility installations (other than gas holders or generating works); warehouses.

#### **4 Prohibited**

Any purpose other than a purpose included in Item 2 or 3.

### **Zone No 6 (a) (Public Recreation Zone)**

#### **1 Objectives of zone**

The objective is to ensure that there is adequate provision of open space to meet the needs of the community for public recreation.

#### **2 Without development consent**

Works (other than buildings) for the purpose of landscaping, gardening or bushfire hazard reduction.

#### **3 Only with development consent**

Agriculture; amenity buildings; buildings for the purpose of landscaping, gardening or bushfire hazard reduction; child care centres; community centres; forestry; parking areas; racecourses; recreation areas; showgrounds; tourist facilities; utility installations (other than gasholders or

generating works).

#### **4 Prohibited**

Any purpose other than a purpose included in Item 2 or 3.

### **Zone No 6 (b) (Private Recreation Zone)**

#### **1 Objectives of zone**

The zone is intended to identify and preserve private land used for recreational purposes.

#### **2 Without development consent**

Works (other than buildings) for the purposes of landscaping, gardening or bushfire hazard reduction.

#### **3 Only with development consent**

Buildings for the purpose of landscaping, gardening or bushfire hazard reduction; clubs; commercial premises and industries required in connection with a purpose referred to in this item; community centres; dwelling-houses and residential buildings required for use or occupation by persons employed in connection with a purpose referred to in this item; parking areas; racecourses; recreation areas; recreation facilities; showgrounds; sportsgrounds; training tracks; tourist facilities; utility installations (other than gas holders or generating works).

#### **4 Prohibited**

Any purpose other than a purpose included in Item 2 or 3.

### **Zone No 7 (a) (Environmental Protection (Wetlands) Zone)**

#### **1 Objectives of zone**

The objectives are:

- (a) to identify and protect the wetland environment and the natural habitats it supports for conservation purposes with particular attention being given to the protection of mangroves, and
- (b) to prohibit development within the zone that is likely to have a detrimental effect on the habitat or landscape, and

- (c) to enable development for purposes which would not have a significant detrimental effect on the habitat.

## **2 Without development consent**

Nil.

## **3 Only with development consent**

Agriculture (other than animal establishments); bushfire hazard reduction; camping grounds; commercial fishing; dwelling-houses; home industries; home occupations; oyster farming; parking areas; utility installations (other than gas holders or generating works).

## **4 Prohibited**

Any purpose other than a purpose included in item 3.

### **Zone No 7 (f) (Environmental Protection (Coastal Land) Zone)**

#### **1 Objectives of zone**

The objectives are:

- (a) to identify and protect environmentally sensitive and scenic coastal land and ensure that dune systems are not permanently altered, and
- (b) to enable development for some purposes where such development does not have a significant detrimental effect on the habitat, landscape or scenic quality of the locality, and
- (c) to preserve flora and fauna habitats, and
- (d) to ensure that development is adequately protected from flooding and coastal erosion hazards.

#### **2 Without development consent**

Nil.

#### **3 Only with development consent**

Agriculture (other than animal establishments); amateur fishing facilities; beach amenities; boat landing facilities; camping grounds; dwelling-houses; forestry; golf courses; holiday cabins; home industries; home occupations; parking areas; picnic areas and lookouts; surf clubhouses; utility

installations.

#### **4 Prohibited**

Any purpose other than a purpose included in item 3.

### **Zone No 8 (National Parks and Nature Reserves Zone)**

#### **1 Objectives of zone**

The objective is to identify those lands included in national parks, nature reserves, aboriginal areas and state recreation areas as advised by the Director of National Parks and Wildlife.

#### **2 Without development consent**

Any purpose authorised by or under the [National Parks and Wildlife Act 1974](#) or any purpose ancillary or incidental to such purpose.

#### **3 Only with development consent**

Nil.

#### **4 Prohibited**

Any purpose other than a purpose included in item 2.

### **Zone No 9 (a) (Proposed Arterial Road Zone)**

#### **1 Objectives of zone**

The objective of this zone is to identify and preserve land intended to be acquired for new arterial roads or the widening of existing arterial roads.

#### **2 Without development consent**

Arterial roads; arterial road widening.

#### **3 Only with development consent**

Utility installations.

#### **4 Prohibited**

Any purpose other than a purpose included in item 2 or 3.

## Part 3 Special provisions

### 10 General principles for rural development

- (1) This clause applies to land within Zone No 1 (a1), 1 (a2), 1 (c1), 1 (c2), 1 (c3), 1 (d), 7 (a) or 7 (f).
- (2) Except as provided by subclause (3), the council shall not grant consent to any development on land to which this clause applies unless it is satisfied that the general principles set out in Schedule 3 have been met.
- (3) The council may grant consent to development which does not satisfy one or more of the principles set out in Schedule 3 where the council is satisfied that:
  - (a) in the circumstances of the case there is a contradiction between one or more principles, or
  - (b) the particular circumstances of the site make it impractical to comply with one or more of the principles.
- (4) Without affecting the generality of clause 32 of the *Environmental Planning and Assessment Regulation 1980*, applications for development consent on land to which this clause applies must be accompanied by supporting information outlining the nature of development and the extent to which consideration has been given to the principles set out in Schedule 3.

### 11 Advertisement of certain applications

- (1) Pursuant to section 30 (4) of the Act, the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of:
  - (a) development for the purposes of rural small holdings referred to in clause 15, and
  - (b) development for the purposes of an industry referred to in clause 27, and
  - (c) applications to demolish a building or work that is a heritage item or is within a conservation area as provided for in clause 25, and
  - (d) development for the purposes of a residential flat building or tourist facility, and
  - (e) development for the purposes of a dual occupancy building referred to in clause 21 where the 2 proposed dwellings are not contained within the same building, and
  - (f) development for any purpose (other than designated development) that the council determines should require advertisement, and
  - (g) development referred to in clause 14, and

(h) a subdivision of residential land which creates an additional lot,  
in the same way as those provisions apply to and in respect of designated  
development.

- (2) Nothing in subclause (1) requires the documents accompanying a development application to be made available for inspection at any office other than the office of the council.
- (3) This clause does not apply to the partial demolition of a building or work that is a heritage item or is within a conservation area where the partial demolition is of a minor nature and does not adversely affect the significance of the building or work as part of the environmental heritage of the land to which this plan applies.

## **12 Subdivision generally**

A person shall not subdivide land to which this plan applies without the consent of council.

## **13 Subdivision in rural and environmental protection zones**

- (1) This clause applies to land within Zone No 1 (a1), 1 (a2), 1 (d), 7 (a) and 7 (f). The council must not grant consent to the subdivision of land to which this clause applies except in accordance with this clause.
- (2) Notwithstanding any other provision of this clause, the council may grant consent to the subdivision of land located on the Dorrigo plateau where each separate allotment of land to be created by the subdivision has an area of not less than 70 hectares.
- (3) The council may grant consent to the subdivision of land involving the creation of a special purpose allotment, being an allotment to be lawfully used, or which may be so used because of an existing development consent or existing use provisions of the Act, otherwise than for the purpose of agriculture, forestry, a dwelling-house or a rural worker's dwelling, but only if the council is satisfied that:
  - (a) the special purpose allotment will be of sufficient size for its intended use, and
  - (b) the agricultural potential of the other allotment or allotments resulting from the subdivision and surrounding land will not be unnecessarily reduced.
- (4) The council may grant consent to the subdivision of land, involving the creation of an allotment for:
  - (a) an essential public purpose, such as drainage, bushfire or reserve services, or
  - (b) the creation of a public reserve.
- (5) In relation to subclauses (3) and (4):
  - (a) no allotment, other than a special purpose allotment or an allotment for an

essential public purpose or public reserve, is to be created unless it consists of land on which a dwelling-house could have been erected pursuant to clause 17 (3) immediately before the subdivision creating the special purpose allotment, and

- (b) the total number of dwelling-houses permissible on the land pursuant to clause 17 (3) following the subdivision must not be greater than the number permissible under that clause immediately prior to the subdivision.
- (6) The council may grant consent to a subdivision for the purposes of a boundary adjustment, being a subdivision which is to adjust the boundary between allotments and which does not involve the creation of a greater number of allotments than existed before the subdivision, provided that the total number of dwelling-houses permissible on the land involved in the boundary adjustment following that adjustment is not greater than the number permissible immediately prior to the adjustment of the boundaries.
- (7) The council must not grant consent to a boundary adjustment pursuant to subclause (6) if it is of the opinion that:
- (a) the agricultural potential of the land will be unreasonably reduced because of the adjustment, or
  - (b) the result of the adjustment will be to create unreasonable conflict between existing and likely future agricultural activities carried out on surrounding land and the activities to be carried out on the allotments following adjustment of the boundaries, or
  - (c) the size of the resulting allotments will be inconsistent with the subdivision pattern within the locality and such inconsistency is undesirable, or
  - (d) the resulting allotments will, by their shape, size and location, create unreasonable additional demand for services within the locality.

#### **14 Development in Zone No 1 (c1)**

- (1) The council shall not grant consent to the subdivision of land within Zone No 1 (c1) to create allotments of land intended to be used for dwelling-houses unless:
- (a) no allotment in the subdivision will have an area of less than 4 000 square metres, and
  - (b) the average size of all allotments created by the subdivision will be not less than 8 000 square metres, and
  - (c) if allotments smaller than 8 000 square metres are proposed, results of a soil test demonstrating that the land is capable of septic disposal of domestic waste are provided to the council or the council is otherwise satisfied that other acceptable means of disposal of domestic waste from any such allotment will be provided,

and

- (d) an adequate water supply is available to the land, and
- (e) the land to be subdivided is linked by a bitumen sealed road to the nearest urban service centre, and
- (f) the council is satisfied that the development complies with the general principles set out in Schedule 3.

- (2) For the purposes of subclause (1) (b), the average size of allotments is to be determined in relation to the total area of the land of which the land being subdivided is the whole or part and which was held in one ownership at the appointed day.

### **15 Development in Zone No 1 (c2)**

- (1) The council shall not grant consent to the subdivision of land within Zone No 1 (c2) to create allotments of land intended to be used for dwelling-houses unless:
  - (a) the area of each allotment created by the subdivision will be not less than 2 hectares or such greater area as may be specified in a development control plan, and
  - (b) the average size of all allotments created by the subdivision and any previous subdivision under this clause (excluding allotments of more than 20 hectares) will be not less than 5 hectares or such greater area as may be specified in a development control plan, and
  - (c) the land to be subdivided is linked by a bitumen sealed road to the nearest urban service centre, and
  - (d) the council is satisfied that the development complies with the principles set out in Schedule 3.
- (2) For the purposes of subclause 1 (b), the average size of allotments is to be determined in relation to the total area of the land of which the land being subdivided is the whole or part and which was held in one ownership at the appointed day.

### **15A Development in Zone No 1 (c3)**

- (1) The council must not grant consent to the subdivision of land within Zone No 1 (c3) to create allotments of land intended to be used for dwelling-houses unless:
  - (a) the area of each allotment created by the subdivision will not be less than 2 hectares, and
  - (b) the average size of all allotments created by the subdivision and any previous subdivision under this clause (excluding allotments of more than 20 hectares) will not be less than 3 hectares, and

- (c) if allotments smaller than 3 hectares are proposed, results of a soil test demonstrating that the land is capable of septic disposal of domestic waste are provided to the council or the council is otherwise satisfied that other acceptable means of disposal of domestic waste from any such allotment will be provided, and
  - (d) the land to be subdivided is linked by a bitumen sealed road to the nearest urban service centre, and
  - (e) the council is satisfied that the development complies with the principles set out in Schedule 3.
- (2) For the purposes of subclause (1) (b), the average size of allotments is to be determined in relation to the total area of the land of which the land being subdivided is the whole or part and which was held in one ownership at the appointed day.

**16 Subdivision of certain land within Zones Nos 1 (c1) and 1 (c2)**

- (1) This clause applies to land within Zone No 1 (c1) or 1 (c2) shown edged heavy black and marked "excluded" on the map marked "*Bellingen Local Environmental Plan 1990 (Amendment No 6)*".
- (2) Each parcel of land to which this clause applies is referred to in this clause as an "excluded area".
- (3) The Council must not, before 9 February 1995, grant consent to a subdivision that will create an allotment within an excluded area which, in the opinion of the Council, will be used for the purpose of a dwelling-house. This subclause does not apply to a subdivision which will create an allotment for a public purpose or for the purposes of a boundary adjustment.
- (4) On or after that date, the Council may grant consent to such a subdivision, but only if:
  - (a) it has obtained the agreement in writing of the Director to a revised Bellingen Shire Rural Residential/Small Holding Release Strategy, and
  - (b) the subdivision is in accordance with that Strategy.
- (5) The Strategy must meet the requirements set out in clause 20 (3) of the *North Coast Regional Environmental Plan 1988*.

**16A Subdivision of land within Zone No 1 (c1) on Newry Island**

- (1) This clause applies to land within Zone No 1 (c1) on Newry Island, Parish of Newry at Urunga, as shown edged heavy black on Sheet 2 of the map marked "*Bellingen Local Environmental Plan 1990 (Amendment No 14)*".
- (2) Despite any other provision of this plan, the council must not grant consent to this

subdivision of land to which this clause applies.

### **17 Rural dwelling-houses**

- (1) This clause applies to land within Zone No 1 (a1), 1 (a2), 1 (c1), 1 (c2), 1 (c3), 1 (d), 7 (a) or 7 (f).
- (2) A dwelling-house may not be erected on land to which this clause applies except in accordance with this clause.
- (3) A dwelling-house may be erected on land to which this clause applies only with the consent of the council and only if there is no other dwelling-house erected on the land and the land:
  - (a) is located on the Dorrigo plateau and has an area of not less than 70 hectares, or
  - (b) is a 1969 existing holding, or
  - (c) is a 1996 existing holding, or
  - (d) is a 1990 existing holding, or
  - (e) is residue land, or
  - (f) is an allotment created in accordance with the provisions of clause 13 (2) or a consent granted pursuant to *State Environmental Planning Policy No 1—Development Standards* because any of those provisions were unreasonable or unnecessary, or
  - (g) is an allotment created in accordance with the provisions of clause 13 (3) or 13 (4), not being a special purpose allotment or an allotment for an essential public purpose or public reserve, or
  - (h) is an allotment created in accordance with the provisions of clause 13 (6), or
  - (i) is an allotment created in accordance with the provisions of clause 14, 15 or 15A or a consent granted pursuant to *State Environmental Planning Policy No 1—Development Standards* because any of those provisions were unreasonable or unnecessary, or
  - (j) is an allotment created by a subdivision to which development consent was granted before this plan came into force and on which a dwelling-house could have been erected with or without the consent of the council but for this plan, or
  - (k) is an allotment on which a dwelling-house was erected to which council granted development consent under the provisions of clause 12 (3) (e) of *Interim Development Order No 1—Shire of Bellingen*, or
  - (l) is land on which a dwelling-house could have been erected under the provisions of

this clause, but for the excision of land for a public purpose that was undertaken without the need for development consent.

- (4) The council shall not grant consent to the erection of a dwelling-house ancillary to another purpose on land pursuant to subclause (3) (c) or (d) unless that purpose is established on that land.
- (5) The Council shall not grant consent to the erection of a dwelling-house on a special purpose allotment created in accordance with a consent granted under clause 13 (3) or in accordance with a consent granted under clause 11 (6) of *Interim Development Order No 1—Shire of Bellingen* (as in force immediately before the appointed day) the dwelling-house is to be used in conjunction with the purpose for which subdivision consent was granted and the purpose has been established on that land.
- (6) A rural worker's dwelling may, with the consent of the council, be erected on an allotment of land to which this plan applies having an area:
  - (a) in the case of land on the Dorrigo Plateau—of not less than 70 hectares, or
  - (b) in the case of any other land—of not less than 40 hectares,at the rate of one such dwelling for each 70 hectares of an allotment on the Dorrigo Plateau or one such dwelling for each 40 hectares of any other allotment.
- (7) The council shall not grant consent under subclause (6) unless it is satisfied:
  - (a) that each rural worker's dwelling will be occupied by a person employed or engaged by the owner of the land in the use, for the purpose of agriculture, of that land or adjoining or adjacent land, and
  - (b) that the erection of each dwelling will not impair the suitability of the land for agriculture.
- (8) A rural worker's dwelling may, with the consent of the council, be erected on an allotment of land within Zone No 1 (a1) or 1 (a2) that has an area less than that required by subclause (6).
- (9) The council shall not grant a consent referred to in subclause (8) unless it is satisfied that the agricultural pursuits to be carried out on that land warrant the employment of a full-time worker and that the worker is required to reside on the property permanently.
- (10) Nothing in this clause shall prevent the erection of a dwelling-house on land on which another dwelling-house is erected where the dwelling-house is intended to replace the original dwelling and is not occupied until the original dwelling-house is demolished or its occupation has permanently ceased.

### **18 Development in Zone No 7 (f)**

- (1) The council shall not grant consent to development within Zone No 7 (f) except with the concurrence of the Director.
- (2) In considering whether to grant concurrence under subclause (1), the Director shall take into consideration:
  - (a) the extent to which the development would result in the degradation of, or restriction of access to, coastal recreation areas, and
  - (b) the extent to which the development would adversely affect the scenic qualities of the coastal landscape, and
  - (c) the likelihood of the proposed development adversely affecting or being adversely affected by coastal processes.

### **19 Special emphasis areas**

- (1) This clause applies to land shown hatched on the map.
- (2) Notwithstanding any other provision of this plan, development shall not be carried out on land to which this clause applies:
  - (a) for a purpose specified in Schedule 4, or
  - (b) for any other purpose except with the consent of the council.
- (3) Subject to subclause (4) where land the subject of a development application includes land to which this clause applies:
  - (a) the development shall be carried out on that part of the land which is not referred to in subclause (1), and
  - (b) the council shall not grant consent to the application unless each allotment to be created by any proposed subdivision and intended to be used for the purpose of the erection of buildings, includes land on which the buildings are intended to be erected which is not land referred to in subclause (1).
- (4) The council may grant consent to development on land to which this clause applies where it is satisfied that:
  - (a) the characteristics of the land are different to the general characteristics on which the delineation of the land was based, and
  - (b) there are no other reasonable or practical alternatives in the circumstances.
- (5) The council shall not grant consent to development on land to which this clause applies unless it is satisfied that:

- (a) the development is essential for the reasonable economic use of the land or the provision of utility services, and
- (b) the development is proposed to be carried out in a manner which minimises:
  - (i) visual and scenic impact, and
  - (ii) the risk of soil erosion (including erosion by wind), and
  - (iii) the risk of water pollution, through increased siltation or otherwise, and
  - (iv) the destruction of rare or important vegetation systems, and
- (c) the development is essential to reduce the risk of bushfires, and
- (d) appropriate measures are proposed to retain parts of existing vegetation or to landscape the site, and
- (e) the development will not adversely affect wildlife and wildlife movement patterns.

#### **19A Exhibition homes in residential zones**

- (1) Development for the purpose of exhibition homes may be carried out on land within Zone No 2 (a) or 2 (b), but only with the consent of the council.
- (2) In this clause, **exhibition home** means a dwelling constructed for display purposes to demonstrate aspects of housing form, design, construction, materials and the like, and which may or may not be used for ancillary purposes such as a site office for a house sales purposes.

#### **20 Height of buildings**

The council shall not grant consent to the carrying out of development on any land to which this plan applies for the purpose of any building if the proposed building has a height of more than 10 metres above natural ground level.

#### **21 Dual occupancy**

- (1) This clause applies to land on which a dwelling-house may be erected.
- (2) In this clause, **dual occupancy building** means a building containing 2 dwellings only.
- (3) Where development for the purpose of a dwelling-house may be carried out on an allotment of land within Zone No 1 (a1), 1 (a2), 1 (c1), 1 (c2), 1 (c3) or 1 (d), a person may, with the consent of the council:
  - (a) where there is no existing dwelling on the land, erect a dual occupancy building on the allotment of land, or

(b) alter or add to a dwelling-house erected on the allotment so as to create a dual occupancy building.

(4) The separate occupation of the proposed lots illustrated by a proposed strata plan which relates to a dual occupancy building on land within Zone No 1 (a1), 1 (a2), 1 (c1), 1 (c2), 1 (c3) or 1 (d) is prohibited.

## **22 Heritage items**

(1) A person shall not, in respect of a building, work, relic, tree or place that is a heritage item:

(a) demolish or alter the building or work, or

(b) damage or move the relic, including excavation for the purpose of exposing the relic, or

(c) damage or despoil the place or tree, or

(d) erect a building on or subdivide land on which the building, work or relic is situated or that comprises the place, or

(e) damage any tree on land on which the building, work or relic is situated or on the land which comprises the place,

except with the consent of the council.

(2) The council shall not grant consent to a development application under subclause (1) unless it has taken into consideration 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.

## **23 Development in the vicinity of heritage items**

The council shall not grant consent to an application to carry out development on land in the vicinity of 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.

## **24 Conservation areas**

(1) A person shall not, in respect of a conservation area:

(a) demolish or alter a building or work within the area, or

(b) damage or move a relic, including excavation for the purpose of exposing or removing a relic, within the area, or

(c) damage or despoil a place within the area, or

(d) erect a building on or subdivide land within the area,

except with the consent of the council.

- (2) The council shall not grant consent to an application under subclause (1) unless it has taken into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the conservation area.
- (3) The council shall not grant consent to an application made in pursuance of subclause (1), being an application to erect a new building or to alter an existing building, unless the council 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 buildings in the conservation area.
- (4) Nothing in clauses 6, 9 or 10 or *State Environment Policy No 4—Development Without Consent* authorises the carrying out of development referred to in subclause (1) without the need to obtain development consent.

## **25 Heritage advertisements and notifications**

- (1) Except as provided by subclause (2):
  - (a) the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of:
    - (i) the demolition of a building or work that is a heritage item, and
    - (ii) the demolition of a building or work within a conservation area,
    - (iii) the use of a building or land referred to in clause 26 for the purpose which, but for that clause, would be prohibited under this plan,in the same way as those provisions apply to and in respect of designated development, and
  - (b) where a person makes a development application to demolish a building or work that is a heritage item, the council shall not grant consent to that application until 28 days after the council has notified the Secretary of the Heritage Council of its intention to do so.
- (2) Subclause (1) does not apply to the partial demolition of a heritage item or a building or work within a conservation area if, in the opinion of the council, the partial demolition will be of a minor nature and will not adversely affect the heritage significance of the heritage item, building or work in relation to the environmental heritage of the Shire of Bellingen.

## **26 Conservation incentives**

- (1) Nothing in this plan prevents the council from granting consent to an application for consent to:
  - (a) the use, for any purpose, of a building that is a heritage item or the land on which the building is erected, or
  - (b) the use, for any purpose, of a building within a conservation area or of the land on which the building is erected,if it 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 council granting consent under this clause.
- (2) When considering an application to erect a building on land on which there is situated a building which is a heritage item, the council may:
  - (a) for purposes of determining the floor space ratio, and
  - (b) for the purposes of determining the number of parking spaces to be provided on the site,

exclude from its calculation of the floor space of the buildings erected on the land the floor space of the item, but only if the council is satisfied that the conservation of the building depends on the council granting consent under this clause.

## **27 Industries in rural areas**

- (1) The council may grant consent to the carrying out of development for the purposes of an industry or rural enterprise (other than a home industry or rural industry) on land within Zone No 1 (a2), 1 (c2), 1 (c3) or 1 (f), or within Zone No 1 (a1) within one kilometre of Zone No 2 (b) at Dorrigo, where, in the opinion of the council:
  - (a) the land is appropriately located in relation to urban areas, and
  - (b) the land is the most suitable and practical available for that industry or enterprise, and
  - (c) the industry or enterprise could not otherwise be accommodated on land within Zone No 4, and
  - (d) the development will not adversely affect the use and enjoyment of any adjoining land, and
  - (e) the development is located and designed to minimise any adverse environmental

impact.

- (2) In the case of land within Zone No 1 (a1) in the vicinity of Dorrigo, the council may grant consent to development for purposes other than those referred to in subclause (1) where those purposes are primarily intended to provide services to the residents of Dorrigo and district and the council is satisfied that no other suitable land is available within Zone No 2 (b) at Dorrigo.
- (3) In determining any development application in relation to land referred to in subclause (1), the council may impose such conditions as it considers appropriate or necessary to ensure that:
  - (a) satisfactory arrangements have been made for the provision of a water supply and waste disposal and the construction of drainage works necessary for that development, and
  - (b) where the development is likely to cause noise, visual or water pollution, all means available to minimise the effects of such pollution have been employed.

## **28 Roads, drainage, recreation areas, parking etc**

Development may be carried out on land within any zone for the purposes of roads, stormwater drainage, recreation areas, bushfire hazard reduction, parking, amenity buildings, wetland protection or beach and dune rehabilitation:

- (a) where the development is to be carried out by the council or a public authority and is not on land within Zone No 7 (a) or 7 (f), without the consent of the council, or
- (b) in any other case, with the consent of the council.

## **29 Development on main and arterial road frontages**

- (1) This clause applies to land:
  - (a) having frontage to a main or arterial road, or
  - (b) which otherwise relies on a main or arterial road for its sole means of access, or
  - (c) which has access to a road which intersects with a main or arterial road and the point of access is within 90 metres of the intersection of the road and the main or arterial road.
- (2) The council shall not grant consent to development on land to which this clause applies, unless it is satisfied that:
  - (a) the development by its nature, intensity or the volume and type of traffic likely to be generated is unlikely to constitute a traffic hazard or to materially reduce the capacity and efficiency of the main or arterial road, and

- (b) the development is of a type, whether or not related to the characteristics of the land on which it is proposed to be carried out, that justifies a location in proximity to a main or arterial road, and
  - (c) the location, standard and design of access points, and on site arrangements for vehicle movement and parking, ensure that through traffic movements on the main or arterial road are not impeded, and
  - (d) the development will not prejudice future improvements or realignment to a main or arterial road, as may be indicated to the council from time to time by the Roads and Traffic Authority, or any associated intention of that Authority to proclaim part of the road as a controlled access road within the meaning of the *State Roads Act 1986*.
- (3) The council may grant consent to the carrying out of development on land to which this clause applies (other than land adjoining a controlled access road within the meaning of the *State Roads Act 1986*) for the purposes of providing services to motorists, tourists and the travelling public, including development for the purposes of a motel, general store, tourist facility or a service station, where:
- (a) the council is satisfied that demand for such development exists, having regard to the nature and volume of traffic using the road, the location and distance of existing development of a similar type and the location of and distance from other land on which development of a similar type may be carried out, and
  - (b) the development comprises or is part of a planned roadside service area that has been located and designed so as to minimise traffic hazards and interference with the free flow of traffic on the road.

### **30 Development of flood liable land**

- (1) This clause applies to flood liable land.
- (2) A person shall not erect a building or carry out a work on flood liable land except with the consent of council.
- (3) Subclause (2) does not apply to development for the purposes of agriculture which may otherwise be carried out on the land without development consent.
- (4) The council shall not grant consent to the erection of a building or the carrying out of a work on flood liable land unless:
  - (a) the council is satisfied that:
    - (i) the development will not unduly restrict the flow characteristics of flood waters, and
    - (ii) the development will not unduly increase the level of flooding on other land in

- the vicinity, and
- (iii) the structural characteristics of any building or works the subject of the application are capable of withstanding flooding, and
  - (iv) the development does not involve any risk to life, human safety or private property in time of flood, and
- (b) satisfactory arrangements are to be made for access to the building or work during a flood.
- (5) The council may refuse consent to the carrying out of any development on land to which this plan applies which, in its opinion, will:
- (a) affect the flood level at any point above or below the development, or
  - (b) increase, to a substantial degree, the flow of water on any adjoining flood liable lands, or
  - (c) cause soil erosion, siltation or destruction of river bank vegetation, or
  - (d) affect the water table of any adjoining land, or
  - (e) adversely affect river bank stability, or
  - (f) involve a risk to life, human safety, or private property at time of flood.
- (6) In considering an application for development on land to which this plan applies, the council shall have regard to information provided by the Director-General of the Department of Public Works and Services or the Director-General of the Department of Land and Water Conservation as to the flooding characteristics of the land.
- (7) The aim of subclauses (8)–(10) is to provide for consideration to be given to the risks of causing the oxidation of potentially acid sulphate soils (through the removal of soil from below the surface of the ground water table or through artificially lowering the level of the water table), with the possible subsequent contamination or degradation of land areas and water bodies.
- (8) Except as provided by subclause (9), a person shall not, without the consent of the council, carry out any development on flood liable land:
- (a) for drainage purposes, or
  - (b) for the purpose of excavating the land or otherwise altering the ground levels of the land, or
  - (c) for the purpose of constructing a dam.
- (9) The consent of the council is not required in relation temporary trenching, such as for

the purpose of laying pipelines or other services (excluding drainage works), where the soil is replaced to the same relative position within 1 week of initial exposure.

- (10) In deciding whether to grant consent as required by this clause, the council shall take into consideration:
- (a) the risks of exposing potentially acid sulphate soils to oxidation, and
  - (b) the means to be used to minimise or mitigate any oxidation of potentially acid sulphate soils, and
  - (c) the “Guidelines for Acid Sulphate Soils” published by the Environment Protection Authority.

### **31 Development affected by coastal processes**

- (1) This clause applies to coastal land situated 200 metres from the back beach erosion escarpment within a beach system.
- (2) For the purposes of subclause (1), the council may require a line to be fixed by survey as part of a development application to which this order applies.
- (3) A person shall not carry out development on land to which this clause applies except with the consent of the council.
- (4) The council shall not grant consent to the carrying out of development on land to which this clause applies unless it has:
  - (a) made an assessment of the stability of that land and the likely influence of coastal processes, and
  - (b) consulted the Director of Public Works and had regard to the advice of the Director in relation to coastal erosion hazards.
- (5) This clause does not apply to land within the vicinity of Mylestom as shown on the map, being the land shown to the east of the broken black line.

### **32 Development in open space zones**

The council shall not grant consent to the carrying out of development on land within Zone No 6 (a), being land owned and controlled by the council, unless consideration has been given to:

- (a) the need for the proposed development on that land, and
- (b) the impact of the proposed development on the existing and likely future use of the land, and
- (c) the need to retain the land for its existing and likely future use.

### **33 Development in the vicinity of national parks etc**

The council shall not grant consent to the carrying out of development on land in the vicinity of land within Zone No 8 unless it has made an assessment of the effect which the carrying out of that development will have on the environmental significance of the national park or nature reserve concerned.

### **34 Development in the vicinity of creeks and streams**

- (1) A person shall not carry out development on land within 50 metres of the banks of a permanent stream except with the consent of council.
- (2) The council shall not grant consent to the carrying out of development on land referred to in subclause (1) unless it has made an assessment of the effect which the carrying out of that development will have on the stability of banks, water quality and the needs of existing and potential users of water from those rivers and streams downstream from the proposed development.

### **35 Clearing of land**

Nothing in this plan shall require the consent of the council to be obtained for the clearing of land:

- (a) involving the destruction or removal of any plant declared to be a noxious weed under the [Noxious Weeds Act 1993](#) by means not likely to be detrimental to the native ecosystem, or
- (b) involving the destruction or removal of native plants within 3 metres of the boundary between land owned or occupied by different persons for the purpose of erecting or maintaining a dividing fence between that land, or
- (c) involving the destruction or removal of native plants within 0.5 metre of the boundary between the land owned or occupied by different persons, for the purpose of enabling a survey to be carried out along that boundary by a surveyor registered under the [Surveyors Act 1929](#), or
- (d) where directed by a public authority for air navigation or safety, erosion control, flood mitigation or bushfire hazard reduction, or
- (e) involving the selective cutting of individual trees:
  - (i) where such trees are obtained from land that is generally forested, and
  - (ii) where such trees are to be used for the purpose of obtaining wood for fence posts, stockyards, farm buildings, firewood, bridges and the like on the same holding, and
  - (iii) where the cutting is to be carried out on a sustainable yield basis whereby no

more than 5% of the trees on the holding are removed in any year, or

- (f) on land within Zone No 1 (a1) where it involves clearing of regrowth which is:
  - (i) less than 6 metres in height, and
  - (ii) not within 40 metres of a waterway, and
  - (iii) on land that is classified as Class 1, 2 or 3 agricultural land by the Director-General of the Department of Agriculture, or
- (g) where approval for removing trees has been granted under a Tree Preservation Order, or for building works approved under the *Local Government Act 1993*.

### **36 Development on ridgetops**

- (1) This clause applies to land within Zone No 1 (a1), 1 (a2), 1 (c1), 1 (c2), 1 (c3), 1 (d), 7 (a) or 7 (f).
- (2) The council shall not grant consent to the carrying out of development on or near any ridgetop on land to which this clause applies where in its opinion that development is likely to substantially detract from the visual amenity of the area.
- (3) For the purposes of this clause, **land** means any area of adjoining or adjacent land held in the same ownership at the date on which the application referred to in subclause (2) is lodged.

### **37 Bushfire hazard areas**

In considering any development applications, the council shall take into consideration the likelihood of the development being affected by bushfire or affecting adjoining lands in case of bushfire and may attach conditions to a development consent which, in the opinion of council, will reduce the effect and spread of bushfire.

### **38 Restriction on access**

A point of access to any main or arterial road shall not be formed except with the consent of the council.

### **39 Community use of school facilities or sites**

- (1) Where land to which this plan applies is used for the purposes of an educational establishment, the site and facilities of the establishment may, with the consent of the council, be used for the purposes of meeting rooms, public halls, public libraries, entertainment, sport or recreation or for any other community purpose, whether or not the use is a commercial use of the land.
- (2) Nothing in this clause requires development consent to be granted for the carrying out of development on any land if that development could, but for this clause, be

carried out on that land without development consent.

#### **40 Variation of zone boundaries**

- (1) This clause applies to land which is:
  - (a) within 20 metres of the boundary between land within Zone No 2 (a), 2 (b), 3, 4, 5, 6 (a) or 6 (b) and any other zone (except Zone No 7 (a) or 7 (f)), or
  - (b) within 100 metres of a boundary between land within Zone No 1 (a1), 1 (a2), 1 (c1), 1 (c2), 1 (c3) or 1 (d).
- (2) Subject to subclause (3), development may be carried out with the consent of the council on land to which this clause applies for any purpose for which development may be carried out in the adjoining zone on the other side of the boundary.
- (3) The council shall not grant consent to the carrying out of development referred to in subclause (2) unless, in the opinion of the council, the carrying out of the development is desirable due to planning, design, ownership, servicing or similar requirements relating to the optimum development of land to which this plan applies.

#### **41**

- (1) The owner of any land within Zone 9 (a) may, by notice in writing, require the RTA to acquire the land.
- (2) On receipt of such a notice, 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 a 5 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 (3) 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 for public road purposes.
- (3) A person may, with the consent of the council and the concurrence of the RTA carry out development on land within Zone No 9 (a):
  - (a) for a purpose for which development may be carried out on land in an adjoining zone, or

- (b) for any other purpose which is compatible with development which may be carried out on land in an adjoining zone.
- (4) In deciding whether to grant concurrence to proposed development under this clause, the RTA must take the following matters into consideration:
  - (a) the need to carry out development on the land for the purpose for which the land is reserved, and
  - (b) the imminence of acquisition, and
  - (c) the likely additional cost to the RTA resulting from the carrying out of the proposed development.
- (5) Land acquired under this clause may be developed, with the consent of the council, for any purpose, until such time as it is required for the purpose for which it was acquired.
- (6) In this clause:

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

**vacant land** means land on which, immediately before the day on which a notice under subclause (i) is given there were no buildings other than fences.

#### **42 Development for certain additional purposes**

Nothing in this plan prevents a person, with the consent of the council, from carrying out development on land referred to in Schedule 5 for a purpose specified in relation to that land in that Schedule, subject to such conditions, if any, as are so specified.

#### **43 Advertising structures**

- (1) An advertising structure may be erected, with the consent of the council, in Zone No 1 (a1), 1 (a2), 1 (c1), 1 (c2), 1 (c3), 1 (d), 1 (f), 2 (a), 6 (a) and 6 (b), but only where:
  - (a) the advertising structure is to be used to display advertisements specific to the lawfully created use of the site on which the advertising structure is erected, and
  - (b) the council is satisfied that the advertising structure will not interfere with the character or amenity of the area, and
  - (c) where the structure will be adjacent to or adjoining the Pacific Highway, the council, in consultation with the Road and Traffic Authority, is satisfied that the erection of the advertising structure will not jeopardise or impair traffic safety, and
  - (d) where the structure will be adjacent to or adjoining any road other than the Pacific Highway, the council is satisfied that the erection of the advertising structure, will

not jeopardise or impair traffic safety.

- (2) The council may erect group advertising signs for the purpose of providing space for general advertisements.

#### **44 Land subject to geological and mining hazards**

- (1) This clause applies to land which, on information supplied to the council by the Department of Mineral Resources:
- (a) contains recoverable extractive or mineral resources, or
  - (b) is the site of an existing mine or extractive industry, or
  - (c) is liable to slip or other movement associated with geological conditions.
- (2) The council shall not grant consent to the carrying out of development on land to which this clause applies, or on land within 1km of any such land unless it is satisfied:
- (a) that the development is unlikely to be subject to hazards associated with blasting, mine subsidence, landslip or other land movement, and
  - (b) that the development is unlikely to prejudice the recovery of extractive or mineral resources.

#### **45 Development at Urunga**

- (1) This clause applies to land at Urunga generally bounded by the Kalang River, Pacific Highway, South Pacific Ocean and Hungry Head Road and including the localities of Newry Island, Yellow Rock, Urunga, South Urunga and Hungry Head.
- (2) The council shall not consent to the carrying out of development within Zone No 2 (b) generally south of Hillside Drive on land to which this clause applies unless it is satisfied that:
- (a) where the development involves the generation of domestic or other waste, the development will be connected to a reticulated sewerage system, and
  - (b) the development is arranged in a manner which maximises the retention of existing vegetation, provided that where removal of existing vegetation is unavoidable, appropriate measures to re-establish vegetation are proposed, and
  - (c) appropriate measures are proposed during construction and after completion of the development to control stormwater flows, soil erosion and siltation of wetland areas, and
  - (d) the development is designed to minimise risk to life and property from bushfires or floodwaters, and

- (e) adequate steps have been taken to determine whether the land on which the proposed development is to be carried out contains aboriginal archaeological relics, and the development incorporates appropriate measures in respect of any identified relics, and
  - (f) the size and arrangement of allotments intended to be used for residential purposes are appropriate in relation to the efficiency of reticulated sewerage services, to the potential need for future resubdivision and to the desirability of maintaining larger allotments adjacent to the Pacific Highway, North Coast Railway, electricity easements, wetlands or watercourses, and
  - (g) the development is unlikely to prejudice the timing or nature of development of other land, and
  - (h) the development will not create or require vehicular access to the Pacific Highway other than temporary access pending construction of alternative access roads.
- (3) Despite any other provision of this plan, the council may consent to the carrying out of development for the purposes of the following on the land to which this clause applies within Zone No 1 (c1) in the vicinity of Hungry Head Road:
- (a) commercial premises with a floor area not exceeding 30 square metres,
  - (b) tourist facilities and shops associated with a tourist facility and located on the same land as a tourist facility.

#### **46 Subdivision of certain land within South Urunga**

- (1) This clause applies to the land within Zone No 2 (b) (Village Area Zone) shown edged in heavy black and marked "excluded" on the map marked "*Bellingen Local Environmental Plan 1990 (Amendment No 7)*".
- (2) Each parcel of land to which this clause applies is referred to in this clause as an "excluded area".
- (3) Notwithstanding any other provision of this plan, the council must not, after the commencement of *Bellingen Local Environmental Plan 1990 (Amendment No 21)* and before 31 March 2000, grant consent to a subdivision that will create an allotment within an excluded area, other than a subdivision which will create an allotment for a public purpose or for the purposes of boundary adjustment.

#### **47 Classification and reclassification of public land as operational**

The public land described in Schedule 6 is classified, or reclassified, as operational land for the purposes of the [Local Government Act 1993](#).

#### **48 Temporary use of land**

The council may grant consent to the carrying out of development on any land for any purpose for a maximum of 28 days, whether consecutive or non-consecutive, in any 1 year if the council is satisfied that the proposed use is compatible with the objectives of the zone in which it is located.

#### **49 Tourist facilities within Zone No 1 (a1)**

- (1) This clause applies to land within Zone No 1 (a1).
- (2) The council may grant consent for the development of tourist facilities on land to which this clause applies.
- (3) The council shall not grant such a consent unless:
  - (a) the proposed development includes provision for educating tourists about the growing, production and processing of rural products, and
  - (b) the proposed development is carried out on land classified as Class 4 or Class 5 agricultural land by the Director-General of the Department of Agriculture, and
  - (c) any accommodation resulting from the proposed development is to be used in conjunction with the agricultural use of the land.
- (4) Notwithstanding subclause (3), the council may consent to development of tourist facilities on land to which this clause applies where:
  - (a) the land has an area of not greater than 5 hectares, and
  - (b) the carrying out of tourist activities on the land will not conflict with adjoining agricultural uses, and
  - (c) the proposed development is consistent with clause 9 of Schedule 3.

### **Schedule 1**

(Clause 5 (1), 6)

State Highway No 10 (Pacific Highway)  
Main Road No 76  
Main Road No 118  
Main Road No 119  
Main Road No 120  
Main Road No 378

### **Schedule 2**

(Clause 5 (1))

Osprey Nest Sites and land within 100 metres of those sites—Lot 22, DP 703013, Portion 118, Parish of

Newry, and Portion 225—Parish South Bellingen.

### **Schedule 3**

(Clauses 10, 14, 15 and 15A)

- 1 Development should be generally compatible with the suitability and capability of the land on which it is based.
- 2 Development should not materially reduce the agricultural production potential of the land on which it is to be located or of adjoining land.
- 3 Development should not take place on land that is likely to be affected by flooding, soil erosion, geological or mining hazards, landslip or instability unless it is sited and designed to minimise any risk.
- 4 Development should not take place on land containing items of environmental, archaeological or scientific importance where those items are likely to be adversely affected by the development.
- 5 Development should not take place on land of mineral or extractive resource potential or in areas where such development would compromise the potential for recovering mineral or extractive resources (including forestry).
- 6 Development should be located and designed so as not to detract from the rural or scenic character of the locality.
- 7 The design of subdivisions and the location of building sites should have regard to:
  - (a) the retention and possible extension of native vegetation areas and natural habitats, and
  - (b) the natural topography and the need to minimise visual intrusiveness by following natural contours and minimising excavation and fill, and
  - (c) views of the land from nearby roads and public places and the need to minimise the intrusiveness of development, and
  - (d) the need to prevent soil erosion and sedimentation caused by clearing land and uncontrolled flows of water across land, and
  - (e) the need for flood-free sites for buildings and for stock during floods, and
  - (f) the need to locate allotments and building sites so as to minimise the risk of damage by bushfires, and
  - (g) the need for works, including perimeter roads or fire trails, to reduce bushfire hazards, and
  - (h) the need to maintain the rural character of the area, including the prevention of buildings intruding into the skyline when viewed from roads or other public places, and
  - (i) the siting of buildings, having regard to the location of adjoining development and the need to prevent an overconcentration of development inappropriate for the locality.
- 8 Development should not take place unless consideration has been given to the nature of bushfire

hazard in the area and, where the land is in an area of bushfire risk, an investigation is undertaken into appropriate means of reducing hazard including:

- (a) the location of building sites on each allotment of a proposed subdivision in the area of least risk, and
- (b) the need for and impact of a perimeter road or fire trail around any proposed subdivision, and
- (c) the provision of a water supply adequate for fire fighting services, and
- (d) the means of access for fire fighting vehicles, and
- (e) the need for fire radiation zones and the impact of this on the lot layout of any proposed subdivision, and
- (f) the need for fireproof building materials, and
- (g) the availability of fire fighting equipment,

and appropriate means are available to ensure that fire protection measures, including fire radiation zones and hazard reduction, are maintained.

9 The development can be adequately and economically served by:

- (a) facilities on the land for the disposal of sewage and domestic wastes and for the supply of water for domestic, firefighting and gardening purposes, and
- (b) electricity, telephone, postal and garbage disposal services, and
- (c) adequate all-weather flood-free access to urban service centres.

10 Development should not take place where such development creates a demand for an unreasonable or uneconomic provision or extension of public services whether by the council or by any other public authority.

11 Development should not take place where it is likely to lead to an increase in run-off into local streams or increased pollution levels in local streams, or subterranean water resources.

12 Development should not prejudice the intended use, function and management of travelling stock reserves, particularly by increasing vehicular access to such a reserve.

13 Development should not create or worsen a condition of ribbon development on any main or arterial road, in relation to visual impact, traffic hazards associated with vehicular access points, or potential disruption to traffic flow on the road.

## **Schedule 4**

(Clause 19)

Liquid fuel depots  
Industries (except home industries)  
Sawmills  
Stock and saleyards  
Poultry farming establishments

Bulk stores  
Car repair stations  
Motor showrooms  
Service stations  
Shops  
Transport terminals  
Warehouses  
Bus depots  
Bus stations  
Generating works  
Caravan parks

## Schedule 5

(Clause 42)

Lots 1-15, DP 241258, Lots 34-40 DP 242505, Lots 47-69 DP 248226, Lots 41-45, DP 243169, Lots 1-20, DP 238373, Lots 6-13, DP 241696, and Lots 30-35, DP 243991, at Newry Island, and Lots 1-39, DP 262072, Elizabeth Drive, Jean Close and Christine Close, Lots 172-184, DP 242788, Lots 1-24, DP 243295, Lots 6-16, DP 234703, Lots 1-17, DP 8131, Lots 1-16, DP 217512, Lots 1-3, DP 515981, Lots 1-7, DP 223495, and Lots 501, 502 and land in 58055 (L) in Yellow Rock Road at Yellow Rock—a dwelling-house on each allotment.

Part of Lot 103, DP 603706, having frontage to Trunk Road 76 at Thora—junk yard.

Lot 2, DP 568539, Newry Island, Urunga—oyster depuration plant.

Lot 23, DP 201668, Pacific Highway—liquid fuel depot, subject to the requirements of the Roads and Traffic Authority and the Department of Mines.

Land within Zone No 6 (a) adjacent to the western boundary of portion 110, Parish of North Bellingen—camping area, boat landing and storage facilities, commercial boat sheds.

Part Portion 134, Parish of Never Never, being the residue after the excision of Lot 6, DP 230589—arts and crafts shop.

Portion 239, Village of Urunga, Parish of Newry—boatshed and restaurant facilities and caretaker's residence.

Lots 144 and 421, DP 755557, South Arm Road, Urunga—a dwelling-house, following the consolidation of the two allotments.

Lots 10, D, 11 and E, DP 8086, Section B, 39 Hammond Street, North Bellingen:

- (a) repairing and servicing of small machinery and electrical equipment, such as pumps, lawn mowers, compressors, washing machines, refrigerators (other than repairing and servicing with involves reconstruction or manufacturing, or panel beating or spray painting of all or part of that machinery of equipment), and
- (b) the hire of motor vehicles, small machinery or electrical equipment, and
- (c) the display for sale of not more than 2 motor vehicles at any one time, and

(d) the sale of small machinery or electrical equipment.

Lot 1, DP 624708, Mahers Road, Parish of South Bellingen—subdivision to create 3 allotments and the erection of 2 additional dwelling-houses.

Lot 30, DP 806173, Wollumbin Drive, Urunga—erection of a single dwelling-house, or tourist facilities accommodating up to 10 people and connected to an on-site waste disposal system.

Part Lot 6, DP 810257, Coramba Road, Dorrigo—tourist facilities comprising refreshment room, craft centre, cabin accommodation, rest room facilities, manager’s residence and associated carparking but only if:

- (a) a management plan has been prepared and adopted for the Dangar Falls Reserve in accordance with the requirements of *Crown Lands Act 1989* and having regard to the NSW North Coast Crown Reserves Management Strategy published in 1994 by the then NSW Crown Lands Service,
- (b) arrangements satisfactory to the Council have been made for the provision for water supply and drainage and the disposal of stormwater and sewage from the land,
- (c) the design of the development is consistent with the North Coast Design Guidelines published in 1989 by the then Department of Planning,
- (d) the development commences within a period of 5 years from the date of publication of *Bellingen Local Environmental Plan 1990 (Amendment No 13)* in the Government Gazette.

Lot 2, DP 792596, Pacific Highway, Parish of Newry, Urunga—subdivision to create 2 allotments each with one dwelling that need not be connected to the Urunga reticulated sewerage system.

Part of Lot 8 DP 854162, Parish of South Bellingen, Waterfall Way, Bellingen, as shown edged heavy black on Sheet 3 of the map marked “*Bellingen Local Environmental Plan 1990 (Amendment No 14)*”—subdivision to create 2 allotments on the southern side of Waterfall Way, but only if the Council is satisfied that:

- (a) re-forestation has been undertaken on all slopes in excess of 25%, and
- (b) adequate financial security is in place to ensure proper establishment and maintenance of that re-forestation at no cost to the council, and
- (c) the development of buildings on the land will not substantially detract from the visual amenity of the area, particularly in regard to potential intrusion into the skyline.

Lot 13 and part of Lots 11, 12 and 14 DP 808430, Parish of North Bellingen, part of Portion 44 Parish of North Bellingen and part of Portion 45 Parish of North Bellingen, Gleniffer Road, Bellingen, as shown edged heavy black on Sheet 3 of the map marked “*Bellingen Local Environmental Plan 1990 (Amendment No 14)*”—subdivision of land within Zone No 1 (c3) but only if the Council is satisfied that:

- (a) re-forestation has been undertaken on all slopes in excess of 25%, and
- (b) adequate financial security is in place to ensure proper establishment and maintenance of that re-forestation at no cost to the council, and
- (c) the development of buildings on the land will not substantially detract from the visual amenity of

the area, particularly in regard to potential intrusion into the skyline.

Lot 59 DP 816169, Parish of South Bellingen, Marx Hill Road, Bellingen—subdivision to create 2 allotments.

Lot 12 DP 864284, Parish of North Bellingen, Perrys Road, Repton—subdivision in two stages: firstly to create 2 allotments, with 1 lot having an area not less than 4.5 hectares, and secondly to create a 5 lot neighbourhood scheme on the larger lot.

Part of Lot 330 DP 852545, Parish of South Bellingen, Mount Street, Fernmount, as shown edged heavy black on Sheet 3 of the map marked "*Bellingen Local Environmental Plan 1990 (Amendment No 14)*"—subdivision to create 2 allotments.

Lot 26 DP 814203, Parish of South Bellingen McDougall Place, Fernmount—subdivision to create 2 allotments.

Lot 32 DP 814203, Parish of South Bellingen, McDougall Place, Fernmount—subdivision to create 2 allotments.

Part of Lot 4 DP 723071, Parish of North Bellingen, North Bank Road, Bellingen and part of Lot 41 DP 814175, Parish of North Bellingen, North Bank Road, Bellingen, as shown edged heavy black on Sheet 3 of the map marked "*Bellingen Local Environmental Plan 1990 (Amendment No 14)*"—subdivision to create a total of 5 allotments.

Part of Lot 30 DP 806173, Parish of Newry, Wollumbin Drive, Urunga, as shown edged heavy black on Sheet 3 of the map marked "*Bellingen Local Environmental Plan 1990 (Amendment No 14)*"—subdivision to create 2 allotments with one lot having an area of not less than 1 hectare.

## **Schedule 6 Classification and reclassification of public land as operational**

Lot 185, DP 242788, Yellow Rock Road, Parish of South Bellingen, as shown edged heavy black on the map marked "*Bellingen Local Environmental Plan 1990 (Amendment No 10)*".

Lot 6, DP 248171, Pacific Highway, Parish of Newry, Urunga.