

1971—No. 172

NEW SOUTH WALES



ORDINANCE

LOCAL GOVERNMENT ACT, 1919.

[Published in Government Gazette No. 78 of 16th July, 1971.]

PROCLAMATION.

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

14th July, 1971.

THE City of Sydney Planning Scheme Ordinance is hereby proclaimed as set out in the Schedule hereto. (181 L. 1/5)

By His Excellency's Command,

P. H. MORTON.

GOD SAVE THE QUEEN!

SCHEDULE.

TOWN AND COUNTRY PLANNING—CITY OF SYDNEY
PLANNING SCHEME ORDINANCE.

Local Government Act, 1919: Part XIIA.

PART I.

Preliminary.

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

(2) The planning scheme prepared by the Council of the City of Sydney in respect of all land within the City of Sydney, in pursuance of paragraph (a) of subsection one of section 34 of the Local Government (Areas) Act, 1948, is embodied in this Ordinance.

2. The planning scheme referred to in subclause (2) of clause 1 varies in certain respects the County of Cumberland Planning Scheme and incorporates all such provisions of that Scheme relating to land within the City of Sydney as are not inconsistent with the provisions of the Scheme so referred to. Variation of County of Cumberland Planning Scheme.

Division
into
Parts.

3. This Ordinance is divided into Parts as follows:

PART I.—*Preliminary*—cll. 1-6.

PART II.—*Reservation and Restriction on Use of Land*—cll. 7-22.

PART III.—*Restrictions on Building and Use of Land*—cll. 23-25.

PART IV.—*Existing Buildings, Existing Works and Existing Use of Land*—cll. 26-30.

PART V.—*Consents*—cll. 31-37.

PART VI.—*General Amenity and Convenience*—cll. 38-41.

PART VII.—*Special Provisions*—cll. 42-62.

PART VIII.—*General*—cll. 63-73.

SCHEDULES.

Interpre-
tation.

4. (1) In this Ordinance, unless the context or subject matter otherwise indicates or requires—

"Airline terminal" means a building or place 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 a building used or intended for use by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purpose whether of the same or of a different kind and whether or not the whole or a part of such building is the premises of a club registered under Part X of the Liquor Act, 1912.

"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, subject to the provisions of the Local Government (City of Sydney Boundaries) Act, 1967, and the Sydney Cove Redevelopment Authority Act, 1968, the Council of the City of Sydney.

"County road" means—

- (a) any existing road indicated on the scheme map by a continuous red band between firm black lines;
- (b) any proposed road indicated on the scheme map by a broken red band between broken black lines; and
- (c) any proposed widening indicated on the scheme map by a broken red band between a firm black line and a broken black line.

"Development" has the meaning ascribed to it in section 342r of the Act.

"Dwelling-house" means a building designed 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 or museum, but does not include a building used or intended 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 65 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 65 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 approved.

"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.

"Foreshore scenic protection area" means any land shown on the scheme map by black hatching and any land declared by proclamation to be a Foreshore Scenic Protection Area for the purposes of this Ordinance.

"General advertising structure" has the meaning ascribed to it in Ordinance No. 55 under the Act.

"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.

"Height of Buildings Restriction Map" means sheet number seven of the scheme map.

"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, except where such registration is required by reason of the installation and use in the dwelling-house or such dwelling of not more than one electric motor having a capacity not exceeding one-half horse power;
- (b) the employment of persons other than such residents;
- (c) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, 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 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 or 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.

"Industry" means—

- (a) any manufacturing process within the meaning of the Factories, Shops and Industries Act, 1962;

- (b) the breaking up or dismantling of any goods or any article for trade or sale or gain or as ancillary to any business; or
- (c) the winning of extractive material.

"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.

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

"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.

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

"Professional consulting rooms" means a room or a number of rooms forming part of, attached to, or within the curtilage of, a dwelling-house and used or intended for use by one legally qualified medical practitioner, or by one dentist within the meaning of the Dentists Act, 1934, who practises his profession therein as a sole practitioner or in partnership with not more than two other practitioners practising the same profession, and he or the partnership, as the case may be, employs no more than three employees in connection with the practice.

"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 an organization established for public purposes.

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

- (a) railway, road transport, water transport, air transport, wharf, harbour 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.

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

"Schedule" means a schedule to this Ordinance.

"Scheme" means the City of Sydney Planning Scheme embodied in this Ordinance.

"Scheme map" means the series of seven maps to the scale of four chains to the inch bound in a book the title sheet of which is marked "City of Sydney Planning Scheme" signed by the Minister for Local Government and deposited in the office of the Minister.

"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.

"The Act" means the Local Government Act, 1919.

"Theatre restaurant" means a refreshment room in which in addition to the provision of meals or refreshments there is also provided entertainment by way of dramatic plays or other stage presentations or vocal, instrumental or musical performances or the like.

"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 designed wholly or principally as administrative or business premises or as a showroom.

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

"Zone" means land referred to in Column I of the Table to clause 23 of this Ordinance and shown on the scheme map by distinctive colouring or edging or in some distinctive manner as referred to in Column I 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.

(2) This Ordinance shall operate subject to the provisions of the Local Government (City of Sydney Boundaries) Act, 1967, and the Sydney Cove Redevelopment Authority Act, 1968.

Land to which scheme applies.

5. This Ordinance applies to all land within the City of Sydney, as shown on the scheme map, with boundaries as indicated on such map.

Responsible authorities.

6. (1) In respect of the provisions of this Ordinance relating to—
- (a) the acquisition and transfer of land reserved under Division 2 or 3 of Part II for special uses (hospital), special uses (university), new county roads, widening of existing county roads and new railways;
 - (b) places of scientific or historic interest;
 - (c) the relocation or alteration of the route of any county road or railway indicated on the scheme map;
 - (d) controlled access roads; and
 - (e) any matter in respect of which the Authority is expressly charged with any power, authority, duty or function;

the Authority shall be the responsible authority and shall be charged with the functions of carrying into effect and enforcing such provisions.

(2) The Council shall, subject to this Ordinance, be the responsible authority and shall be charged with the functions of carrying into effect and enforcing the provisions of this Ordinance relating to any power, authority, duty or function other than those enumerated in subclause (1) of this clause.

PART II.

Reservation and Restriction on Use of Land.

Division 1.

Application of Part.

7. This Part shall apply to all land shown on the scheme map in the following manner, viz.—

All land coloured light green;

All land coloured yellow with green edging with scarlet lettering superimposed thereon;

All land coloured grey between broken black lines;

All land shown by a broken red band between a firm black line and a broken black line and by a broken red band between broken black lines;

All land shown uncoloured with blue-purple edging.

Definitions.

8. In this Part, unless the context or subject matter otherwise indicates or requires—

“Built-up land” means all land other than vacant land;

“Vacant land” means land upon which immediately before the appointed day there were no buildings or upon which the only buildings were fences, greenhouses, conservatories, garages, summerhouses, private boathouses, fuel sheds, toolhouses, cycle sheds.

aviaries, milking bails, hay sheds, stables, fowlhouses, pig sties, barns or the like.

Division 2.

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

TABLE

| Column 1 | Column 2 |
|---|--|
| Indication on scheme map of land reserved. | Purposes for which land is reserved. |
| All land coloured light green. | Parks and recreation areas. |
| All land coloured yellow with green edging with scarlet lettering superimposed thereon. | Special use—the particular purpose shown by scarlet lettering on the scheme map. |
| All land coloured grey between broken black lines. | New local roads. |

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

(2) Where it appears to the responsible authority that the purpose for which the land is reserved under this Division 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.

A consent shall not be granted under this subclause in relation to land reserved for special uses except with the consent of the Authority.

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

(4) Nothing in this clause shall operate to prohibit the erection of a fence on any land reserved under this Division or the erection or construction, with the consent of the responsible authority, of any essential utility installation.

Division 3.

11. This Division shall apply only to vacant land and the expression "land" where used in this Division means vacant land. **Application of Division.**

Reservation of land. 12. 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 | Column 2 |
|--|---|
| Indication on scheme map of land reserved. | Purposes for which land is reserved. |
| All land shown by a broken red band between a firm black line and a broken black line and by a broken red band between broken black lines. | New county roads and widening of existing county roads. |
| All land shown uncoloured with blue-purple edging. | New railways. |

Buildings, etc., not to be erected on reserved land without consent. 13. (1) Except as provided in subclause (2) of this clause a person shall not on land reserved under this Division erect a building or carry out or alter a work of a permanent character or make or alter a permanent excavation other than a building or a permanent work or a permanent excavation required for or incidental to the purpose for which the land is so reserved.

(2) Where it appears to the responsible authority that the purpose for which the land is reserved under this Division 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 and of the statutory body concerned 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, and to such conditions as the statutory body concerned requires to be imposed.

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

Division 4.

Application of Division. 14. This Division shall apply only to land which is built-up land and the expression "land" where used in this Division means built-up land.

Built-up land on proposed routes of roads and railways. 15. (1) This clause shall apply only to the following land, namely, all land shown on the scheme map by a broken red band between a firm black line and a broken black line and by a broken red band between broken black lines and all land shown uncoloured with blue-purple edging.

(2) Land shall not be used without the consent of the responsible authority for any purpose other than the purpose for which the land was used immediately before the appointed day.

(3) The erection of a building shall not be undertaken without the consent of the responsible authority.

(4) A consent under this clause shall not be given except with the concurrence of the statutory body concerned.

Division 5.

16. This Division shall apply both to vacant land and built-up land. Application of Division.

17. (1) Land which is reserved under Division 2 or 3 of this Part shall not be used without the consent of the responsible authority for any purpose other than the purpose for which it was used immediately before 12th July, 1946. Restriction on use of land.

(2) Nothing in subclause (1) of this clause shall prevent the use of land for a purpose other than the purpose for which it was used immediately before 12th July, 1946, where consent to the firstmentioned use has been granted either in accordance with the terms of the Town and Country Planning (General Interim Development) Ordinance or Division 7 of Part XIA of the Act or the County of Cumberland Planning Scheme Ordinance.

18. (1) The owner of any land reserved under Division 2 or 3 of 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 10, subclause (2) of clause 13 or clause 17 of this Ordinance, may, by notice in writing, require the responsible authority to acquire such land. Acquisition of land.

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

19. The Authority may and upon such terms and conditions as may be agreed transfer any land which has been acquired by it in pursuance of clause 18 to the statutory body concerned or to the person for whose purposes the land is, in the opinion of the Authority, reserved. Transfer of land.

20. (1) The Commissioner for Main Roads may from time to time notify the Authority of a schedule of proposals in relation to county roads in conformity with this scheme which the Commissioner, pursuant to any powers, authorities, duties and functions conferred by any Act, proposes to carry into effect in relation to such land. Schedule of proposals.

(2) Where any such notice has been given the Authority shall not thereafter incur any expense in respect of the acquisition of, or otherwise in relation to, the land which is required in connection with such proposals and shall upon such terms and conditions as may be agreed transfer to the Commissioner for Main Roads any land which has been acquired by the Authority in connection with such proposals before the receipt of such notice.

21. (1) The Authority may, with the concurrence of the statutory body concerned, relocate or alter the route of any county road or railway indicated on the scheme map. Relocation of county roads or railways.

(2) The statutory body concerned may make application to the Authority for the relocation or alteration of the route of any such county road or railway and shall indicate the relocation or alteration required

(3) Where the Authority proposes to relocate or alter the route of any county road or railway the 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 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 Authority against the proposal to relocate or alter the route of any county road or railway.

(5) The Authority shall consider any such objection and, after making any adjustments which may be considered desirable and which are concurred in by the statutory body concerned, may with the approval of the Governor relocate or alter the route of the county road or railway.

(6) Where the route of a county road or railway has been relocated or altered under the provisions of this clause, the 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 county road or railway as so relocated or altered. The plan shall also indicate any land which is no longer required for the purpose of the county road or railway 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 Authority and thereafter one plan shall be attached to the scheme map, one shall be forwarded to the Council and the other shall be forwarded to the statutory body concerned.

The Authority shall cause to be published in the Gazette and in a Sydney daily newspaper notification that the route of the county road or railway has been relocated or altered and that the plans 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 Divisions 3 and 4 of this Part relating to county roads or railways, as the case may be, shall thereupon—

- (a) cease to apply to the land shown on the plans referred to in such notification as being no longer required for the purpose of the county road or railway 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 county road or railway 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 Division 3 or 4 of this Part shall apply thereto in the case of vacant land and built-up land respectively and such land shall be deemed to be no longer included in a zone or reserved for purposes other than county roads or railways and the provisions of this Ordinance relating to land included in a zone or so reserved shall cease to apply to such land.

22. The provisions of clause 21 shall, *mutatis mutandis*, apply to land shown on the scheme map grey between broken black lines, provided that a reference in the said clause to "the Authority" shall be read and construed as a reference to "the Council" and the concurrence of the Commissioner for Main Roads shall not be necessary to the relocation or alteration of the route of any road for which the land is reserved nor shall such Commissioner be entitled to make application for any such relocation or alteration.

Relocation
of local
roads.

PART III.

Restrictions on Building and Use of Land.

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

Erection
or use of
buildings
or works.

- (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 subject to such conditions as may be imposed by the responsible authority pursuant to paragraph (a) of subclause (1) of clause 37 of this Ordinance;
- (c) for which buildings or works may be erected, carried out or used only with the consent of the responsible authority; and
- (d) 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 II, III, IV and V of the Table.

TABLE

| Column I | Column II | Column III | Column IV | Column V |
|---|---|---|---|--|
| Zone and 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 subject to such conditions as may be imposed by the responsible authority pursuant to clause 37 (1) (a) | 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 not be erected or carried out or used |
| 1. Non-urban—Nil .. | ..... | ..... | ..... | ..... |
| 2. Residential. (a) Residential "A". Light scarlet. | Dwelling-houses, other than semi-detached and terrace buildings. | ..... | Any purpose other than those permitted by Column II or prohibited by Column V. | Bulk stores; caravan parks; car repair stations; clubs; commercial premises; gas holders; generating works; hotels; industries; institutions; hospitals; junk yards; liquid fuel depots; mines; motels; motor showrooms; places of assembly; refreshment rooms; residential buildings containing more than |

TABLE—continued

| Column I | Column II | Column III | Column IV | Column V |
|---|---|---|---|---|
| Zone and 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 subject to such conditions as may be imposed by the responsible authority pursuant to clause 37 (1) (a) | 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 not be erected or carried out or used |
| (b) Residential "B". Light scarlet with dark scarlet edging and lettered 2 (b). | Dwelling-houses, other than semi-detached and terrace buildings. | ..... | Any purpose other than that permitted by Column II or prohibited by Column V. | two flats; roadside stalls; sawmills; service stations; shops; stock and sale yards; transport terminals; warehouses. Bulk stores; caravan parks; car repair stations; clubs; commercial premises; gas holders; generating works; hotels; industries other than home industries; institutions; junk yards; liquid fuel depots; mines; motor showrooms; places of assembly; refreshment rooms; roadside stalls; sawmills; service stations; shops; stock and sale yards; transport terminals; warehouses. |

TABLE—continued

| Column I | Column II | Column III | Column IV | Column V |
|---|---|---|--|---|
| Zone and 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 subject to such conditions as may be imposed by the responsible authority pursuant to clause 37 (1) (a) | 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 not be erected or carried out or used |
| (c) Residential "C" (Special). Light scarlet with dark scarlet edging and lettered 2 (c). | ..... | ..... <i>comprised premises</i> | Airline terminals; banks; business agencies; car parking stations; car repair stations; clubs; dry cleaning depots; dwelling-houses; educational establishments; general advertising structures; home industries; hospitals; hotels; maternity and child welfare centres; motels; open space; places of assembly; places of public worship; professional chambers; public buildings; real estate agencies; refreshment rooms; residential buildings; roads; self-service laundries; service stations carried on in the | Any purpose other than that permitted by Column IV |

TABLE—continued

| Column I | Column II | Column III | Column IV | Column V |
|--|--|--|---|--|
| <p>Zone and colour or indication on scheme map</p> | <p>Purposes for which buildings or works may be erected or carried out or used <i>without</i> the consent of the responsible authority</p> | <p>Purposes for which buildings or works may be erected or carried out or used subject to such conditions as may be imposed by the responsible authority pursuant to clause 37 (1) (a)</p> | <p>Purposes for which buildings or works may be erected or carried out or used <i>only with</i> the consent of the responsible authority</p> | <p>Purposes for which buildings or works may not be erected or carried out or used</p> |
| <p>(d) Residential "D" (Redevelopment). Light scarlet with dark scarlet edging and lettered 2 (d).</p> | <p>.....</p> | <p><i>commercial premises</i></p> | <p>ground floor or basement of multi-storey buildings; shops; T.A.B. branches or agencies; travel agencies; utility installations other than gas holders or generating works.</p> | <p>Any purpose other than that permitted by Column IV.</p> |

TABLE—continued

| Column I | Column II | Column III | Column IV | Column V |
|---|---|---|---|---|
| Zone and 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 subject to such conditions as may be imposed by the responsible authority pursuant to clause 37 (1) (a) | 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 not be erected or carried out or used |
| | | | of assembly; places of public worship; professional consulting rooms; public buildings; purposes referred to in Schedule 2 other than bread, cake, and pastry manufacture; real estate agencies; refreshment rooms other than theatre restaurants; residential buildings; roads; self-service laundries; shops; T.A.B. branches or agencies; travel agencies; utility installations other than gas holders or generating works. | |

TABLE—continued

| Column I | Column II | Column III | Column IV | Column V |
|---|---|---|---|---|
| Zone and 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 subject to such conditions as may be imposed by the responsible authority pursuant to clause 37 (1) (a) | 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 not be erected or carried out or used |
| (e) Residential "E" (Redevelopment). Light scarlet with dark scarlet edging and lettered 2 (e). | ..... | ..... | Any purposes other than those prohibited by Column V. | Caravan parks; extractive industries; gas holders; generating works; institutions; mines; offensive or hazardous industries; saw-mills. |
| (f) Residential "F" (Redevelopment). Light scarlet with dark scarlet edging and lettered 2 (f). | ..... | ..... | Banks; business ^{Commercial Purposes} agencies; car repair stations; dwelling-houses; educational establishments; general advertising structures; hospitals; hotels; industries other than those referred to in Schedule 4; maternity | Any purpose other than those permitted by Column IV. |

TABLE—continued

| Column I | Column II | Column III | Column IV | Column V |
|---|---|---|---|---|
| Zone and 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 subject to such conditions as may be imposed by the responsible authority pursuant to clause 37 (1) (a) | 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 not be erected or carried out or used |
| | | | and child welfare centres; motels; open space; places of assembly; places of public worship; professional consulting rooms; public buildings; purposes referred to in Schedule 2 other than bread, cake, and pastry manufacture; real estate agencies; refreshment rooms other than theatre restaurants; residential buildings; roads; self-service laundries; shops; T.A.B. branches or agencies; travel agencies; utility installations other than gas holders or generating works. | |

TABLE—continued

| Column I | Column II | Column III | Column IV | Column V |
|--|--|--|--|---|
| <p>Zone and colour or indication on scheme map</p> | <p>Purposes for which buildings or works may be erected or carried out or used <i>without</i> the consent of the responsible authority</p> | <p>Purposes for which buildings or works may be erected or carried out or used subject to such conditions as may be imposed by the responsible authority pursuant to clause 37 (1) (a)</p> | <p>Purposes for which buildings or works may be erected or carried out or used <i>only with</i> the consent of the responsible authority</p> | <p>Purposes for which buildings or works may not be erected or carried out or used</p> |
| <p>(g) Residential "G" (Redevelopment). Light scarlet with dark scarlet edging and lettered 2 (g).</p> | <p>.....</p> | <p>.....</p> | <p>Drainage; dwelling-houses; educational establishments; open space; places of public worship; public buildings; roads; utility installations other than gas holders or generating works.</p> | <p>Any purpose other than those permitted by Column IV.</p> |
| <p>3. Business. (a) Business General. Light blue.</p> | <p>.....</p> | <p>Shops not exceeding 10,000 square feet floor space and commercial premises not exceeding 15,000 square feet floor space referred to in Schedule 1.</p> | <p>Any purpose other than those permitted by Column III or prohibited by Column V.</p> | <p>Caravan parks; dwelling-houses other than those used in conjunction with shops or commercial premises; gas holders; generating works; industries referred to in Schedule 4; institutions; junk yards; liquid fuel depots; mines; road transport terminals.</p> |

TABLE—continued

| Column I | Column II | Column III | Column IV | Column V |
|---|--|---|---|--|
| <p>Zone and colour or indication on scheme map.</p> | <p>Purposes for which buildings or works may be erected or carried out or used <i>without</i> the consent of the responsible authority</p> | <p>Purposes for which buildings or works may be erected or carried out or used subject to such conditions as may be imposed by the responsible authority pursuant to clause 37 (1) (a)</p> | <p>Purposes for which buildings or works may be erected or carried out or used <i>only with</i> the consent of the responsible authority</p> | <p>Purposes for which buildings or works may not be erected or carried out or used</p> |
| <p>(b) Business Neighbourhood. Dark blue.</p> | <p>.....</p> | <p>Shops referred to in Schedule 1 in a building or group of buildings to be used wholly or partly as shops, having a total floor space not exceeding 5,000 square feet; dwelling-houses and flats attached to and used in conjunction with such shops.</p> | <p>commercial premises Banks; business agencies; car parking stations; car repair stations; clubs; dwelling-houses attached to and used in conjunction with shops other than those referred to in Column III; hotels; motor show-rooms; places of assembly; places of public worship; purposes referred to in Schedule 2; real estate agencies; refreshment rooms; residential buildings; roads; self-service laundries; shops other than those referred to</p> | <p>Any purpose other than those permitted by Column III or Column IV.</p> |

TABLE—continued

| Column I | Column II | Column III | Column IV | Column V |
|--|---|---|--|---|
| Zone and 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 subject to such conditions as may be imposed by the responsible authority pursuant to clause 37 (1) (a) | 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 not be erected or carried out or used |
| (c) Business Neighbourhood (Redevelopment). Dark blue with dark scarlet edging and lettered 3 (c). | ..... | ..... | in Column III; T.A.B. branches or agencies; travel agencies; utility installations other than gas holders or generating works; welfare centres. | Any purpose other than those permitted by Column IV. |
|  | ..... | ..... | Banks; Business agencies; car parking stations; car repair stations; clubs; dwelling-houses attached to and used in conjunction with shops; hotels; motor showrooms; open space; places of assembly; places of public worship; purposes | |

TABLE—continued

| Column I | Column II | Column III | Column IV | Column V |
|--|---|---|---|---|
| Zone and 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 subject to such conditions as may be imposed by the responsible authority pursuant to clause 37 (1) (a) | 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 not be erected or carried out or used |
| (d) County Centre. Light blue with dark red edging and lettered "County Centre". | ..... | ..... | referred to in Schedule 2; real estate agencies; refreshment rooms; residential buildings; roads; self-service laundries; shops; T.A.B. branches or agencies; travel agencies; utility installations other than gas holders or generating works; welfare centres. | Caravan parks; extractive industries; gas holders; generating works; institutions; mines; offensive or hazardous industries; saw-mills. |
|  | ..... | ..... | Any purpose other than those prohibited by Column V. | |

TABLE—continued

| Column I | Column II | Column III | Column IV | Column V |
|--|---|---|---|---|
| Zone and 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 subject to such conditions as may be imposed by the responsible authority pursuant to clause 37 (1) (a) | 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 not be erected or carried out or used |
| 4. Industrial. (a) Industrial General. Purple. | ..... | Industries referred to in Schedule 6; utility installations other than gas holders or generating works. | 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 industry and situated on the land on which such industry is conducted; extractive establishments; hospitals; hotels; institutions; mines; offensive or hazardous industries; places of assembly; residential buildings; roadside stalls; stock and sale yards; shops other than those referred to in Schedule 3. |
| (b) Industrial Light. Purple with dark scarlet edging and lettered 4 (b). | ..... | Industries other than those referred to in Schedule 4. | 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 industry and situated on land on which such industry |

TABLE—continued

| Column I | Column II | Column III | Column IV | Column V |
|---|--|--|--|--|
| <p>Zone and colour or indication on scheme map</p> | <p>Purposes for which buildings or works may be erected or carried out or used <i>without</i> the consent of the responsible authority</p> | <p>Purposes for which buildings or works may be erected or carried out or used subject to such conditions as may be imposed by the responsible authority pursuant to clause 37 (1) (a)</p> | <p>Purposes for which buildings or works may be erected or carried out or used <i>only with</i> the consent of the responsible authority</p> | <p>Purposes for which buildings or works may not be erected or carried out or used</p> |
| <p>(c) Industrial Waterfront. Purple with dark scarlet edging and lettered 4 (c).</p> | <p>.....</p> | <p>.....</p> | <p>Any purpose other than those prohibited by Column V.</p> | <p>is conducted; educational establishments; hospitals; industries referred to in Schedule 4; institutions; liquid fuel depots; mines; motels; residential buildings; roadside stalls; shops other than those referred to in Schedule 3.</p> <p>Caravan parks; car repair stations; dwelling-houses and residential buildings other than those required for use or occupation by persons whose residence is essential to the industry established or to be established in the zone; educational establishments; extractive industries;</p> |

TABLE—continued

| Column I | Column II | Column III | Column IV | Column V |
|--|---|---|---|---|
| Zone and 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 subject to such conditions as may be imposed by the responsible authority pursuant to clause 37 (1) (a) | 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 not be erected or carried out or used |
| 5. Special Uses. (a) Special Uses "A". Yellow. | ..... | The particular purpose indicated by scarlet lettering on the scheme map. | Any purpose ordinarily incidental or subsidiary to the purpose referred to in Column III; car parking stations; drainage; roads; | hospitals; hotels; institutions; junk yards; mines; motels; motor showrooms; offensive or hazardous industries other than those for which the proposed site and layout of buildings is such as to render the industry inoffensive or non-hazardous to adjoining development and for which adequate facilities are available for the treatment and disposal of trade waste; places of public worship; roadside stalls. Any purpose other than those permitted by Column III or Column IV. |

TABLE—continued

| Column I | Column II | Column III | Column IV | Column V |
|---|---|---|--|---|
| Zone and 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 subject to such conditions as may be imposed by the responsible authority pursuant to clause 37 (1) (a) | 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 not be erected or carried out or used |
| (b) Special Uses "B" (Railways). Blue-purple. | ..... | ..... | utility installations other than gas holders or generating works. Any purpose .. .. . | ..... |
| 6. Open Space. (a) Recreation (Existing). Dark green. | ..... | Any purpose authorised by Division 2 or 3 of Part XIII of the Act. | Car parking stations; drainage; roads; utility installations other than gas holders or generating works. | Any purpose other than those permitted by Column III or Column IV. |
| (b) Recreation (Restricted access). Dark green with dark scarlet edging. | ..... | Any purpose authorised by Part XIII of the Act. | Car parking stations; drainage; racecourses; roads; showgrounds; sports grounds; utility installations other than gas holders or generating works. | Any purpose other than those permitted by Column III or Column IV. |

24. Subject to the provisions of Parts IV, V, VI and VII of this Ordinance— **Restrictions on buildings and works.**

- (a) a person shall not, without the consent of the responsible authority, erect or use a building or carry out or use a work in any zone for any purpose shown opposite that zone in Column III or Column IV of the Table to clause 23 of this Ordinance;
- (b) a person shall not erect or use a building or carry out or use a work in any zone for any purpose shown opposite that zone in Column V of the Table to clause 23 of this Ordinance.

25. Subject to the provisions of Parts IV, V, VI and VII of this Ordinance— **Restrictions on use of land.**

- (a) a person shall not without the consent of the responsible authority use land included in a zone, whether forming the site of a building or not, 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) a person shall not use land included in a zone, whether forming the site of a building or not, 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.

26. (1) Notwithstanding the provisions of Part III 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 of this Ordinance in respect of the zone in which such existing building or existing work or such land is situated. **Continuance of existing buildings, works and land use.**

(2) Where, in accordance with subclause (1) of this clause, an existing building or an existing work may be maintained and used for its existing use or an existing use of land may be continued, and such use is permissible by virtue of a consent granted under the County of Cumberland Planning Scheme Ordinance, such consent and any conditions attached thereto may be enforced as if it were a consent granted under this Ordinance or such conditions were attached to a consent so granted.

27. (1) Notwithstanding the provisions of Part III of this Ordinance the responsible authority in respect of— **Alterations and extensions of existing buildings and works.**

- (a) Zone No. 2 (a), 2 (b), 2 (c), 2 (d), 2 (e) or 2 (g) where any existing building or work is used for a purpose for which buildings and works

or works may not be erected, carried out or used under clause 23, may consent to the execution of repairs and improvements in order to permit the reasonable preservation of any such building or work, having regard to its reasonable life;

- (b) any other zone may consent to the repair, alteration, enlargement, rebuilding or extension (including the erection of new buildings or the carrying out of new works of an ancillary character) of any existing building or existing work for its existing use where such existing use is for a purpose for which buildings or works may not be erected, carried out or used under clause 23: Provided that any such repair, alteration, enlargement, rebuilding or extension shall be restricted to land on which the existing building or existing work was situated immediately before 31st December, 1964.

(2) The owner of any land in Zone No. 2 (a), 2 (b), 2 (c), 2 (d), 2 (e) or 2 (g) upon which there is an existing building or work to which the provisions of paragraph (a) of subclause (1) of this clause apply which building or work is destroyed, demolished or removed, may, by notice in writing, require the responsible authority to acquire such land and upon receipt of any such notice the responsible authority shall acquire the land to which the notice relates.

(3) Where an existing building to which the provisions of paragraph (a) of subclause (1) of this clause apply is not destroyed or demolished but is damaged to such an extent that it may not be repaired under the provisions of that paragraph the responsible authority, notwithstanding the provisions of that paragraph, may, with the concurrence of the Authority, consent to the carrying out of such work as may be necessary to restore the building so as to allow of its reasonable use.

(4) Notwithstanding the provisions of paragraph (a) of subclause (1) or of subclause (2) of this clause the Minister, after such enquiry as he deems expedient, may, by notice in writing addressed to the responsible authority, direct that it shall not be required to acquire any land to which subclause (2) applies and thereupon the Council may, subject to such conditions as it considers reasonable and with the concurrence of the Minister, consent to the rebuilding of any building or work referred to in paragraph (a) of subclause (1) which has been destroyed, demolished or removed.

Alteration
of existing
uses.

28. Notwithstanding the provisions of Part III of this Ordinance, the existing use of a building, work or land or of any part thereof, for a purpose for which buildings or works may not be erected, carried out or used under clause 23 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 in 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 specified in Schedule 2.

Category No. 4: Purposes specified in Schedule 3, commercial premises.

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

Provided also that in the opinion of the responsible authority, the proposed use is no more detrimental to the amenity of the area than the existing use.

29. Where an existing building or land was used before the appointed day for more than one purpose any right conferred by this Part to continue the use of the building or land shall not be deemed to permit alteration of the proportion in which the several parts of the building or land were used immediately before that day unless the consent of the responsible authority be first obtained. **Building or land used for more than one purpose.**

30. 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 12th July, 1946, in contravention of the provisions of the Town and Country Planning (General Interim Development) Ordinance, or of the County of Cumberland Planning Scheme, or of an interim development order or of any approval granted under such Ordinance, Scheme or order. **Illegally established development.**

PART V.

Consents.

31. (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 and shall be accompanied by the following— **Submission of plans.**

- (a) if the application is for consent to the use of a building or work or to the use of land, a plan in triplicate sufficient to identify the land to which the application relates and particulars in writing in triplicate 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 triplicate sufficient to identify the land to which the application relates and 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 triplicate, 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 a work, a plan in triplicate 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 triplicate, sufficient to describe the proposed alterations or extensions;
- (d) if the application is by a person other than the owner, the consent in writing of the owner.

(2) Where, in pursuance of the provisions of this Ordinance, the responsible authority is required to refer the application to the Minister or to a Government Department, such application shall be accompanied by sufficient additional copies of the aforesaid plans and particulars as are necessary to enable such reference to be made.

(3) Where, in pursuance of the Act (except Part XIIA thereof) or of an Ordinance made under the Act (except the said Part), an application is made to the responsible authority for its approval to erect a building or work or to open 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 responsible authority so informs the applicant on or before giving its decision in respect of such application.

Consideration of applications generally.

32. In respect of any application for consent to erect or use a building or to carry out or use a work or to use land for a purpose referred to in Column IV of the Table to clause 23 of this Ordinance, 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) whether the proposed means of entrance to and egress from the site are adequate and whether provision has been made for the loading, unloading and parking of vehicles on the site;
- (d) any representations made by any statutory authority in relation to the application or to the development of the area and the rights and powers of any such authority;
- (e) 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;
- (f) whether adequate provision has been made for the landscaping and treatment of the site;
- (g) the existing and future amenity of the neighbourhood;
- (h) the circumstances of the case and the public interest; and
- (i) the provisions of the scheme.

Consideration of certain applications.

33. In respect of any application for the consent of the responsible authority whether under this Ordinance or under any provision of the Act for consent or approval to the carrying out of development for a purpose referred to in Column IV of the Table to clause 23 of this Ordinance, namely—

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 county road or main road, railway, public reserve or 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, county road or main road, railway, public reserve or any such reserved or zoned land;

- (b) to the erection or use of an hotel, motel, service station, car repair station, place of assembly or industrial premises 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 take into consideration whether, having regard to the proposed use of any such building or development—
- (i) adequate vehicular exits and entrances to the site have been provided so that vehicles using such entrances and exits 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, is provided on the site or on land adjoining the site not being a public road;
 - (iii) any representations made by the Police Department (Traffic Branch) and, where the site has frontage to a county road or a main road, by 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;
- (c) to the erection or use of a residential flat building, the responsible authority shall take into consideration any code for the erection of residential flat buildings adopted by resolution of the Council.

Hotels,
motel,
service
stations,
car repair
stations,
places of
assembly,
industry,
etc.

Residential
flat
buildings.

34. The responsible authority shall not refuse to grant any application for permission to carry out development made to it under this Ordinance by the Crown or a public utility undertaking or a statutory body or the Totalizator Agency Board nor attach conditions to its consent to any such application except with the concurrence of the Minister.

Develop-
ment by the
Crown or
public
utility
undertaking.

35. (1) The responsible authority before determining any application made to it under this Ordinance for consent to carry out the following development of land, that is to say—

Consulta-
tion.

- (a) all development, except residential development which does not comprise the erection of a building containing more than four flats, on land having frontage to a main road or county road;
- (b) all development, except residential development which does not comprise the erection of a building containing more than four flats, on land having frontage to a road connecting with a main road or county road which frontage is wholly or partly within three hundred feet, measured along the road alignment of such connecting road, of such main road or county road;

- (c) the erection of a building or group of buildings to be used wholly or partly as commercial premises where the total floor space in such building or group of buildings exceeds 20,000 square feet;
- (d) the erection of a building or group of buildings to be used wholly or partly as a shop where the total floor space of such building or group of buildings exceeds 15,000 square feet;
- (e) hotels, transport terminals, bulk oil terminals, television and broadcasting transmitters and relay stations, heliports, aerodromes and airports;
- (f) all development within a Foreshore Scenic Protection Area;

shall consult with the Authority and shall take into consideration any representations made by the Authority in relation to the proposed development.

Where the application relates to development referred to in paragraphs (a) to (d) inclusive of this subclause, or to development for the purpose of heliports, aerodromes or airports or to development on land between Billyard Avenue and the foreshore of Elizabeth Bay, the responsible authority shall not consent to the development without the concurrence of the Authority.

(2) The responsible authority before determining any application made to it under this Ordinance for consent to carry out development on land within Zone No. 4 (c) shall consult with the Maritime Services Board of New South Wales and shall take into consideration any representations made by that Board in relation to the proposed development.

Consents to be void in certain circumstances.

36. Wherever in this Ordinance the responsible authority is required to obtain the consent or concurrence of the Minister or of any Government Department or statutory authority before consenting to any application for development any consent so given without having obtained such consent or concurrence shall be null and void.

Determination of application.

37. (1) Subject to the provisions of this Ordinance, the responsible authority—

- (a) in respect of an application for consent to carry out development for a purpose specified in Column III of the Table to clause 23 shall not be entitled to refuse its consent to such application but may attach to its consent such conditions as it may think proper to impose relating to all or any of the following matters—
 - (i) 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;
 - (ii) whether the proposed means of entrance to and egress from the site are adequate and whether provision has been made for the loading, unloading and parking of vehicles on the site;
 - (iii) any representations made by any statutory authority in relation to the application or to the development of the area and the rights and powers of any such authority;

- (iv) 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;
 - (v) whether adequate provision has been made for the landscaping and the treatment of the site;
 - (vi) the existing and future amenity of the neighbourhood;
- (b) in respect of an application for consent to carry out development for a purpose specified in Column IV of the Table to clause 23 may grant such application unconditionally or subject to such conditions as it may think proper to impose or may refuse to grant such 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 given under this clause shall be void if the development to which it refers is not substantially commenced within twelve months after 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.

General Amenity and Convenience.

38. (1) The Governor, on the application of the Authority and for the purposes of this Ordinance, may, by proclamation, declare any land adjacent to any harbour, bay or estuary to be a Foreshore Scenic Protection Area.

**Foreshore
Scenic
Protection
Areas.**

(2) Before making any application under this clause the Authority shall consult with the council.

(3) Where any land has been declared by proclamation to be a Foreshore Scenic Protection Area the Authority shall cause to be prepared and to be sealed with the seal of the Authority plans showing such land. One plan shall be attached to the scheme map and one shall be forwarded to the council.

39. (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.

Foreshore building lines.

40. (1) The responsible authority may by resolution fix building lines (in this clause called foreshore building lines) in respect of any land fronting any harbour, bay or estuary: Provided however that such a building line shall not be fixed in respect of any land within Zone No. 4 (c) without the consent of the Authority.

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

(3) A building shall not without the consent of the responsible authority be erected between such building line and the harbour, bay or estuary in respect of which the line is fixed.

(4) Any foreshore building line shown on the scheme map by broken black lines with the words "Foreshore building line" shall be deemed to be a foreshore building line fixed in pursuance of this clause.

(5) The responsible authority may alter or abolish any such building line where the levels or depth of the allotment or other exceptional conditions of the site make it necessary or expedient to do so.

Preservation of trees.

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

(2) A tree preservation order may prohibit the 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 city, 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 Sydney daily newspaper.

(5) In any proceedings under this clause it shall be 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.

PART VII.

Special Provisions.

42. (1) This clause shall apply only to the land shown by distinctive colourings on the Height of Buildings Restriction Map. Height of Buildings Restriction Map.

(2) Notwithstanding any other provision of this Ordinance a building shall not be erected on any land shown on such map to a height above standard datum greater than that shown thereon in relation to such land.

(3) For the purposes of this clause—

- (a) in calculating the height of a building, the following classes of structure shall be taken into account, viz., water tanks, reservoirs or air conditioning, ventilating, lift or escalator machinery or other machinery whatsoever upon the top of the building and any structure enclosing such tanks, reservoirs or machinery;
- (b) "standard datum" shall be mean sea level, Sydney, and the brass plug on the north wall of the Lands Department, Sydney, shall be taken as 28.94 feet above the mean sea level.

43. (1) Notwithstanding the provisions of Part III of this Ordinance the responsible authority in respect of any land zoned Special Uses (Port Purposes) may consent to the erection of a building, the carrying out of a work or to the use of a building, work or land for any purpose. Development in Special Uses (Port Purposes) Zone.

(2) The responsible authority shall not refuse to grant such consent as aforesaid, nor shall it impose any conditions on the granting of such consent except with the concurrence of the Minister.

44. A liquid fuel depot having an aboveground storage capacity of 100,000 gallons or more of inflammable liquid shall not be established except with the consent of the responsible authority and the concurrence of the Minister for Local Government and the Minister for Mines, and where the establishment or enlargement of the depot will involve, either directly or indirectly, the use (other than an existing use) of land below high water mark, with the concurrence also of the Maritime Services Board of New South Wales. Liquid fuel depots.

45. Subject to the provisions of Part IV of this Ordinance, a building shall not be erected or used and land shall not be used in Zone No. 3 (a) for the purpose of an industry where— Industries in business zones.

- (a) the total floor space of the building or the total area of the land used or proposed to be used for the purposes of the industry is in excess of 5,000 square feet; or
- (b) the total area of the parcel of land upon which the proposed development will be established is in excess of 10,000 square feet.

46. A person shall not erect a general advertising structure on land within Zone No. 2 (a) or 2 (b): Provided that in the case of an existing building or work or of land, the existing use of which is for a purpose for which buildings or works may not be erected, carried out or used in Zone No. 2 (a) or 2 (b) under clause 23 of this Ordinance, the responsible Advertisements.

authority may consent to the erection on such building, work or land of a sign not more than ten square feet in area which sign does not contain anything more than—

- (a) the name of any person residing or carrying on any business, trade, industry, or profession in or on such premises;
- (b) the name of such premises, and any necessary or usual directions or cautions relating to such premises, or the business, trade, industry, or profession carried on therein or thereon;
- (c) a statement as to the nature of the business, trade, industry, or profession carried on in or on such premises;
- (d) a description or a list of prices of the goods for sale or hire in or on such premises;
- (e) a notice that such premises are to let or for sale, with particulars of the same, and the name and address of the person of whom inquiries may be made;
- (f) the contents bill of a newspaper or periodical on sale in or on such premises; or
- (g) an advertisement as to meetings, entertainments, or religious services to be held in or on such premises.

Railway sidings.

47. Nothing in this Ordinance shall operate to prohibit the construction and use of any railway siding designed to serve land in Zone No. 4 (a), 4 (b) or 4 (c).

Alignment of main roads.

48. 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 as a proposed main road.

Junctions and inter-sections.

49. A road or other means of access which forms a junction or intersection with a county road shall not be opened without the consent of the Authority.

Service stations or car repair stations.

50. (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 county road or a main road with another county road or a main road;
- (b) where the site has frontage to a county road or 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 county road or a main road such frontage is not less than 100 feet;
- (d) the width of a vehicular crossing over a footpath is not more 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 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;
- (d) vehicular access to or from the site from or to an adjoining road is situated not closer than 80 feet to any traffic lights on such road; and
- (e) the site is suitably landscaped to the satisfaction of the responsible authority.

51. (1) The responsible authority shall not consent to the erection or use of a building for the purpose of a residential flat building on a site having frontage to a county road or main road other than in Zone No. 3 (d) 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 purposes of subclause (1) of this clause, "vehicular parking space" includes any garage or court available for use by vehicles.

52. (1) The Governor may proclaim any county road or any part of a county 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 Sydney daily newspaper and shall be served on the responsible authority.

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

(4) The Council or any 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 which is or which may be a main 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 VAA of the Main Roads Act, 1924.

**Restriction
of ribbon
development.**

53. (1) The provisions of this clause shall apply to any county road or to any main road or to any part of a county road or main road to which road or part such provisions are applied by the Governor by proclamation.

(2) The Governor, in respect of any land fronting, adjoining or adjacent to a road to which the provisions of this clause apply, may by proclamation—

- (a) prohibit the erection of buildings or any specified class of buildings or buildings intended for use for specified purposes within such distance of the road as may be set out in the proclamation;
- (b) direct that, in respect of the erection of buildings or any specified class of buildings or buildings intended for use for specified purposes within such distance of the road as may be set out in the proclamation, unless the Authority certifies to the responsible authority that it is satisfied that either—
 - (i) the character of the building or the use to which the building is to be put is such as not to be likely to cause traffic congestion on the road; or
 - (ii) satisfactory arrangements have been made for limiting traffic congestion on the road;

the responsible authority shall as a condition of its consent to the erection of any such building require the provision and maintenance of such means of entrance and egress and of such accommodation for the loading or unloading or parking of vehicles or picking up and setting down of passengers or the fuelling of vehicles as may be determined by the Authority for the purpose of limiting such congestion;

- (c) prohibit the making of any permanent excavation within such distance of the road as may be set out in the proclamation
- (d) prohibit the subdivision of any land which provides for the creation of separate parcels of land with a length of frontage to the road less than that specified in the proclamation.

For the purposes of this subclause "building" has the meaning ascribed to it in paragraph (b) of subsection three of section 342G of the Act.

(3) Any proclamation made under subclause (2) of this clause—

(a) may apply generally to all buildings or to all buildings other than those mentioned in the proclamation or particularly to any specified class of buildings or buildings intended for use for specified purposes;

(b) may specify different distances for different buildings or for different classes of buildings or buildings intended for use for different purposes or different distances for different roads or different distances for different parts of the same road.

(4) Any such proclamation may be amended, varied or revoked by a similar proclamation.

(5) A proclamation made under this clause shall be published in the Gazette and in a Sydney daily newspaper.

A copy of any such proclamation shall be served on the responsible authority.

(6) Upon the publication of any proclamation made under subclause (2) of this clause the operation of any instrument giving consent or approval under Part XIA of the Act to the erection of a building or the making of a permanent excavation or the subdivision of land which, if erected, made or carried out after the publication of such proclamation would be in contravention thereof, shall be deemed to have been suspended to the extent of its inconsistency with this clause but such suspension shall not prevent the completion of the erection of a building or the making of a permanent excavation which was substantially commenced but not completed before the publication of such proclamation.

54. (1) Notwithstanding any other provision of this Ordinance, where on the scheme map a proposed new alignment of a road is shown by a broken black line with the words "proposed new alignment" the responsible authority shall not consent to the erection of buildings or the carrying out of works on land between the existing alignment of the road and the proposed new alignment other than minor and not substantial repairs and improvements for the purpose of permitting reasonable preservation and temporary use of a building or work.

(2) Where the road proposed to be realigned is a main road the responsible authority shall not consent to the carrying out of such repairs and improvements except with the concurrence of the Commissioner for Main Roads.

55. (1) This clause shall apply only to the land described in Schedule 5.

(2) Notwithstanding the provisions of Part III of this Ordinance the responsible authority may, with the concurrence of the Minister, consent to the erection of a building, to the carrying out of a work or to the use of a building, work or land for any purpose.

56. (1) The responsible authority shall, as soon as practicable after the appointed day and within a period of ten years after that day, apply for the approval of the Governor to publish a notice of resumption of any land

comprised in a road or part of a road shown on the scheme map by black diagonal hatching superimposed on a colour and upon the granting of such approval at once proceed to resume the land.

(2) Upon applying for such approval the responsible authority shall forthwith forward by registered post to each owner and occupier of land adjoining or abutting upon the land to be resumed a notice that the purpose of the resumption is to close a road or part of a road and to include the land comprising such road or part of a road in the particular zone or reservation indicated by the colour on which the black diagonal hatching is superimposed.

(3) Upon resumption the land resumed shall be deemed to be included in the zone or reservation indicated by such colour.

(4) Where the land is deemed to be included in a zone or reservation in pursuance of subclause (3) of this clause and the responsible authority decides to sell or lease the land, it shall give to the owners of the adjoining lands first option of purchase or lease, as the case may be, of parts of the land in fair proportion.

(5) The responsible authority shall not approve of any plan of subdivision of land if the only access to a road of any parcel proposed to be created thereby is to a road marked by black diagonal hatching on the scheme map.

Develop-
ment in
Zone No.
2 (g).

57. (1) The provisions of this clause shall apply to land within Zone No. 2 (g).

(2) The responsible authority shall not consent to the erection of a building unless, in the opinion of the responsible authority, the building is generally in conformity with the external architecture of the buildings in the vicinity thereof.

(3) A building shall not be demolished except with the consent of the responsible authority.

(4) Notwithstanding the provisions of clause 23 of this Ordinance the responsible authority may consent to the use of a building for any of the following purposes: antique shop, art gallery, book shop, craftsman's studio, refreshment room other than a theatre restaurant, but only where the proposed use does not involve the alteration of the external design or external architecture of the building in which the use is to be carried on.

(5) An existing dwelling-house may be extended or altered with the consent of the responsible authority but only in cases where the extension or alteration does not effect a change in the external design or external architecture of the dwelling-house.

Land
fronting
Kimberley
Grove.

58. A building shall not be erected on land which lies to the north of Kimberley Grove or to the north of the easterly prolongation of Kimberley Grove, Rosebery, which is within 100 feet of the northern alignment of Kimberley Grove or within 100 feet of its easterly prolongation.

59. Notwithstanding the provisions of Part III of this Ordinance, the Development responsible authority shall not consent to the carrying out of development on land in Zone No. 2 (d), 2 (e), 2 (f) or 2 (g), or in those parts of Zone No. 3 (d) shown on the scheme map by broken blue edging, except with the concurrence of the Authority.

60. Notwithstanding the provisions of Part III of this Ordinance, any Railway stratum of land occupied or used by the Commissioner for Railways for the purposes of the City and Suburban Electric Railways Act, 1915, together with the approaches to such land, shall be deemed to be situated within Zone No. 5 (b).

61. Notwithstanding the provisions of Part III of this Ordinance, the Development responsible authority may, with the concurrence of the Authority, consent to the carrying out of any development on land below Hyde Park.

62. Notwithstanding the provisions of Part III of this Ordinance, a Glebe building shall not be erected to a height greater than two storeys on land shown on sheet 3 of the scheme map between broken black lines with the words "road tunnel" superimposed thereon except with the consent of the responsible authority and the concurrence of the Authority.

PART VIII.

General.

63. Nothing in this Ordinance shall be construed as restricting or prohibiting or enabling the responsible authority to restrict or prohibit—

- (i) the carrying out of development of any description specified in Schedule 7 to this Ordinance;
- (ii) the use of existing buildings of the Crown;
- (iii) home occupations; or
- (iv) any right which the Commissioner for Main Roads has under any other Act.

64. The revocation, pursuant to paragraph (d) of subsection two of section 342L of the Act, of the County of Cumberland Planning Scheme to the extent to which it applies in respect of all land within the City of Sydney shall not affect—

- (a) the preservation, continuance or enforcement of any right, privilege, obligation or liability acquired, accrued or incurred under that Scheme in respect of any land to which this Ordinance applies before such revocation;
- (b) the taking of legal proceedings in respect of any offence under that Scheme committed in respect of any land to which this Ordinance applies before such revocation.

Application of Scheme to development incomplete at commencement of Scheme.

65. Nothing in this Ordinance shall prevent the erection of a building or the carrying out of work and the use of a building or work in accordance with the terms of the Town and Country Planning (General Interim Development) Ordinance or of any permission granted under Division 7 of Part XIIA of the Act and under that Ordinance or under an interim development order or of any consent granted under the County of Cumberland Planning Scheme, 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.

Application of Scheme to development before commencement of Scheme.

66. Any development which was carried out otherwise than in accordance with the terms of the Town and Country Planning (General Interim Development) Ordinance or of an interim development order made under Division 7 of Part XIIA of the Act or otherwise than in accordance with the County of Cumberland Planning Scheme and which does not conform with the provisions of this Ordinance, shall be deemed to be in contravention of this Ordinance.

Fulfilment of conditions.

67. (1) 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 or interim development order made under that Part or where any consent for any such purpose has been granted under the County of Cumberland Planning Scheme and conditions have been imposed which are not inconsistent with any provisions of this Ordinance, the conditions shall have effect as if they were conditions imposed under this Ordinance and may be enforced accordingly.

(2) Where, in accordance with the provisions of Part IV of this Ordinance, an existing building or an existing work is maintained and used for its existing use or an existing use of land is continued and such use is permissible by virtue of a consent granted under the County of Cumberland Planning Scheme, such consent and any conditions attached thereto may be enforced as if it were a consent granted under this Ordinance, or such conditions were attached to a consent so granted.

Leasing of certain lands.

68. (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 immediately following such acquisition the responsible authority may let such land by way of lease under and subject to the provisions of the Act: Provided that in the case of land acquired for the purpose of a main road or county road or railway the consent of the statutory body concerned to the lease shall be obtained.

(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 authorise the erection of buildings, the carrying out of works and the making of excavations for any purposes but in any case where such purposes are inconsistent with the purposes for which the land is reserved or zoned under this Ordinance the lease shall require the

Application of Scheme to development incomplete at commencement of Scheme.

65. Nothing in this Ordinance shall prevent the erection of a building or the carrying out of work and the use of a building or work in accordance with the terms of the Town and Country Planning (General Interim Development) Ordinance or of any permission granted under Division 7 of Part XIII A of the Act and under that Ordinance or under an interim development order or of any consent granted under the County of Cumberland Planning Scheme, 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.

Application of Scheme to development before commencement of Scheme.

66. Any development which was carried out otherwise than in accordance with the terms of the Town and Country Planning (General Interim Development) Ordinance or of an interim development order made under Division 7 of Part XIII A of the Act or otherwise than in accordance with the County of Cumberland Planning Scheme and which does not conform with the provisions of this Ordinance, shall be deemed to be in contravention of this Ordinance.

Fulfilment of conditions.

67. (1) 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 XIII A of the Act or under any Ordinance or interim development order made under that Part or where any consent for any such purpose has been granted under the County of Cumberland Planning Scheme and conditions have been imposed which are not inconsistent with any provisions of this Ordinance, the conditions shall have effect as if they were conditions imposed under this Ordinance and may be enforced accordingly.

(2) Where, in accordance with the provisions of Part IV of this Ordinance, an existing building or an existing work is maintained and used for its existing use or an existing use of land is continued and such use is permissible by virtue of a consent granted under the County of Cumberland Planning Scheme, such consent and any conditions attached thereto may be enforced as if it were a consent granted under this Ordinance, or such conditions were attached to a consent so granted.

Leasing of certain lands.

68. (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 immediately following such acquisition the responsible authority may let such land by way of lease under and subject to the provisions of the Act: Provided that in the case of land acquired for the purpose of a main road or county road or railway the consent of the statutory body concerned to the lease shall be obtained.

(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 authorise the erection of buildings, the carrying out of works and the making of excavations for any purposes but in any case where such purposes are inconsistent with the purposes 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.

(4) Where the Authority is the responsible authority under this Ordinance, it shall, before determining any application under this clause, consult with the Council and shall take into consideration any representations made by the Council in relation thereto.

69. (1) The operation of section 309 of the Act and of the proclamations made thereunder declaring the residential districts specified in Schedule 8 is hereby suspended to the extent to which such section and such proclamations are inconsistent with any of the provisions of this Ordinance or with any consent given thereunder. **Suspension of Acts, covenants, etc.**

(2) In respect of any land which is comprised within any zone, other than within Zone No. 2 (a), 2 (b), 2 (c) 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.

(3) The operation of the provisions of section 4D of the Housing Act, 1912, and of the notification published in Government Gazette No. 128 of 13th November, 1964, notifying "Housing Area No. 103—Redfern" is hereby suspended to the extent to which such section and notification are inconsistent with any of the provisions of this Ordinance or with any consent given thereunder.

(4) The operation of the provisions of Schedule Seven to the Act is hereby suspended to the extent to which it is inconsistent with any provision of this Ordinance.

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

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

(2) Where the Authority is the responsible authority under this Ordinance, particulars of any consent, permission, order, authority and the like granted by the Authority shall be forwarded to the Council for inclusion in the register of the Council.

72. The Council shall, whenever directed by the Authority 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. **Review.**

Penalty. 73. Any person who contravenes any of the provisions of this Ordinance or who fails to comply with any of those provisions or with the terms of any notice, direction or order 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.

Clause 23 Butcher's shop.
 Chemist's shop.
 Clothing shop.
 Confectionery shop.
 Crockery shop.
 Delicatessen.
 Drapery shop.
 Electrical appliances shop
 Florist's shop.
 Footwear shop.
 Fruit and vegetable shop.
 Furniture shop.
 Gift shop.
 Grocery and health food shop.
 Hardware shop.
 Jewellery and watchmaker's shop.
 Leathersgoods and travelgoods shop.
 Musical instruments shop.
 Optical goods shop.
 Philatelist's shop.
 Photographic apparatus and material shop.
 Small arms and ammunition shop.
 Smallgoods shop.
 Sports requisites shop.
 Stationery shop (books and newspapers).
 Tobacconist and hairdresser's shop.
 Wine and spirit merchant's shop.
 Agency offices other than T.A.B.
 Banks.
 Finance and property company premises.
 Friendly and benefit society premises.
 Insurance offices.
 Professional chambers.

Schedule 2.

Clause 23. Bread, cake and pastry manufacture.
 Boot and shoe repairing.
 Dental surgery.
 Dressmaking.
 Dry cleaning and dyeing agency.
 Electrician's workshop.
 Home industry.
 Lending library.
 Photographic studio.
 Professional consulting rooms.
 Radio mechanic's workshop.
 Residential flats over shops.
 Service station.
 Tailoring.

Schedule 3.

Confectionery shop and milk bar.
 Hairdressing saloon.
 Newsagency.
 Refreshment room.
 Smallgoods and sandwich shop.
 Tobacconist's shop.

Clause 23.

Schedule 4.

Agricultural machinery manufacture.
 Asbestos cement products manufacture.
 Boiler making.
 Brick, tile, pipe and pottery manufacture.
 Cement manufacture.
 Electric machinery manufacture.
 Engineering (heavy).
 Extractive industry.
 Fireclay products manufacture.
 Glass products manufacture.
 Grain milling.
 Hardboard manufacture.
 Machinery manufacture (heavy).
 Metal founding.
 Motor body building.
 Motor vehicle manufacturing and assembly.
 Offensive or hazardous industry.
 Sawmilling.
 Steel products manufacture (heavy).
 Stone cutting and crushing.
 Wire manufacture.

Clause 23.

Schedule 5.

The land bounded on the north by the southern side of Rockwall Crescent, on the east by the western side of Macleay Street, on the south by the northern side of Manning Street and its prolongation westerly to the western side of Tusculum Street, and on the west by the northerly prolongation of the western side of Tusculum Street to the southern side of Rockwall Crescent.

Clause 55.

Schedule 6.

Abrasives manufacture.
 Brooms and brushes manufacture.
 Boots, shoes and accessories manufacture.
 Clothing, knitted goods and hats manufacture.
 Drawing and writing materials manufacture.
 Drugs, patent medicines, cosmetics and other toilet preparations (excluding soap) manufacture.
 Food, drink and tobacco manufacture (other than meat and fish processing, grain milling, sugar milling and refining).
 Furniture and fittings, bedding and furnishing drapery manufacture.
 Haberdashery articles manufacture.
 Jewellery manufacture, watchmaking, electroplating and minting.
 Job and general printing, bookbinding.
 Linoleum and leather cloth manufacture.
 Manufacture of bicycles, parts and accessories.
 Manufacture of goods of leather and leather substitutes.
 Manufacture of parts and accessories for motor vehicles, caravans and trailers

Clause 23.

Manufacture and repair of machinery and machinery parts other than agricultural and earthmoving machines (including tractors), stationary machines and power transmitting equipment.

Manufacture and repair of radio and electronic apparatus, electrical machinery and cables.

Manufacture of textile products other than bags and sacks.

Manufacture of cutlery and small tools (not machine), stoves, heaters, metal furniture and builders' hardware.

Musical, surgical and scientific instruments and apparatus manufacture.

Paper products (other than paper board) manufacture.

Plastic products manufacture.

Toys, games and sporting requisites manufacture.

Schedule 7.

Clause 63. 1. The carrying out by persons carrying on public utility undertakings, being railway undertakings, on land comprised in their undertakings of—

- (a) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant;
- (b) the erection within the limits 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 purposes outside the limits of a railway station and the reconstruction or alteration, so as materially to affect the design thereof, of railway stations or bridges;
- (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 carrying on public utility undertakings, being road transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by road, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant, except—

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

3. The carrying out by persons who are carrying on public utility undertakings, being water, sewerage, drainage, electricity or gas undertakings, of any of the following developments, 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.
4. The carrying out by persons carrying on public utility undertakings, being water transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by water, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except—
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect the design or external appearance thereof;
 - (b) the formation or alteration of any means of access to a road.
5. The carrying out by persons carrying on public utility undertakings, being wharf or river undertakings, on land comprised in their undertakings, of any development required for the purposes of shipping or in connection with the embarking, loading, discharging or transport of passengers, livestock or goods at a wharf or the movement of traffic by a railway forming part of the undertaking, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant, 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.
6. The carrying out by persons carrying on public utility undertakings, being air transport undertakings, on land comprised in their undertakings within the boundaries of any aerodrome of any development required in connection with the movement of traffic by air, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, 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.
7. The carrying out by the owner or lessee of a mine, on the 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.
8. The carrying out of any development required in connection with the construction, reconstruction, improvement, maintenance or repair of any road, except the widening, realignment or relocation of such road.
9. The carrying out of any development required in connection with the improvement, maintenance or repair of watercourses or drainage works and the construction by the Metropolitan Water Sewerage and Drainage Board of any stormwater channel commenced before the appointed day, provided the Board gives the responsible authority reasonable notice of its intention to construct such stormwater channel.

10. The carrying out by the Metropolitan Water Sewerage and Drainage Board of any development required in connection with the provision, improvement, maintenance and repair of sewers (other than sewage treatment works) upon, below or above the surface of the ground, provided the Board gives the responsible authority reasonable notice of its intention to carry out such development.

Schedule 8.

Clause 69.

Residential District No. 1—City of Sydney, as proclaimed in Government Gazette No. 198 of 11th December, 1936.

Residential District No. 2—City of Sydney, as proclaimed in Government Gazette No. 198 of 11th December, 1936.

Residential District No. 3—City of Sydney, as proclaimed in Government Gazette No. 88 of 1st August, 1947, and subsequently altered.

Residential District No. 4—City of Sydney, as proclaimed in Government Gazette No. 103 of 26th July, 1940, and subsequently altered.

Residential District No. 5—City of Sydney, as proclaimed in Government Gazette No. 119 of 12th August, 1938.

Residential Districts Nos 6, 7 and 8—City of Sydney, as proclaimed in Government Gazette No. 8 of 19th January, 1940.

Residential Districts Nos 9 and 10—City of Sydney, as proclaimed in Government Gazette No. 126 of 26th September, 1941.

Residential Districts Nos 11 and 12—City of Sydney, as proclaimed in Government Gazette No. 122 of 19th September, 1941.

Residential Districts Nos 13, 14, 15 and 16—City of Sydney, as proclaimed in Government Gazette No. 153 of 3rd December, 1948.

Residential District No. 17—City of Sydney, as proclaimed in Government Gazette No. 87 of 1st September, 1944, and subsequently altered.

Residential District No. 18—City of Sydney, as proclaimed in Government Gazette No. 153 of 3rd December, 1948.

Residential District No. 21—City of Sydney, as proclaimed in Government Gazette No. 163 of 24th December, 1948.

Residential District No. 1—Erskineville, as proclaimed in Government Gazette No. 50 of 24th April, 1947, and subsequently altered.

Residential Districts Nos 2 and 3—Erskineville, as proclaimed in Government Gazette No. 50 of 24th April, 1947.

Residential District No. 2—The Glebe, as proclaimed in Government Gazette No. 79 of 17th June, 1927, and subsequently altered.

Residential District No. 3—The Glebe, as proclaimed in Government Gazette No. 49 of 13th April, 1928, and subsequently altered.

Residential Districts Nos 5, 6 and 7—The Glebe, as proclaimed in Government Gazette No. 19 of 23rd February, 1945.

Residential District Newtown, as proclaimed in Government Gazette No. 130 of 9th July, 1920.

Residential District No. 1—Paddington, as proclaimed in Government Gazette No. 79 of 17th June, 1927.

Residential District No. 1—Waterloo, as proclaimed in Government Gazette No. 149 of 28th November, 1924, and subsequently altered.

Residential District No. 2—Waterloo, as proclaimed in Government Gazette No. 30 of 27th February, 1942.

Residential District No. 3—Waterloo, as proclaimed in Government Gazette No. 86 of 2nd August, 1946, and referred to in erratum notice published in Government Gazette No. 125 of 1st November, 1946, and subsequently altered.

Residential District No. 4—Waterloo, as proclaimed in Government Gazette No. 75 of 12th July, 1946.

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