

NEW SOUTH WALES.



ORDINANCE.

LOCAL GOVERNMENT ACT, 1919.

[Published in Government Gazette No. 57 of 3rd May, 1968.]

PROCLAMATION.

(L.S.) A. R. CUTLER, *Governor.*

24th April, 1968.

THE Shire of Wyong Planning Scheme Ordinance is hereby proclaimed as set out in the Schedule hereto. (P. 9/4)

By His Excellency's Command,

P. H. MORTON.

GOD SAVE THE QUEEN!

SCHEDULE.

TOWN AND COUNTRY PLANNING—SHIRE OF WYONG
PLANNING SCHEME ORDINANCE.

Local Government Act, 1919: Part XIIA.

PART I.

Preliminary.

1. (1) This Ordinance may be cited as the "Shire of Wyong Planning Citation. Scheme Ordinance".

(2) The planning scheme prepared by the Council of the Shire of Wyong in respect of all land within the Shire of Wyong, in pursuance of a direction issued by the Minister under section 342D of the Local Government Act, 1919, which direction was published in Government Gazette No. 1 of 6th January, 1961, is embodied in this Ordinance.

2. This Ordinance is divided into Parts as follows:

PART I.—*Preliminary*—cll. 1-5.

PART II.—*Reservation of Land*—cll. 6-10.

PART III.—*Restrictions on Building and Use of Land*—cll. 11-13.

PART IV.—*Existing Buildings, Existing Works and Existing Use of Land*—cll. 14-18.

PART V.—*Consents*—cll. 19-25.

PART VI.—*Special Provisions*—cll. 26-47.

PART VII.—*General*—cll. 48-56.

SCHEDULES.

Division
into Parts.

Interpretation.

3. In this Ordinance, unless inconsistent with the context or subject matter—

“Agriculture” has the meaning ascribed to it in section 514A of the Act.

“Airline terminal” means a building or place or portion of a building, used for the assembly of passengers and goods prior to the transport of such passengers and goods either to or from an aerodrome.

“Appointed day” means the day upon which this Ordinance takes effect.

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

“Bus depot” means a building or place used for the servicing, repair and garaging of buses and other vehicles used for the purposes of a bus transport undertaking.

“Bus station” means a building or place used as a terminal for the assembly and dispersal of passengers travelling by bus.

“Car repair station” means a building or place used or intended for use for the purpose of carrying out repairs to motor vehicles or agricultural machinery, not being—

- (a) body building ;
- (b) panel beating which involves dismantling ; or
- (c) spray painting other than of a touching up character.

“Club” means any premises specified in a certificate of registration granted under Part X of the Liquor Act, 1912, as amended.

“Commercial premises” means a building or place used or intended for use as an office or for other business or commercial purposes, but does not include a building or place elsewhere specifically defined in this clause or a building or place used or intended for use for a purpose elsewhere specifically defined in this clause or for a roadside stall.

“Council” means the Council of the Shire of Wyong.

“Country dwelling” means a dwelling-house erected on and occupied in conjunction with land within Zone No. 1 (a), 1 (b) or 1 (c), such land—

- (a) having a minimum area of not less than 25 acres or such other area as conforms with clause 29, clause 30 or clause 31 of this Ordinance ; and
- (b) being land on which there are no other buildings or on which the only other buildings are rural dwellings or buildings ordinarily incidental to the use and enjoyment of a country dwelling or to the use of the land for agriculture.

“Development” has the meaning ascribed to it in section 342T of the Act.

“Duplex flat building” means a residential flat building of two storeys containing two flats.

“Dwelling-house” means a building intended for use as a dwelling for a single family, together with such out-buildings as are ordinarily used therewith, and includes a dwelling in a row of two or more dwellings attached to each other, such as are commonly known as semi-detached or terrace buildings.

“Educational establishment” means a building used or intended for use as a school, college, technical college, academy, lecture hall, gallery, museum or gymnasium but does not include a building used or designed for use wholly or principally as an institution.

“Existing building” and “existing work” mean respectively a building or work erected, constructed or carried out before the appointed day, and a building or work erected, constructed or carried out in accordance with clause 49 of this Ordinance.

“Existing use” means a use of a building, work or land for the purpose for which it was used immediately before the appointed day and, in the case of a building or work erected, constructed or carried out in accordance with clause 49 of this Ordinance, the use of such building or work for the purpose for which the erection of the building or the carrying out of the work, as the case may be, was permitted.

“Extractive industry” means an industry or undertaking not being a mine, which depends for its operations on the winning of extractive material from the land upon which it is carried on.

“Extractive material” means sand, gravel, clay, turf, soil, rock, stone and similar substances.

“Forestry” includes arboriculture, silviculture, forest protection, the cutting, dressing and preparation, other than in a sawmill, of wood and other forest products, and the establishment of roading required for the removal of wood and forest products and for forest protection.

“General store” means a building used or intended for use for the sale by retail of general merchandise whether or not it includes facilities of a post office.

“Generating works” means a building or place used or intended for use for the purpose of making or generating gas, electricity or other forms of energy.

“Home industry” means industry carried on in a building not being a dwelling-house or dwelling in a residential flat building, under the following circumstances—

- (a) the building does not occupy a floor space exceeding 300 square feet and is erected within the curtilage of the dwelling-house or residential flat building occupied by the person carrying on the industry or on adjoining land owned by such person;

- (b) the industry does not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise;
- (c) the industry does not involve exposure to view from any adjacent premises or from any public place of any unsightly matter ; and
- (d) the industry does not require the provision of any essential service main of a greater capacity than that available in the locality.

“Home occupation” means an occupation carried on in a dwelling-house, or a dwelling in a residential flat building, by the permanent residents of the dwelling-house or such dwelling which does not involve any of the following—

- (a) the registration of the building under the Factories, Shops and Industries Act, 1962, as amended ;
- (b) the employment of persons other than such residents ;
- (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, oil or otherwise ;
- (d) the display of goods, whether in a window or otherwise ; or
- (e) the exhibition of any notice, advertisement or sign other than a notice or sign not exceeding 3 feet by 2 feet in size exhibited on such dwelling-house or such dwelling to indicate the name and occupation of the resident.

“Hospital” means a building used or intended for use as a hospital, sanatorium, health centre or dispensary, nursing home, home for aged, infirm, incurable or convalescent persons, whether public or private and includes a shop or dispensary used in conjunction therewith but does not include an institution.

“Hotel” means any premises specified in a publican’s licence issued under the Liquor Act, 1912, as amended by subsequent Acts.

“Industry” means—

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

“Institution” means a building used or intended for use wholly or principally for any of the following uses, namely, as—

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

- “Junk yard” means land used for the collection, storage, abandonment or sale of scrap metals, waste paper, rags, bottles or other scrap materials or goods, or used for the collecting, dismantling, storage, salvaging or abandonment of automobiles or other vehicles or machinery and for the sale of parts thereof.
- “Liquid fuel depot” means a depot or place used or intended for use for the bulk storage for wholesale distribution of petrol, oil, petroleum or other inflammable liquids.
- “Main road” means a main road within the meaning of the Main Roads Act, 1924, as amended.
- “Mine” means any place, open cut, shaft, tunnel, pit, drive, level or other excavation, drift, gutter, lead, vein, lode or reef wherein, whereon or whereby any operation is carried on for or in connection with the purpose of obtaining any metal or mineral by any mode or method and any place adjoining on which any product of the mine is stacked, stored, crushed or otherwise treated but does not include a quarry.
- “Motel” means a building or buildings, not being an hotel or a residential building, substantially used or intended for use for the overnight accommodation of travellers and the vehicles used by them whether or not the building or buildings are also used or intended for use in the provision of meals to such travellers or the general public.
- “Motor showroom” means a building or place used or intended for use for the display or sale of motor vehicles and accessories.
- “Offensive or hazardous industry” means an industry which, by reason of the processes involved or the method of manufacture or the nature of the materials used or produced, requires isolation from other buildings and includes those trades which are declared noxious under the Noxious Trades Act, 1902, as amended.
- “Place of assembly” means a public hall, theatre, cinema, music hall, concert hall, dance hall, open-air theatre, drive-in theatre, music bowl or any other building of a like character used as such and whether used for the purposes of gain or not, but does not include a place of public worship, an institution or an educational establishment.
- “Place of public worship” means a church, chapel or other place of public worship or religious instruction or place used for the purpose of religious training.
- “Public building” means a building used or intended for use as offices or for administrative or other like purposes by the Crown, a statutory body representing the Crown, a council or by organizations established for public purposes.

“Public utility undertaking” means any of the following undertakings carried on or permitted or suffered to be carried on by or by authority of any Government Department or under the authority of or in pursuance of any Commonwealth or State Act, that is to say—

- (a) railway, road transport, water transport, air transport, wharf or river undertakings ;
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services ;

and any reference to a person carrying on any public utility undertaking shall be deemed to include a reference to a council, county council, Government Department, corporation, firm or authority carrying on such undertaking.

“Refreshment room” means a restaurant, cafe, tea room, eating-house or the like.

“Residential building” means a building used or intended for use as a residential flat building, a boarding-house, a lodging-house or a hostel but does not include a motel.

“Residential flat building” means a building containing two or more flats, but does not include a row of two or more dwellings attached to each other such as are commonly known as semi-detached or terrace buildings, and “flat” means a room or suite of rooms occupied or used or so constructed, designed or adapted as to be capable of being occupied or used as a separate domicile.

“Road transport terminal” means a building or place used for the principal purpose of the bulk handling of goods for transport by road, including facilities for the loading and unloading of vehicles used to transport such goods and for the parking, servicing and repair of such vehicles.

“Rural dwelling” means a dwelling-house which is on land upon which there is already erected a country dwelling and which is occupied by persons engaged in a rural occupation on such land.

“Rural industry” means handling, treating, processing or packing primary products, and includes the servicing in a workshop of plant or equipment used for rural purposes in the locality.

“Sawmill” means a mill handling, cutting and processing timber from logs or baulks.

“Schedule” means a schedule to this Ordinance.

“Scheme” means the Wyong Shire Planning Scheme embodied in this Ordinance.

“Scheme map” means the series of maps bound in a book the title sheet of which is marked “Shire of Wyong Planning Scheme” containing one map to the scale of 80 chains to the inch, seven maps to the scale of 8 chains to the inch and twenty-two maps to the scale of 4 chains to the inch, signed by the Minister for

Local Government and deposited in the office of the responsible authority or a duplicate series of the said maps, similarly bound and identified, deposited in the office of the Authority.

“Service station” means a building or place used or intended for use for the fuelling of motor vehicles involving the sale by retail of petrol, oils and other petroleum products whether or not the building or place is also used or intended for use for any one or more of the following purposes—

- (a) the sale by retail of spare parts and accessories for motor vehicles ;
- (b) washing and greasing of motor vehicles ;
- (c) installation of accessories ;
- (d) repairing and servicing of motor vehicles involving the use of hand tools provided that such repairing and servicing shall not include top overhaul of motors, body building, panel beating, spray painting or suspension, transmission or chassis restoration.

“Shop” means a building or place used or intended for use for the purpose of selling, exposing or offering for sale by retail goods, merchandise or materials, but does not include a building or place elsewhere specifically defined in this clause or a building or place used or intended for use for a purpose elsewhere specifically defined in this clause or for a roadside stall.

“Stock and sale yard” means a building or place used or intended for the purpose of offering animals for sale and includes a public cattle market.

“The Act” means the Local Government Act, 1919, as amended.

“Transport terminal” means a building or place used as an airline terminal, a road transport terminal, a bus station or a bus depot.

“Utility installation” means a building or work intended for use by a public utility undertaking, but does not include a building intended wholly or principally as administrative or business premises or as a showroom.

“Warehouse” means a building or place used or intended for use for the storage of goods, merchandise or materials pending their sale and distribution to persons engaged in the retail trade.

“Zone” means land referred to in Column I of the Table to clause 11 of this Ordinance and shown on the scheme map by distinctive colouring or edging or in some distinctive manner as referred to in Column II of such Table for the purpose of indicating the restrictions imposed by Part III of this Ordinance on the erection and use of buildings, the carrying out and use of works or the use of land in such zone.

4. This Ordinance applies to all land within the Shire of Wyong, as shown on the scheme map, with boundaries as indicated on such map. Land to which scheme applies.

Responsible authority. 5. The Council of the Shire of Wyong is the responsible authority and is charged with the functions of carrying into effect and enforcing the provisions of this Ordinance.

PART II.

Reservation of Land.

Reserved land. 6. The several pieces of land specified in Column 1 of the Table to this clause are reserved for the purposes set out opposite such land in Column 2 of the Table.

TABLE

COLUMN 1 Indication on scheme map of land reserved	COLUMN 2 Purposes for which land is reserved
All land coloured light green; All land coloured yellow with green edging All land shown grey between broken black lines and grey between a firm black line and a broken black line; All lands shown by a broken red band between broken black lines.	Open space—recreation. Special uses—parking. New local roads and widening of existing local roads. New arterial roads.

Buildings, etc., not to be erected without consent. 7. (1) Except as provided in subclause (2) of this clause a person shall not on land reserved under this Part erect a building, or carry out or alter a work of a permanent character or make or alter a permanent excavation other than a building or a permanent work or a permanent excavation required for or incidental to the purposes for which the land is so reserved.

Erection of buildings, etc. (2) Where it appears to the responsible authority that the purpose for which the land is reserved under this Part cannot be carried into effect within a reasonable time after the appointed day the owner of such land may with the consent of the responsible authority erect a building, or carry out or alter a work of a permanent character or make or alter a permanent excavation.

(3) Any such consent shall be subject to such conditions with respect to the removal or alteration of the building, work or excavation or any such alteration of a work or excavation, or the reinstatement of the land or the removal of any waste material or refuse, with or without payment of compensation, as the responsible authority thinks fit.

(4) Nothing in this clause shall operate to prohibit the erection of a fence on any land reserved under this Part.

Use of land. 8. A person shall not, without the consent of the responsible authority, use land reserved under this Part or any building, work or excavation thereon for any purpose other than for the purpose of its existing use.

Acquisition of land. 9. (1) The owner of any land reserved under this Part upon which the erection of any building or the carrying out or alteration of any work of a permanent character or the making or alteration of any permanent excavation is prohibited except for or incidental to a purpose for which the land

is so reserved, or the owner of any land so reserved, in respect of which the responsible authority has refused its consent pursuant to subclause (2) of clause 7 or pursuant to clause 8 of this Ordinance may, by notice in writing, require the responsible authority to acquire such land.

(2) Upon receipt of such notice the responsible authority shall acquire the land to which the notice relates.

(3) The provisions of this clause shall not apply to land which—

- (a) forms part of a parcel of land held in the same ownership the remainder of which is included in Zone No. 2 (a), 2 (b), 2 (c), 2 (d), 2 (e), 3 (a), 3 (b) or 4 (a); and
- (b) the responsible authority would, if an application for approval to the subdivision of such parcel of land was to be made to it, be entitled to require to be provided as public garden and recreation space without cost to the responsible authority as a condition of approval of the subdivision under the provisions of Part XII of the Act.

10. (1) The responsible authority may, with the concurrence of the Commissioner for Main Roads, relocate or alter the route of any arterial road indicated on the scheme map. Relocation
of arterial
roads.

(2) The Commissioner for Main Roads may make application to the responsible authority for the relocation or alteration of the route of any such road and shall indicate the relocation or alteration required.

(3) Where the responsible authority proposes to relocate or alter the route of any arterial road the responsible authority shall—

- (a) notify brief particulars in the Gazette and in a newspaper circulating in the locality; and
- (b) in respect of each parcel of land affected by such relocation or alteration notify the person, who is shown in the rate book of the council as the owner of the land, of such proposal by registered letter addressed to the last known address of that person as recorded in the rate book.

Any such notification shall state that full particulars of the proposed relocation or alteration together with a plan or aerial photograph showing the land affected thereby may be inspected at such places as are designated and that objections against the proposal may be made in writing to the responsible authority on or before the date specified in the notice by any person who has an estate or interest in the land.

(4) On or before the date so specified any such person may make objection in writing to the responsible authority against the proposal to relocate or alter the route of any arterial road.

(5) The responsible authority shall consider any such objection and after making any adjustments which may be considered desirable and which are concurred in by the Commissioner for Main Roads may with the approval of the Governor relocate or alter the route of the arterial road.

(6) Where the route of an arterial road has been relocated or altered under the preceding provisions of this clause, the responsible authority shall cause to be prepared three copies of a plan showing such relocation or alteration and the land which is required for the purposes of the arterial road as so relocated or altered. The plans shall also indicate any land which is no longer required for the purpose of the arterial road as relocated or altered and the zones in which such land shall be included or the purposes for which such land shall be reserved in accordance with this Part.

Such copies of the plan shall be sealed with the seal of the responsible authority and thereafter one copy shall be attached to the scheme map, one shall be forwarded to the Authority and the other shall be forwarded to the Commissioner for Main Roads. The responsible authority shall cause to be published in the Gazette and in a newspaper circulating in the locality notification that the route of the arterial road has been relocated or altered and that the copies of the plan have been forwarded to the authorities referred to in this subclause.

(7) Upon publication of the notification referred to in subclause (6) of this clause the provisions of this Part relating to arterial roads shall thereupon—

- (a) cease to apply to the land shown on the plan referred to in such notification as being no longer required for the purpose of the arterial road as relocated or altered and such land shall be deemed to be included in the zone indicated on such plan or reserved in accordance with the provisions of this Part and the provisions of this Ordinance relating to land included in a zone or so reserved shall apply to such land; and
- (b) apply to any land shown on the plan referred to in such notification as being required for the purposes of the arterial road as relocated or altered in all respects and to the like extent as if such land were land to which this Part applies and the provisions of this Part shall apply thereto and such land shall be deemed to be no longer included in a zone or reserved for purposes other than arterial roads and the provisions of this Ordinance relating to land included in a zone or so reserved shall cease to apply to such land.

PART III.

Restrictions on Building and Use of Land.

Erection or
use of
buildings or
works.

11. Subject to the provisions of Parts IV, V, and VI of this Ordinance the purposes—

- (a) for which buildings or works may be erected, carried out or used without the consent of the responsible authority;
- (b) for which buildings or works may be erected, carried out or used only with the consent of the responsible authority; and
- (c) for which buildings or works may not be erected, carried out or used;

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

TABLE

Column I	Column II	Column III	Column IV	Column V
Zone	Colour or indication on scheme map	Purposes for which buildings or works may be erected or carried out or used <i>without</i> the consent of the responsible authority	Purposes for which buildings or works may be erected or carried out or used <i>only with</i> the consent of the responsible authority	Purposes for which buildings or works may <i>not</i> be erected or carried out or used
1. Non-urban. (a) Non-urban "A".	Light brown.	Agriculture; forestry; country dwellings.	Any purpose other than those permitted by Column III or prohibited by Column V.	Bulk stores; car repair stations; commercial premises; dwelling-houses other than country dwellings and rural dwellings; industries other than rural industries, extractive industries and home industries; junk yards; motor showrooms; residential buildings; service stations; shops; warehouses.
(b) Non-urban "B".	Light brown with dark scarlet edging and lettered 1 (b).	Any purpose other than those prohibited by Column V.	Bulk stores; car repair stations; caravan parks; commercial premises; dwelling-houses other than country dwellings and rural dwellings; general stores; industries other than rural industries, extractive industries and home industries; junk yards; liquid fuel depots; motor showrooms; refreshment rooms; residential buildings; road side stalls; transport terminals; sawmills; service stations; shops; timber yards; warehouses.

TABLE—continued

Column I	Column II	Column III	Column IV	Column V
Zone	Colour or indication on scheme map	Purposes for which buildings or works may be erected or carried out or used <i>without</i> the consent of the responsible authority	Purposes for which buildings or works may be erected or carried out or used <i>only with</i> the consent of the responsible authority	Purposes for which buildings or works may <i>not</i> be erected or carried out or used
(c) Non-urban "C".	Light brown with dark scarlet edging and lettered 1 (c).	Country dwellings; agriculture; forestry.	Any purposes other than those permitted by Column III or prohibited by Column V.	Bulk stores; commercial premises other than those used in conjunction with industry and situated on the land on which such industry is conducted; dwelling-houses other than country dwellings, rural dwellings and those used in conjunction with industry and situated on the land on which such industry is conducted; hospitals; institutions; motor showrooms; motels; offensive or hazardous industries; residential buildings other than those used in conjunction with industry and situated on the land on which such industry is conducted; roadside stalls; shops; warehouses.

TABLE—continued

Column I	Column II	Column III	Column IV	Column V
Zone	Colour or indication on scheme map	Purposes for which buildings or works may be erected or carried out or used <i>without</i> the consent of the responsible authority	Purposes for which buildings or works may be erected or carried out or used <i>only with</i> the consent of the responsible authority	Purposes for which buildings or works may <i>not</i> be erected or carried out or used
2. Residential. (a) Residential "A".	Light scarlet.	Dwelling-houses other than semi-detached or terrace buildings.	Any purpose other than those permitted by Column III or prohibited by Column V.	Bulk stores; car repair stations; commercial premises; generating works; hotels; industries other than home industries; institutions; junk yards; liquid fuel depots; mines; motor showrooms; places of assembly; refreshment rooms; roadside stalls; sawmills; service stations; shops; stock and sale yards; timber yards; transport terminals; warehouses.
(b) Residential "B".	Light scarlet with red dark edging and lettered 2 (b).	Dwelling-houses other than semi-detached or terrace buildings.	Any purpose other than those permitted by Column III or prohibited by Column V.	Generating works; hospitals; industries other than those referred to in Schedule 3; institutions; junk yards; liquid fuel depots; mines; roadside stalls; sawmills; stock and sale yards.

TABLE—continued

Column I	Column II	Column III	Column IV	Column V
Zone	Colour or indication on scheme map	Purposes for which buildings or works may be erected or carried out or used <i>without</i> the consent of the responsible authority	Purposes for which buildings or works may be erected or carried out or used <i>only with</i> the consent of the responsible authority	Purposes for which buildings or works may <i>not</i> be erected or carried out or used
(c) Residential "C".	Light scarlet with dark red edging and lettered 2 (c).	Dwelling-houses other than semi-detached or terrace buildings.	Any purpose other than those permitted by Column III or prohibited by Column V.	Generating works; hospitals; industries other than those referred to in Schedule 2; institutions; junk yards; liquid fuel depots; mines; roadside stalls; sawmills; shops other than those specified in Schedule 1; stock and sale yards.
(d) Residential "D".	Light scarlet with dark red edging and lettered 2 (d).	Dwelling-houses other than semi-detached or terrace buildings.	Dwelling-houses being semi-detached or terrace buildings; educational establishments; roads; utility installations.	Any purpose not referred to in Column III or Column IV.
(e) Residential (Village Area).	Uncoloured with dark scarlet edging and lettered V.	Dwelling-houses.	Any purposes other than those permitted by Column III or prohibited by Column V.	Industries referred to in Schedule 4; institutions; junk yards; mines; stock and sale yards.

TABLE—continued

Column I	Column II	Column III	Column IV	Column V
Zone	Colour or indication on scheme map	Purposes for which buildings or works may be erected or carried out or used <i>without</i> the consent of the responsible authority	Purposes for which buildings or works may be erected or carried out or used <i>only with</i> the consent of the responsible authority	Purposes for which buildings or works may <i>not</i> be erected or carried out or used
3. Business. (a) General Business.	Light blue.	Shops; commercial premises other than wholesale markets.	Any purpose other than those permitted by Column III or prohibited by Column V.	Caravan parks; dwelling-houses other than those used in conjunction with shop and commercial premises; gas holders; generating works; hospitals; industries referred to in Schedule 4; institutions junk yards; liquid fuel depots; mines; timber yards.
(b) Neighbourhood Business.	Dark blue.	Dwelling-houses attached to and used in conjunction with shops; shops.	Purposes referred to in Schedule 5; roads; utility installations.	Any purpose other than those permitted by Column III or Column IV.
4. Industrial. (a) General Industrial.	Purple.	Industries other than extractive industries and offensive or hazardous industries; utility installations.	Any purpose other than those permitted by Column III or prohibited by Column V.	Dwelling-houses and residential buildings other than those used in conjunction with industry and situated on the land on which such industry is conducted; educational establishments; extractive industries; hospitals; institutions; mines; motels; offensive or hazardous industries; places of assembly; shops; stock and sale yards.

TABLE—continued

Column I	Column II	Column III	Column IV	Column V
Zone	Colour or indication on scheme map	Purposes for which buildings or works may be erected or carried out or used <i>without</i> the consent of the responsible authority	Purposes for which buildings or works may be erected or carried out or used <i>only with</i> the consent of the responsible authority	Purposes for which buildings or works may <i>not</i> be erected or carried out or used
(b) Industrial (Extractive).	Purple with dark scarlet edging and lettered 4 (c).	Extractive industries.	Any purpose other than those permitted by Column III or prohibited by Column V.	Caravan parks; car repair stations; commercial premises; dwelling-houses and residential buildings other than those used in conjunction with industry and situated on the land on which such industry is conducted; educational establishments; hospitals; hotels; industries other than extractive industries; institutions; mines; motels; motor showrooms; places of assembly; places of public worship; refreshment rooms; service stations; shops; stock and sale yards; transport terminals.
5. Special Uses. (a) Special Uses "A".	Yellow.	The particular purpose indicated by scarlet lettering on the scheme map.	Any purpose ordinarily incidental to or subsidiary to the purpose referred to in Column III; roads; drainage.	Any purpose other than those permitted by Column III or Column IV.

Column I	Column II	Column III	Column IV	Column V
Zone	Colour or indication on scheme map	Purposes for which buildings or works may be erected or carried out or used <i>without</i> the consent of the responsible authority	Purposes for which buildings or works may be erected or carried out or used <i>only with</i> the consent of the responsible authority	Purposes for which buildings or works may <i>not</i> be erected or carried out or used
(b) Special Uses "B", (Railways).	Blue-purple.	Railway purposes including any purpose authorized under the Government Railways Act, 1912, as amended; roads; drainage.	Any purpose other than those permitted by Column III or Column IV.
6. Open Space. (a) Recreation.	Dark green.	Any purpose authorized by Division 2 or 3 of Part XIII of the Act; racecourses; show-grounds; sports-grounds.	Agriculture; caravan parks; drainage; forestry; mines for or in connection with the purpose of obtaining ilmenite, monazite, rutile, zircon and similar minerals; roads.	Any purpose other than those permitted by Column III or Column IV.
(b) Special Purposes.	Uncoloured with dark green edging.	Agriculture; caravan parks; camping; commonage; educational establishments; extractive industries; forestry; recreation; roads; soil conservation services; water supply.	Any purpose other than those permitted by Column IV.

- Restrictions on buildings and works. 12. Subject to the provisions of Part IV and to any other special provisions of this Ordinance—
- (a) a building or work shall not, without the consent of the responsible authority, be erected, carried out or used in any zone for any purpose shown opposite that zone in Column IV of the Table to Clause 11 ;
 - (b) a building or work shall not be erected, carried out or used in any zone for any purpose shown opposite that zone in Column V of the Table to Clause 11.

- Restriction on use of land. 13. Subject to the provisions of Part IV and to any other special provisions of this Ordinance—
- (a) land included in a zone, whether forming the site of a building or not, shall not be used without the consent of the responsible authority for any purpose for which a building in the same zone may be erected or used only with the consent of the responsible authority ;
 - (b) land included in a zone, whether forming the site of a building or not, shall not be used for any purpose for which a building in the same zone may not be erected or used.

PART IV.

Existing Buildings, Existing Works and Existing Use of Land.

- Continuance of existing buildings, works and land use. 14. Notwithstanding the provisions of Part III and Part VI, but subject to the provisions of Part II of this Ordinance an existing building or an existing work may be maintained and may be used for its existing use and an existing use of land may be continued notwithstanding that such existing use is for a purpose for which buildings or works may not be erected or used or for which land may not be used under Part III or Part VI of this Ordinance in respect of the zone in which such existing building or existing work or land is situated.

- Alterations and extensions of existing buildings and works. 15. Notwithstanding the provisions of Part III and Part VI but subject to the provisions of Part II of this Ordinance, an existing building or an existing work may, with the consent of the responsible authority, be altered, enlarged, or rebuilt and new buildings or works ancillary thereto may be erected or carried out for the existing use thereof notwithstanding that such existing use is for a purpose for which buildings or works may not be erected, carried out or used under Part III or Part VI of this Ordinance in respect of the zone in which such existing building or existing work is situated: Provided that any such alteration, enlargement or rebuilding or new buildings or works shall be restricted to land on which the existing building or existing work is or was situated or to adjoining land which immediately before the 11th December, 1963, was and has since remained in common ownership with such first mentioned land.

- Alteration of existing uses. 16. Notwithstanding the provisions of Part III and Part VI but subject to the provisions of Part II of this Ordinance, the existing use of a building, work or land or any part thereof for a purpose for which buildings or works may not be erected, carried out or used under Part III or Part VI of this

Ordinance in respect of the zone in which such building, work or land is situated may, with the consent of the responsible authority, be changed to a use for some other purpose for which buildings or works may not be erected, carried out or used under the said Parts in respect of such zone: Provided that the proposed use is for a purpose included in one of the following categories and is in the same category as or is in a category indicated by a higher number than the category in which the existing use is included:—

Category No. 1: Extractive industries, offensive or hazardous industries, liquid fuel depots, sawmills.

Category No. 2: Industries other than those referred to in category No. 1 or category No. 3.

Category No. 3: Purposes referred to in Schedule 2.

Category No. 4: Bulk stores, warehouses, commercial premises.

Category No. 5: Any purpose other than those specified in categories Nos 1 to 4 inclusive.

17. Where an existing building was used before the appointed day for more than one purpose any right conferred by this Part to continue the use of the building shall include a right to alter the proportion in which the several parts of the building were used immediately before that day. Building used for more than one purpose.

18. The foregoing provisions of this Part shall not apply to an existing building or work or to an existing use of a building, work or land which was erected or carried out or commenced after 6th January, 1961, in contravention of the provisions of the Town and Country Planning (General Interim Development) Ordinance or of any permission or modification thereof granted under Division 7 of Part XIIA of the Act or under that Ordinance. Removal of illegally established development.

PART V.

Consents.

19. (1) Any application for the consent of the responsible authority under the provisions of this Ordinance shall be made in writing to the responsible authority by the owner or his representative appointed in writing and shall be accompanied by the following plans and particulars:— Submission of plans and particulars.

- (a) if the application is for consent to the use of a building or work or to the use of land, a plan in duplicate sufficient to identify the land to which the application relates and particulars in writing in duplicate of the purpose for which the building, work or land is used at the date of the application and the purpose for which consent is sought ;
- (b) if the application is for consent to the erection of a building or to the carrying out of a work, a plan in duplicate sufficient to identify the land to which the application relates and showing the location of the building or work in relation to the boundaries of the site and to other buildings thereon and particulars, illustrated by plans and drawings in duplicate, sufficient to describe the building or work and the purpose for which it is to be used;

- (c) if the application is for consent to the alteration or extension of a building or work, a plan in duplicate sufficient to identify the land to which the application relates and showing the relation of the building or work to the boundaries of the site and to other buildings thereon and the proposed alterations or extensions thereof and particulars, illustrated by plans and drawings in duplicate, sufficient to describe the proposed alterations and extensions.

(2) Where, in pursuance of the Act, except Part XIIA thereof, or of an Ordinance under the Act, except the said Part, an application is made to the Council for its approval, consent or permission to the erection or use of a building or to the carrying out or use of a work or to the use or subdivision of land or to the opening of a new road such application shall, if the matter to which it relates requires the consent of the responsible authority under this Ordinance, be deemed to be an application for such consent unless the application does not contain the information and particulars required by subclause (1) of this clause and the Council so informs the applicant on or before giving its decision in respect of such application.

Consideration of applications generally.

20. In respect of any application under this Ordinance for the consent of the responsible authority to the erection or use of a building or to the carrying out or use of a work or to the use or subdivision of land, the responsible authority shall take into consideration—

- (a) the character of the proposed development in relation to the character of the development on the adjoining land and in the locality ;
- (b) the size and shape of the parcel of land to which the application relates, the siting of the proposed development and the area to be occupied by the development in relation to the size and shape of the adjoining land and the development thereon ;
- (c) any representations made by any statutory body in relation to the application or to the development of the area, and the rights and powers of any such body ;
- (d) any detailed plan or design, adopted by resolution of the responsible authority, for the development of the locality in which the land to which the application relates is situated ;
- (e) the existing and future amenity of the neighbourhood ;
- (f) the circumstances of the case and the public interest ; and
- (g) the provisions of the scheme.

Consideration of certain applications.

21. Where application is made to the responsible authority for consent or approval—

Aesthetic appearance.

- (a) to the erection of a building, to the carrying out of a work or to the use of land within view of any waterway or adjacent to any main road, railway, public reserve, land reserved for open space or land within Zone No. 6 (a) or 6 (b), the responsible authority shall take into consideration the probable aesthetic appearance of

such land or of the proposed building or work when used for the proposed purpose and viewed from such waterway, main road, railway, public reserve or any such reserved or zoned land ;

- (b) to the erection of a building, to the carrying out of a work or to the use of land for the purposes of any extractive industry or mine, the responsible authority shall take into consideration the advisability of imposing conditions to secure the reinstatement of the land, the removal of waste material or refuse and the securing of public safety and amenity of the neighbourhood ; Extractive industries or mines.
- (c) to the erection of a building, work or land in any zone other than in Zone No. 1 (c) or 4 (a), the responsible authority shall take into consideration whether the proposed use of such building, work or land is likely to cause a nuisance due to the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water, waste products or otherwise ; Amenity of non-industrial zones.
- (d) to the erection or use of an hotel, service station, car repair station or place of assembly or to the carrying out of any other development likely to cause increased vehicular traffic on any road in the vicinity thereof, the responsible authority shall, before consenting to the application, refer particulars of the application to the Police Department (Traffic Branch) and, where the site has frontage to a main road, to the Department of Main Roads, and shall take into consideration whether, having regard to the proposed use of any such building or development— Hotels, service stations, places of assembly, etc.
- (i) adequate vehicular exits and entrances to the site have been provided so that vehicles using such exits and entrances will not endanger persons and vehicles using any such road ;
- (ii) space, sufficient to provide for the parking or standing of such number of vehicles as the responsible authority may determine having regard to the purposes for which the building, work or land is proposed to be used, has been provided on the site or on land adjoining the site not being a public road ;
- (iii) any requirements of the Police Department (Traffic Branch) and, where the site has frontage to a main road, the Department of Main Roads, have been met ;
- (iv) adequate space has been provided within the site of the building or development for the loading, unloading and fuelling of vehicles and for the picking up and setting down of passengers ;
- (e) to the erection of a building, to the carrying out of a work or to the use of a building, work or land for the purpose of a transport terminal, the responsible authority shall, before consenting to the application, consult with the Department of Motor Transport and Transport terminals.

the Police Department (Traffic Branch) and, where the site has frontage to a main road, with the Department of Main Roads, and shall take into consideration—

- (i) any representations made to it as a result of such consultation ;
- (ii) the standard of the roads in the locality in relation to the size and weight of the vehicles likely to use the terminal ;
- (iii) traffic conditions and facilities generally in the vicinity of the approaches to the terminal ;
- (iv) the provision on land other than a public road of space for the parking and standing of vehicles using the terminal;
- (v) the means of ingress and egress to the terminal; and
- (vi) the layout of buildings on the site in relation to the provision of space for the parking and standing of vehicles, to the provision of space for the loading, unloading or fuelling of vehicles and to the traffic facilities within the site ;

Parking provisions.

- (f) to the erection of a building, to the carrying out of a work or to the use of a building, work or land for the purposes of an industry, commercial premises or a residential flat building, the responsible authority shall take into consideration whether adequate space, sufficient to provide for the parking or standing of such number of vehicles as the responsible authority may determine having regard to the purposes for which the building, work or land is proposed to be used, has been provided on the site or on land adjoining the site not being a public road.

Floods.

22. In respect of any application under this Ordinance for the consent of the responsible authority to erect a dwelling-house or a residential building, the responsible authority shall take into consideration the likelihood of floodwaters entering any such building and may attach conditions to any such consent, requiring the floor to be erected at a height sufficient, in its opinion, to obviate the frequent flooding of the building.

Development in residential zones.

23. (1) Where an application is received by the responsible authority for consent to erect a building or to carry out a work or to use a building, work or land within Zone No. 2 (a), 2 (b), 2 (c) or 2 (e) for a purpose referred to in Column IV of the Table to clause 11 in respect of any such zone, the responsible authority shall, before determining the application, forthwith give notice of receipt of the application in a local newspaper.

(2) The cost of giving such notice may be included in the fees, if any, fixed in respect of any application for consent under this Ordinance.

(3) The notice shall—

- (a) set out particulars sufficient to identify the land to which the application relates and the nature of the proposed development ; and
- (b) allow a period of fourteen days from the date of publication during which any person may lodge with the responsible authority written objection to the proposed development on the ground that it will injuriously affect the ownership or occupation by such person of a dwelling-house or dwelling in a residential flat building in the vicinity.

(4) After expiry of the period allowed by the notice the responsible authority shall consider the application having regard to any objections lodged in pursuance of the notice.

24. (1) The responsible authority shall not refuse to grant any application made to it under this Ordinance by the Crown or any statutory body representing the Crown or a public utility undertaking, nor attach conditions to a consent to any such application, unless it has first consulted with the Minister and taken into consideration any representations made by the Minister in relation to such application. Development by the Crown or public utility undertaking.

(2) In any case where representations are made by the Minister in pursuance of subclause (1) of this clause, the responsible authority shall, upon determining the application, notify the Minister of its decision.

25. (1) Subject to the provisions of this Ordinance, the responsible authority may grant an application for its consent to carry out development either unconditionally or subject to such conditions as it may think proper to impose or may refuse to grant such application. Determination of application.

(2) The responsible authority shall cause notice to be given to the applicant of its decision and, in the case of a consent given subject to conditions or of a refusal, the reasons therefor shall be stated in the notice.

(3) Any consent of the responsible authority given under this Ordinance to the carrying out of development in a residential zone shall be void if the development to which it refers is not substantially commenced within a period of two years from the date of the consent: Provided that the responsible authority may, if good cause be shown, grant annual extensions or renewals of such consent beyond such period up to a further period of three years.

PART VI.

Special Provisions.

26. (1) A residential building or a dwelling-house, other than a dwelling in a semi-detached or terrace building, shall not be erected in Zone No. 2 (a), 2 (b), 2 (c), 2 (d) or 2 (e) on any allotment of land which has an area of less than 5,000 square feet and a frontage of less than 50 feet to a road: Provided that the responsible authority may consent to the erection of a dwelling-house on any allotment of land in any such zones having an area of not less than 5,000 square feet and a minimum allotment width of not less than 50 feet at the front alignment of the dwelling-house. Minimum size of allotments.

(2) Nothing in subclause (1) of this clause shall operate to prohibit the erection of a dwelling-house in Zone No. 2 (a), 2 (b), 2 (c), 2 (d) or 2 (e) on any allotment of land which was in existence as a separate allotment of land on the appointed day.

(3) Within Zone No. 1 (a), 1 (b) or 1 (c) the area of an allotment of land on which an hotel or motel may be erected shall be not less than five acres and, in the case of land within Zone No. 1 (b) having frontage to a main road, such frontage shall be not less than ten chains.

General store.

27. A general store shall not be erected in Zone No. 1 (a), 1 (c), 2 (a), 2 (b) or 2 (c) on an allotment of land unless such land is more than $\frac{1}{2}$ mile distant from an existing general store or a site in respect of which the responsible authority has approved of the erection of a general store and such approval is still valid.

Junk yards.

28. A junk yard shall not be established on any land within 300 feet of the Pacific Highway or any other main road.

Variation of area required for country dwelling.

29. The Minister may on the application of the responsible authority, from time to time by notification in the Gazette, determine in respect of any allotment of land included in Zone No. 1 (a), 1 (b) or 1 (c) the minimum area on which a dwelling-house may be erected for occupation in conjunction with such land.

30. (1) Notwithstanding any other provisions of this Ordinance a dwelling-house may, with the consent of the responsible authority be erected on any allotment of land in Zone No. 1 (a), 1 (b) or 1 (c), in respect of which the applicant submits to the responsible authority a statutory declaration that such land was not held on 24th January, 1962, in common ownership with any adjoining land and the Shire Clerk certifies that according to the records of the Council such declaration is correct.

(2) The responsible authority shall cause any consents given in pursuance of subclause (1) of this clause to be recorded on a map and shall forward details thereof at quarterly intervals to the Authority.

Subdivision and new roads.

31. (1) A subdivision of land shall not be made within Zone No. 1 (a), 1 (b) or 1 (c) unless each separate allotment to be created thereby has an area of not less than twenty-five acres, or such other area as the Minister may have determined under clause 29 of this Ordinance.

(2) Notwithstanding the provisions of subclause (1) of this clause, the responsible authority may approve of a subdivision of land—

- (a) in Zone No. 1 (a), 1 (b) or 1 (c) which provides for the excision of one allotment of not less than five acres in area from any subdivision of land comprising not less than ten acres in area and not held on 24th January, 1962, in common ownership with any adjoining land, if the responsible authority is satisfied that special circumstances exist which justify the granting of the approval;
- (b) in Zone No. 1 (a) which provides for the excision of one allotment of not less than one-half of an acre in area from any subdivision of land comprising not less than fifteen acres in area, if such allotment is required for the erection thereon of a dwelling-house and the responsible authority is satisfied that the erection of such dwelling-house will not prejudice the objects and purposes of such zone;

- (c) in Zone No. 1 (c) which provides for the excision of one or more allotments each having an area of not less than one-half of an acre if such allotment or allotments is or are intended to be used, and the responsible authority is satisfied that it or they will be used, for the purposes of an industry permissible within such zone.

(3) The responsible authority shall cause all subdivisions approved by it under subclause (2) of this clause to be recorded on a map and shall at quarterly intervals forward details of such subdivisions to the Authority.

(4) Where the scheme provides for the opening of a new road a subdivision of land of which such road forms part shall not be made or approved unless such subdivision makes provision for the opening of such road in reasonable conformity with the road design shown on the scheme map.

(5) In respect of any application for consent to open a public road forming a junction or intersection with a main road the responsible authority shall take into consideration—

- (a) the treatment of the junction or the intersection and its location having regard to town and country planning principles and to the safety and convenience of the public; and
- (b) the effect of opening such road on the development of the locality.

(6) The responsible authority shall not approve of any subdivision in Zone No. 2 (a), 2 (b), 2 (c), 2 (d) or 2 (e) involving the opening of a new road unless the applicant agrees to completely construct the proposed new road in accordance with the relevant standard specification of the Wyong Shire Council and to the satisfaction of the responsible authority and, without limiting the generality of such requirements—

- (a) to provide concrete kerbing and guttering throughout the whole length of the new road;
- (b) to pave and seal with bitumen the full width between gutters where the road reserve is 66 feet wide or less;
- (c) to pave and seal with bitumen the two carriageways adjacent to the gutter each 20 feet wide where the road reserve is more than 66 feet;
- (d) to provide a system of concrete stormwater drains throughout the area of the proposed subdivision of such a capacity as to prevent future flooding or scouring by stormwater of the area of the proposed subdivision.

32. Notwithstanding any other provisions of this Ordinance the responsible authority may consent to the erection of a dwelling-house on any of the lots referred to in Schedule 8 to this Ordinance.

33. A subdivision of land in Zone No. 1 (a) or 1 (b) having frontage to a main road shall not be made unless each allotment comprised therein has a minimum frontage of four chains except where any allotment has an area of twenty-five acres or more in which case the frontage shall be not less than ten chains: Provided that the responsible authority may, where the

existing pattern of subdivision is such as to make the foregoing requirement impracticable, approve of a lesser frontage if the shape and proportion of the allotment is, in its opinion, reasonable.

Liquid fuel depot. 34. A liquid fuel depot having an aboveground storage capacity of 100,000 gallons or more of inflammable liquid shall not be established, enlarged or used except with the consent of the responsible authority and the concurrence of the Department of Mines.

Alignment of main roads. 35. The Council shall not, without the approval of the Commissioner for Main Roads, cause to be aligned or realigned any main road or any other road which the Commissioner for Main Roads has notified to the responsible authority as a proposed main road.

Controlled access roads. 36. (1) The Governor may proclaim any main road or any part of a main road to be a controlled access road and in the like manner amend or revoke any such proclamation.

(2) A copy of any proclamation made under subclause (1) of this clause shall be published in the Gazette and in a newspaper circulating in the locality in which the controlled access road is situated and shall be served on the responsible authority.

(3) A person shall not enter or leave a controlled access road except by means of access or route provided for that purpose.

(4) A person shall not, without the consent of the responsible authority, open, construct, form or lay out any means of access to or from a controlled access road: Provided that the responsible authority shall not without the approval of the Commissioner for Main Roads consent to the opening, construction, forming or laying out of any means of access to or from a controlled access road: Provided also that in the event of the Commissioner for Main Roads refusing in any case to approve, a difference within the meaning of section 654 of the Act shall be deemed to have arisen and the responsible authority or the Commissioner for Main Roads may submit such difference to the Minister for determination under that section.

(5) The responsible authority may erect and maintain fences or posts across any side road or other means of access for the purpose of preventing access to a controlled access road.

(6) A person shall not drive any loose sheep, cattle, horses or other animals on or along a controlled access road.

(7) The provisions of this clause shall not apply to or in respect of any main road which is proclaimed a motorway under Part VA of the Main Roads Act, 1924, as amended.

Building lines along main roads. 37. (1) A building shall not be erected on land within Zone No. 1 (a) or 1 (b) for a purpose specified in Column I of the Table to this clause—

- (a) in the case of land having a frontage to a main road not less than two chains in width where the distance between such building and the alignment of such road is less than the distance set out opposite such purpose in Column II of the Table ;

- (b) in the case of land having a frontage to a main road less than two chains in width where the distance between such building and the centre line of such road is less than the distance set out opposite such purpose in Column III of the Table.

TABLE

COLUMN I	COLUMN II	COLUMN III
Purpose	Distance in Feet from Alignment	Distance in Feet from Centre Line
Hotel, Motel, Clubhouse	150	216
Industry	60	126
Junk Yard	300	366
Any other building	60	126

(2) A building shall not be erected on land within Zone No. 2 (e)—

- (a) in the case of land having a frontage to a main road not less than two chains in width where the distance between such building and the alignment of such road is less than 33 feet ;
- (b) in the case of land having a frontage to a main road less than two chains in width where the distance between such building and the centre line of such road is less than 99 feet.

(3) A building shall not be erected in Zone No. 2 (a), 2 (b), 2 (c) or 2 (d) on land having a frontage to a main road where the distance between such building and the alignment of such road is less than 40 feet, except that where the depth of any allotment from such alignment to the rear boundary is less than 150 feet the distance between such building and the alignment of such road shall be not less than 25 per centum of the depth of the allotment:

Provided that where—

- (a) the design and use of the building ; or
- (b) the design and arrangement of the building on the site ; or
- (c) the use and siting of buildings in the immediate vicinity ;

in the opinion of the responsible authority justify the erection of a building within a lesser distance from a main road than that prescribed in this subclause, a building may be so erected with the consent of the responsible authority.

(4) Notwithstanding any other provision of this Ordinance a building shall not be erected in Zone No. 1 (a), 1 (b), 1 (c), 2 (a), 2 (b), 2 (c), 2 (d), 2 (e), 3 (a), 3 (b) or 4 (a) within one chain of the high water mark of any lake or ocean foreshore: Provided that where by reason of the size or shape of the site the erection of a building in accordance with this subclause would, in the opinion of the responsible authority, be impracticable, a building may be erected within a lesser distance of such high water mark with the consent of the responsible authority.

Service stations or car repair stations.

38. (1) A building or work shall not be erected or used and land shall not be used for the purpose of a service station or car repair station unless—

- (a) the site is more than 300 feet from the junction or intersection of a main road with another main road ;
- (b) where the site has frontage to a main road—
 - (i) the Police Department (Traffic Branch) and the Department of Main Roads have been consulted ; and
 - (ii) where the site is not a corner lot the frontage to such road is not less than 125 feet, or, where the site is a corner lot, the frontage to such road is not less than 100 feet ;
- (c) where the site has frontage to a road other than a main road such frontage is not less than 100 feet ;
- (d) the width of a vehicular crossing over a footpath is less than 30 feet ;
- (e) any vehicular crossing over a footpath is not closer than 20 feet to a road intersection ;
- (f) separate entrances to and exits from the site are provided and such entrances and exits are separated by physical barriers constructed on the road alignment and so identified by suitable signs readily visible to persons using the adjoining road or entering upon or leaving the site ;
- (g) where the site is a corner lot and, if the responsible authority so requires, separate entrances and exits are provided to and from each of the adjoining roads and a physical barrier is erected so that a vehicle entering the site must, when leaving it, use an exit leading only to the road from which entrance was gained.

(2) A building or work shall not be erected or used and land shall not be used for the purpose of a service station unless in addition to the other requirements of this clause—

- (a) inlets to bulk fuel storage tanks are so situated on the site as to ensure that tankers, while discharging fuel into such tanks, shall stand wholly within the site ;
- (b) fuel pumps are within the site and not closer than 12 feet to the road alignment ;
- (c) the layout of the site is such as to facilitate the movement of vehicles entering upon or leaving the site with the flow of traffic on the adjoining road ; and
- (d) vehicular access to or from the site from or to an adjoining road is not situated closer than 80 feet to any traffic lights on such road.

Residential flat buildings on main roads.

39. (1) A residential flat building shall not be erected or used on a site having frontage to a main road unless provision is made within the site for—

- (a) vehicular parking space of an area of not less than 18 feet by 8 feet for each flat within the building ; and
- (b) proper vehicular access to such parking space.

(2) For the purpose of subclause (1) of this clause "vehicular parking space" shall be deemed to include any garage or court available for use by vehicles.

40. A drive-in theatre shall not be erected or used unless the following conditions are complied with— Drive-in theatres.

- (a) a vehicular entrance to, or exit from, a drive-in theatre shall not be located within 300 feet of a main road ;
- (b) within the site of a drive-in theatre there shall be a vehicular driveway, at least 200 feet in length and 70 feet in width, leading from the entrance to the site to the ticket office ;
- (c) the screen of a drive-in theatre shall be so located or protected that no image projected thereon shall be visible and identifiable from a main road ;
- (d) where an application is received by the responsible authority for consent to erect a building or to use a building or land for the purpose of a drive-in theatre, the responsible authority shall, before determining the application, consult with the Police Department (Traffic Branch) and the Department of Main Roads and take into consideration any representations made by either such Department.

41. (1) A person shall not without the consent of the responsible authority erect a general advertising structure within Zone No. 1 (a), 1 (b) or 1 (c): Advertisements.

Provided that—

- (a) such consent shall be restricted to the erection of general advertising structures on buildings other than country dwellings, works or land erected or used with the consent of the responsible authority for a purpose referred to in Column IV of the Table to clause 11 of this Ordinance in respect of the zone concerned;
- (b) any such structure shall only display notices relating to the purpose for which the building, work or land is permitted to be used:

Provided further that in the case of an existing building, work or land the existing use of which is for a purpose for which buildings, works or land may not be erected, carried out or used in Zone No. 1 (a), 1 (b) or 1 (c) as the case may be under Column V of the Table to clause 11 of this Ordinance the responsible authority may consent to the erection, on such existing building, work or land of general advertising structures relating to the existing use thereof.

(2) A person shall not erect a general advertising structure in Zone No. 2 (a) or 2 (d).

(3) A person shall not without the consent of the responsible authority erect general advertising structures within Zone No. 2 (b), 2 (c) or 2 (e): Provided that—

- (a) such consent shall be restricted to the erection of general advertising structures, other than sky signs, flashing illuminated signs or other signs which in the opinion of the responsible authority are

likely to interfere with the amenity of the locality, on buildings, works or land erected, carried out or used with the consent of the responsible authority for a purpose referred to in Column IV of the Table to clause 11 of this Ordinance in respect of the zone concerned ;

- (b) any such structure shall only display notices relating to the purpose for which the building, work or land is permitted to be used:

Provided further that in the case of an existing building, work or land the existing use of which is for a purpose for which buildings, works or land may not be erected, carried out or used in Zone No. 2 (b), 2 (c) or 2 (e) under Column V of the Table to clause 11 of this Ordinance the responsible authority may consent to the erection, on such existing building, work or land of general advertising structures, other than sky signs, flashing illuminated signs or other signs which in the opinion of the responsible authority are likely to interfere with the amenity of the locality, relating to the existing use thereof.

(4) For the purposes of this clause "general advertising structure", "sky sign" and "illuminated sign" shall have the meanings ascribed to them in Ordinance No. 55 under the Act.

(5) Nothing in this clause shall operate to prohibit the responsible authority from erecting within Zone No. 1 (a), 1 (b) or 1 (c) signs designed for the purpose of directing the travelling public.

Sawdust. 42. Except with the consent of the responsible authority, sawdust or other sawmill waste shall not be deposited on any land in any zone, whether by way of filling or otherwise, nor burnt except in an incinerator of a type approved by the responsible authority.

Railway sidings. 43. Nothing in this Ordinance shall operate to prohibit the construction and use of any railway siding designed to serve lands in Zone No. 4 (a).

Preservation of trees. 44. (1) Where it appears to the responsible authority that it is expedient in the interests of amenity to make provision for the preservation of any tree or group of trees it may for that purpose make an order (hereinafter referred to as a tree preservation order) with respect to such tree or group of trees as may be specified in the order and may by like resolution rescind or vary any such order.

(2) A tree preservation order may prohibit the ringbarking, cutting down, topping, lopping, removing, injuring or wilful destruction of any tree or trees specified in such order except with the consent of the responsible authority and any such consent may be given subject to such conditions as the responsible authority may think fit.

(3) Any such order may relate to any tree or trees or to any specified class, type or description of trees on land described in such order and such land may be described particularly or generally by reference to the shire or any division thereof.

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

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

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

(7) The powers conferred upon the responsible authority by this clause shall not extend to any trees within a State Forest or land reserved from sale as a Timber or Forest Reserve under the Forestry Act, 1916, as amended.

45. (1) The Governor, on the application of the responsible authority, may, by proclamation, declare any land, building or work to be a place of scientific or historic interest. Places of scientific or historic interest.

(2) A copy of such proclamation shall be served by the responsible authority on the owner and occupier of any such land, building or work.

(3) Where any land, building or work has been declared a place of scientific or historic interest, a person shall not make any alterations or additions to the land, building or work or demolish such building or work without the consent of the responsible authority.

(4) The responsible authority may acquire any such land, building or work for the purpose of preserving it for public use and enjoyment.

(5) Where any land, building or work has been declared under this clause to be a place of scientific or historic interest the owner of such land, building or work may, by notice in writing, require the responsible authority to acquire the land, building or work.

Upon receipt of any such notice the responsible authority shall acquire the land, building or work to which the notice relates.

(6) The responsible authority may with the consent of the Council or trustees or any authority established for that purpose place any such land, building or work under the care, control and management of such Council, trustees or authority.

46. The responsible authority, before determining any application made to it for its consent to the use of land within Zone No. 6 (a) for the purposes of a mine shall consult with the Authority and shall not grant its consent to such application except with the concurrence of the Authority and, in the case of such concurrence being given, shall attach to its consent such conditions as the Authority may require to be imposed. Mines in Open Space Zone.

47. Notwithstanding any other provisions of this Ordinance a person shall not, without the consent of the responsible authority, erect a building or carry out a work on any land forming part of the bed of a harbour, bay, lake or of any river, lagoon, creek or other natural watercourse, which land is shown uncoloured on the scheme map, in the case of tidal waters, being land below high water mark which is within the Shire of Wyong, nor shall a person use such land without such consent for any purpose other than for the purpose of its existing use. Development on beds of lakes, rivers, etc.

PART VII.*General.*

- Savings.** 48. Nothing in this Ordinance shall be construed as restricting or prohibiting or enabling the responsible authority to restrict or prohibit—
- (a) the carrying out of development of any description specified in Schedule 6 to this Ordinance;
 - (b) the use of existing buildings of the Crown; or
 - (c) home occupations.
- Application of the Scheme to development incomplete at commencement of Scheme.** 49. Nothing in this Ordinance shall prevent the erection of a building or the carrying out of work and the use of such building or work in accordance with the terms of the Town and Country Planning (General Interim Development) Ordinance or of any permission or modification thereof granted under Division 7 of Part XIIA of the Act and under that Ordinance, which permission has not been revoked, if the erection of the building or the carrying out of work was commenced but not completed, before the appointed day or is substantially commenced within a period of twelve months after that day.
- Fulfilment of conditions.** 50. Where permission to erect any building or to carry out any work or to use any building, work or land or to do any other act or thing has been granted under Division 7 of Part XIIA of the Act or under any Ordinance made under that Part and conditions have been imposed which are not inconsistent with any provision of this Ordinance the conditions shall have effect as if they were conditions imposed under this Ordinance and may be enforced accordingly.
- Leasing of certain lands.** 51. (1) Where the responsible authority has acquired any land for any purpose under this Ordinance and where it appears to the responsible authority that such purpose cannot be carried into effect within a reasonable time after such acquisition the responsible authority may let such land by way of lease under and subject to the provisions of the Act.
- (2) In determining the term of any such lease regard shall be had to the time when the land is likely to be required for the purpose for which it was acquired or the time when the purposes of the acquisition are likely to be carried into effect.
- (3) Any such lease may authorize the erection of buildings, the carrying out of works and the making of excavations for any purpose but in any case where such purpose is inconsistent with the purpose for which the land is reserved or zoned under this Ordinance the lease shall require the removal of any such buildings or works or the reinstatement of the land before the end of the term of the lease.
- Suspension of Acts, covenants, etc.** 52. (1) The operation of the proclamations made under section 309 of the Act declaring the Residential Districts specified in Schedule 7 to this Ordinance is hereby suspended to the extent to which such proclamations are inconsistent with any of the provisions of this Ordinance or with any consent given thereunder.

(2) In respect of any land which is comprised within any zone other than within Zone No. 2 (a) or 2 (d), the operation of any covenant, agreement or instrument imposing restrictions as to the erection or use of buildings for certain purposes or as to the use of land for certain purposes is hereby suspended to the extent to which any such covenant, agreement or instrument is inconsistent with any provision of this Ordinance, or with any consent given thereunder.

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

54. The responsible authority shall keep available for public inspection Register. without fee during ordinary office hours a register of consents, permissions, orders, authorities and the like granted by the responsible authority and of decisions on appeal from any decision of the responsible authority under Part XIIA of the Act or under this Ordinance and of any conditions attached thereto.

55. The responsible authority shall, whenever directed by the Authority Review. so to do and in any case within ten years from the appointed day, review the Scheme and prepare and submit to the Authority in accordance with the provisions of the Act a town and country planning scheme or schemes varying this Scheme.

56. Any person who contravenes any of the provisions of this Ordinance Penalty. or who fails to comply with any of those provisions or with the terms of any notice or direction issued or given thereunder or with the terms and conditions imposed by any consent or approval given thereunder shall be deemed to have committed a breach of this Ordinance and shall be liable to a penalty not exceeding two hundred dollars and also a daily penalty not exceeding ten dollars for any continuance of the offence.

SCHEDULES.

Schedule 1.

Butcher's shop.
 Chemist's shop.
 Confectionery and milk bar.
 Greengrocer's shop.
 Grocer's shop.
 General store.
 Hardware shop.
 Newsagent's shop.
 Produce store.
 Smallgoods and sandwich shop.
 Tobacconist's and hairdressing shop.

Clause 11

Schedule 2.

Clause 11 Aerated waters and cordial manufacture.
 Boot and shoe repairing.
 Bread, cake and pastry manufacture.
 Cabinet making.
 Car trimming.
 Car repair station and panel beating.
 Cycle repairing.
 Dressmaking.
 Dry-cleaning and dyeing.
 Electrical appliance repairing.
 Farrier's workshop.
 Joinery.
 Laundry.
 Lawn mower repairing.
 Plant nurseries.
 Plumbing.
 Printing (jobbing).
 Rubber vulcanizing and tyre retreading.
 Signwriting.
 Tailoring.
 Toy making.
 Upholstering.
 Any home industry not specified above.

Schedule 3.

Clause 11 Boot and shoe repairing.
 Boat building and repairing.
 Bread, cake and pastry manufacture.
 Car repair station.
 Cycle repairing.
 Dressmaking.
 Dry-cleaning and dyeing.
 Electrical appliance repairing.
 Laundry.
 Lawn mower repairing.
 Service station.
 Signwriting.
 Tailoring.
 Toy making.
 Any home industry not specified above.

Schedule 4.

Agricultural machinery manufacture.
 Aluminium products manufacture.
 Asbestos cement products manufacture.
 Bag and sack (textile) manufacture.
 Boiler making.
 Brick, tile, pipe and pottery manufacture.
 Electric machinery manufacture.
 Engineering (heavy).
 Fibrous plaster manufacture.
 Glass products manufacture.
 Grain milling.
 Machinery manufacture (heavy).
 Match manufacture.
 Metal founding.
 Motor vehicle manufacture and assembly.
 Offensive or hazardous industries.
 Panel beating works.
 Sawmilling.
 Steel products manufacture (heavy).
 Stone cutting and crushing works.
 Welding works.

Clause 11

Schedule 5.

Bread, cake and pastry manufacture.
 Boot and shoe repairing.
 Car repair station.
 Dental surgery.
 Dressmaking.
 Dry-cleaning and dyeing agency.
 Electrician's workshop.
 Home industries.
 Lending library.
 Photographic studio.
 Places of assembly.
 Professional consulting rooms.
 Radio mechanic's workshop.
 Service station.
 Tailoring.

Clause 11

Schedule 6.

1. The carrying out by persons carrying on railway undertakings on land comprised in their undertakings of— Clause 48
- (a) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant;
 - (b) the erection within the confines of a railway station of buildings for any purpose;

- (c) the erection, reconstruction and alteration of buildings for railway undertaking purposes within Zone No. 5 (b) outside the limits of a railway station; but excluding—
- (i) the construction of new railways, railway stations and bridges over roads;
 - (ii) the erection of any building on land not included in Zone No. 5 (b);
 - (iii) the erection, reconstruction and alteration of buildings for purposes other than railway undertaking purposes outside the confines of a railway station and the reconstruction or alteration so as to materially affect the design of railway stations or bridges;
 - (iv) the formation or alteration of any means of access to a road;
 - (v) the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings have direct access to a public place.

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

- (a) development of any description at or below the surface of the ground;
- (b) the installation of any plant inside a building or the installation or erection within the premises of a generating station or sub-station established before the appointed day of any plant or other structures or erections required in connection with the station or sub-station;
- (c) the installation or erection of any plant or other structures or erections by way of addition to or replacement or extension of plant or structures or erections already installed or erected, including the installation in an electrical transmission line of sub-stations, feeder-pillars or transformer housings, but not including the erection of overhead lines for the supply of electricity or pipes above the surface of the ground for the supply of water, or the installation of sub-stations, feeder-pillars or transformer housings of stone, concrete or brickwork;
- (d) the provision of overhead service lines in pursuance of any statutory power to provide a supply of electricity;
- (e) the erection of service reservoirs on land acquired or in process of being acquired for the purposes thereof before the appointed day, provided reasonable notice of the proposed erection is given to the responsible authority;
- (f) any other development except—
 - (i) the erection of buildings, the installation or erection of plant or other structures or erections, and the reconstruction or alteration, so as materially to affect the design or external appearance thereof, of buildings;
 - (ii) the formation or alteration of any means of access to a road.

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

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

4. The carrying out by persons carrying on wharf, harbour, or river undertakings, on land comprised in their undertakings, of any development required for the purposes of shipping or in connection with the embarking, loading, discharging or transport of passengers, live-stock, or goods at a wharf or harbour or the

movement of traffic by a railway forming part of the undertaking, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant, except—

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

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

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

6. The carrying out by the owner or lessee of a mine, of any development required for the purposes of the mine, except—

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

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

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

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

- (a) the erection of buildings and the reconstruction or alteration of buildings, so as materially to affect the design or purpose thereof;
- (b) any purpose designed to change the use or purpose of any such reserves.

Schedule 7.

Residential District No. 1—Wyang, published in Government Gazette No. 151 of 22nd September, 1950. Clause 52.

Residential District No. 2—Wyang, published in Government Gazette No. 151 of 22nd September, 1950.

Residential District No. 3—Wyang, published in Government Gazette No. 151 of 22nd September, 1950.

Schedule 8.

Lots 1 to 33 inclusive and 36 to 98 inclusive, Deposited Plan 215875.

Clause 32.

Lots 1 to 78 inclusive, Deposited Plan 217918.

Lots 1 to 198 inclusive, Deposited Plan 218002.

Lots 1 to 128 inclusive, 130 to 158 inclusive and 160 to 186 inclusive, Deposited Plan 218077.

Lots 1 to 69 inclusive, Deposited Plan 222868. (4338)

BY AUTHORITY:

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