



Cumberland LEP

Working Draft Instrument

Environment & Planning
11-29-2019

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Part 1 Preliminary

1.1 Name of Plan

This Plan is *Cumberland Local Environmental Plan 2020*.

1.1AA Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

1.2 Aims of Plan

(1) This Plan aims to make local environmental planning provisions for land in **Cumberland** in accordance with the relevant standard environmental planning instrument under section 33A of the Act.

(2) The particular aims of this Plan are as follows:

- (a) Establish planning framework for sustainable land use and development in Cumberland
- (b) Provide for a range of land uses and developments in appropriate locations across the Cumberland area
- (c) Facilitate economic growth and employment opportunities in Cumberland
- (d) Protect and enhance the natural, built and cultural heritage of the Cumberland area
- (e) Support the provision of community facilities and services in Cumberland to meet the needs of residents, workers and visitors

1.3 Land to which Plan applies

This Plan applies to the land identified on the Land Application Map.

1.4 Definitions

The Dictionary at the end of this Plan defines words and expressions for the purposes of this Plan.

1.5 Notes

Notes in this Plan are provided for guidance and do not form part of this Plan.

1.6 Consent authority

The consent authority for the purposes of this Plan is (subject to the Act) the Council.

1.7 Maps

(1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name:

- (a) approved by the local plan-making authority when the map is adopted, and
- (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the local plan-making authority when the instruments are made.

(2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.

(3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.

(4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.

Note. The maps adopted by this Plan are to be made available on the official NSW legislation website in connection with this Plan. Requirements relating to the maps are set out in the documents entitled *Standard technical requirements for LEP maps* and *Standard requirements for LEP GIS data* which are available on the website of the Department of Planning and Environment.

1.8 Repeal of planning instruments applying to land

(1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Plan applies are repealed.

Note. The following local environmental plans are repealed under this provision:

[Auburn Local Environmental Plan 2010](#)

[Parramatta Local Environmental Plan 2011](#)

[Holroyd Local Environmental Plan 2013](#)

(2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other land cease to apply to the land to which this Plan applies.

1.9 Application of SEPPs

(1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 36 of the Act.

(2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies:

[State Environmental Planning Policy No 1—Development Standards](#)

1.10 Savings provision

(1) If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

Part 2 Permitted or prohibited development

2.1 Land use zones

The land use zones under this Plan are as follows:

Residential Zones

R2 Low Density Residential

R3 Medium Density Residential

R4 High Density Residential

Business Zones

B1 Neighbourhood Centre

B2 Local Centre

B3 Commercial Core

B4 Mixed Use

B5 Business Development

B6 Enterprise Corridor

Industrial Zones

IN1 General Industrial

IN2 Light Industrial

Special Purpose Zones

SP1 Special Activities

SP2 Infrastructure

Recreation Zones

RE1 Public Recreation

RE2 Private Recreation

Environment Protection Zones

E2 Environmental Conservation

Waterway Zones

W1 Natural Waterways

2.2 Zoning of land to which Plan applies

For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.

2.3 Zone objectives and Land Use Table

(1) The Land Use Table at the end of this Part specifies for each zone:

- (a) the objectives for development, and
- (b) development that may be carried out without development consent, and
- (c) development that may be carried out only with development consent, and
- (d) development that is prohibited.

(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

(3) In the Land Use Table at the end of this Part:

- (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
- (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.

(4) This clause is subject to the other provisions of this Plan.

Notes.

1 Schedule 1 sets out additional permitted uses for particular land.

2 Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless

subject to the environmental assessment and approval requirements of Part 5 of the Act or, if applicable, Part 3A of the Act.

3 Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).

4 Clause 2.6 requires consent for subdivision of land.

5 Part 5 contains other provisions which require consent for particular development.

6 Part 6 also contains other provisions which require consent for particular development.

2.4 Unzoned land

(1) Development may be carried out on unzoned land only with development consent.

(2) In deciding whether to grant development consent, the consent authority:

- (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
- (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

2.5 Additional permitted uses for particular land

(1) Development on particular land that is described or referred to in Schedule 1 may be carried out:

- (a) with development consent, or
- (b) if the Schedule so provides—without development consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.

(2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

2.6 Subdivision—consent requirements

(1) Land to which this Plan applies may be subdivided, but only with development consent.

Notes.

1 If a subdivision is specified as **exempt development** in an applicable environmental planning instrument, such as this Plan or [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#), the Act enables it to be carried out without development consent.

2 Part 6 of [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) provides that the strata subdivision of a building in certain circumstances is **complying development**.

(2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.

Note. The definition of **secondary dwelling** in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.

2.7 Demolition requires development consent

The demolition of a building or work may be carried out only with development consent.

Note. If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#), as exempt development, the Act enables it to be carried out without development consent.

2.8 Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that:
 - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
 - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
 - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
 - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
- (5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

Land Use Table

Note. A type of development referred to in the Land Use Table is a reference to that type of development only to the extent it is not regulated by an applicable State environmental planning policy. The following State environmental planning policies in particular may be relevant to development on land to which this Plan applies:

[State Environmental Planning Policy \(Affordable Rental Housing\) 2009](#) (including provision for secondary dwellings)

[State Environmental Planning Policy \(Housing for Seniors or People with a Disability\) 2004](#)

[State Environmental Planning Policy \(Infrastructure\) 2007](#)—relating to infrastructure facilities such as those that comprise, or are for, air transport, correction, education, electricity generating works and solar energy systems, health services, ports, railways, roads, waste management and water supply systems

[State Environmental Planning Policy \(Mining, Petroleum Production and Extractive Industries\) 2007](#)

[State Environmental Planning Policy No 33—Hazardous and Offensive Development](#)

[State Environmental Planning Policy No 50—Canal Estate Development](#)

[State Environmental Planning Policy No 64—Advertising and Signage](#)

[State Environmental Planning Policy \(Primary Production and Rural Development\) 2019](#)

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Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- ~~To allow residents to carry out a range of activities from their homes while maintaining neighbourhood amenity.~~

2 Permitted without consent

Home occupations

3 Permitted with consent

Boarding houses; Bed and breakfast accommodation; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Hospitals; Hostel; Neighbourhood shops; Oyster aquaculture; Pond-based aquaculture; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Senior housing; Semi-detached dwellings; Tank-based aquaculture; Water recycling facilities

4 Prohibited

Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Places of public worship; Port facilities; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies; Any other development not specified in item 2 or 3

Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that non-residential land uses are located in a context and setting that minimises impacts on the amenity of the surrounding residential environment.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Home-based child care; Home businesses; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor) Recreation facilities (outdoor); Respite day care centres; Roads; [FM1]Seniors housing; Tank-based aquaculture; Water recycling facilities

4 Prohibited

Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Pond-based aquaculture; Port facilities; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies; Any other development not specified in item 2 or 3

Zone R4 High Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that non-residential land uses are located in a context and setting that minimises impacts on the amenity of the surrounding residential environment.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; ~~Dual occupancies; Dwelling houses;~~ Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Home-based child care; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Kiosks; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Water recycling facilities;

4 Prohibited

Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Pond-based aquaculture; Port facilities; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Tank-based aquaculture; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

Zone B1 Neighbourhood Centre

1 Objectives of zone

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.

2 Permitted without consent

Home occupations

3 Permitted with consent

Boarding houses; Building identification signs; Business identification signs; Business premises; Car parks; Centre-based child care facilities; Community facilities; Environmental protection works; Group homes; Health consulting rooms; Home businesses; Home industries; ~~Home occupations~~; Hostels; Medical centres; Neighbourhood shops; Neighbourhood supermarkets; Oyster aquaculture; Place of public worship; Recreation areas; Respite day care centres; Restaurants or cafes; Roads; Self-storage units; Seniors housing; Service stations; Signage; Shops; Shop top housing; Tank-based aquaculture; Veterinary hospitals; Warehouse or distribution centres

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Function centres; Garden centres; Hardware and building supplies; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home industries; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Landscaping material supplies; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Places of public worship; Plant nurseries; Pond-based aquaculture; Port facilities; Pubs; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Roadside stalls; Rural industries; Rural supplies; Sewerage systems; Sex services premises; Signage; Specialised retail premises; Storage premises; Timber yards; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies; Any other development not specified in item 2 or 3

Zone B2 Local Centre

1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.

2 Permitted without consent

Home occupations

3 Permitted with consent

Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Group homes; Hostels; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Seniors housing; Service stations; Serviced apartments; [FM2]Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home industries; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Places of public worship; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Resource recovery facilities; Pond-based aquaculture; Port facilities; Rural industries; Sewage systems; Sewage treatment plants; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

Zone B4 Mixed Use

1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

2 Permitted without consent

Home occupations

3 Permitted with consent

Backpackers' accommodation; Boarding houses; Building identification signs; Business identification signs; Business premises; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Office premises; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Retail premises; Roads; Seniors housing; Serviced apartments; Sex services premises; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home industries; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Places of public worship; Pond-based aquaculture; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Service stations; Sewerage systems; Sewage treatment plants; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

Zone B5 Business Development

1 Objectives of zone

- To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Centre-based child care facilities; Food and drink premises; Funeral homes; Garden centres; Hardware and building supplies; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Plant nurseries; Respite day care centres; Roads; Self-storage units; Sex services premises; Specialised retail premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Community facilities; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Funeral homes; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home industries; Home occupations; Home occupations (sex services); Industrial retail outlets; Industries; Industrial training facilities; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Places of public worship; Pond-based aquaculture; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Resource recovery facilities; Restricted premises; Retail premises; Rural industries; Sewerage systems; Sewage treatment plants; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities

Zone B6 Enterprise Corridor

1 Objectives of zone

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses).
- To maintain the economic strength of centres by limiting retailing activity.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Business premises; Community facilities; Food and drink premises; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Kiosks; Landscaping material supplies; Light industries; Markets; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Plant nurseries; Self-storage units; ~~Sex services premises~~; Shop top housing; Specialised retail premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Amusement centres; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home industries; Home occupations; Home occupations (sex services); Industrial retail outlets; Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Places of public worship; Pond-based aquaculture; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Restricted premises; Retail premises; Rural industries; Sewerage systems; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots' Vehicle body repair workshops; Veterinary hospitals; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

Zone IN1 General Industrial

1 Objectives of zone

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Depots; Food and drink premises; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Liquid fuel depots; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Roads; Rural supplies; Sex services premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Funeral homes; Health services facilities; Heavy industries; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based childcare; Home businesses; Home industries; Home occupations; Home occupations (sex services); Industries; Information and education facilities; Jetties; Livestock processing industries; Marinas; Mooring pens; Moorings; Office premises; Open cut mining; Passenger transport facilities; Pond-based aquaculture; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Respite day care centres; Restricted premises; Retail premises; Rural industries; Sawmill or log processing works; Stock and sale yards; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities

Zone IN2 Light Industrial

1 Objectives of zone

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Depots; Garden centres; Hardware and building supplies; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Markets; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Restaurants or cafes; Roads; Rural supplies; Tank-based aquaculture; Timber yards; Warehouse or distribution centres; Waste or resource transfer stations; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; [FM3] Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Eco-tourist facilities; Educational establishments; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home industries; Home occupations; Home occupations (sex services); Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Pond-based aquaculture; Recreation facilities (major); Research stations; Residential accommodation; Restricted premises; Retail premises; Rural industries; Sewerage systems; Sewage treatment plants; Sex services premises; Tourist and visitor accommodation; Vehicle body repair workshops; Veterinary hospitals; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities

Zone SP1 Special Activities

1 Objectives of zone

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

2 Permitted without consent

Nil

3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; **Aquaculture; Building identification signs; Business identification signs; Cemeteries; Community facilities; Crematoria; Depots; Environmental facilities; Environmental protection works; Funeral homes; Kiosks; Markets; Mortuaries; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads**

4 Prohibited

Any other development not specified in item 2 or 3

DRAFT

Zone SP2 Infrastructure

1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent

Nil

3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; **Aquaculture; Building identification signs; Business identification signs; Car parks; Community facilities; Depots; Environmental facilities; Environmental protection works; Flood mitigation works; Freight transport facilities; Funeral homes; Kiosks; Markets; Mortuaries; Passenger transport facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads; Signage**

4 Prohibited

Any development not specified in item 2 or 3

DRAFT

Zone RE1 Public Recreation

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Environmental protection works; Flood mitigation works

3 Permitted with consent

Aquaculture; Centre-based child care facilities; Community facilities; Depots; Environmental facilities; Function centres; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Take away food and drink premises; Roads; Signage; Water recreation structures; Water recycling facilities

4 Prohibited

Any other development not specified in item 2 or 3

DRAFT

Zone RE2 Private Recreation

1 Objectives of zone

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Environmental protection works; Flood mitigation works

3 Permitted with consent

Aquaculture; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Depots; Emergency services facilities; Entertainment facilities; Environmental facilities; Food and drink premises; Function centres; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Respite day care centres; Restaurants or cafes; Roads; Signage; Take away food and drink premises; Tourist and visitor accommodation; Water recreation structures; Water recycling facilities

4 Prohibited

Pubs; Any other development not specified in item 2 or 3

DRAFT

Zone E2 Environmental Conservation

1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

2 Permitted without consent

Environmental protection works; Flood mitigation works

3 Permitted with consent

Building identification signs; Business identification signs; Environmental facilities; Information and education facilities; Oyster aquaculture; Roads

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3

DRAFT

Zone W1 Natural Waterways

1 Objectives of zone

- To protect the ecological and scenic values of natural waterways.
- To prevent development that would have an adverse effect on the natural values of waterways in this zone.
- To provide for sustainable fishing industries and recreational fishing.

2 Permitted without consent

Environmental protection works; Flood mitigation works

3 Permitted with consent

Aquaculture; Building identification signs; Business identification signs; Environmental facilities; Roads

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

DRAFT

Part 3 Exempt and complying development

3.1 Exempt development

Note. Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act.

The section states that exempt development:

- (a) must be of minimal environmental impact, and
 - (b) cannot be carried out in a declared area of outstanding biodiversity value under the [Biodiversity Conservation Act 2016](#) or declared critical habitat under Part 7A of the [Fisheries Management Act 1994](#), and
 - (c) cannot be carried out in a wilderness area (identified under the [Wilderness Act 1987](#)).
- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
- (2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.
- (3) To be exempt development, the development:
- (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia* or, if there are no such relevant provisions, must be structurally adequate, and
 - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
 - (c) must not be designated development, and
 - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the [Heritage Act 1977](#) or that is subject to an interim heritage order under the [Heritage Act 1977](#).
 - (e) (Repealed)
- (4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9 is exempt development only if:
- (a) the building has a current fire safety certificate or fire safety statement, or
 - (b) no fire safety measures are currently implemented, required or proposed for the building.
- (5) To be exempt development, the development must:
- (a) be installed in accordance with the manufacturer’s specifications, if applicable, and
 - (b) not involve the removal, pruning or other clearing of vegetation that requires a permit, development consent or other approval unless it is undertaken in accordance with a permit, development consent or other approval.
- Note.** See [State Environmental Planning Policy \(Vegetation in Non-Rural Areas\) 2017](#) and Part 5A of the [Local Land Services Act 2013](#).
- (6) A heading to an item in Schedule 2 is part of that Schedule.

3.2 Complying development

- (1) The objective of this clause is to identify development as complying development.
- (2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with:
- (a) the development standards specified in relation to that development, and
 - (b) the requirements of this Part,
- is complying development.
- Note.** See also clause 5.8 (3) which provides that the conversion of fire alarms is complying development in certain circumstances.
- (3) To be complying development, the development must:
- (a) be permissible, with development consent, in the zone in which it is carried out, and
 - (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (c) have an approval, if required by the [Local Government Act 1993](#), from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.

- (4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out or referred to in Part 2 of that Schedule.
- (5) A heading to an item in Schedule 3 is part of that Schedule.

3.3 Environmentally sensitive areas excluded

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.
- (2) For the purposes of this clause:

environmentally sensitive area for exempt or complying development means any of the following:

- (a) the coastal waters of the State,
- (b) a coastal lake,
- (c) land within the coastal wetlands and littoral rainforests area (within the meaning of the [Coastal Management Act 2016](#)),
- (d) land reserved as an aquatic reserve under the [Fisheries Management Act 1994](#) or as a marine park under the [Marine Parks Act 1997](#),
- (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
- (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
- (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
- (h) land reserved under the [National Parks and Wildlife Act 1974](#) or land acquired under Part 11 of that Act,
- (i) land reserved or dedicated under the [Crown Lands Act 1989](#) for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
- (j) land that is a declared area of outstanding biodiversity value under the [Biodiversity Conservation Act 2016](#) or declared critical habitat under Part 7A of the [Fisheries Management Act 1994](#).
- (k) Land identified as 'Remnant native vegetation' on the [Biodiversity Map](#)[FM4]

Part 4 Principal development standards

4.1 Minimum subdivision lot size

(1) The objectives of this clause are as follows:

- (a) to ensure that lot sizes can accommodate development consistent with relevant development controls
- (b) to ensure that subdivision of land is able to support anticipated development
- (c) to prevent fragmentation of land that would preclude the achievement of the land uses or development desired in a given locality
- (d) to ensure that new subdivisions reflect characteristic lot sizes and patterns of the area.

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(3A) Despite subclause (3), the minimum lot size for dwelling house as shown on the Lot Size Map is 450 square metres.

(3B) Despite subclause (3), if a lot is a battle-axe lot or other lot as shown on the Lot Size Map, with an access handle and is on land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone B6 Enterprise Corridor, Zone IN1 General Industrial and Zone IN2 Light Industrial, the minimum lot size excludes the area of the access handle.

(3C) Despite subclauses (3)–(3B), the minimum lot size for development on land within the Former Lidcombe Hospital Site, as shown edged blue on the Lot Size Map, is as follows in relation to development for the purpose of:

- (a) dwelling houses:
 - (i) 350 square metres, or
 - (ii) if a garage will be accessed from the rear of the property—290 square metres, or
 - (iii) if the dwelling house will be on a zero lot line—270 square metres,
- (b) semi-detached dwellings—270 square metres,
- (c) multi dwelling housing—170 square metres for each dwelling,
- (d) attached dwellings—170 square metres.

(3D) Despite subclause (3):

- (a) the size of any battleaxe lot, or other lot with an access handle, must not be less than 670 square metres, and
- (b) if a lot is a battleaxe lot, or other lot with an access handle, the area of the access handle is not to be included when calculating the size of the lot for the purposes of this clause.

(3E) Subclause (3) does not apply to the subdivision of a lot, as shown in the Lot Size Map, in any of the following zones if there is a dual occupancy on the lot and one dwelling will be situated on each lot resulting from the subdivision:

- (a) Zone R2 Low Density Residential,
- (b) Zone R3 Medium Density Residential,
- (c) Zone R4 High Density Residential.

(4) This clause does not apply in relation to the subdivision of any land:

- (a) by the registration of a strata plan or strata plan of subdivision under the [Strata Schemes Development Act 2015](#), or
- (b) by any kind of subdivision under the [Community Land Development Act 1989](#).

4.1A Exceptions to minimum lot sizes for certain residential development

(1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.

(2) Development consent may be granted for the subdivision of land to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land if:

- (a) the subdivision is for the purpose of a dual occupancy, multi dwelling housing or a semi-detached dwelling, or
 - (b) there is an existing dual occupancy situated on the land that was lawfully erected in accordance with an environmental planning instrument before this Plan commenced and each resulting lot from the subdivision will contain a single dwelling.
- (3) Development consent may be granted to a single development application for development that is both of the following:
- (a) the subdivision of land into 3 or more lots,
 - (b) the erection of an attached dwelling or a semi-detached dwelling on each lot resulting from the subdivision.

4.1AA Minimum subdivision lot size for community title schemes

- (1) The objectives of this clause are as follows:
- (a) to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.
- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the [Community Land Development Act 1989](#) of land in any of the following zones:
- (a) Zone R2 Low Density Residential,
- but does not apply to a subdivision by the registration of a strata plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the [Community Land Development Act 1989](#)) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) This clause applies despite clause 4.1.

4.2 Rural subdivision

[Not applicable]

4.3 Height of buildings

- (1) The objectives of this clause are as follows:
- (a) to ensure that the height of buildings is compatible with the character of the locality
 - (b) to minimize the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties
 - (c) to reinforce and respect the existing character and scale of low density residential areas
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.
- (2A) Despite subclause (2), the maximum height of office premises and hotel or motel accommodation is:
- (a) if it is within the Parramatta Road Precinct, as shown edged orange on the [Height of Buildings Map](#)—27 metres,
 - (b) if it is on land within Zone B6 Enterprise Corridor within the Silverwater Road Precinct, as shown edged light purple on the [Height of Buildings Map](#)—14 metres.

[FM5]4.4 Floor space ratio

- (1) The objectives of this clause are as follows:
- (a) to establish a maximum floor space ratio to enable appropriate development to be achieved
 - (b) to ensure that development intensity reflects its locality
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.
- (2A) Despite subclause (2), the maximum floor space ratio for development for the purpose of multi dwelling housing on land other than land within the Former Lidcombe Hospital Site, as shown edged black on the [Floor Space Ratio Map](#), is as follows:

- (a) for sites less than 1,300 square metres—0.75:1,
- (b) for sites that are 1,300 square metres or greater but less than 1,800 square metres—0.80:1,
- (c) for sites that are 1,800 square metres or greater—0.85:1.

(2B) Despite subclause (2), the maximum floor space ratio for the following development on land in Zone B6 Enterprise Corridor within the Parramatta Road Precinct, as shown edged orange on the Floor Space Ratio Map, is as follows:

- (a) 1.5:1 for specialised retail premises, entertainment facilities, function centres and registered clubs, and
- (b) 3:1 for office premises and hotel or motel accommodation.

[FM6](2D) Despite subclause (2), the maximum floor space ratio for retail premises on land in Zone B6 Enterprise Corridor within the Commercial Precinct, as shown edged green on the Floor Space Ratio Map, is 1.5:1.

(2E) Despite subclause (2), the maximum floor space ratio for a building on a site area that is:

- (a) wholly on land identified as “Area A” on the Floor Space Ratio Map, and
 - (b) on land for which the maximum floor space ratio is as specified in Column 1 of the Table to this subclause,
- is:

- (c) if the site area is at least 1,200 square metres, but no more than 1,500 square metres—the ratio specified opposite that floor space ratio in Column 2 of that Table, and
- (d) if the site area is more than 1,500 square metres—the ratio specified opposite that floor space ratio in Column 3 of that Table.

Table—Maximum FSR in Area A

Column 1	Column 2	Column 3
2.5:1	5.5:1	7.5:1
3.0:1	6.0:1	8.0:1
3.5:1	6.5:1	8.5:1

(2F) Despite subclauses (2) and (2E), if a building on a site area on land identified as “Area B” on the Floor Space Ratio Map is used for the purposes of residential accommodation or tourist and visitor accommodation, or a combination of such uses, the maximum floor space ratio for that part of the building that is used for such purposes is:

$$(FSR_{max} - 1.7):1$$

where:

FSR_{max} is the maximum floor space ratio in accordance with this clause.

(2G) Despite this clause, the minimum floor space ratio for a building on land identified as “Area C” on the Floor Space Ratio Map that is used for non-residential purposes is 0.5:1.

4.5 Calculation of floor space ratio and site area

(1) Objectives

The objectives of this clause are as follows:

- (e) to define *floor space ratio*,
- (f) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:
 - (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
 - (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
 - (iii) require community land and public places to be dealt with separately.

(2) Definition of “floor space ratio”

The *floor space ratio* of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) Site area

In determining the site area of proposed development for the purpose of applying a floor space ratio, the *site area* is taken to be:

- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
- (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

(4) Exclusions from site area

The following land must be excluded from the site area:

- (a) land on which the proposed development is prohibited, whether under this Plan or any other law,
- (b) community land or a public place (except as provided by subclause (7)).

(5) Strata subdivisions

The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

(6) Only significant development to be included

The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

(7) Certain public land to be separately considered

For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.

(8) Existing buildings

The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.

(9) Covenants to prevent “double dipping”

When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.

(10) Covenants affect consolidated sites

If:

- (a) a covenant of the kind referred to in subclause (9) applies to any land (*affected land*), and
- (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

(11) Definition

In this clause, *public place* has the same meaning as it has in the [Local Government Act 1993](#).

4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows:
 - (g) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - (h) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Secretary must consider:
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:
 - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:
 - (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,
 - (c) clause 5.4.

Part 5 Miscellaneous provisions

5.1 Relevant acquisition authority

(1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the [Land Acquisition \(Just Terms Compensation\) Act 1991](#) (the *owner-initiated acquisition provisions*).

Note. If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the [Land Acquisition \(Just Terms Compensation\) Act 1991](#) requires the authority to acquire the land.

(2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

Type of land shown on Map	Authority of the State
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 8 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Roads and Maritime Services
Zone E1 National Parks and Nature Reserves and marked "National Park"	Minister administering the National Parks and Wildlife Act 1974

(3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

5.1A Development on land intended to be acquired for public purposes [FM7]

(1) The objective of this clause is to limit development on certain land intended to be acquired for a public purpose.

(2) This clause applies to land shown on the [Land Reservation Acquisition Map](#) and specified in Column 1 of the Table to this clause and that has not been acquired by the relevant authority of the State specified for the land in clause 5.1.

(3) Development consent must not be granted to any development on land to which this clause applies other than development for a purpose specified opposite that land in Column 2 of that Table. [FM8]

Column 1 Land	Column 2 Development
Zone SP2 Infrastructure and marked "Classified road"	Roads
Zone SP2 Infrastructure and marked "Drainage"	Drainage
Zone RE1 Public Recreation and marked "Local open space"	Recreation areas
Zone R4 High Density Residential and marked "Classified road"	Roads
Zone R4 High Density Residential and marked "Local Road"	Roads

Zone B6 Enterprise Corridor and marked "Local Road"	Roads
Zone B1 Neighbourhood Centre, B2 Local Centre, B4 Mixed Use, B6 Enterprise Corridor or R2 Low Density Residential and marked "Local road widening"	Roads
Zone E2 Environmental Conservation and marked "Local environmental conservation"	Environmental facilities

5.2 Classification and reclassification of public land

(1) The objective of this clause is to enable the Council to classify or reclassify public land as "operational land" or "community land" in accordance with Part 2 of Chapter 6 of the [Local Government Act 1993](#).

Note. Under the [Local Government Act 1993](#), "public land" is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the [Local Government Act 1993](#). Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.

(2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the [Local Government Act 1993](#).

(3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the [Local Government Act 1993](#).

(4) The public land described in Part 1 of Schedule 4:

- (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
- (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.

(5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:

- (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
- (b) any reservations that except land out of the Crown grant relating to the land, and
- (c) reservations of minerals (within the meaning of the [Crown Lands Act 1989](#)).

Note. In accordance with section 30 (2) of the [Local Government Act 1993](#), the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4.

5.3 Development near zone boundaries

(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is **20 metres**.

(3) This clause does not apply to:

- (a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or

- (b) land within the coastal zone, or
 - (c) land proposed to be developed for the purpose of sex services or restricted premises.
- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:
- (a) the development is not inconsistent with the objectives for development in both zones, and
 - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (5) This clause does not prescribe a development standard that may be varied under this Plan.

5.4 Controls relating to miscellaneous permissible uses

(1) Bed and breakfast accommodation

If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

Note. Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.

(2) Home businesses

If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 30 square metres of floor area.

(3) Home industries

If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 30 square metres of floor area.

(4) Industrial retail outlets

If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed:

- (a) 10% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
 - (b) 400 square metres,
- whichever is the lesser.

(5) Farm stay accommodation

If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

(6) Kiosks

If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 10 square metres.

(7) Neighbourhood shops

If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 80 square metres.

(7AA) Neighbourhood supermarkets

If development for the purposes of a neighbourhood supermarket is permitted under this Plan, the gross floor area must not exceed 1,000 square metres.

(8) Roadside stalls

If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 8 square metres.

(9) Secondary dwellings

If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

- (a) 60 square metres,

- (b) 10% of the total floor area of the principal dwelling.

(10) Artisan food and drink industry exclusion

If development for the purposes of an artisan food and drink industry is permitted under this Plan in an industrial or rural zone, the floor area used for retail sales (not including any cafe or restaurant area) must not exceed:

- (a) 10% of the gross floor area of the industry, or
- (b) 400 square metres,

whichever is the lesser.

5.6 Architectural roof features

(1) The objectives of this clause are as follows:

- (a) to encourage innovative and high quality design for new buildings
- (b) to allow varying roof forms that contribute positively to the streetscape
- (c) to ensure that new development is consistent with the existing neighbourhood character
- (d) to ensure that any decorative roof element does not detract from the architectural design of the building
- (e) to ensure that prominent architectural roof features are contained within the height limit

(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.

(3) Development consent must not be granted to any such development unless the consent authority is satisfied that:

- (a) the architectural roof feature:
- (b) comprises a decorative element on the uppermost portion of a building, and
 - (i) is not an advertising structure, and
 - (ii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
 - (iii) will cause minimal overshadowing, and
- (c) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

5.7 Development below mean high water mark

[Not applicable]

5.8 Conversion of fire alarms

(1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.

(2) The following development may be carried out, but only with development consent:

- (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
- (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
- (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.

(3) Development to which subclause (2) applies is complying development if it consists only of:

- (a) internal alterations to a building, or

(b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.

(4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.

(5) In this clause:

private service provider means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

5.9, 5.9AA (Repealed)

5.10 Heritage conservation

Note. Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the *Heritage Map* as well as being described in Schedule 5.

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of **Cumberland**,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
 - (i) a heritage item,
 - (ii) an Aboriginal object,
 - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) When consent not required

However, development consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:

- (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
- (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
- (b) the development is in a cemetery or burial ground and the proposed development:
 - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
 - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) Heritage conservation management plans

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the [Heritage Act 1977](#) applies):

- (a) notify the Heritage Council of its intention to grant consent, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) Aboriginal places of heritage significance

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) Demolition of nominated State heritage items

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:

- (a) notify the Heritage Council about the application, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

5.11 Bush fire hazard reduction

Bush fire hazard reduction work authorised by the [Rural Fires Act 1997](#) may be carried out on any land without development consent.

Note. The [Rural Fires Act 1997](#) also makes provision relating to the carrying out of development on bush fire prone land.

5.12 Infrastructure development and use of existing buildings of the Crown

(1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under [State Environmental Planning Policy \(Infrastructure\) 2007](#).

(2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

5.13 to 5.18 Not applicable

5.19 Pond-based, tank-based and oyster aquaculture

(1) Objectives

The objectives of this clause are as follows:

- (a) to encourage sustainable oyster, pond-based and tank-based aquaculture in the State, namely, aquaculture development that uses, conserves and enhances the community's resources so that the total quality of life now and in the future can be preserved and enhanced,
- (b) to set out the minimum site location and operational requirements for permissible pond-based and tank-based aquaculture development.

(2) Pond-based or tank-based aquaculture—matters of which consent authority must be satisfied before granting consent

The consent authority must not grant development consent to carry out development for the purpose of pond-based aquaculture or tank-based aquaculture unless the consent authority is satisfied of the following:

- (a) that the development complies with the site location and operational requirements set out in Part 1 of Schedule 6 for the development,

(b) in the case of:

- (i) pond-based aquaculture or tank-based aquaculture in Zone R1 General Residential, Zone R2 Low Density Residential or Zone R5 Large Lot Residential—that the development is for the purpose of small scale aquarium fish production, and
- (ii) pond-based aquaculture in Zone E3 Environmental Management or Zone E4 Environmental Living—that the development is for the purpose of extensive aquaculture, and
- (iii) tank-based aquaculture in Zone R3 Medium Density Residential, Zone E3 Environmental Management or Zone E4 Environmental Living—that the development is for the purpose of small scale aquarium fish production, and
- (iv) pond-based aquaculture or tank-based aquaculture in Zone W1 Natural Waterways, Zone W2 Recreational Waterways or Zone W3 Working Waterways—that the development will use waterways to source water.

(3) The requirements set out in Part 1 of Schedule 6 are minimum requirements and do not limit the matters a consent authority is required to take into consideration under the Act or the conditions that it may impose on any development consent.

(4) Extensive pond-based aquaculture permitted without consent in certain zones

Development for the purpose of pond-based aquaculture, that is also extensive aquaculture, may be carried out without development consent if:

- (a) the development is carried out in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots or Zone RU6 Transition, and
- (b) the development complies with the site location requirements and operational requirements set out in Part 2 of Schedule 6.

(5) Oyster aquaculture—additional matters that consent authority must consider in determining a development application

In determining a development application for development for the purpose of oyster aquaculture, the consent authority must consider:

- (a) any provisions of any aquaculture industry development plan that are relevant to the subject of the development application, and
- (b) the *NSW Oyster Industry Sustainable Aquaculture Strategy*.

(6) Oyster aquaculture permitted without consent in priority oyster aquaculture areas

Development for the purpose of oyster aquaculture may be carried out without development consent:

- (a) on land that is wholly within a priority oyster aquaculture area, or
- (b) on land that is partly within and partly outside a priority oyster aquaculture area, but only if the land outside the area is no more than 0.1 hectare in area.

(7) Definitions

In this clause:

aquaculture industry development plan means an aquaculture industry development plan published under Part 6 of the [Fisheries Management Act 1994](#).

extensive aquaculture has the same meaning as in the [Fisheries Management \(Aquaculture\) Regulation 2017](#).

NSW Oyster Industry Sustainable Aquaculture Strategy means the third edition of the publication of that title, as published in 2016 by the Department of Primary Industries (within the Department of Industry).

priority oyster aquaculture area means an area identified as a priority oyster aquaculture area on a map referred to in Chapter 5.3 of the *NSW Oyster Industry Sustainable Aquaculture Strategy*, being a map a copy of which is held in the head office of the Department of Primary Industries (within the Department of Industry) and published on that Department's website.

Part 6 Local Provisions

6.1 Acid sulfate soils

(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

Class of land	Works
1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the *Acid Sulfate Soils Manual* and has been provided to the consent authority.

(4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if:

- (a) *Manual* indicates that an acid sulfate soils management plan is not required for the works, and
- (b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.

(5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):

- (a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,
- (b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),
- (c) minor work, being work that costs less than \$20,000 (other than drainage work).

(6) Despite subclause (2), development consent is not required under this clause to carry out any works if:

- (a) the works involve the disturbance of less than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations or flood mitigation works, or
- (b) the works are not likely to lower the watertable.
- (c)

6.2 Biodiversity protection

- (1) The objective of this clause is to maintain terrestrial and aquatic biodiversity, including the following—
 - (a) protecting native fauna and flora,
 - (b) protecting the ecological processes necessary for their continued existence,
 - (c) encouraging the recovery of native fauna and flora and their habitats.
- (2) This clause applies to land identified as “Biodiversity” and “Remnant Native Vegetation” on the Biodiversity Map.
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider:
 - (a) whether the development is likely to have:
 - (i) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and
 - (ii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
 - (iii) any adverse impact on the habitat elements providing connectivity on the land, and
 - (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless:
 - (a) the consent authority is satisfied that the development will not have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and
 - (b) the consent authority is satisfied that:
 - (i) the development is designed, sited and will be managed to avoid any other adverse environmental impact, or
 - (ii) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or
 - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact.

6.3 Buffer area between industrial and residential zones

- (1) The objectives of this clause are as follows:
 - (a) to maintain an adequate separation between general industrial land uses and residential land uses,
 - (b) to prevent any likely adverse impacts of outputs of industrial land uses (including noise, vibrations, odours, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil) on adjacent residential dwellings,
 - (c) to ensure that neighbouring residents can enjoy a reasonable level of amenity without preventing the operation of general industrial land uses,
 - (d) to provide visual separation of the primary buildings and structures on industrial land from neighbouring residential dwellings.
- (2) This clause applies to land identified as “Industrial-residential buffer area” on the Site Specific Provisions Map.
- (3) Despite any other provision of this Plan, development must not be carried out on land to which this clause applies other than:
 - (a) if the land is in Zone R2 Low Density Residential—development permitted on land in that zone in the Land Use Table (excluding residential accommodation), or
 - (b) if the land is in Zone IN1 General Industrial—development permitted on land in that zone in the Land Use Table, but only if the consent authority is satisfied that the development is consistent with the objectives of this clause.

6.4 Design excellence

- (1) The objective of this clause is to ensure that development to which this clause applies exhibits the highest standard of architectural and urban design as part of the built environment.
- (2) This clause applies to development involving the construction of a new building, or external alterations to an existing building that will result in:
 - (a) a building that is greater than 30 metres in height on land shown bounded by a blue line and identified as “Area 1” on the Design Excellence Map, or
 - (b) a building that is greater than 55 metres in height on land shown bounded by a blue line and identified as “Area 2” on the Design Excellence Map.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence.
- (4) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:
 - (a) whether the development has been endorsed by the Cumberland Design Excellence Panel as exhibiting design excellence,
 - (b) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - (c) whether the form and external appearance of the development will improve the quality and amenity of the public domain,
 - (d) whether the development detrimentally impacts on view corridors,
 - (e) how the development addresses the following matters:
 - (i) the suitability of the land for development,
 - (ii) existing and proposed uses and use mix,
 - (iii) heritage issues and streetscape constraints,
 - (iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
 - (v) bulk, massing and modulation of buildings,
 - (vi) street frontage heights,
 - (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
 - (viii) the achievement of the principles of ecologically sustainable development,
 - (ix) pedestrian, cycle, vehicular and service access and circulation requirements,
 - (x) the impact on, and any proposed improvements to, the public domain.
- (5) Despite clause 4.3, the height of a building to which this clause applies may exceed the maximum height shown for the land on the Height of Buildings Map by an amount, to be determined by the consent authority, of up to 10% of the amount shown on that map.
- (6) Despite clause 4.4, the floor space ratio of a building to which this clause applies may exceed the floor space ratio shown for the land on the Floor Space Ratio Map by an amount, to be determined by the consent authority, of up to 0.5:1.

6.5 Development in the Commercial Precinct

- (1) This clause applies to the land known as the Commercial Precinct, as shown edged dark blue and marked “Commercial Precinct” on the Key Sites Map.
- (2) Despite any other provision of this Plan, retail premises are permissible with development consent on land to which this clause applies in Zone B6 Enterprise Corridor.

6.6 Development of certain land at 1A and 1B Queen Street, Auburn

- (1) This clause applies to Lots 1 and 2, DP 1160950, 1A and 1B Queen Street, Auburn.
- (2) The consent authority must, before granting consent to development on land to which this clause applies, take into consideration whether or not:

- (a) the height of any proposed building is compatible with the existing and likely future scale of development in the immediate vicinity, and
- (b) the height of any proposed building adequately transitions to any adjoining residential accommodation, and
- (c) the development provides an appropriate level of solar access to common open spaces, and
- (d) the development results in a visually interesting and varied built form.

6.7 Development on land at 42–44 Dunmore Street, Wentworthville

(1) This clause applies to Lot 11, DP 746514, being land at 42–44 Dunmore Street, Wentworthville.

(2) Despite clause 4.4, the floor space ratio of a building on land to which this clause applies may exceed the floor space ratio shown for the land on the Floor Space Ratio Map by an amount, to be determined by the consent authority:

- (a) if at least 4,400 square metres of floor space above the ground floor of the building is used for the purposes of commercial premises or a health services facility—of up to 0.5:1, and
- (b) if at least 4,000 square metres of floor space within the building is used for the purposes of a supermarket—of up to 1:1.

(3) Each amount of additional floor space permitted by subclause (2) is in addition to each other amount of additional floor space permitted by subclause (2) or by clause 6.11.

6.8 Earthworks

(1) The objectives of this clause are as follows:

- (a) to ensure that earthworks for which a development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of the surrounding land,
- (b) to allow earthworks of a minor nature without separate development consent.

(2) Development consent is required for earthworks, unless:

- (a) the work does not alter the ground level (existing) by more than 600 millimetres, or
- (b) the work is exempt development under this Plan or another applicable environmental planning instrument, or
- (c) the work is ancillary to other development for which development consent has been given.

(3) Before granting development consent for earthworks, the consent authority must consider the following matters:

- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,
- (b) the effect of the proposed development on the likely future use or redevelopment of the land,
- (c) the quality of the fill or of the soil to be excavated, or both,
- (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,
- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

Note. The *National Parks and Wildlife Act 1974*, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.

6.9 Essential services

(1) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,

- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable road access.

(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any essential service referred to in this clause.

6.10 Flood planning

(1) The objectives of this clause are as follows:

- (a) to minimise the flood risk to life and property associated with the use of land,
- (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
- (c) to avoid significant adverse impacts on flood behaviour and the environment.

(2) This clause applies to:

- (a) at or below the flood planning level.

(3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land, and
- (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
- (c) incorporates appropriate measures to manage risk to life from flood, and
- (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

(4) A word or expression used in this clause has the same meaning as it has in the NSW Government's *Floodplain Development Manual* published in 2005, unless it is otherwise defined in this clause.

(5) In this clause:

flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

Flood Planning Map means the Auburn Local Environmental Plan 2010 Flood Planning Map^[FM9].

6.11 Foreshore building line

(1) The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.

(2) This clause applies to land identified as below the foreshore building line on the Foreshore Building Line Map.

(3) Development consent must not be granted for development on land in the foreshore area except for the following purposes:

- (a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,
- (b) the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,
- (c) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoor).

(4) Development consent must not be granted under subclause (3) unless the consent authority is satisfied that:

- (a) the development will contribute to achieving the objectives for the zone in which the land is located, and
- (b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and
- (c) the development is not likely to cause environmental harm such as:
 - (i) pollution or siltation of the waterway, or
 - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, flora or fauna habitats, or
 - (iii) an adverse effect on drainage patterns, and
- (d) the development will not cause congestion of, or generate conflicts between, people using open space areas or the waterway, and
- (e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and
- (f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and
- (g) in the case of development for the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, the extension, alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and
- (h) sea level rise or change of flooding patterns as a result of climate change have been considered.

6.12 Ground floor development in Zones B2 and B4

- (1) The objective of this clause is to ensure that active uses are provided at the street level in certain business zones to encourage the presence and movement of people.
- (2) This clause applies to land in the following zones:
 - (a) Zone B2 Local Centre,
 - (b) Zone B4 Mixed Use.
- (3) Despite any other provision of this Plan, development consent must not be granted to development for the purposes of commercial premises or to a mixed use development with a commercial premises component, or a change of use of a building to commercial premises, on land to which this clause applies unless the consent authority is satisfied that the ground floor of the building:
 - (a) will not be used for the purposes of residential accommodation, and
 - (b) will not be used for a car park or to provide ancillary car parking spaces, and
 - (c) will provide for uses and building design elements that encourage interaction between the inside of the building and the external public areas adjoining the building.
- (4) Subclause (3) (b) does not apply to a site that:
 - (a) is greater than 60 metres in depth from all street frontages, or
 - (b) has a gradient steeper than 15%, measured from boundary to boundary, or
 - (c) is owned by a public authority and is to be used as a public or commuter car park.
- (5) Subclause (3) (c) does not apply to any part of a building that:
 - (a) faces a service lane that does not require active street frontages, or
 - (b) is used for one or more of the following purposes:
 - (i) a lobby for a commercial, residential, serviced apartment or hotel component of the building,
 - (ii) access for fire services,
 - (iii) vehicular access.

6.13 Location of sex services premises

(1) The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.

(2) Despite any other provision of this Plan, development consent may only be granted for the purpose of sex services premises if, when measured from the boundary of the lot on which the premises will be used, the development will be located:

- (a) more than 200 metres from any land in a residential zone, and
- (b) more than 200 metres from any place of public worship, hospital, school, centre-based child care facility, community facility or recreation area, and
- (c) more than 50 metres from any public utility undertaking, being a railway station entrance, bus stop, taxi rank, ferry terminal or the like.

(3) In determining whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider the following:

- (a) whether the operation of the sex services premises will be likely to cause a disturbance in the relevant neighbourhood because of its size, location, hours of operation, clients or employees or other people working in the premises,
- (b) whether the operation of the sex services premises will be likely to interfere with the amenity of the relevant neighbourhood,
- (c) whether the operation of the sex services premises will be likely to cause a disturbance in the relevant neighbourhood, taking into account the number of sex services premises already operating in the neighbourhood and involving similar hours of operation,
- (d) the impact the proposed development and its hours of operation would have on any place likely to be regularly frequented by children for educational, recreational or cultural activities that can be viewed from the proposed development.

6.14 Minimum lot area for low and medium density dual occupancy housing

(1) The objectives of this clause are as follows:

- (a) to ensure the lot size proposed for dual occupancy development facilitates good design that can accommodate an appropriate built form, driveways and sufficient landscaped areas,
- (b) to retain the low density residential character of the R2 Low Density Residential zone,
- (c) to identify the appropriate locations for growth and align projected growth with existing and proposed local roads, transport and social infrastructure,
- (d) to achieve a consistency of minimum lot size for dual occupancy development across the Cumberland area.

(2) The minimum lot size for development for the purposes of low and medium density dual occupancy housing is 585 m².

6.15 Places of public worship in Zones R3 and R4

(1) The objectives of this clause are as follows:

- (a) to establish a minimum lot size for places of public worship
- (b) to ensure that places of public worship are compatible with and located in a context and setting that minimises impacts on the amenity of the surrounding residential environment
- (c) to ensure that sites for places of public worship have adequate usable areas for buildings, car parking and landscaping,

(2) This clause applies to development for the purpose of a place of public worship on land in the following zones:

- (a) Zone R3 Medium Density Residential,
- (b) Zone R4 High Density Residential

(3) The minimum lot size for development for the purposes of a place of public worship is 2,000 m².

- (4) Despite any other provision of this Plan, development consent must not be granted for development to which this clause applies unless the consent authority has considered the following:
- (a) the extent to which the place of public worship and its design will integrate into the locality, and
 - (b) the extent to which the proposed development will respond to the local character, and relate to the scale and streetscape of the locality, and
 - (c) the extent to which the residential amenity of the locality will be protected from detrimental traffic-related impacts and noise associated with the development.

6.16 Restricted premises

- (1) Development consent must not be granted for development for the purpose of restricted premises if the premises would be located on land that adjoins land, or is separated only by a road from land within Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential or Zone RE1 Public Recreation.
- (2) Despite any other provision of this Plan, development consent must not be granted to the carrying out of development for the purpose of restricted premises unless the consent authority is satisfied that—
- (a) no part of the restricted premises, other than an access corridor, will be located within 1.5 metres (measured vertically) from any adjoining footpath, roadway, arcade or other public thoroughfare, and
 - (b) no part of the restricted premises or building in which the premises will be situated will be used as a dwelling unless separate access will be available to the dwelling, and
 - (c) any signage related to the premises will be of a size, shape and content that does not interfere with the amenity of the locality, and
 - (d) no other objects, products or goods related to the restricted premises will be visible from outside the premises.
- (3) In deciding whether to grant development consent for the purpose of restricted premises, the consent authority must take into account the impact the proposed development would have on any place that is regularly frequented by children for educational, recreational or cultural activities.

6.17 Riparian land and watercourses

- (1) The objective of this clause is to protect and maintain the following:
- (a) water quality within watercourses,
 - (b) the stability of the bed and banks of watercourses,
 - (c) aquatic and riparian habitats,
 - (d) ecological processes within watercourses and riparian areas.
- (2) This clause applies to the land identified as “Riparian Land” on the [Riparian Lands and Watercourses Map](#).
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider:
- (a) whether or not the development is likely to have any adverse impact on the following:
 - (i) the water quality and flows within the watercourse,
 - (ii) aquatic and riparian species, habitats and ecosystems of the watercourse,
 - (iii) the stability of the bed and banks of the watercourse,
 - (iv) the free passage of fish and other aquatic organisms within or along the watercourse,
 - (v) any future rehabilitation of the watercourse and riparian areas, and
 - (b) whether or not the development is likely to increase water extraction from the watercourse, and
 - (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
- (a) the development is designed, sited and will be managed to avoid any adverse environmental impact, or
 - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

6.18 Salinity

- (1) The objective of this clause is to provide for the appropriate management of land that is subject to salinity and the minimisation and mitigation of adverse impacts from development that contributes to salinity.
- (2) This clause applies to land identified as “Known Salinity”, “High Salinity Potential” or “Moderate Salinity Potential” on the Salinity Map.
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following:
- (a) whether the development is likely to have any adverse impact on salinity processes on the land,
 - (b) whether salinity is likely to have an impact on the development,
 - (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
- (a) the development is designed, sited and will be managed to avoid any adverse environmental impact, or
 - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

6.19 Stormwater management

- (1) The objectives of this clause are as follows:
- (a) to minimise the impacts of urban stormwater on properties, native vegetation and receiving waters,
 - (b) to avoid any adverse impacts on soils and land stability,
 - (c) to protect the environmental values of water identified for urban waterways in the Sydney Harbour and Parramatta River and Georges River catchments.
- (2) Development consent must not be granted to development on any land unless the consent authority is satisfied that the development:
- (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and
 - (b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and
 - (c) avoids any adverse impacts of stormwater runoff on adjoining properties, native vegetation and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.

6.20 Urban heat management

- (1) The objective of this clause is to ensure new development incorporates effective design and ongoing operation to reduce and remove urban heating from the environment and protects community health and wellbeing.
- (2) This clause applies to all commercial premises, industry and residential accommodation developments.
- (3) Development consent must not be granted to any development unless the consent authority is satisfied that:
 - (a) the building roof, paved surfaces and podium have been designed to reflect and re-radiate absorbed solar heat away from urban areas and to maximise user comfort of roofing, paved surfaces and podium areas; and
 - (b) the building facades minimise solar heat being reflected downward towards private open space and or the public domain; and
 - (c) the awnings and eaves are designed to provide shelter from the sun and improve user comfort at street level; and
 - (d) the buildings' heating and cooling systems minimise heat rejection to private open space and the public domain; and
 - (e) the buildings maximise the use of green infrastructure; and
 - (f) the development is capable of accommodating adequate open space and deep soil zones to achieve urban cooling benefits; and
 - (g) the buildings are designed to improve thermal performance eg. insulation, glazing, drought proofing and renovations to apply passive design principles to reduce the need for heating or cooling.
- (4) In this clause:
 - (a) *Solar heat* means radiant heat contained in the full spectrum of sunlight.
 - (b) *Urban heat* refers to higher ambient temperatures (over 28°C) that pose a risk to our communities and infrastructure.
 - (c) *Urban heat island effect* is the tendency of cities to be much warmer than their rural counterparts.
 - (d) *Green infrastructure* is essential infrastructure that includes the network of designed and natural vegetation found in urban areas including parks, vegetation and urban green technology such as green roofs, deep soil zones, landscaped and open space areas. This may include things such as porous pavements, bioswales, rain gardens, wetlands, biofiltration devices and park areas.

Schedule 1 Additional permitted uses

(1) Use of certain land at 265 Parramatta Road, Auburn

- (a) This clause applies to Lot 10, DP 870562, 265 Parramatta Road, Auburn identified as “1” on the Additional Permitted Uses Map.
- (b) Development for the purpose of shops is permitted with development consent if the total gross floor area of that development does not exceed 4,600 square metres.

(2) 2 Use of certain land at 67–73 St Hilliers Road, Auburn

- (a) This clause applies to Lot 1, DP 220080, 67–73 St Hilliers Road, Auburn identified as “2” on the Additional Permitted Uses Map.
- (b) Development for the purpose of office premises is permitted with development consent.
- (c) Development for the purpose of educational establishments is permitted with development consent if the total gross floor area of that development does not exceed 800m².

(3) 3 Use of certain land at 9 and 11 Gelibolu Parade, Auburn

- (a) This clause applies to Lots B and C, DP 374304, 9 and 11 Gelibolu Parade, Auburn identified as “3” on the Additional Permitted Uses Map.
- (b) Development for the purpose of a restaurant or cafe is permitted with development consent if the total gross floor area of that development does not exceed 80m².

(4) Use of certain land at Girraween

- (a) This clause applies to land at Girraween that is identified as “APU 1” on the Additional Permitted Uses Map.
- (b) Development for the purposes of sex services premises is permitted with development consent.

(5) Use of certain land known as “Gipps Road Sporting Complex” at Greystanes

- (a) This clause applies to land at 2, 2A, 2B, 4 and 6 Hyland Road and 6W Gipps Road, Greystanes, known as “Gipps Road Sporting Complex”, being Lot 10, DP 817980, Lot 1 and part of Lot 2, DP 1129303, Lots 38 and 39, DP 3082 and Lot 6, DP 188593, identified as “APU 2” on the Additional Permitted Uses Map.
- (b) Development for the purposes of food and drink premises and function centres is permitted with development consent.

(6) Use of certain land at 615 Great Western Highway, Greystanes

- (a) This clause applies to land at 615 Great Western Highway, Greystanes, being Lots 44 and 45, DP 833604, Lot 6, DP 802794 and Lot 5, DP 794341, identified as “APU 3” on the Additional Permitted Uses Map.
- (b) Development for the purposes of animal boarding or training establishments, function centres, highway service centres, hotel or motel accommodation, medical centres, vehicle body repair workshops and veterinary hospitals is permitted with development consent.

(7) Use of certain land at 11 Byron Road, Guildford

- (a) This clause applies to land at 11 Byron Road, Guildford, known as “Linnwood”, being Lot 1, DP 169485, identified as “APU 4” on the Additional Permitted Uses Map.
- (b) Development for the purposes of food and drink premises, information and education facilities and office premises is permitted with development consent.

(8) Use of certain land at Guildford West

- (a) This clause applies to land at Guildford West that is identified as “APU 5” on the Additional Permitted Uses Map.
- (b) Development for the purposes of sex services premises is permitted with development consent.

(9) Use of certain land known as “Holroyd Gardens” at Holroyd

- (a) This clause applies to land at Holroyd, known as “Holroyd Gardens”, being Lot 3, DP 600621, Lot 414, DP 1087853, Lot 316, DP 1087645, Lot 2052, DP 1135275 and part of Lot 1001, DP 1037793, identified as “APU 6” on the Additional Permitted Uses Map.
- (b) Development for the purposes of food and drink premises and function centres is permitted with development consent.

(10) Use of certain land at 32 Walpole Street, Holroyd

- (a) This clause applies to land at 32 Walpole Street (corner Pitt Street), Holroyd, being part of Lot 1001, DP 1037793, identified as “APU 7” on the Additional Permitted Uses Map.
- (b) Development for the purposes of business premises, food and drink premises, function centres and office premises is permitted with development consent.

(11) Use of certain land known as “Central Gardens” at Merrylands Road, Merrylands

- (a) This clause applies to land at Merrylands Road, Merrylands, known as “Central Gardens”, being Lots 9A and 9B, DP 315747, Lot 2, DP 230342, Lot 1, DP 723964 and part of Lot 8, DP 2138, identified as “APU 8” on the Additional Permitted Uses Map.
- (b) Development for the purposes of food and drink premises and function centres is permitted with development consent.

(12) Use of certain land known as “Merrylands Park” at 367P Merrylands Road, Merrylands

- (a) This clause applies to land at 367P Merrylands Road (corner Burnett Street), Merrylands, known as “Merrylands Park”, being Lot 1031, DP 900744, identified as “APU 9” on the Additional Permitted Uses Map.
- (b) Development for the purposes of food and drink premises is permitted with development consent.

(13) Use of certain land at 348 and 350 Merrylands Road, Merrylands

- (a) This clause applies to land at 348 and 350 Merrylands Road, Merrylands, being Lots 44 and 45, DP 628, identified as “APU 10” on the Additional Permitted Uses Map.
- (b) Development for the purposes of hardware and building supplies is permitted with development consent.

(14) Use of certain land at Smithfield

- (a) This clause applies to land at Smithfield that is identified as “APU 12” on the Additional Permitted Uses Map.
- (b) Development for the purposes of sex services premises is permitted with development consent.

(15) Use of certain land at Junia Avenue and Aurelia Street and Toongabbie Road, Toongabbie

- (a) This clause applies to the following land at Toongabbie identified as “APU 13” on the Additional Permitted Uses Map:
 - (i) 11–13 Junia Avenue, being Lots 11–13, Section C, DP 10697,
 - (ii) 47–61 Aurelia Street, being Lots 30–35, Section C, DP 10697,
 - (iii) 63–65 Aurelia Street, being Lots 1 and 2, DP 1043958,
 - (iv) 78–90 Aurelia Street, being Lots 19–25, Section B, DP 10697,
 - (v) 23–27 Toongabbie Road, being Lots 41–43, Section B, DP 10697.
- (b) Development for the purposes of business premises and retail premises (excluding pubs) is permitted with development consent.

(16) Use of certain land at Hawkesbury Road, Westmead

- (a) This clause applies to land at Hawkesbury Road, Westmead, being SP 44805, Lot 11, DP 311932, Lot 1, DP 14315 and Lot 2, DP 315151, identified as “APU 14” on the Additional Permitted Uses Map.
- (b) Development for the purposes of hotel or motel accommodation is permitted with development consent.

(17) Use of certain land at Yennora

- (a) This clause applies to land at Yennora that is identified as “APU 15” on the Additional Permitted Uses Map.
- (b) Development for the purposes of sex services premises is permitted with development consent.

(18) Use of certain land at 528–530 Great Western Highway, Pendle Hill

- (a) This clause applies to land at 528–530 Great Western Highway, Pendle Hill, being Lot 1, DP 659683 and Lot 1, DP 1004778, identified as “APU 16” on the Additional Permitted Uses Map.
- (b) Development for the purposes of multi dwelling housing is permitted with development consent.

(19) Use of certain land at 459 Merrylands Road, Merrylands

- (a) This clause applies to land at 459 Merrylands Road, Merrylands, being Lot W, DP 391056, identified as “APU 17” on the Additional Permitted Uses Map.
- (b) Development for the purposes of take away food and drink premises is permitted with development consent if the consent authority is satisfied that the floor space of the premises to be used for those purposes does not exceed 100 square metres.

Schedule 2 Exempt development

(Clause 3.1)

Note 1.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies exempt development under that Policy. The Policy has State-wide application. This Schedule contains additional exempt development not specified in that Policy.

Note 2.

Exempt development may be carried out without the need for development consent under the Act. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply.

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Schedule 3 Complying development

(Clause 3.2)

Note.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies complying development and the complying development conditions for that development under that Policy. The Policy has State-wide application. This Schedule contains additional complying development not specified in that Policy.

Part 1 Types of development

Subdivision for dual occupancies

- (1) Subdivision layout must not contravene the development consent for the dual occupancy.
- (2) Development consent for the dual occupancy must have been issued no more than 5 years prior to the subdivision.
- (3) Certificate of occupation for the dual occupancy must have been issued prior to the subdivision.

Strata subdivision of dual occupancies

- (1) All buildings must have been approved by the Council.
- (2) Certificate of occupation must have been issued with respect to all development on the land.
- (3) Subdivision layout must not contravene the development consent for the completed development.
- (4)

Part 2 Complying development certificate conditions

Note.

Complying development must comply with the requirements of the Act, the regulations under the Act and this Plan.

General conditions

Any development specified in Part 1 is subject to the same conditions set out in Schedule 6 to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Direction.

Other conditions may be included in this Part.

Schedule 4 Classification and reclassification of public land

Part 1 Land classified, or reclassified, as operational land—no interests changed

Column 1	Column 2
Locality	Description

Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2
Locality	Description

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description

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Schedule 5 Environmental heritage

Part 1 Heritage items

Suburb	Item name	Address	Property description	Significance	Item Number
Auburn	St Joseph's Hospital (former Duncraggan Hall)	Auburn			
Auburn	Eucalyptus mollucana, Auburn Public School	Auburn			
Auburn	Jack Lang Plaque	Auburn			
Auburn	Dwelling	Auburn			
Auburn	Auburn Botanic Gardens	Auburn			
Auburn	Dwelling	Auburn			
Auburn	Dwelling	Auburn			
Auburn	St Phillips Anglican Family Church	Auburn			
Auburn	Auburn Baptist Church	Auburn			
Auburn	Victorian Dwelling	Auburn			
Auburn	Uniting Church Auburn Parish and adjacent Victory Hall	Auburn			
Auburn	Dwelling	Auburn			
Auburn	Dwelling	Auburn			
Auburn	Lea's Temperance Hall (former)	Auburn			
Auburn	Electricity Substation No 167	Auburn			
Auburn	Auburn North Public School and Ficus macrophylla, Moreton Bay Fig Tree	Auburn			
Auburn	Dwelling	Auburn			
Auburn	Auburn Ambulance Station	Auburn			
Auburn	Keighery Hotel	Auburn			
Auburn	Grey Box Reserve	Auburn			
Auburn	Horse trough	Auburn			
Auburn	Inter War Dwelling	Auburn			
Berala	Berala Public School	Berala			
Berala	St Peter Chanel School Hall, Church and Rectory	Berala			
Berala	Brush Box street trees	Berala			
Chester Hill	Everley Park	Chester Hill			

Girraween	"Targo Mahal", Federation bungalow	Girraween			
Girraween	"Urana", late Victorian/Federation bungalow	Girraween			
Granville	"Pitt Cottage", late Victorian cottage	Granville			
Granville	Railway memorial	Granville			
Granville	Stone cottages	Granville			
Granville	Crest Theatre	Granville			
Granville	Granville Town Hall	Granville			
Granville	Nallabrae	Granville			
Granville	Charles Street Group	Granville			
Granville	Single storey residence	Granville			
Granville	Single storey residence	Granville			
Granville	Single storey residence	Granville			
Granville	Single storey residence	Granville			
Granville	Former Shop	Granville			
Granville	Cottage	Granville			
Granville	Single storey residence	Granville			
Granville	Cottage	Granville			
Granville	Scout Hall	Granville			
Granville	Grimwood Street Group	Granville			
Granville	Holy Trinity Church Group	Granville			
Granville	Semi-detached cottages	Granville			
Granville	Single storey residence	Granville			
Granville	Single storey residence	Granville			
Granville	Single storey residence	Granville			
Granville	Single storey residence	Granville			
Granville	Single storey residence	Granville			
Granville	Single storey residence	Granville			
Granville	Single storey residence	Granville			
Granville	Granville Police Station	Granville			
Granville	Knox Presbyterian Church	Granville			
Granville	Terrace housing	Granville			
Granville	Single storey residence	Granville			
Granville	Conjoined residences	Granville			

Granville	Conjoined residences	Granville			
Granville	Two storey residence	Granville			
Granville	Single storey residence	Granville			
Granville	Conjoined residences	Granville			
Granville	St Marks Anglican Church, Hall & Rectory	Granville			
Granville	Two storey residence	Granville			
Granville	Single storey residence	Granville			
Granville	Conjoined residences	Granville			
Granville	Cottage	Granville			
Granville	Single storey residence	Granville			
Granville	Single storey residence	Granville			
Granville	Tuena	Granville			
Granville	Single storey residence	Granville			
Granville	Single storey residence	Granville			
Granville	Granville Boys High School	Granville			
Granville	Cottage	Granville			
Granville	Granville Swimming Pool	Granville			
Granville	Granville War Memorial	Granville			
Granville	Granville RSL Club	Granville			
Granville	Monuments	Granville			
Granville	Cottage	Granville			
Granville	New York Street Group	Granville			
Granville	Conjoined residences	Granville			
Granville	Conjoined residences	Granville			
Granville	Single storey residence	Granville			
Granville	Wendover	Granville			
Granville	Single storey residence	Granville			
Granville	Conjoined residences	Granville			
Granville	Conjoined residences	Granville			
Granville	Conjoined residences	Granville			
Granville	Cottage	Granville			
Granville	Young's Buildings	Granville			
Granville	Royal Hotel	Granville			
Granville	Chateau Blanc	Granville			

Granville	Granville Technical College	Granville			
Granville	Shops	Granville			
Granville	Uniting Church	Granville			
Granville	Single storey residence	Granville			
Granville	Conjoined residences	Granville			
Granville	Conjoined residences	Granville			
Granville	Single storey residence	Granville			
Granville	Single storey residence	Granville			
Granville	Single storey residence	Granville			
Granville	Conjoined residences	Granville			
Granville	Single storey residence	Granville			
Granville	Single storey residence	Granville			
Granville	Single storey residence	Granville			
Granville	Single storey residence	Granville			
Granville	Single storey residence	Granville			
Granville	Single storey residence	Granville			
Granville	Stone Bridge	Granville			
Granville	The Trongate Victorian Group	Granville			
Granville	Kerb and guttering	Granville			
Granville	Single storey residence	Granville			
Granville	Single storey residence	Granville			
Granville	Single storey residence	Granville			
Granville	Single storey residence	Granville			
Granville	Single storey residence	Granville			
Granville	Single storey residence	Granville			
Granville	Single storey residence	Granville			
Granville	Evesham	Granville			
Granville	Timber cottage group (Nos. 115-119)	Granville			
Granville	Single storey residence	Granville			
Granville	Granville Public School	Granville			
Granville	Single storey residence	Granville			
Granville	William Street Group	Granville			
Granville	Cottage	Granville			

Granville	Single storey residence	Granville			
Greystanes	Late Victorian/Federation cottage	Greystanes			
Greystanes	Remnant tree stands	Greystanes			
Greystanes	Milestone group, Parramatta to Greystanes	Greystanes			
Greystanes	House and farm buildings	Greystanes			
Greystanes	Ringrose Primary School	Greystanes			
Guildford	Footbridge over Lower Prospect Canal	Guildford			
Guildford	Victorian/Georgian cottage	Guildford			
Guildford	Federation/Queen Anne cottage	Guildford			
Guildford	Guildford Public School, circa 1915	Guildford			
Guildford	"Kelvin", Federation/Queen Anne bungalow	Guildford			
Guildford	Federation bungalow	Guildford			
Guildford	"Linnwood"	Guildford			
Guildford	Guildford School of Arts, community building, circa 1901–1925	Guildford			
Guildford	Electricity substation	Guildford			
Guildford	"Kia Ora", Federation/Queen Anne cottage	Guildford			
Guildford	"Hazeldene", late Victorian/Federation/Queen Anne cottage	Guildford			
Guildford	George McCredie Memorial Church, Federation church, circa 1905	Guildford			
Guildford	Viaduct carrying main pipelines	Guildford			
Guildford	Fibro and weatherboard cottage, circa 1938–1946	Guildford			
Guildford	"Myrnville", late Victorian period cottage	Guildford			
Guildford	Late Victorian cottage	Guildford			
Guildford	Federation period cottage	Guildford			
Guildford	Pipehead, water supply canal and associated works	Guildford			
Guildford	Glencoe	Guildford			
Guildford	Water pipeline	Guildford			

Guildford	Swift's House	Guildford			
Guildford	Bolton Street Group	Guildford			
Guildford	Electrical substation	Guildford			
Guildford	House	Guildford			
Guildford	Wingello	Guildford			
Guildford	Cottage	Guildford			
Guildford	St Mary's Anglican Church Group	Guildford			
Guildford	Guildford Fire Station	Guildford			
Guildford	Guildford Shop Group	Guildford			
Guildford	House	Guildford			
Guildford	Former bakery	Guildford			
Guildford	House	Guildford			
Guildford	Cottage	Guildford			
Guildford	Catherine	Guildford			
Guildford	House	Guildford			
Guildford	Cloverdale	Guildford			
Guildford	House	Guildford			
Guildford	Talbot Road Precinct	Guildford			
Guildford	Cottage	Guildford			
Guildford	Granville South Public School	Guildford			
Guildford	Electrical substation	Guildford			
Guildford	Milestone	Guildford			
Guildford West	Late Victorian/Federation residence	Guildford West			
Guildford West	Inter-war bungalow	Guildford West			
Guildford West	"Boothtown Aqueduct" (previously Greystanes Aqueduct), Aqueduct Valve House No 1, Aqueduct Valve House No 2, Culvert No 1 under Aqueduct, Culvert No 2 under Aqueduct, Lower Prospect Canal Reserve and garden	Guildford West			
Lidcombe	Hotel Lidcombe	Lidcombe			
Lidcombe	Wyatt Park, Haslams Creek, Lidcombe Pool, Lidcombe Oval, Stormwater Drain	Lidcombe			

Lidcombe	Lidcombe Fire Station	Lidcombe			
Lidcombe	The Gables	Lidcombe			
Lidcombe	Dwelling	Lidcombe			
Lidcombe	Lidcombe Public School and Infants Department	Lidcombe			
Lidcombe	St Joachims Catholic Church, Parish Hall and School	Lidcombe			
Lidcombe	Lidcombe Police Station	Lidcombe			
Lidcombe	Minali Special School (early twentieth century residence)	Lidcombe			
Lidcombe	Railway Hotel	Lidcombe			
Lidcombe	Fenton House	Lidcombe			
Lidcombe	Dwelling	Lidcombe			
Lidcombe	Stand of Eucalyptus microcorys	Lidcombe			
Lidcombe	Stand of Eucalyptus longifolia	Lidcombe			
Lidcombe	Royal Oak Hotel	Lidcombe			
Lidcombe	Lidcombe Post Office	Lidcombe			
Lidcombe	Clive E Evatt Commemorative Plaque	Lidcombe			
Merrylands	"Carsons", Federation period cottage	Merrylands			
Merrylands	"Hampden", Federation period cottage	Merrylands			
Merrylands	Late Victorian period cottage	Merrylands			
Merrylands	Greek Orthodox Church	Merrylands			
Merrylands	Late Victorian cottage/Cumberland Model Farms Estate	Merrylands			
Merrylands	"Boori", Victorian Italianate residence and grounds	Merrylands			
Merrylands	Merrylands Public School	Merrylands			
Merrylands	Fire station (inter-war period)	Merrylands			
Merrylands	Merrylands Railway Station	Merrylands			
Merrylands	Merrylands East Primary School, circa 1928	Merrylands			
Merrylands	Lawson Square Reserve	Merrylands			
Merrylands	Federation period bungalow	Merrylands			

Merrylands	Federation period (Art Nouveau detailing) residence	Merrylands			
Merrylands	Federation period cottage	Merrylands			
Merrylands	8 Ledger Road	Merrylands			
Merrylands	Semi-detached cottages	Merrylands			
Merrylands	Cottage	Merrylands			
Merrylands	Homes for Unemployed cottage	Merrylands			
Merrylands	Semi-detached cottage	Merrylands			
Merrylands	Semi-detached cottage	Merrylands			
Merrylands	House	Merrylands			
Merrylands	House	Merrylands			
Merrylands	The Lodge	Merrylands			
Merrylands	Cottage	Merrylands			
Merrylands	Victorian cottage	Merrylands			
Merrylands	Milestone	Merrylands			
Merrylands West	Former Council Chambers, circa 1914	Merrylands West			
Merrylands West	Memorial reserve, historic memorial and cannon	Merrylands West			
Merrylands West	"Sherwood Scrubs", residence and service wing, summer house, garden, setting and outbuildings	Merrylands West			
Merrylands West	Late Victorian cottage	Merrylands West			
Merrylands-Holroyd	Goodlet & Smith (brickmaking plant and chimney and Hoffman kiln and chimney)	Merrylands-Holroyd			
Merrylands-Holroyd	Merrylands Uniting Church, inter-war church, circa 1928	Merrylands-Holroyd			
Merrylands-Holroyd	Electrical substation	Merrylands-Holroyd			
Merrylands-Holroyd	Merrylands School of Arts, community building, circa 1917-1925	Merrylands-Holroyd			
Merrylands-Holroyd	Baby health care centre, circa 1947	Merrylands-Holroyd			
Merrylands	Late Victorian cottage	Merrylands			
Pemulwuy	Aboriginal flaked stone artefacts	Pemulwuy			
Pemulwuy	Prospect Hill	Pemulwuy			

Pemulwuy	Main gate—Boral (formerly known as the Greystanes Gates, circa 1830)	Pemulwuy			
Pendle Hill	Bonds administrative building, storage building, cutting room and cotton bale stores	Pendle Hill			
Pendle Hill	Former Bonds Bobbin Mill facade	Pendle Hill			
Pendle Hill	“Dunmore”, Victorian Italianate residence and garden setting	Pendle Hill			
Pendle Hill	“Ashwood House”, Inter-war Georgian Revival residence	Pendle Hill			
Pendle Hill	Pendle Hill Railway Station	Pendle Hill			
Prospect	Prospect Reservoir and surrounding area	Prospect			
Regents Park	Commercial building	Regents Park			
Regents Park	Regents Park railway station	Regents Park			
Rookwood	No 1 Section buildings, relics and place	Rookwood			
South Granville	Colquhoun Park, including palm trees and monument	South Granville			
South Granville	Houses built for Housing Commission	South Granville			
South Granville	Electrical substation	South Granville			
South Granville	Houses built for Housing Commission	South Granville			
South Granville	Houses built for Housing Commission	South Granville			
South Granville	Dellwood Shopping Centre	South Granville			
South Granville	Acrow Building	South Granville			
South Granville	Houses built for Housing Commission	South Granville			
South Granville	Stone cottage	South Granville			
South Granville	Houses built for Housing Commission	South Granville			
South Wentworthville	“The Wattles”, Victorian/Georgian residence	South Wentworthville			
South Wentworthville	“Rosedale”, late Victorian cottage/ Cumberland Model Farms Estate	South Wentworthville			
Toongabbie	St Edna’s Church Hall (inter-war hall, circa 1929)	Toongabbie			
Toongabbie	Toongabbie Railway Station	Toongabbie			

Toongabbie	Portico Park	Toongabbie		
Toongabbie	Railway viaduct	Toongabbie		
Wentworthville	Federation bungalow	Wentworthville		
Wentworthville	“Yoorooga”, late Victorian cottage	Wentworthville		
Wentworthville	Former post office, circa 1926	Wentworthville		
Wentworthville	Inter-war bungalow	Wentworthville		
Wentworthville	Late Victorian cottage	Wentworthville		
Wentworthville	Inter-war bungalow	Wentworthville		
Wentworthville	Inter-war bungalow	Wentworthville		
Wentworthville	Inter-war bungalow	Wentworthville		
Wentworthville	Inter-war bungalow	Wentworthville		
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Wentworthville	Inter-war bungalow	Wentworthville		
Wentworthville	Inter-war bungalow	Wentworthville		
Wentworthville	Inter-war bungalow	Wentworthville		
Wentworthville	Inter-war bungalow	Wentworthville		
Wentworthville	Inter-war bungalow	Wentworthville		
Wentworthville	Inter-war bungalow	Wentworthville		
Wentworthville	Electricity substation	Wentworthville		
Wentworthville	Federation Arts and Crafts shop building	Wentworthville		
Wentworthville	Masonic Temple	Wentworthville		
Wentworthville	Inter-war bungalow	Wentworthville		
Wentworthville	Federation period/Queen Anne style bungalow	Wentworthville		
Wentworthville	Inter-war cottage	Wentworthville		
Wentworthville	“Nelyambo”, Federation period bungalow	Wentworthville		
Wentworthville	Federation period residence	Wentworthville		
Wentworthville	Federation period cottage	Wentworthville		
Wentworthville	Federation cottage	Wentworthville		
Wentworthville	St Andrew’s Presbyterian Church, Federation	Wentworthville		

	Carpenter Gothic church, circa 1923				
Wentworthville	Federation period cottage	Wentworthville			
Wentworthville	Inter-war shopfront with Federation influences	Wentworthville			
Wentworthville	"Dobson House" ² , Federation/Inter-war period shopfront	Wentworthville			
Wentworthville	Wentworthville Railway Station	Wentworthville			
Wentworthville	Memorial fountain	Wentworthville			
Wentworthville	Inter-war bungalow	Wentworthville			
Wentworthville	"Dalremos", Federation/Queen Anne bungalow	Wentworthville			
Wentworthville	Federation/Queen Anne bungalow	Wentworthville			
Westmead	"Allengreen", Federation bungalow	Westmead			
Westmead	Inter-war bungalow	Westmead			
Westmead	Inter-war bungalow	Westmead			
Westmead	Inter-war bungalow	Westmead			
Westmead	"Essington"	Westmead			
Westmead	Late Victorian cottage	Westmead			
Westmead	"The Firs", Victorian Picturesque Gothic residence	Westmead			
Westmead	Westmead Progress Association Hall	Westmead			
Westmead	"Deskford", Cabrini Nursing Home, circa 1876–1900	Westmead			
Westmead	Westmead Public School, circa 1917	Westmead			
Westmead	Victorian/Georgian cottage	Westmead			
Westmead	Federation residence	Westmead			
Westmead	Inter-war bungalow	Westmead			
Westmead	Inter-war bungalow	Westmead			
Westmead	"Silver Grove", Inter-war bungalow	Westmead			
Westmead	"Girraween", Inter-war bungalow	Westmead			
Westmead	"Maxville", Inter-war bungalow	Westmead			
Westmead	Inter-war bungalow	Westmead			

Westmead	Inter-war bungalow	Westmead			
Westmead	Federation period cottage	Westmead			
Westmead	Attached residence	Westmead			
Westmead	Attached residence	Westmead			
Westmead	Inter-war (Mediterranean influences) apartment block	Westmead			
Yennora	Yennora Railway Station	Yennora			

Part 2 Heritage conservation areas

Description	Identification on heritage map	Address	Significance	Item Number
Fullagar Road Conservation Area				
Toohey's Palm Estate Group Conservation Area				
Former Lidcombe Hospital Site				
Blaxcell Estate Conservation Area				
Granville Conservation Area - Civic Precinct				
Granville Conservation Area - Residential Precinct				

Part 3 Archaeological sites

Suburb	Item name	Address	Property description	Significance	Item Number
Auburn	Auburn War Memorial	Northumberland Road, RSL car park (opposite the Auburn RSL)			
Auburn	Auburn Signal Box	Rawson Street, opposite Karrabah Road			
Auburn	Clyde Marshalling Yards	Rawson Street			
Auburn	Parramatta Road Milestone	South side of Parramatta Road between Dartbrook and Station Roads			
Auburn	Parramatta Road Milestone	South side of Parramatta Road, east of Station Road, east of Delhi			

		Street, east side of railway bridge abutments near Birnie Street			
Berala	Berala railway station	Campbell Street			
Greystanes	“Boothtown Aqueduct”	Macquarie Road (between Alpha Road and Dahlia Street)			
Greystanes	Former Farm, Hyland Road Inn and former post office	Hyland Road			
Lidcombe	Canalisation of Haslams Creek south of Parramatta Road	Haslams Creek at Parramatta Road			
Lidcombe	Lidcombe Signal Box	Railway Street, between Mark and East Streets (south side of railway lines)			
Lidcombe	Lidcombe War Memorial statue	Wellington Park (corner of James and Joseph Streets)			
Lidcombe	Parramatta Road, road bridge over Haslams Creek	Parramatta Road at Haslams Creek			
Lidcombe	Railway overpass over Olympic Drive	Olympic Drive at Church Street and the Main Suburban Line			
Lidcombe	Water supply pipeline	South Boundary of LGA, Duck River to Joseph Street			
Merrylands	Central Gardens	Merrylands Road			
Pendle Hill	Bonds site	190–220 Dunmore Street			
Prospect	Prospect Reservoir and surrounding area	1 Picrite Close			
Regents Park	Auburn Road, bridge over water pipeline	from Albert Street to Pemulwuy			
Rookwood	Rookwood Cemetery or Necropolis	Bounded by East and Railway Streets			
Toongabbie	Railway viaduct site	Portico Parade (Toongabbie Railway Station)			

Part 4 Aboriginal objects and Aboriginal places of heritage significance

Aboriginal scarred tree and Aboriginal flaked stone artefacts	
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Grey Box Reserve and Aboriginal scarred trees	
Aboriginal scarred tree	

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Schedule 6 Pond-based and tank-based aquaculture

Part 1 Pond-based and tank-based aquaculture

Division 1 Site location requirements

(1) Conservation exclusion zones

(1) Must not be carried out on the following land, except to the extent necessary to gain access to water:

- (a) land declared an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*,
- (b) vacant Crown land,
- (c) land within a wetland of international significance declared under the Ramsar Convention on Wetlands.

(2) Must not be carried out on the following land, except for the purposes of minimal infrastructure to support the extraction of water from, and discharge of water to, the land concerned:

- (a) land declared as an aquatic reserve under the *Marine Estate Management Act 2014*,
- (b) land declared as a marine park under the *Marine Estate Management Act 2014*.

Note.

Nothing in this clause affects any requirement under an Act relating to land specified in this clause to obtain a licence or other authority under that Act for development of the land.

Division 2 Operational requirements

2 Species selection

Species of fish or marine vegetation cultivated or kept must be consistent with the relevant aquaculture industry development plan (within the meaning of clause 5.19).

3 Pond-based aquaculture that is also intensive aquaculture—pond design

For pond-based aquaculture that is also intensive aquaculture—ponds must be capable of being drained or pumped and then completely dried.

4 Pond-based aquaculture and tank-based aquaculture that is also intensive aquaculture—freshwater discharges

For pond-based aquaculture and tank-based aquaculture that is also intensive aquaculture—no discharge of freshwater used to intensively cultivate or keep fish to natural waterbodies or wetlands is permitted, except freshwater discharge from open flow through systems.

5 Outlets from culture ponds etc

All outlets from culture ponds, tanks and other culture facilities must be screened to avoid the escape of fish.

6 Definition

In this Division:

intensive aquaculture has the same meaning as it has in the *Fisheries Management (Aquaculture) Regulation 2017*.

Part 2 Extensive pond-based aquaculture

Division 1 Site location requirements

7 Conservation exclusion zones

(1) Must not be carried out on the following land, except to the extent necessary to gain access to water:

- (a) land declared an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*,
- (b) vacant Crown land,
- (c) land within a wetland of international significance declared under the Ramsar Convention on Wetlands.

Note.

Nothing in this clause affects any requirement under an Act relating to land specified in this clause to obtain a licence or other authority under that Act for development of the land.

8 Flood liability

Must be designed or constructed on land so that it will not be inundated by the discharge of a 1:100 ARI (average recurrent interval) flood event.

Division 2 Operational requirements

9 Species selection

Species of fish or marine vegetation cultivated or kept must be consistent with the relevant aquaculture industry development plan (within the meaning of clause 5.19).

10 Pond design

- (1) Must not require the construction of new ponds, water storages, dams or buildings.
- (2) Must not be located on permanent watercourses, creeks, billabongs or isolated outreaches of creeks or rivers.
- (3) Must be capable of preventing the escape of stock into natural waterbodies or wetlands.

11 Culture water

Must use freshwater.

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Dictionary

(Clause 1.4)

Aboriginal object means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

Aboriginal place of heritage significance means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the *Heritage Map*, that is:

- (a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

Note.

The term may include (but is not limited to) places that are declared under section 84 of the *National Parks and Wildlife Act 1974* to be Aboriginal places for the purposes of that Act.

acid sulfate soils means naturally occurring sediments and soils containing iron sulfides (principally pyrite) or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulfuric acid (for example, by drainage or excavation).

Acid Sulfate Soils Manual means the manual by that name published by the Acid Sulfate Soils Management Advisory Committee and made publicly available.

advertisement has the same meaning as in the Act.

Note.

The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

advertising structure has the same meaning as in the Act.

Note.

The term is defined as a structure used or to be used principally for the display of an advertisement. Advertising structures are a type of **signage**—see the definition of that term in this Dictionary.

affordable housing has the same meaning as in the Act.

Note.

The term is defined as housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

agricultural produce industry means a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.

Note.

Agricultural produce industries are a type of **rural industry**—see the definition of that term in this Dictionary.

agriculture means any of the following:

- (a) aquaculture,
- (b) extensive agriculture,
- (c) intensive livestock agriculture,
- (d) intensive plant agriculture.

Note.

Part 6 of the *Plantations and Reafforestation Act 1999* provides that exempt farm forestry within the meaning of that Act is not subject to the *Environmental Planning and Assessment Act 1979*.

air transport facility means an airport or a heliport that is not part of an airport, and includes associated communication and air traffic control facilities or structures.

airport means a place that is used for the landing, taking off, parking, maintenance or repair of aeroplanes, and includes associated buildings, installations, facilities and movement areas and any heliport that is part of the airport.

Note.

Airports are a type of **air transport facility**—see the definition of that term in this Dictionary.

airstrip means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad.

amusement centre means a building or place (not being part of a pub or registered club) used principally for playing:

- (a) billiards, pool or other like games, or
- (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.

animal boarding or training establishment means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

aquaculture has the same meaning as in the *Fisheries Management Act 1994*. It includes oyster aquaculture, pond-based aquaculture and tank-based aquaculture.

Note.

Aquaculture is a type of **agriculture**—see the definition of that term in this Dictionary.

archaeological site means a place that contains one or more relics.

artisan food and drink industry means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following:

- (a) a retail area for the sale of the products,
- (b) a restaurant or cafe,
- (c) facilities for holding tastings, tours or workshops.

Note.

See clause 5.4 for controls in industrial or rural zones relating to the retail floor area of an artisan food and drink industry.

Artisan food and drink industries are a type of **light industry**—see the definition of that term in this Dictionary.

attached dwelling means a building containing 3 or more dwellings, where:

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land, and
- (c) none of the dwellings is located above any part of another dwelling.

Note.

Attached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

attic means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

backpackers' accommodation means a building or place that:

- (a) provides temporary or short-term accommodation on a commercial basis, and

- (b) has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (c) provides accommodation on a bed or dormitory-style basis (rather than by room).

Note.

Backpackers' accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

basement means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

bed and breakfast accommodation means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where:

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided within guests' rooms, and
- (c) dormitory-style accommodation is not provided.

Note.

See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation.

Bed and breakfast accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

bee keeping means a building or place used for the keeping and breeding of bees for commercial purposes.

Note.

Bee keeping is a type of **extensive agriculture**—see the definition of that term in this Dictionary.

biodiversity or **biological diversity** means the variety of living animal and plant life from all sources, and includes diversity within and between species and diversity of ecosystems.

biosolids treatment facility means a building or place used as a facility for the treatment of biosolids from a sewage treatment plant or from a water recycling facility.

Note.

Biosolids treatment facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

boarding house means a building that:

- (a) is wholly or partly let in lodgings, and
 - (b) provides lodgers with a principal place of residence for 3 months or more, and
 - (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
 - (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,
- but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

Note.

Boarding houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.

boat building and repair facility means any facility (including a building or other structure) used primarily for the construction, maintenance or repair of boats, whether or not including the storage, sale or hire of boats, but does not include a marina or boat shed.

boat launching ramp means a structure designed primarily for the launching of trailer borne recreational vessels, and includes associated car parking facilities.

boat shed means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.

brothel has the same meaning as in the Act.

Note.

This definition is relevant to the definitions of **home occupation (sex services)** and **sex services premises** in this Dictionary.

building has the same meaning as in the Act.

Note.

The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure).

building height (or **height of building**) means:

- (a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or
- (b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

building identification sign means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

Note.

Building identification signs are a type of **signage**—see the definition of that term in this Dictionary.

building line or **setback** means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

- (a) a building wall, or
- (b) the outside face of any balcony, deck or the like, or
- (c) the supporting posts of a carport or verandah roof, whichever distance is the shortest.

bush fire hazard reduction work has the same meaning as in the [Rural Fires Act 1997](#).

Note.

The term is defined as follows:

bush fire hazard reduction work means:

- (a) the establishment or maintenance of fire breaks on land, and
 - (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,
- but does not include construction of a track, trail or road.

bush fire prone land has the same meaning as in the Act.

Note.

The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 146 (2) of the Act.

bush fire risk management plan means a plan prepared under Division 4 of Part 3 of the [Rural Fires Act 1997](#) for the purpose referred to in section 54 of that Act.

business identification sign means a sign:

- (a) that indicates:
 - (i) the name of the person or business, and

- (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

Note.

Business identification signs are a type of **signage**—see the definition of that term in this Dictionary. **business premises** means a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis, and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

Note.

Business premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

camping ground means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

canal estate development means development that incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are constructed by or with the authority of a person or body responsible for those functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and that either:

- (a) includes the construction of dwellings (which may include tourist and visitor accommodation) of a kind other than, or in addition to:
 - (i) dwellings that are permitted on rural land, and
 - (ii) dwellings that are used for caretaker or staff purposes, or
- (b) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

car park means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

catchment action plan has the same meaning as in the [Catchment Management Authorities Act 2003](#).

Note.

The term is defined as a catchment action plan of an authority that has been approved by the Minister under Part 4 of the [Catchment Management Authorities Act 2003](#).

cellar door premises means a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

Note.

Cellar door premises are a type of **retail premises**—see the definition of that term in this Dictionary. **cemetery** means a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.

centre-based child care facility means:

- (a) a building or place used for the education and care of children that provides any one or more of the following:
 - (i) long day care,
 - (ii) occasional child care,
 - (iii) out-of-school-hours care (including vacation care),
 - (iv) preschool care, or
- (b) an approved family day care venue (within the meaning of the *Children (Education and Care Services) National Law (NSW)*),

Note.

An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the *Children (Education and Care Services) National Law (NSW)*) is provided.

but does not include:

- (c) a building or place used for home-based child care or school-based child care, or
- (d) an office of a family day care service (within the meanings of the *Children (Education and Care Services) National Law (NSW)*), or
- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or
- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

charter and tourism boating facility means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but does not include a marina.

classified road has the same meaning as in the *Roads Act 1993*.

Note.

The term is defined as follows:

classified road means any of the following:

- (a) a main road,
- (b) a highway,
- (c) a freeway,
- (d) a controlled access road,
- (e) a secondary road,
- (f) a tourist road,
- (g) a tollway,
- (h) a transitway,
- (i) a State work.

(See *Roads Act 1993* for meanings of these terms.)

clearing native vegetation has the same meaning as in Part 5A of the *Local Land Services Act 2013*.

clearing vegetation has the same meaning as in *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*.

coastal hazard has the same meaning as in the [Coastal Management Act 2016](#).

coastal lake means a body of water identified in Schedule 1 to [State Environmental Planning Policy \(Coastal Management\) 2018](#).

coastal protection works has the same meaning as in the [Coastal Management Act 2016](#).

coastal waters of the State—see section 58 of the [Interpretation Act 1987](#).

coastal zone has the same meaning as in the [Coastal Management Act 2016](#).

commercial premises means any of the following:

- (a) business premises,
- (b) office premises,
- (c) retail premises.

community facility means a building or place:

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

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

correctional centre means:

- (a) any premises declared to be a correctional centre by a proclamation in force under section 225 of the [Crimes \(Administration of Sentences\) Act 1999](#), including any juvenile correctional centre or periodic detention centre, and
- (b) any premises declared to be a detention centre by an order in force under section 5 (1) of the [Children \(Detention Centres\) Act 1987](#), but does not include any police station or court cell complex in which a person is held in custody in accordance with any Act.

Council means the [*name of the Council for the relevant local government area*].

crematorium means a building in which deceased persons or pets are cremated, whether or not it contains an associated building for conducting memorial services.

Crown reserve means:

- (a) a reserve within the meaning of Part 5 of the [Crown Lands Act 1989](#), or
- (b) a common within the meaning of the [Commons Management Act 1989](#), or
- (c) lands within the meaning of the [Trustees of Schools of Arts Enabling Act 1902](#), but does not include land that forms any part of a reserve under Part 5 of the [Crown Lands Act 1989](#) provided for accommodation.

curtilage, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance.

dairy (pasture-based) means a dairy that is conducted on a commercial basis where the only restriction facilities present are milking sheds and holding yards and where cattle generally feed by grazing on living grasses and other plants on the land and are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

Note.

Dairies (pasture-based) are a type of **extensive agriculture**—see the definition of that term in this Dictionary.

dairy (restricted) means a dairy that is conducted on a commercial basis where restriction facilities (in addition to milking sheds and holding yards) are present and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief). It may comprise the whole or part of a restriction facility.

Note.

Dairies (restricted) are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

demolish, in relation to a heritage item or an Aboriginal object, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item, Aboriginal object or building, work, relic or tree.

depot means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.

drainage means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

dual occupancy means a dual occupancy (attached) or a dual occupancy (detached).

Note.

Dual occupancies are a type of **residential accommodation**—see the definition of that term in this Dictionary.

dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

Note.

Dual occupancies (attached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

Note.

Dual occupancies (detached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

dwelling house means a building containing only one dwelling.

Note.

Dwelling houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.

early education and care facility means a building or place used for the education and care of children, and includes any of the following:

- (a) a centre-based child care facility,
- (b) home-based child care,
- (c) school-based child care.

earthworks means excavation or filling.

ecologically sustainable development has the same meaning as in the Act.

eco-tourist facility means a building or place that:

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

Note.

See clause 5.13 for requirements in relation to the granting of development consent for eco-tourist facilities.

Eco-tourist facilities are not a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

educational establishment means a building or place used for education (including teaching), being:

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

electricity generating works means a building or place used for the purpose of making or generating electricity.

emergency services facility means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

emergency services organisation means any of the following:

- (a) Ambulance Service of New South Wales,
- (b) Fire and Rescue NSW,
- (c) NSW Rural Fire Service,
- (d) NSW Police Force,
- (e) State Emergency Service,
- (f) New South Wales Volunteer Rescue Association Incorporated,
- (g) New South Wales Mines Rescue Brigade established under the [Coal Industry Act 2001](#),
- (h) an accredited rescue unit within the meaning of the [State Emergency and Rescue Management Act 1989](#).

entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

environmental facility means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

environmental protection works means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.

estuary has the same meaning as in the [Water Management Act 2000](#).

Note.

The term is defined as follows:

estuary means:

- (a) any part of a river whose level is periodically or intermittently affected by coastal tides, or
- (b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea, or
- (c) anything declared by the regulations (under the [Water Management Act 2000](#)) to be an estuary, but does not include anything declared by the regulations (under the [Water Management Act 2000](#)) not to be an estuary.

excavation means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.

exhibition home means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.

exhibition village means 2 or more exhibition homes and associated buildings and places used for house and land sales, site offices, advisory services, car parking, food and drink sales and other associated purposes.

extensive agriculture means any of the following:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock (other than pigs and poultry) for commercial purposes on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the livestock,
- (c) bee keeping,
- (d) a dairy (pasture-based) where the animals generally feed by grazing on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the animals.

Note.

Extensive agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

extractive industry means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

Note.

Extractive industries are not a type of **industry**—see the definition of that term in this Dictionary.

extractive material means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the [Mining Act 1992](#).

farm building means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

farm stay accommodation means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.

Note.

See clause 5.4 for controls relating to the number of bedrooms.

Farm stay accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

feedlot means a confined or restricted area that is operated on a commercial basis to rear and fatten cattle, sheep or other animals, but does not include a poultry farm, dairy or pig farm.

Note.

Feedlots are a type of **intensive livestock agriculture**. Intensive livestock agriculture does not include **extensive agriculture**. See the definitions of those terms in this Dictionary.

fill means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include:

- (a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or
- (b) the use of land as a waste disposal facility.

filming means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means), but does not include:

- (a) still photography, or
- (b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or
- (c) recording images as a visitor or tourist for non-commercial purposes, or
- (d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

fish has the same meaning as in the [Fisheries Management Act 1994](#).

Note.

The term is defined as follows:

Definition of “fish”

(1)

Fish means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).

(2)

Fish includes:

- (a) oysters and other aquatic molluscs, and
- (b) crustaceans, and
- (c) echinoderms, and
- (d) beachworms and other aquatic polychaetes.

(3)

Fish also includes any part of a fish.

(4)

However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the [Fisheries Management Act 1994](#).

flood mitigation work means work designed and constructed for the express purpose of mitigating flood impacts. It involves changing the characteristics of flood behaviour to alter the level, location, volume, speed or timing of flood waters to mitigate flood impacts. Types of works may include excavation, construction or enlargement of any fill, wall, or levee that will alter riverine flood behaviour, local overland flooding, or tidal action so as to mitigate flood impacts.

floor space ratio—see clause 4.5.

Floor Space Ratio Map means the [*Name of local government area or other relevant name*] Local Environmental Plan [*Year*] Floor Space Ratio Map.

food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

Note.

Food and drink premises are a type of **retail premises**—see the definition of that term in this Dictionary.

forestry means forestry operations within the meaning of the [Forestry Act 2012](#) or Part 5B of the [Local Land Services Act 2013](#).

freight transport facility means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.

function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

funeral home means premises that are used to arrange, conduct and cater for funerals and memorial services, whether or not the premises include facilities for the short-term storage, dressing and viewing of bodies of deceased persons.

Note.

Funeral homes are a type of **business premises**—see the definition of that term in this Dictionary.

garden centre means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may include a restaurant or cafe and the sale of any of the following:

- (a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,
- (b) pets and pet supplies,
- (c) fresh produce.

Note.

Garden centres are a type of **retail premises**—see the definition of that term in this Dictionary.

general industry means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

Note.

General industries are a type of **industry**—see the definition of that term in this Dictionary.

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes:
 - (d) any area for common vertical circulation, such as lifts and stairs, and
 - (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
 - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
 - (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

ground level (existing) means the existing level of a site at any point.

ground level (finished) means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

ground level (mean) means, for any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building.

group home means a permanent group home or a transitional group home.

Note.

Group homes are a type of **residential accommodation**—see the definition of that term in this Dictionary.

group home (permanent) or **permanent group home** means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged, but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

Note.

Permanent group homes are a type of **group home**—see the definition of that term in this Dictionary.

group home (transitional) or **transitional group home** means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people, but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

Note.

Transitional group homes are a type of **group home**—see the definition of that term in this Dictionary.

hardware and building supplies means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

Note.

Hardware and building supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

hazardous industry means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), pose a significant risk in the locality:

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

Note.

Hazardous industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

hazardous storage establishment means a building or place that is used for the storage of goods, materials or products and that would, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), pose a significant risk in the locality:

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

Note.

Hazardous storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

headland includes a promontory extending from the general line of the coastline into a large body of water, such as a sea, coastal lake or bay.

health care professional means any person registered under an Act for the purpose of providing health care.

health consulting rooms means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.

Note.

Health consulting rooms are a type of **health services facility**—see the definition of that term in this Dictionary.

health services facility means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

heavy industrial storage establishment means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and that requires separation from other development because of the nature of the processes involved, or the goods, materials, plant or machinery stored, and includes any of the following:

- (a) a hazardous storage establishment,
- (b) a liquid fuel depot,
- (c) an offensive storage establishment.

heavy industry means a building or place used to carry out an industrial activity that requires separation from other development because of the nature of the processes involved, or the materials used, stored or produced, and includes:

- (a) hazardous industry, or
- (b) offensive industry.

It may also involve the use of a hazardous storage establishment or offensive storage establishment.

Note.

Heavy industries are a type of **industry**—see the definition of that term in this Dictionary.

Height of Buildings Map means the [Name of local government area or other relevant name] Local Environmental Plan [Year] Height of Buildings Map.

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

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

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

Note.

Heliports are a type of **air transport facility**—see the definition of that term in this Dictionary.

heritage conservation area means an area of land of heritage significance:

- (a) shown on the *Heritage Map* as a heritage conservation area, and
- (b) the location and nature of which is described in Schedule 5, and includes any heritage items situated on or within that area.

heritage conservation management plan means a document prepared in accordance with guidelines prepared by the Public Service agency responsible to the Minister administering the *Heritage Act 1977* that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

heritage impact statement means a document consisting of:

- (a) a statement demonstrating the heritage significance of a heritage item or heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance, and
- (c) proposals for measures to minimise that impact.

heritage item means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

Note.

An inventory of heritage items is also available at the office of the Council.

Direction.

Heritage items must be shown on the *Heritage Map*.

heritage management document means:

- (a) a heritage conservation management plan, or
- (b) a heritage impact statement, or
- (c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

Heritage Map means the [*Name of local government area or other relevant name*] Local Environmental Plan [*Year*] Heritage Map.

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

high technology industry means a building or place predominantly used to carry out an industrial activity that involves any of the following:

- (a) electronic or micro-electronic systems, goods or components,
- (b) information technology (such as computer software or hardware),
- (c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,
- (d) biological, pharmaceutical, medical or paramedical systems, goods or components,
- (e) film, television or multi-media technologies, including any post production systems, goods or components,
- (f) telecommunications systems, goods or components,
- (g) sustainable energy technologies,
- (h) any other goods, systems or components intended for use in a science or technology related field, but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.

Note.

High technology industries are a type of **light industry**—see the definition of that term in this Dictionary.

highway service centre means a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) service stations and facilities for emergency vehicle towing and repairs,
- (d) parking for vehicles,
- (e) rest areas and public amenities.

home-based child care means:

- (a) a family day care residence (within the meaning of the *Children (Education and Care Services) National Law (NSW)*), or

Note.

A family day care residence is a residence at which a family day care educator educates and cares for children as part of a family day care service—see the *Children (Education and Care Services) National Law (NSW)*.

- (b) a dwelling used for the purposes of a home based education and care service (within the meaning of the *Children (Education and Care Services) Supplementary Provisions Act 2011*), at which the education and care service is provided at any one time to no more than 7 children (including any child of the person providing the service) all of whom are under the age of 13 years and no more than 4 of whom are children who do not ordinarily attend school.

home business means a business that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building, but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

Note.

See clause 5.4 for controls relating to the floor area used for a home business.

home industry means a dwelling (or a building ancillary to a dwelling) used by one or more permanent residents of the dwelling to carry out an industrial activity that does not involve any of the following:

- (a) the employment of more than 2 persons other than those residents,
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter,
- (d) the exhibition of any signage (other than a business identification sign),
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building, but does not include bed and breakfast accommodation or sex services premises.

Note.

See clause 5.4 for controls relating to the floor area used for a home industry.

Home industries are a type of **light industry**—see the definition of that term in this Dictionary.

home occupation means an occupation that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

home occupation (sex services) means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
- (c) the exhibition of any signage, or
- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, but does not include a home business or sex services premises.

horticulture means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include a plant nursery, turf farming or viticulture.

Note.

Horticulture is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

hospital means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops, kiosks, restaurants or cafes or take away food and drink premises,
- (e) patient transport facilities, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

Note.

Hospitals are a type of **health services facility**—see the definition of that term in this Dictionary.

hostel means premises that are generally staffed by social workers or support providers and at which:

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

Note.

Hostels are a type of **residential accommodation**—see the definition of that term in this Dictionary.

hotel or motel accommodation means a building or place (whether or not licensed premises under the [Liquor Act 2007](#)) that provides temporary or short-term accommodation on a commercial basis and that:

- (a) comprises rooms or self-contained suites, and
- (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

Note.

Hotel or motel accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

industrial activity means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

industrial retail outlet means a building or place that:

- (a) is used in conjunction with an industry (other than an artisan food and drink industry) or rural industry, and
- (b) is situated on the land on which the industry or rural industry is located, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located, but does not include a warehouse or distribution centre.

Note.

See clause 5.4 for controls relating to the retail floor area of an industrial retail outlet.

industrial training facility means a building or place used in connection with vocational training in an activity (such as forklift or truck driving, welding or carpentry) that is associated with an industry, rural industry, extractive industry or mining, but does not include an educational establishment, business premises or retail premises.

industry means any of the following:

- (a) general industry,
- (b) heavy industry,
- (c) light industry,
but does not include:
- (d) rural industry, or
- (e) extractive industry, or
- (f) mining.

information and education facility means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

intensive livestock agriculture means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses, sheep or other livestock, and includes any of the following:

- (a) dairies (restricted),
- (b) feedlots,
- (c) pig farms,
- (d) poultry farms,
but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.

Note.

Intensive livestock agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

intensive plant agriculture means any of the following:

- (a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),
- (b) horticulture,

- (c) turf farming,
- (d) viticulture.

Note.

Intensive plant agriculture is a type of **agriculture**—see the definition of that term in this Dictionary. **jetty** means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

kiosk means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

Note.

See clause 5.4 for controls relating to the gross floor area of a kiosk.

Kiosks are a type of **retail premises**—see the definition of that term in this Dictionary.

Land Application Map means the [Name of local government area or other relevant name] Local Environmental Plan [Year] Land Application Map.

Land Reservation Acquisition Map means the [Name of local government area or other relevant name] Local Environmental Plan [Year] Land Reservation Acquisition Map.

Land Zoning Map means the [Name of local government area or other relevant name] Local Environmental Plan [Year] Land Zoning Map.

landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

landscaping material supplies means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

Note.

Landscaping material supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:

- (a) high technology industry,
- (b) home industry,
- (c) artisan food and drink industry.

Note.

Light industries are a type of **industry**—see the definition of that term in this Dictionary.

liquid fuel depot means premises used for the bulk storage of petrol, oil, petroleum or other inflammable liquid for wholesale distribution and at which no retail trade is conducted.

Note.

Liquid fuel depots are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

livestock processing industry means a building or place used for the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals and includes abattoirs, knackereries, tanneries, woollscours and rendering plants.

Note.

Livestock processing industries are a type of **rural industry**—see the definition of that term in this Dictionary.

local distribution premises means a building or place used for the storage or handling of items (whether goods or materials) pending their delivery to people and businesses in the local area, but from which no retail sales are made.

Note.

Local distribution premises are a type of **warehouse or distribution centre**—see the definition of that term in this Dictionary.

Lot Size Map means the [*Name of local government area or other relevant name*] Local Environmental Plan [*Year*] Lot Size Map.

maintenance, in relation to a heritage item, Aboriginal object or Aboriginal place of heritage significance, or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care, but does not include the removal or disturbance of existing fabric, alterations (such as carrying out extensions or additions) or the introduction of new materials or technology.

marina means a permanent boat storage facility (whether located wholly on land, wholly on a waterway or partly on land and partly on a waterway), and includes any of the following associated facilities:

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats,
- (b) any facility for providing fuelling, sewage pump-out or other services for boats,
- (c) any facility for launching or landing boats, such as slipways or hoists,
- (d) any car parking or commercial, tourist or recreational or club facility that is ancillary to the boat storage facility,
- (e) any berthing or mooring facilities.

market means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

Note.

Markets are a type of **retail premises**—see the definition of that term in this Dictionary.

mean high water mark means the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

medical centre means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

Note.

Medical centres are a type of **health services facility**—see the definition of that term in this Dictionary.

mezzanine means an intermediate floor within a room.

mine means any place (including any excavation) where an operation is carried on for mining of any mineral by any method and any place on which any mining related work is carried out, but does not include a place used only for extractive industry.

mine subsidence district means a mine subsidence district proclaimed under section 15 of the [Mine Subsidence Compensation Act 1961](#).

mining means mining carried out under the [Mining Act 1992](#) or the recovery of minerals under the [Offshore Minerals Act 1999](#), and includes:

- (a) the construction, operation and decommissioning of associated works, and
- (b) the rehabilitation of land affected by mining.

Note.

Mining is not a type of **industry**—see the definition of that term in this Dictionary.

mixed use development means a building or place comprising 2 or more different land uses.

mooring means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel, but does not include a mooring pen.

mooring pen means an arrangement of freestanding piles or other restraining devices designed or used for the purpose of berthing a vessel.

mortuary means premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation.

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

Note.

The term is defined as follows:

moveable dwelling means:

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the [Local Government Act 1993](#)) for the purposes of this definition.

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

Note.

Multi dwelling housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

native fauna means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans.

native flora means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the [Fisheries Management Act 1994](#).

native vegetation has the same meaning as in Part 5A of the [Local Land Services Act 2013](#).

navigable waterway means any waterway that is from time to time capable of navigation and is open to or used by the public for navigation, but does not include flood waters that have temporarily flowed over the established bank of a watercourse.

neighbourhood shop means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include neighbourhood supermarkets or restricted premises.

Note.

See clause 5.4 for controls relating to the retail floor area of neighbourhood shops.

Neighbourhood shops are a type of **shop**—see the definition of that term in this Dictionary.

neighbourhood supermarket means premises the principal purpose of which is the sale of groceries and foodstuffs to provide for the needs of people who live or work in the local area.

Note.

See clause 5.4 for controls relating to the gross floor area of neighbourhood supermarkets.

Neighbourhood supermarkets are a type of **shop**—see the definition of that term in this Dictionary.

nominated State heritage item means a heritage item that:

- (a) has been identified as an item of State significance in a publicly exhibited heritage study adopted by the Council, and

- (b) the Council has, by notice in writing to the Heritage Council, nominated as an item of potential State significance.

non-potable water means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

offensive industry means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

Note.

Offensive industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

offensive storage establishment means a building or place that is used for the storage of goods, materials or products and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

Note.

Offensive storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

Note.

Office premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

open cut mining means mining carried out on, and by excavating, the earth's surface, but does not include underground mining.

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

oyster aquaculture means the cultivation of any species of edible oyster for a commercial purpose.

Note.

Oyster aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary.

parking space means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

passenger transport facility means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

people who are socially disadvantaged means:

- (a) people who are disadvantaged because of their alcohol or drug dependence, extreme poverty, psychological disorder or other similar disadvantage, or
- (b) people who require protection because of domestic violence or upheaval.

people with a disability means people of any age who, as a result of having an intellectual, psychiatric, sensory, physical or similar impairment, or a combination of such impairments, either permanently or for an extended period, have substantially limited opportunities to enjoy full and active lives.

pig farm means land that is used to keep or breed pigs for animal production, whether an indoor, outdoor, free-range or other type of operation.

Note.

Pig farms are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

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

plant nursery means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

Note.

Plant nurseries are a type of **retail premises**—see the definition of that term in this Dictionary.

pond-based aquaculture means aquaculture undertaken predominantly in ponds, raceways or dams (including any part of the aquaculture undertaken in tanks such as during the hatchery or depuration phases), but not including natural water-based aquaculture.

Note.

Pond-based aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary. Typical pond-based aquaculture is the pond culture of prawns, yabbies or silver perch.

port facilities means any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the [Ports and Maritime Administration Act 1995](#):

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

potable water means water that meets the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

poultry farm means land that is used to keep or breed poultry for animal production, whether for meat or egg production (or both) and whether an indoor, outdoor, free-range or other type of operation.

Note.

Poultry farms are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

private open space means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

property vegetation plan mean a property vegetation plan approved under Part 4 of the [Native Vegetation Act 2003](#) before the repeal of that Act (as continued in force by the regulations under the [Biodiversity Conservation Act 2016](#)).

pub means licensed premises under the [Liquor Act 2007](#) the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

Note.

Pubs are a type of **food and drink premises**—see the definition of that term in this Dictionary.

public administration building means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

public authority has the same meaning as in the Act.

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

Note.

The term is defined as follows:

public land means any land (including a public reserve) vested in or under the control of the council, but does not include:

- (a) a public road, or
- (b) land to which the [Crown Lands Act 1989](#) applies, or
- (c) a common, or
- (d) land subject to the [Trustees of Schools of Arts Enabling Act 1902](#), or
- (e) a regional park under the [National Parks and Wildlife Act 1974](#).

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

public utility undertaking means any of the following undertakings carried on or permitted to be carried on by or by authority of any Public Service agency or under the authority of or in pursuance of any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
 - (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,
- and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Public Service agency, corporation, firm or authority carrying on the undertaking.

rainwater tank means a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

recreation area means a place used for outdoor recreation that is normally open to the public, and includes:

- (a) a children's playground, or
 - (b) an area used for community sporting activities, or
 - (c) a public park, reserve or garden or the like,
- and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

recreation facility (major) means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

Reduced Level (RL) means height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

registered club means a club that holds a club licence under the *Liquor Act 2007*.

relic has the same meaning as in the *Heritage Act 1977*.

Note.

The term is defined as follows:

relic means any deposit, artefact, object or material evidence that:

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance.

research station means a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation.

residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following:

- (a) attached dwellings,
- (b) boarding houses,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,
but does not include tourist and visitor accommodation or caravan parks.

residential care facility means accommodation for seniors or people with a disability that includes:

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,
but does not include a dwelling, hostel, hospital or psychiatric facility.

Note.

Residential care facilities are a type of **seniors housing**—see the definition of that term in this Dictionary.

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

Note.

Residential flat buildings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

resource recovery facility means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from

gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

Note.

Resource recovery facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

respite day care centre means a building or place that is used for the care of seniors or people who have a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

Note.

Restaurants or cafes are a type of **food and drink premises**—see the definition of that term in this Dictionary.

restricted premises means premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises, but does not include a pub, hotel or motel accommodation, home occupation (sex services) or sex services premises.

restriction facilities means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:

- (a) (Repealed)
 - (b) cellar door premises,
 - (c) food and drink premises,
 - (d) garden centres,
 - (e) hardware and building supplies,
 - (f) kiosks,
 - (g) landscaping material supplies,
 - (h) markets,
 - (i) plant nurseries,
 - (j) roadside stalls,
 - (k) rural supplies,
 - (l) shops,
 - (la) specialised retail premises,
 - (m) timber yards,
 - (n) vehicle sales or hire premises,
- but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

Note.

Retail premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

road means a public road or a private road within the meaning of the [Roads Act 1993](#), and includes a classified road.

roadside stall means a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

Note.

See clause 5.4 for controls relating to the gross floor area of roadside stalls.

Roadside stalls are a type of **retail premises**—see the definition of that term in this Dictionary.

rural industry means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following:

- (a) agricultural produce industries,
- (b) livestock processing industries,
- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

Note.

Rural industries are not a type of **industry**—see the definition of that term in this Dictionary.

rural supplies means a building or place used for the display, sale or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

Note.

Rural supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

rural worker's dwelling means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land.

Note.

Rural workers' dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

sawmill or log processing works means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

Note.

Sawmill or log processing works are a type of **rural industry**—see the definition of that term in this Dictionary.

school means a government school or non-government school within the meaning of the [Education Act 1990](#).

Note.

Schools are a type of **educational establishment**—see the definition of that term in this Dictionary.

school-based child care means a building or place within a school that is used to provide out-of-school-hours care (including vacation care) for school children only.

Note.

Accordingly, a building or place within a school that is used to provide out-of-school-hours care for both school children and pre-school children is not school-based child care.

secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

Note.

See clause 5.4 for controls relating to the total floor area of secondary dwellings. Secondary dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

self-storage units means premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

Note.

Self-storage units are a type of **storage premises**—see the definition of that term in this Dictionary.

semi-detached dwelling means a dwelling that is on its own lot of land and is attached to only one other dwelling.

Note.

Semi-detached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

seniors housing means a building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c), and that is, or is intended to be, used permanently for:
- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place, but does not include a hospital.

Note.

Seniors housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

service station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

serviced apartment means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

Note.

Serviced apartments are a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

sewage reticulation system means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated:

- (a) pipelines and tunnels, and
- (b) pumping stations, and

- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

Note.

Sewage reticulation systems are a type of **sewerage system**—see the definition of that term in this Dictionary.

sewage treatment plant means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

Note.

Sewage treatment plants are a type of **sewerage system**—see the definition of that term in this Dictionary.

sewerage system means any of the following:

- (a) biosolids treatment facility,
- (b) sewage reticulation system,
- (c) sewage treatment plant,
- (d) water recycling facility,
- (e) a building or place that is a combination of any of the things referred to in paragraphs (a)–(d).

sex services means sexual acts or sexual services in exchange for payment.

sex services premises means a brothel, but does not include home occupation (sex services).

shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.

Note.

Shops are a type of **retail premises**—see the definition of that term in this Dictionary.

shop top housing means one or more dwellings located above ground floor retail premises or business premises.

Note.

Shop top housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign or traffic control facilities.

site area means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

Note.

The effect of this definition is varied by clause 4.5 for the purpose of the determination of permitted floor space area for proposed development.

site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

small bar means a small bar within the meaning of the [Liquor Act 2007](#).

Note.

Small bars are a type of **food and drink premises**—see the definition of that term in this Dictionary. **spa pool** has the same meaning as in the [Swimming Pools Act 1992](#).

Note.

The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

specialised retail premises means a building or place the principal purpose of which is the sale, hire or display of goods that are of a size, weight or quantity, that requires:

- (a) a large area for handling, display or storage, or
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale, hire or display of other goods referred to in this definition.

Note.

Examples of goods that may be sold at specialised retail premises include automotive parts and accessories, household appliances and fittings, furniture, homewares, office equipment, outdoor and recreation equipment, pet supplies and party supplies.

Specialised retail premises are a type of **retail premises**—see the definition of that term in this Dictionary.

stock and sale yard means a building or place that is used on a commercial basis for the purpose of offering livestock or poultry for sale and that may be used for the short-term storage and watering of stock.

Note.

Stock and sale yards are a type of **rural industry**—see the definition of that term in this Dictionary.

storage premises means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment or a warehouse or distribution centre.

storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

swimming pool has the same meaning as in the [Swimming Pools Act 1992](#).

Note.

The term is defined as follows:

swimming pool means an excavation, structure or vessel:

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the [Swimming Pools Act 1992](#) not to be a swimming pool for the purposes of that Act.

take away food and drink premises means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

Note.

Take away food and drink premises are a type of **food and drink premises**—see the definition of that term in this Dictionary.

tank-based aquaculture means aquaculture undertaken exclusively in tanks, but not including natural water-based aquaculture.

Note.

Tank-based aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary. Typical tank-based aquaculture is the tank culture of barramundi or abalone.

telecommunications facility means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing used in or in connection with a telecommunications network.

telecommunications network means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

temporary structure has the same meaning as in the Act.

Note.

The term is defined as follows:

temporary structure includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

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

timber yard means a building or place the principal purpose of which is the sale of sawn, dressed or treated timber, wood fibre boards or similar timber products. It may include the cutting of such timber, boards or products to order and the sale of hardware, paint, tools and materials used in conjunction with the use and treatment of timber.

Note.

Timber yards are a type of **retail premises**—see the definition of that term in this Dictionary.

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) serviced apartments,
but does not include:
- (f) camping grounds, or
- (g) caravan parks, or
- (h) eco-tourist facilities.

transport depot means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.

truck depot means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

turf farming means the commercial cultivation of turf for sale and the removal of turf for that purpose.

Note.

Turf farming is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

underground mining means:

- (a) mining carried out beneath the earth's surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and
- (b) shafts, drill holes, gas and water drainage works, surface rehabilitation works and access pits associated with that mining (whether carried out on or beneath the earth's surface), but does not include open cut mining.

vehicle body repair workshop means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

vehicle repair station means a building or place used for the purpose of carrying out repairs to, or the selling and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop or vehicle sales or hire premises.

vehicle sales or hire premises means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

Note.

Vehicle sales or hire premises are a type of **retail premises**—see the definition of that term in this Dictionary.

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

viticulture means the cultivation of grapes for use in the commercial production of fresh or dried fruit or wine.

Note.

Viticulture is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, and includes local distribution premises.

waste disposal facility means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

Note.

Waste disposal facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

waste or resource management facility means any of the following:

- (a) a resource recovery facility,

- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

waste or resource transfer station means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

Note.

Waste or resource transfer stations are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

water recreation structure means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

water recycling facility means a building or place used for the treatment of sewage effluent, stormwater or waste water for use as an alternative supply to mains water, groundwater or river water (including, in particular, sewer mining works), whether the facility stands alone or is associated with other development, and includes associated:

- (a) retention structures, and
- (b) treatment works, and
- (c) irrigation schemes.

Note.

Water recycling facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

water reticulation system means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure and dosing facilities.

Note.

Water reticulation systems are a type of **water supply system**—see the definition of that term in this Dictionary.

water storage facility means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

Note.

Water storage facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

water supply system means any of the following:

- (a) a water reticulation system,
- (b) a water storage facility,
- (c) a water treatment facility,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

water treatment facility means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

Note.

Water treatment facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

waterbody means a waterbody (artificial) or waterbody (natural).

waterbody (artificial) or artificial waterbody means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

waterbody (natural) or natural waterbody means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

watercourse means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

waterway means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).

wetland means:

- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or
- (b) artificial wetland, including marshes, swamps, wet meadows, sedgelands or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

wharf or boating facilities means a wharf or any of the following facilities associated with a wharf or boating that are not port facilities:

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

wholesale supplies means a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the [A New Tax System \(Australian Business Number\) Act 1999](#) of the Commonwealth.