

## Inner West Local Environmental Plan 2020

Current version for 28 February 2019 to date (accessed 2 September 2019 at 09:49)

[Status information](#)

New South Wales

### Status information

#### Currency of version

Current version for 28 February 2019 to date (accessed 2 September 2019 at 09:49)

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

#### Provisions in force

The provisions displayed in this version of the legislation have all commenced. See [Historical Notes](#)

#### Does not include amendments by:

*Children (Education and Care Services) Supplementary Provisions Amendment Act 2018 No 46* (not commenced — to commence on 31.10.2019)

#### See also:

*Planning Legislation Amendment Bill 2019*

#### Authorisation

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

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## Part 1 Preliminary

### 1.1 Name of Plan

This Plan is **Inner West** 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 **Inner West** in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.
- (2) The particular aims of this Plan are as follows:
  - (a) to ensure development applies the principles of ecologically sustainable development,
  - (b) to mitigate the impact of climate change and adapt to its impacts,
  - (c) to protect, enhance and sustainably manage biodiversity, natural ecosystems, water resources, ecological processes and urban forest,
  - (d) to ensure that the risk to the community in areas subject to urban and natural hazards is minimised,
  - (e) to ensure that existing and future residents, visitors and workers have access to sustainable transport including walking and cycling, social and community infrastructure, services and public open space,
  - (f) to retain, protect and increase industrial and employment land and enhance the function and vitality of centres,
  - (g) to promote accessible and diverse housing types to support people at all stages of life, including the provision and retention of affordable housing,
  - (h) to identify, protect and conserve environmental and cultural heritage and significant local character,
  - (i) to achieve a high-quality urban form and open space in the public and private domain by ensuring new development exhibits architectural and urban design excellence,
  - (j) to protect and enhance the amenity, vitality and viability of Inner West for existing and future residents, workers and visitors,
  - (k) to protect and enhance significant views and vistas from the public domain and promote view sharing from and between private dwellings,
  - (l) to prevent adverse social, economic and environmental impacts including cumulative impacts..

### 1.3 Land to which Plan applies

- (1) This Plan applies to the land identified on the [Land Application Map](#).
- (1A) Despite subclause (1), this Plan does not apply to the land identified as “Deferred matter” 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.

(1AA) (Repealed)

(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:

*Ashfield Local Environmental Plan 2013*

*Leichhardt Local Environmental Plan 2013*

*Marrickville Local Environmental Plan 2011*

(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.

**Note.** However, *Leichhardt Local Environmental Plan 2000* continues to apply to the land identified as “Deferred matter” under clause 1.3 (1A).

### 1.8A Savings provision relating to development applications

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.

**Note.**

However, under Division 3.5 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant development is appropriately amended or if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.

## 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 3.28](#) 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*

### 1.9A Suspension of covenants, agreements and instruments

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply:
  - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
  - (b) to any prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, or
  - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
  - (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
  - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
  - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or
  - (g) to any planning agreement within the meaning of [section 7.1](#) of the Act
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under [section 3.16](#) of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

## Part 2 Permitted or prohibited development

### 2.1 Land use zones

The land use zones under this Plan are as follows:

#### Residential Zones

R1 General Residential

R2 Low Density Residential

R3 Medium Density Residential

R4 High Density Residential

**Business Zones**

B1 Neighbourhood Centre

B2 Local Centre

B4 Mixed Use

B5 Business Development

B6 Enterprise Corridor

B7 Business Park

**Industrial Zones**

IN1 General Industrial

IN2 Light Industrial

**Special Purpose Zones**

SP1 Special Activities

SP2 Infrastructure

**Recreation Zones**

RE1 Public Recreation

RE2 Private Recreation

**Waterway Zones**

W1 Natural Waterways

W2 Recreational 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.
- 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.

## 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 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 (Educational Establishments and Child Care Facilities) 2017*

*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, 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*

## **Zone R1 General Residential**

### **1 Objectives of zone**

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.
- To provide landscaped areas for the use and enjoyment of existing and future residents.
- To ensure that subdivision creates lots of regular shapes that are complementary to, and compatible with, the character, style, orientation and pattern of the surrounding area.
- To protect and enhance the amenity of existing and future residents and the neighbourhood.

### **2 Permitted without consent**

Home occupations

### **3 Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dwelling houses; Group homes; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

### **4 Prohibited**

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial Premises; Correctional centres; Crematoria; Depots; Dual occupancies; Eco-tourist facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; 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; Port facilities; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted

premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck 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 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 provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.
- To provide landscaped areas for the use and enjoyment of existing and future residents.
- To ensure that subdivision creates lots of regular shapes that are complementary to, and compatible with, the character, style, orientation and pattern of the surrounding area.
- To protect and enhance the amenity of existing and future residents and the neighbourhood.

### **2 Permitted without consent**

Home occupations

### **3 Permitted with consent**

Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Dwelling houses; Group homes; Home business; Home industries; Hostels; Neighbourhood shops; Oyster aquaculture; Pond-based aquaculture; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

### **4 Prohibited**

Advertising Structure; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat Sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial Premises; Correctional centres; Crematoria; Depots; Eco-tourist Facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Exhibition Homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets Industrial training facilities; Industries; Information and education facilities, Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Multi-dwelling housing; Open cut mining; Passenger transport facilities; Port facilities; Recreation facilities (indoor); Recreation facilities (major); Recreation Facilities (Outdoor); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service Stations; Sewage treatment plants; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centers; Waste or resource

management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

## **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 provide housing that is compatible with the **desired future** character of the locality.
- To ensure that lots are of adequate size and shape to facilitate the appropriate balance between built form and high quality landscape outcomes.
- To protect and enhance the amenity of existing and future residents and the neighbourhood.

### **2 Permitted without consent**

Home occupations

### **3 Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dwellings; Group homes; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

### **4 Prohibited**

Advertising structure; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat Sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial Premises; Correctional centres; Crematoria; Depots; Eco-tourist Facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Exhibition Homes; 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; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Recreation facilities (indoor); Pond-based aquaculture; Port facilities; Recreation facilities (major); Recreation Facilities (Outdoor); Registered clubs; Research stations; Residential Accommodation; Restricted premises; Rural industries; Service Stations; Sewage treatment plants; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centers; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

## **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 provide housing that displays quality architectural, urban and landscape design, consistent with the desired future character.
- To ensure that lot consolidation creates lots that are of sufficient size to facilitate the appropriate balance between built form, and high quality landscape outcomes.
- To protect and enhance the amenity of existing and future residents and the neighbourhood.

### **2 Permitted without consent**

Home occupations

### **3 Permitted with consent**

Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dwelling houses; Group homes; Home industries; Hostels; Kiosks; Neighbourhood shops; Oyster aquaculture; Places of public worship; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

### **4 Prohibited**

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Pond-based aquaculture; Passenger transport facilities; Plant nurseries; Port facilities; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sewerage systems; Sex services premises; Storage premises; Tank-based aquaculture; Tourist and visitor accommodation; Transport depots; Truck 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

#### 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 for local residents.
- To provide for services and employment within walking distance of residences
- To provide retail facilities and business services for the local community commensurate with the centre's role in the local retail hierarchy.
- To allow residential accommodation while maintaining active retail, business or non-residential land uses at street level.

### 2 Permitted without consent

Home occupations

### 3 Permitted with consent

Animal boarding or training establishments; Boarding houses; Business premises; Centre-based child care facilities; Commercial premises; Community facilities; Dwelling houses; Emergency services facility; Food and drink premises; Industrial retail outlets; Information and education facility; Kiosks; Light industries; Markets; Medical centres; Neighbourhood shops; Neighbourhood supermarkets; Oyster aquaculture; Public administration building; Recreation area; Recreation facilities (indoor); Respite day care centres; Roads; Seniors housing; Shops; Shop top housing; Small bars; Tank-based aquaculture; Veterinary hospitals; Any other development not specified in item 2 or 4

### 4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; 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; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial training facilities; Industries; Industrial Retail Outlets; Jetties; Landscaping material supplies; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Pond-based aquaculture; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Restricted premises; Retail premises; Rural industries; Service stations; Sewage treatment plants; Sex services 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

## 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.



- To reinforce and enhance the role, function and identity of local centres as the primary commercial and retail centres in Inner West and provide for residential development that supports, and does not detract from, that function.
- To strengthen the viability and vitality of the Ashfield town centre as the primary centre for investment, employment, cultural and civic activity.
- To promote building use and design that creates open and lively facades and invites people to interact at a street level.
- To generally conserve and enhance the unique sense of place of local centres by ensuring that new development displays architectural and urban design quality and integrates with the desired character and cultural heritage of these places.

## 2 Permitted without consent

Home occupations

## 3 Permitted with consent

Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Electricity generating works; Entertainment facilities; Environmental protection works; Function centres; Hostels; Industrial retail outlets; Information and education facilities; Light industries; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Tank-based aquaculture; Seniors housing; Roads; Self Storage units; Service stations; Shop top housing; Signage; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

## 4 Prohibited

Animal boarding or training establishments; Agriculture; Air transport facilities; Airstrips; Biosolids treatment facilities; Camping grounds; Caravan parks; Cemeteries; Crematoria; Depots; Eco-tourist facilities; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupation (Sex Services); Industries; Industrial training facilities; Marinas; Mooring pens; Open cut mining; Pond-based aquaculture; Recreation facilities (major); Residential accommodation; Rural industries; Storage premises; Sewage treatment plants; Sex services premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste disposal facilities; Waste or resource transfer stations; Water treatment 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.
- To support the renewal of specific areas by providing for a broad range of services and employment uses without adversely impacting on the role or viability of nearby centres.
- To facilitate a high standard of urban design and pedestrian amenity that creates open and lively facades, contributes to achieving a sense of place for the local community and caters for the needs of all ages and abilities.

### 2 Permitted without consent

Home occupations; Home-based child care



### 3 Permitted with consent

Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Group homes; Hostel; Hotel or motel accommodation; Information and education facilities; Light industry; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Serviced apartments; Shop top housing; Tank-based aquaculture; Any 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; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Residential accommodation; Rural industries; Sewage treatment plants; Sex services premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

## 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 encourage innovative businesses and light industries to respond to changing markets.
- To maintain the productivity and operation of nearby industrial areas, by promoting a pattern of land uses in the zone that provides a buffer between the industrial activities and uses such as residential, that are sensitive to amenity impacts.
- To enhance the visual appearance of the area by ensuring new development achieves high architectural, urban design and landscape standards.

### 2 Permitted without consent

Home occupations

### 3 Permitted with consent

Business premises; Centre-based child care facilities; Commercial premises; Garden centres; Food and drink premises; Hardware and building supplies; Industrial training facility; Landscaping material supplies; Light industries; Markets; Oyster aquaculture; Office premises; Passenger transport facilities; Respite day care centres; Roads; Serviced apartments; Specialised retail premises; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 4

### 4 Prohibited

Agriculture; Air transport facilities; Airstrips; 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 occupations (sex services); Hotel or motel accommodation; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Residential accommodation; Retail premises; Rural industries; Sewerage systems; Sex services premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshop; Vehicle repair station; Waste or resource management facilities; Water recreation structures; 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.
- To encourage urban services and other development types requiring large floor areas.
- To enhance the visual appearance of the area by ensuring new development achieves high architectural, urban design and landscape standards.

### **2 Permitted without consent**

Home occupations

### **3 Permitted with consent**

Business premises; Community facilities; Entertainment facilities; Food and drink premises; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Industrial retail outlets; Kiosks; Landscaping material supplies; Light industries; Markets; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Plant nurseries; Pubs; Registered Clubs; Resource recovery facilities; Roads; Self storage units; Service stations; Specialised retail premises; Tank-based aquaculture; Vehicle sales or hire premises; Warehouse or distribution centres; Wharf or boating facilities; Any other development not specified in item 2 or 4

### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Biosolids treatment facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industries; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (Sex Services); Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Residential accommodation; Resource Recovery facilities; Restricted premises; Retail premises; Road side stalls; Rural industries; Rural supplies; Sewage treatment plants; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Waste disposal facilities; Water recreation structures; Water supply systems

## **Zone B7 Business Park**

### **1 Objectives of zone**

- To provide a range of office and light industrial uses.
- To encourage employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To provide business and office premises for the purposes of certain art, technology, production and design sectors.

- To ensure that development in the zone does not detract from the function of centres.
- To enhance the visual appearance of the area by ensuring new development achieves high architectural, urban design and landscape standards.

## 2 Permitted without consent

Home occupations

## 3 Permitted with consent

Centre-based child care facilities; **Commercial premises**; Garden centres; Hardware and building supplies; **Kiosks**; **Landscaping and material supplies**; Light industries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; **Plant nurseries**; Respite day care centres; Roads; **Take away food and drink premises**; Tank-based aquaculture; 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; 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; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial training facilities; Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; **Pond-based aquaculture**; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Restricted premises; Retail premises; Rural industries; Service stations; Sewage treatment plants; Sex services premises; Storage premises; Tourist and visitor accommodation; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

## 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 support and protect industrial land for industrial uses.
- To protect industrial land in proximity to Sydney Airport and Port Botany and the Greater Sydney Commission's Eastern Economic Corridor.

### 2 Permitted without consent

Nil.

### 3 Permitted with consent

Agricultural produce industries; Depots; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Industrial training facilities; Intensive plant agriculture; Kiosks; Light industries; Markets; Neighbourhood shops; Oyster aquaculture; Places of public worship; Roads; Take away food and drink premises; Tank-based aquaculture; Timber yards; Transport depot; Warehouse or distribution centres; Any other development not specified in item 2 or 4

## Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Commercial premises; Community facilities; Correctional centres; Eco-tourist facilities; Educational establishments; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Heavy industries; Helipads; Highway service centres; Home-based child care; Home business; Home occupation; Home occupations (sex services); Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Offensive industries; Open cut mining; Passenger transport facilities; Pond-based aquaculture; Port facilities; Public administration buildings; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems

## 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.
- To retain existing and employment uses and foster a range of new industrial uses to meet the needs of the community.
- To retain and encourage waterfront industrial and maritime activities.

### 2 Permitted without consent

Nil.

### 3 Permitted with consent

Depots; Garden centres; Hardware and building supplies; Hospitals; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Markets; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Roads; Storage Premises; Take away food and drink premises; Tank-based aquaculture; Transport depot; Truck depots; Vehicle sales or hire premises; Warehouse or distribution centres; Wholesale supplies; 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; Camping grounds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Eco-tourist 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 business; Home occupation; Home occupations (sex services); Industries; Information and education facilities; Jetties; Marinas; Open cut mining; Moorings; Mooring pens; Pond-based aquaculture; Port facilities; Public Administration Buildings; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Resource recovery facilities; Restricted premises; Retail premises; Rural industries; Sewage treatment plants; Tourist and visitor accommodation; Vehicle body repair workshops; Waste disposal facilities; Water recreation structures;

### 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

Aquaculture; Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

#### 4 Prohibited

Any development not specified in item 2 or 3

### 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.
- To protect and provide for land used for community purposes.
- To provide for public, community and social infrastructure.

#### 2 Permitted without consent

Nil

#### 3 Permitted with consent

Aquaculture; Environmental protection works; Recreation areas; Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

#### 4 Prohibited

Any development not specified in item 2 or 3

### 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.
- To retain, protect and promote public access to foreshore areas and to provide links between open space areas.
- To conserve, maintain and enhance biodiversity and the natural environment, including terrestrial, aquatic and riparian habitats and natural land forms.
- To provide for a range of community facilities and compatible land uses are ancillary to the public open space and recreational use of the land.

#### 2 Permitted without consent

Environmental protection works

#### 3 Permitted with consent

Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Centre-based child care facilities; Community facilities; Electricity generating works; Emergency services facilities; Environmental facilities; Flood mitigation works; Food and drink premises; Information and education facilities; Jetties; Kiosks; Marinas; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Roads; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities

#### 4 Prohibited

Pubs; Any development not specified in item 2 or 3

### 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.
- To provide for a range of community facilities, services and compatible land uses.

#### 2 Permitted without consent

Environmental protection works

### 3 Permitted with consent

Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Entertainment facilities; Environmental facilities; Flood mitigation works; Food and drink premises; Information and education facilities; Jetties; Kiosks; Marinas; Markets; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Water recreation structures; Water recycling facilities; Water storage facilities; Wharf or boating facilities

### 4 Prohibited

Pubs, Small bars; Any development not specified in item 2 or 3

## 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.
- To enable scientific study of the natural environment.

### 2 Permitted without consent

Environmental protection works

### 3 Permitted with consent

Aquaculture; Boat launching ramps; Boat sheds; Environmental facilities; Flood mitigation works; Jetties; Marinas; Mooring pens; Moorings; Water recreation structures

### 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

## Zone W2 Recreational Waterways

### 1 Objectives of zone

- To protect the ecological, scenic and recreation values of recreational waterways.
- To allow for water-based recreation and related uses.
- To provide for sustainable fishing industries and recreational fishing.
- To provide for development that supports or does not undermine restoration of the waterway and its foreshores.



## 2 Permitted without consent

Environmental protection works

## 3 Permitted with consent

Aquaculture; Boat building and repair facilities; Boat launching ramps; Boat sheds; Building identification signs; Environmental facilities; Flood mitigation works; Jetties; Kiosks; Marinas; Recreation areas; Water recreation structures

## 4 Prohibited

Industries; Multi dwelling housing; Residential flat buildings; Seniors housing; Warehouse or distribution centres; Any other development not specified in item 2 or 3

## Part 3 Exempt and complying development

### 3.1 Exempt development

**Note.** Under section 4.1 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*.

## 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 cater for a variety of development,
  - (b) to ensure that lot sizes do not result in adverse amenity impacts,
  - (c) to ensure that lot sizes deliver high quality architectural, urban and landscape design,
  - (d) to provide a pattern of subdivision that is consistent with the desired future character,
  - (e) to ensure that lot sizes allow development to be sited to protect and enhance riparian and environmentally sensitive land.
- (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
- (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 subdivision lot size for certain residential development

- (1) The objective of this clause are as follows:
  - (a) to encourage a diversity of lot sizes without adversely affecting residential amenity; and
  - (b) to achieve planned residential density in certain areas.
- (2) Despite clause 4.1 (3), development consent may be granted to the subdivision of land identified as “Area 1” on the *Lot Size Map* that is not within a heritage conservation area, and that is not a heritage item, if:

- (a) each lot resulting from the subdivision will be at least 200 square metres, and
  - (b) a semi-detached dwelling is or will be located on each lot, and
  - (c) each lot will have a minimum street frontage of 7 metres.
- (3) Despite clause 4.1 (3), development consent may be granted to the subdivision of land identified as “Area 2” on the Lot Size Map if:
- (a) each lot resulting from the subdivision will be used for the purpose of a dwelling house, and
  - (b) each lot resulting from the subdivision will be at least 174 square metres, but will not exceed 450 square metres, and
  - (c) the total number of lots on that land will not exceed 11.

#### **4.1AA Minimum subdivision lot size for community title schemes**

[Not adopted]

#### **4.2 Rural subdivision**

[Not applicable]

#### **4.3 Height of buildings**

- (1) The objectives of this clause are as follows:
- (a) to ensure building height is consistent with the desired future character,
  - (b) to minimise adverse environmental and amenity impacts on adjoining properties, the public domain, heritage conservation areas and heritage items,
  - (c) to provide an appropriate transition in height to heritage items, heritage conservation areas and differing built forms.
- (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) If a building is located on land in [Zone B2 Local Centre](#) or [Zone B4 Mixed Use](#) in [Area ‘1’](#), [Area ‘2’](#) or [Area ‘3’](#) as identified in the [Height of Buildings Map](#), any part of the building that is within 3 metres of the height limit set by subclause (2) must not include any area that forms part of the gross floor area of the building and must not be reasonably capable of modification to include such an area.
- (2B) Subclause (2A) does not apply to development on land identified as “Area 3” on the [Height of Buildings Map](#) if the consent authority is satisfied that the development achieves the objectives of this clause.

#### **4.3A Exception to maximum height of buildings in Ashfield town centre**

- (1) The objective of this clause is to increase the supply of affordable rental housing by providing height incentives for the development of certain types of affordable rental housing.
- (2) This clause applies to development for the following purposes on land identified as “Area 1” or “Area 3” on the
- (a) residential flat buildings,
  - (b) shop top housing that forms part of a mixed use development.

- (3) Despite clause 4.3 (2), development consent may be granted to development to which this clause applies that exceeds the maximum height shown for the land on the [Height of Buildings Map](#) (the **maximum height**) by no more than 7 metres if:
  - (a) the development will contain at least 1 dwelling used for the purpose of affordable rental housing, and
  - (b) at least 25% of the additional floor space area resulting from the part of the building that exceeds the maximum height will be used for the purpose of affordable rental housing.
- (4) In this clause, **affordable rental housing** has the same meaning as in *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

#### **4.3B Ashfield town centre—maximum height for street frontages on certain land**

- (1) The objective of this clause is to apply a maximum height for primary street frontages on certain land in Ashfield town centre.
- (2) This clause applies to land identified as “Area 1” on the [Height of Buildings Map](#).
- (3) Despite clauses 4.3 (2) and 4.3A (3), the maximum height of that part of a building that has an entrance or lobby on the ground floor facing Liverpool Road, Norton or Hercules Streets or Markham Place, Ashfield (a **primary street frontage**) is 12 metres for a distance of 12 metres from the primary street frontage away from the road.
- (4) Subclause (3) does not apply to development on land identified as “1” on the [Key Sites Map](#) if the consent authority is satisfied that the development results in a building of a high quality design, having regard to the surrounding buildings.

#### **4.3C Landscaped areas for residential accommodation in Zone R1**

- (1) The objectives of this clause are as follows:
  - (a) to provide landscaped areas that are suitable for substantial tree planting and for the use and enjoyment of residents,
  - (b) to maintain and encourage a landscaped corridor between adjoining properties,
  - (c) to ensure that development promotes the desired future character of the neighbourhood,
  - (d) to encourage ecologically sustainable development by maximising the retention and absorption of surface drainage water on site and by minimising obstruction to the underground flow of water,
  - (e) to control site density,
  - (f) to limit building footprints to ensure that adequate provision is made for landscaped areas and private open space.
- (2) This clause applies to development for the purpose of residential accommodation on land in Zone R1 General Residential **identified in “Area 2” on the [Key Sites map](#)**.
- (3) Development consent must not be granted to development to which this clause applies unless:
  - (a) the development includes landscaped area that comprises at least:
    - (i) where the lot size is equal to or less than 235 square metres—15% of the site area, or
    - (ii) where the lot size is greater than 235 square metres—20% of the site area, and
  - (b) the site coverage does not exceed 60% of the site area.

- (4) For the purposes of subclause (3):
  - (a) the site area is to be calculated under clause 4.5 (3), and
  - (b) any area that:
    - (i) has a length or a width of less than 1 metre, or
    - (ii) is greater than 500mm above ground level (existing),
 is not to be included in calculating the proportion of landscaped area, and
  - (c) any deck or balcony or the like (whether enclosed or unenclosed) is not to be included in calculating the site coverage if:
    - (i) it is 2.4 metres or more above ground level (existing), as measured from the underside of the structure and the area below the structure is able to be landscaped or used for recreational purposes, or
    - (ii) the finished floor level is 500mm or less above ground level (existing)

#### 4.4 Floor space ratio

- (1) The objectives of this clause are as follows:
  - (a) to appropriately regulate the density of development, built form and land use intensity based on the capacity and location of existing and planned infrastructure,
  - (b) to ensure that development is compatible with the desired future character,
  - (c) to provide an appropriate transition between development of different densities,
  - (d) to minimise adverse environmental and amenity impacts on adjoining properties, the public domain, heritage conservation areas and heritage items,
  - (e) to provide a suitable balance between landscaping, open space, and built form to increase the tree canopy and to protect the use and enjoyment of private properties and public domain.
- (2) The floor space ratio on any land is not to exceed the maximum floor space ratio shown for the land on the [Floor Space Ratio Map](#).
- (2A) Despite subclause (2), the floor space ratio for development for a purpose other than residential accommodation on land in Zone R1 General Residential labelled “Area 8” as identified on the [Floor Space Ratio Map](#) is not to exceed 1:1.
- (2B) Despite subclause (2) the floor space ratio for development for the purpose of residential accommodation:
  - (a) on land shown edged black or pink on the [Floor Space Ratio Map](#) is not to exceed:
    - (i) in the case of development on a lot with an area of less than 150 square metres—0.9:1, or
    - (ii) in the case of development on a lot with an area of 150 square metres or more but less than 300 square metres—0.8:1, or
    - (iii) in the case of development on a lot with an area of 300 square metres or more but less than 450 square metres—0.7:1, or

- (iv) in the case of development on a lot with an area of 450 square metres or more—0.6:1, or
- (b) on land shown edged **blue** or green on the **Floor Space Ratio Map** is not to exceed:
  - (i) in the case of development on a lot with an area of less than 150 square metres—1.0:1, or
  - (ii) in the case of development on a lot with an area of 150 square metres or more but less than 300 square metres—0.9:1, or
  - (iii) in the case of development on a lot with an area of 300 square metres or more but less than 450 square metres—0.8:1, or
  - (iv) in the case of development on a lot with an area of 450 square metres or more—0.7:1, or
- (c) on land shown edged brown on the **Floor Space Ratio Map** is not to exceed:
  - (i) in the case of development on a lot with an area of less than 150 square metres—0.8:1, or
  - (ii) in the case of development on a lot with an area of 150 square metres or more but less than 300 square metres—0.7:1, or
  - (iii) in the case of development on a lot with an area of 300 square metres or more but less than 450 square metres—0.6:1, or
  - (iv) in the case of development on a lot with an area of 450 square metres or more—0.5:1, or
- (d) on land shown edged yellow on the **Floor Space Ratio Map** is not to exceed:
  - (i) in the case of development on a lot with an area of less than 150 square metres—0.9:1, or
  - (ii) in the case of development on a lot with an area of 150 square metres or more but less than 300 square metres—0.8:1, or
  - (iii) in the case of development on a lot with an area of 300 square metres or more—0.7:1.
- (2C) Despite Subclause (2), development for the purposes of attached dwellings, bed and breakfast accommodation, dwelling houses and semi-detached dwellings on land labelled “F” on the **Floor Space Ratio Map** is not to exceed the relevant floor space ratio determined in accordance with the Table to this subclause.

Site area	Maximum floor space ratio
$\leq 150$ square metres	1.1:1
$> 150 \leq 200$ square metres	1:1
$> 200 \leq 250$ square metres	0.9:1
$> 250 \leq 300$ square metres	0.8:1

> 300 ≤ 350 square metres	0.7:1
> 350	0.6:1

- (2D) Despite subclause (2), development for the purposes of residential flat buildings on land identified with a thick red line and labelled “F” on the [Floor Space Ratio Map](#) may exceed the maximum floor space ratio shown for the land on the [Floor Space Ratio Map](#) by no more than 0.25:1.
- (2E) Despite Subclause (2) for the purposes of determining the floor space ratio on land reserved Local Road (SP2) on the [Land Reservation Acquisition Map](#), the land reserved Local Road (SP2) shall be included as site area where the reserved land is to be dedicated to Council as “Proposed Road”.

#### 4.4A Exception to maximum floor space ratio for active street frontages

- (1) The objective of this clause is to provide floor space incentives for mixed use development that incorporates active street frontages at ground floor level in Zone B1 Neighbourhood Centre or Zone B2 Local Centre.
- (2) This clause applies to land identified as “Area 1” on the [Floor Space Ratio Map](#).
- (3) Despite clause 4.4, the maximum floor space ratio for a building on land to which this clause applies is 1.5:1 if the consent authority is satisfied that:
  - (a) the building will have an active street frontage, and
  - (b) the building comprises mixed use development, including residential accommodation, and
  - (c) the building is compatible with the desired future character of the area in relation to its bulk, form, uses and scale.
- (4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following:
  - (a) entrances and lobbies (including as part of mixed use development),
  - (b) access for fire services,
  - (c) vehicular access.
- (5) In this clause, a building has an **active street frontage** if all floor space on the ground floor of the building on the primary street frontage is used for a purpose other than residential accommodation (with the exception of areas for access or service purposes).

#### 4.5 Calculation of floor space ratio and site area

##### (1) Objectives

The objectives of this clause are as follows:

- (a) to define **floor space ratio**,
- (b) 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:
  - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
  - (b) 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.

**Note.**

When this Plan was made it did not include 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.

- (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,
  - (ca) clause 6.25 or 6.26.

## **Part 5 Miscellaneous provisions**

### **5.1 Relevant acquisition authority**

- (1) The objective of this clause is to identify, for the purposes of section 3.15 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 2.5 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 <i>National Parks and Wildlife Act 1974</i>
Zone SP2 Infrastructure and marked "Local road"	Council
Zone SP2 Infrastructure and marked "Carpark"	Council
Zone SP2 Infrastructure and marked "Drainage"	Sydney Water Corporation

**Note.** When this Plan was made it did not include Zone E1 National Parks and Nature Reserves.

- (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

- (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.

Type of land shown on Map	Development
Zone RE1 Public Recreation and marked "Local open space"	Recreation areas
Zone RE1 Public Recreation and marked "Regional open space"	Recreation areas
Zone SP2 Infrastructure and marked "Classified road"	Roads
Zone SP2 Infrastructure and marked "Local road"	Roads
Zone SP2 Infrastructure and marked "Car park"	Car park
Zone SP2 Infrastructure and marked "Drainage"	Drainage

## 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 **25 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.

**Note.**

When this Plan was made it did not include all of these zones.

- (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 50 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 50 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) 20% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
  - (b) 100 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 30 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 100 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 10 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) 35% of the total floor area of the principal dwelling.

**(10) Artisan food and drink industries**

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) On land shown in “Area 3” of the Key Sites Map:
  - (i) 40% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
  - (ii) 400 square metres,
- (b) On land shown in “Area 2” of the Key Sites Map:
  - (i) 20% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
  - (ii) 100 square metres,
- (c) On land shown in “Area 4” of the Key Sites Map:
  - (i) 11% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
  - (ii) 400 square metres, whichever is the lesser.

**5.5 (Repealed)**

**5.6 Architectural roof features**

[Not adopted]

- (3) 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.

**5.7 Development below mean high water mark**

- (1) The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters.

- (2) Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).

## 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 **Inner West**
- (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 Eco-tourist facilities**

[Not applicable]

#### **5.14 Siding Spring Observatory—maintaining dark sky**

[Not adopted]

#### **5.15 Defence communications facility**

[Not adopted]

#### **5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones**

[Not applicable]

#### **5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations**

[Not applicable]

#### **5.18 Intensive livestock agriculture**

[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 Additional local provisions**

**6.1 Earthworks**

- (1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.
- (2) Development consent is required for earthworks unless:
  - (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or
  - (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.
- (3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:
  - (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
  - (b) the effect of the development on the likely future use or redevelopment of the land,
  - (c) the quality of the fill or the soil to be excavated, or both,
  - (d) the effect of the 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 waterway, drinking water catchment or environmentally sensitive area,
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development]

**Note.** The *National Parks and Wildlife Act 1974*, particularly section 86, deals with harming Aboriginal objects.

## 6.2 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) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils 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, and
  - (b) the works are not likely to lower the watertable.

### **6.3 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) land at or below the projected sea level rise, and
  - (b) other land at or below the flood planning level.
- (3) Development consent must not be granted to 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) will not 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) will not 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 *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 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.

***projected sea level rise*** means the 2050 and 2100 sea level rise planning benchmarks as specified in the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise* (ISBN 978-1-74263-035-9) published by the NSW Government in August 2010.

## **6.4 Terrestrial biodiversity**

- (1) The objective of this clause is to maintain terrestrial biodiversity by:
- (a) protecting native fauna and flora, and
  - (b) protecting the ecological processes necessary for their continued existence, and
  - (c) encouraging the conservation and recovery of native fauna and flora and their habitats.
- (2) This clause applies to land identified as “Biodiversity” on the [Natural Resource—Biodiversity Map](#).
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider whether or not the development:
- (a) is likely to have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and
  - (b) is likely to have any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and
  - (c) has any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
  - (d) is likely to have any adverse impact on the habitat elements providing connectivity on the land.
- (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 significant 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.

## **6.5 Stormwater management**

- (1) The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.



- (2) This clause applies to all land in residential, business and industrial zones.
- (3) Development consent must not be granted to development on land to which this clause applies 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
  - (f) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.

## **6.6 Limited development on foreshore area**

- (1) The objective of this clause is to ensure that development in the foreshore area will not adversely impact on natural foreshore processes or affect the significance and amenity of the area.
- (2) 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) boat sheds, retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities outdoors).
- (3) Development consent must not be granted under subclause (2) 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 will not cause environmental harm such as:
    - (i) pollution or siltation of the waterway, or
    - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora 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 alteration or rebuilding of an existing building wholly or partly in the foreshore area, the 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 has been considered.

(4) In this clause and clause 6.7:

*foreshore area* means the land between the foreshore building line and the mean high water mark of the nearest natural waterbody shown on the [Foreshore Building Line Map](#).

*foreshore building line* means the line shown as the foreshore building line on the Foreshore Building Line Map.

## 6.7 Development on the foreshore must ensure access

(1) In deciding whether to grant consent for development in the foreshore area, the consent authority must consider whether and to what extent the development would encourage the following:

- (a) continuous public access to and along the foreshore through or adjacent to the proposed development,
- (b) public access to link with existing or proposed open space,
- (c) public access to be secured by appropriate covenants, agreements or other instruments registered on the title to land,
- (d) public access to be located above mean high water mark,
- (e) the reinforcing of the foreshore character and respect for existing environmental conditions,
- (f) management of sea level rise or change of flooding patterns as a result of climate change.

## 6.8 Airspace operations

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

- (a) to provide for the effective and ongoing operation of the Sydney (Kingsford Smith) Airport by ensuring that its operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport,
- (b) to protect the community from undue risk from that operation.

(2) If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.

(3) The consent authority may grant development consent for the development if the relevant Commonwealth body advises that:

- (a) the development will penetrate the Limitation or Operations Surface but it has no objection to its construction, or
- (b) the development will not penetrate the Limitation or Operations Surface.

- (4) The consent authority must not grant development consent for the development if the relevant Commonwealth body advises that the development will penetrate the Limitation or Operations Surface and should not be constructed.

- (5) In this clause:

***Limitation or Operations Surface*** means the Obstacle Limitation Surface or the Procedures for Air Navigation Services Operations Surface as shown on the *Obstacle Limitation Surface Map* or the *Procedures for Air Navigation Services Operations Surface Map* for the Sydney (Kingsford Smith) Airport.

***relevant Commonwealth body*** means the body, under Commonwealth legislation, that is responsible for development approvals for development that penetrates the Limitation or Operations Surface for the Sydney (Kingsford Smith) Airport.

## **6.9 Development in areas subject to aircraft noise**

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

- (a) to prevent certain noise sensitive developments from being located near the Sydney (Kingsford Smith) Airport and its flight paths,
- (b) to assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,
- (c) to ensure that land use and development in the vicinity of that airport do not hinder or have any other adverse impacts on the ongoing, safe and efficient operation of that airport.

- (2) This clause applies to development:

- (a) that is on land that is near the Sydney (Kingsford Smith) Airport and in an ANEF contour of 20 or greater, and
- (b) that the consent authority considers is likely to be adversely affected by aircraft noise, and
- (c) that involves any one or more of the following:
  - (i) the erection of a new building,
  - (ii) a substantial alteration or addition to an existing building,
  - (iii) an alteration or addition to a building that is required by a development consent to be compliant with AS 2021—2015,
  - (iv) the change of use of any part of a building to a centre-based child care facility, educational establishment, entertainment facility, health services facility, place of public worship, public administration building or residential accommodation,
  - (v) the change of use of any part of a building on land that is in an ANEF contour of 25 or greater to business premises, a hostel, office premises, retail premises or tourist and visitor accommodation,
  - (vi) the change of use of any part of a building on land that is in an ANEF contour of 30 or greater to light industry.

- (3) Before determining a development application for development to which this clause applies, the consent authority:

- (a) must consider whether the development will result in the creation of a new dwelling or an increase in the number of dwellings or people affected by aircraft noise, and
  - (b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2015, and
  - (c) must consider whether the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2015.
- (4) In this clause:

**ANEF contour** means a noise exposure contour shown as an ANEF contour on the *Noise Exposure Forecast Contour Map* for the Kingsford Smith Airport prepared by the Department of the Commonwealth responsible for airports.

**AS 2021—2015** means AS 2021—2015, *Acoustics—Aircraft noise intrusion—Building siting and construction*.

## 6.10 Development on land in Haberfield Heritage Conservation Area

- (1) The objective of this clause is to maintain the single storey appearance of dwellings in the Haberfield Heritage Conservation Area.
- (2) This clause applies to land identified as “C-12-42” on the [Heritage Map](#).
- (3) Development consent must not be granted to development for the purpose of **alterations and/or additions to an existing** dwelling house on land to which this clause applies unless the consent authority is satisfied that:
  - (a) if the development involves **alterations or additions above the ground floor level of the existing dwelling**:
    - (i) the development will be contained entirely within the roof space of the dwelling; and
    - (ii) the development will not involve the installation of dormer or gable windows; and/or
  - (b) **if the development involves alterations or additions below the existing ground floor level of the dwelling**:
    - (i) the floor area below the existing ground floor level will not exceed 25% of the gross floor area of the existing ground floor; and
    - (ii) the development will not involve excavation in excess of 3 metres below the existing ground floor level of the dwelling; and
  - (c) at least 50% of the site will be landscaped area.

## 6.11 Diverse housing

- (1) The objective of this clause is to ensure the provision of a mix of dwelling types in residential flat buildings and mixed use development that includes shop top housing.
- (2) This clause applies to development for the purpose of a residential flat building or a mixed use development that includes shop top housing on land identified as **Area “2” on the Key Sites Map** but only if the development includes at least 4 dwellings.
- (3) Development consent must not be granted to development to which this clause applies unless:

- (a) at least 25% of the total number of dwellings (to the nearest whole number of dwellings) forming part of the development will include self-contained studio dwellings or one bedroom dwellings, or both, and
- (b) no more than 30% of the total number of dwellings (to the nearest whole number of dwellings) forming part of the development will include dwellings with at least 3 bedrooms.

#### **6.12 Adaptive reuse of existing buildings for dwellings in residential zones**

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

- (a) to provide for the adaptive reuse of existing buildings as dwellings
- (b) to retain buildings that contribute to the streetscape and character of **Inner West**,
- (c) to provide satisfactory amenity for future residents of the area,
- (d) to ensure that development does not adversely affect the quality or amenity of existing buildings in the area.

(2) This clause applies to a building that was lawfully constructed for a non-residential purpose in the following zones:

- (a) Zone R1 General Residential,
- (b) Zone R2 Low Density Residential,
- (c) Zone R3 Medium Density Residential,
- (d) Zone R4 High Density Residential

(3) Despite any other provision of this Plan, development consent for the purpose of:

- (a) multi-dwelling housing or a residential flat building is permitted with consent for the use of a building to which this clause applies if the building is on land in Zone R2 Low Density Residential; and
- (b) residential flat buildings is permitted with consent for the use of a building to which this clause applies if the building is on land in Zone R3 Medium Density Residential.

(4) In determining whether to grant development consent under this clause, the consent authority must be satisfied that:

- (a) the development will not adversely affect the streetscape, character or amenity of the surrounding area, and
- (b) the development will retain the form, significant fabric and features of any architectural or historic feature of the existing building, and
- (c) any increase in the floor space ratio will be generally contained within the envelope of the existing building.

(5) Despite clause 4.3 (2) or 4.4, development carried out under this clause is not subject to any height or floor space ratio limits shown for the land on the [Height of Buildings Map](#) or the [Floor Space Ratio Map](#).

#### **6.13 Use of existing non-residential buildings in residential zones**

- (1) The objective of this clause is to provide for the adaptive reuse of existing buildings for purposes other than residential accommodation.
- (2) This clause applies to land in the following zones:
  - (a) Zone R1 General Residential,
  - (b) Zone R2 Low Density Residential,
  - (c) Zone R3 Medium Density Residential,
  - (d) Zone R4 High Density Residential.
- (3) **Despite any other provision of this Plan, development consent for the purpose of business premises, office premises, restaurants or cafes, shops, small bars or take away food and drink premises is permitted with consent for a building to which this clause applies.**
- (4) Development consent must not be granted to development for the purpose of business premises, office premises, restaurants or cafes, shops, **small bars** or take away food and drink premises on land to which this clause applies unless:
  - (a) the development is a building that was constructed (wholly or partly) for a purpose other than residential accommodation and was erected before the commencement of this Plan, and
  - (b) the consent authority is satisfied that:
    - (i) the development will not adversely affect the amenity of the surrounding area, and
    - (ii) the development will retain the form and fabric of any architectural features of the existing building, and
    - (iii) the building is suitable for adaptive reuse, and
    - (iv) any modification of the footprint and facade of the building will be minimal, and
    - (v) the gross floor area of any part of the building used for the purpose of a restaurant or cafe or take away food and drink premises will be less than 80 square metres.

#### **6.14 Dwellings and residential flat buildings in Zone B7 Business Park**

- (1) The objective of this clause is to provide for limited residential development in association with non-residential uses permitted in Zone B7 Business Park, including small scale live-work enterprises, to assist in the revitalisation of employment areas and to provide a transition between adjoining land use zones.
- (2) This clause applies to land in Zone B7 Business Park.
- (3) **Despite any other provision of this Plan, development consent for the purpose of a dwelling house or residential flat building is permitted with consent on land to which this clause applies.**
- (4) **Despite any other provision of this Plan, development consent for the purpose of a dwelling or a residential flat building must not be granted on land to which this clause applies unless the consent authority is satisfied that:**
  - (a) the development is part of a mixed use development that includes a non-residential use permitted in Zone B7 Business Park, and

- (b) no part of the ground floor of the building that fronts a street will be used for residential purposes (excluding access, car parking and waste storage), and
- (c) not less than 60% of the total gross floor area of the building will be used for non-residential purposes, and
- (d) in the case of development for the purpose of a dwelling, including a dwelling in a residential flat building—the dwelling will be on the same lot of land as a non-residential use (including in the case of a lot in a strata plan or community title scheme).

#### **6.15 Business and office premises in certain zones Zone IN2 Light Industrial and Zone B7 Business Park**

- (1) The objective of this clause is to promote certain types of business and office premises in Zone IN2 Light Industrial and Zone B7 Business Park.
- (2) This clause applies to land in the following zones:
  - (a) Zone IN2 Light Industrial,
  - (b) Zone B7 Business Park.
- (3) Development consent must not be granted to development for the purpose of business premises or office premises on land to which this clause applies unless the consent authority is satisfied that the development will be used for a creative purpose such as media, advertising, fine arts and craft, design, film and television, music, publishing, performing arts, cultural heritage institutions or other related purposes.

#### **6.16 Residential accommodation in certain business zones**

- (1) The objective of this clause is to control the location of residential accommodation **permitted in the zones to which this clause** applies to support the vitality of centres.
- (2) This clause applies to land on land in the following zones:
  - (a) Zone B1 Neighbourhood Centre,
  - (b) Zone B2 Local Centre,
  - (c) Zone B4 Mixed Use.
- (3) Development consent must not be granted to development for the purpose of residential accommodation on land to which this clause applies unless the consent authority is satisfied that:
  - (a) the building comprises mixed use development, including residential accommodation, and
  - (b) the building will have an active street frontage, and
  - (c) the building is compatible with the desired future character of the area in relation to its bulk, form, uses and scale.
- (4) In this clause, a building has an **active street frontage** if all floor space on the ground floor of the building on the primary street frontage is used for a purpose other than residential accommodation (with the exception of areas for access or service purposes).

#### **6.17 Location of restricted premises and sex services premises**



- (1) The objective of this clause is to **provide for sex service premises and** minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, restricted premises, specified land uses and places regularly frequented by children.
- (2) This clause applies to:
- a) Land zoned B4 – Mixed Use within ‘Area 3’ on the Key Sites Map;
  - b) Land zoned B2 – Local Centre within ‘Area 1’ and ‘Area 17’ on the Key sites map;
  - c) Land zoned B2 – Local Centre within ‘Area 2’ on the Key Sites Map;
  - d) Land zoned B6 – Enterprise Corridor within ‘Area 4’ on the Key Sites Map; and
  - e) Land zoned IN1 – General Industrial and IN2 – Light Industrial within ‘Area 3’ and ‘Area 4’ on the Key Sites Map.
- (3) Despite any other provision of this plan, development consent for the purpose of sex service premises is permitted with consent on land to which this clause applies.
- (4) Development consent must not be granted to development:
- (a) on land identified in **Clauses 6.17(2)(a), 6.17(2)(b) and 6.17(2)(e)** for the purposes of restricted premises or sex services premises unless the premises are located:
    - (i) at least 200 metres (measured from the closest boundary of the lot on which the premises are proposed) from any residence or any land in a residential zone, and
    - (ii) at least 200 metres (measured from the closest boundary of the lot on which the premises are proposed) from any place of public worship, hospital, school, centre-based child care facility, community facility or recreation area, and
    - (iii) at least 50 metres (measured from the closest boundary of the lot on which the premises are proposed) from any railway station entrance, bus stop, taxi rank, ferry terminal or the like, and
    - (iv) at least 200 metres (measured from the closest boundary of the lot on which the premises are proposed) from any existing or proposed restricted premises or sex services premises;
    - (v) on any floor other than the ground floor of a building;
  - (b) on land identified in **Clauses 6.17(2)(d) and 6.17(2)(e)** for the purposes of sex services premises:
    - (i) on land in Zone B6 Enterprise Corridor if any part of the sex services premises (excluding access, car parking and waste storage) is located at street level, or
    - (ii) if the development will be located within 200 metres of existing or proposed sex services premises
- (5) In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider the following:
- (a) whether the premises will be located on land that adjoins, is directly opposite or is separated only by a local road from land:
    - (i) in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, B4 Mixed Use or Zone RE1 Public Recreation, or



- (ii) used for the purposes of a centre-based child care facility, a community facility, a school or a place of public worship,
- (b) the impact of the proposed development and its hours of operation on any place likely to be regularly frequented by children:
  - (i) that adjoins the proposed development, or
  - (ii) that can be viewed from the proposed development, or
  - (iii) from which a person can view the proposed development,
- (c) whether the operation of the premises will be likely to interfere with the amenity of the neighbourhood.

#### **6.18 Development control plans for certain development**

- (1) The objective of this clause is to ensure that certain development occurs in a logical and cost-effective manner only after a development control plan that includes specific controls has been prepared.
- (2) This clause applies to land identified as **Area “2” on the Key Sites Map** with an area not less than 3,000 square metres, or with a water frontage of at least 20 metres but only if the development includes:
  - (a) the erection of a building,
  - (b) development that will increase the gross floor area of an existing building by more than 5%,
  - (c) development involving alterations to at least 75% of the facade of an existing building that fronts a street,
  - (d) development involving more than 75% of the site coverage of existing buildings on the land.
- (3) Development consent must not be granted to development to which this clause applies unless a development control plan that provides for detailed development controls has been prepared for the land.
- (4) Without limiting subclause (3), the development control plan referred to in subclause (3) must provide for all of the following:
  - (a) the compatibility of the proposed development with the desired future character of the area,
  - (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,
  - (c) whether the proposed development has an adverse impact on view corridors,
  - (d) the site’s suitability for the proposed development,
  - (e) the existing and proposed mix of land uses,
  - (f) cultural, heritage and archaeological issues,
  - (g) streetscape constraints,
  - (h) the height, bulk, scale, massing and modulation of buildings,
  - (i) the heights of buildings with street frontages,

- (j) environmental constraints, including contamination and acid sulfate soils,
  - (k) environmental impacts such as overshadowing, wind and reflectivity,
  - (l) whether the proposed development incorporates the principles of ecologically sustainable development,
  - (m) overall transport hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, with particular regard to public transport, pedestrians and cyclists,
  - (n) the proposed development's relationship and integration with existing and proposed public transport facilities,
  - (o) the overall landscaping of the site,
  - (p) stormwater management.
- (5) A development control plan is not required to be prepared if the consent authority is satisfied that such a plan would be unreasonable or unnecessary in the circumstances or that the development:
- (a) is a subdivision for the purpose of a realignment of boundaries that does not create additional lots, or
  - (b) is a subdivision of land and any of the lots proposed to be created are to be reserved or dedicated for public open space, public roads or any other public place or environment protection purpose, or
  - (c) is a subdivision of land in a zone in which the erection of structures is prohibited, or
  - (d) involves only alterations or additions to an existing building that:
    - (i) do not significantly increase the height or gross floor area of the building, and
    - (ii) do not have significant adverse impacts on adjoining buildings or the public domain, and
    - (iii) do not significantly alter any aspect of the building when viewed from public places, or
  - (e) is of a minor nature only, if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone in which the land is situated.
- (6) This clause does not apply to development on land identified as “Area 5” on the [Key Sites Map](#).

## 6.19 Design Excellence

- (1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.
- (2) This clause applies to development involving the construction of a new building or external alterations to an existing building:
  - (a) on land where the maximum height shown for the land on the [Height of Buildings Map](#) is 14 metres (“N 14.0”) or greater, or
  - (b) that is, or will be, at least 14 metres in height.

- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied that the proposed 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 a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
  - (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,
  - (c) whether the development detrimentally impacts on view corridors and landmarks,
  - (d) the requirements of the applicable Development Control Plan,
  - (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 relationship of the development with other development (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) roof design,
    - (vii) street frontage heights,
    - (viii) environmental impacts such as sustainable design, overshadowing, visual and acoustic privacy, wind and reflectivity,
    - (ix) the achievement of the principles of ecologically sustainable development,
    - (x) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network,
    - (xi) impact on, and any proposed improvements to, the public domain,
    - (xii) appropriate ground level public domain interfaces,
    - (xiii) excellence and integration of landscape design.
- (5) In this clause: applicable Development Control Plan means the **Inner West Comprehensive Development Control Plan for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill; Leichhardt Development Control Plan 2013; or Marrickville Development Control Plan 2011** as relevant and in force on the commencement of this Plan.

## **6.20 Development of land at 141 and 159 Allen Street, Leichhardt**

- (1) The objective of this clause is to facilitate the development of the land to which this clause applies by specifying controls for different maximum heights and minimum setbacks for buildings on the land without adversely affecting the streetscape, character, amenity or solar access of surrounding land.

(2) This clause applies to the following land:

- (a) Lot 1, DP 632522, 141 Allen Street, Leichhardt, identified as “Area 6” on the Key Sites Map,
- (b) Lot X, DP 381373, 159 Allen Street, Leichhardt, identified as “Area 7” on the Key Sites Map.

(3) Development consent must not be granted to development in “Area 6” unless the consent authority is satisfied that the development complies with the following:

(a) any proposed building is set back at least:

- (i) 3.5 metres from the Allen Street and Flood Street boundaries, and
- (ii) 10 metres from the northern site boundary, and
- (iii) 11 metres from that part of the western site boundary that is north of Site 3,

(b) the height in storeys of any proposed building will not exceed:

- (i) 3 storeys, or
- (ii) 4 storeys—if the building is adjacent to Allen Street, Flood Street, the northern site boundary or that part of the western boundary that is north of Site 3 (the 4 boundaries), the highest storey of the building is set back at least 6 metres from any building wall that faces one or more of the 4 boundaries and any such building wall does not exceed 3 storeys in height, or
- (iii) 6 storeys—if the building is not adjacent to Allen Street, Flood Street or the northern site boundary.

(4) Development consent must not be granted to development in “Area 7” unless the consent authority is satisfied that the development complies with the following:

(a) any proposed building is set back at least:

- (i) 3.5 metres from the Allen Street boundary, and
- (ii) 6 metres from the western site boundary,

(b) the height in storeys of any proposed building will not exceed:

- (i) 3 storeys, or
- (ii) 4 storeys—if the building has street frontage to Allen Street, the highest storey of the building is set back at least 6 metres from any building wall that faces Allen Street or the western site boundary and any such building wall does not exceed 3 storeys in height, or
- (iii) 4 storeys—if the building does not have street frontage to Allen Street, or
- (iv) 5 storeys—if the building does not have street frontage to Allen Street, the highest storey of the building is set back at least 6 metres from any building wall that does not exceed 4 storeys in height and any such building wall is on the western side of the building.

**Note.** For the purposes of this clause:

3 storeys is approximately 9.3 metres.

4 storeys is approximately 12.4 metres.

5 storeys is approximately 15.5 metres.

6 storeys is approximately 18.6 metres.

#### **6.21 Development of land at 168 Norton Street, Leichhardt**

- (1) The objective of this clause is to enable seniors housing with minimal adverse impacts.
- (2) This clause applies to 168 Norton Street, Leichhardt, being Lots 1 and 2, DP 1119151, Lot 1, DP 963000, Lot 5, DP 1112635 and Lots 3 and 4, Section 3, DP 328, identified as “**Area 8**” on the [Key Sites Map](#).
- (3) Despite clause 4.3 (2), the maximum building height for development for the purposes of seniors housing involving only a group of self-contained dwellings on land to which this clause applies is RL 50.4, but only if the development does not exceed 5 storeys in height.
- (4) Despite clauses 4.4 (2) and 4.4A, the maximum floor space ratio for development for the purposes of seniors housing involving only a group of self-contained dwellings on land to which this clause applies is 3:1, but only if the consent authority is satisfied that at least 15% of the self-contained dwellings for the accommodation of residents in the proposed development will be set aside as affordable places.
- (5) In this clause:

*affordable place* has the same meaning as in clause 45 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

#### **6.22 Development of land at 101–103 Lilyfield Road, Lilyfield**

- (1) This clause applies to Lot 1, DP 432612, being 101–103 Lilyfield Road, Lilyfield, identified as “**Area 9**” on the [Key Sites Map](#).
- (2) Development consent may be granted to development for either or both of the following purposes on land to which this clause applies:
  - (a) restaurants or cafes,
  - (b) takeaway food and drink premises.
- (3) However, development consent must not be granted under this clause unless the consent authority is satisfied that the gross floor area of any part of a building used for either or both of those purposes will not exceed 50 square metres in total.
- (4) This clause applies despite clause **6.13**.

#### **6.23 Development of land at 17 Marion Street, Leichhardt**

- (1) The objective of this clause is to enable seniors housing with minimal adverse impacts.
- (2) This clause applies to 17 Marion Street, Leichhardt, being Lots 21, 22, 24 and 25, Section 1, DP 328 and Lots A and B, DP 377714 and identified as “**Area 10**” on the [Key Sites Map](#).
- (3) Despite clause 4.3 (2), the maximum building height for development for the purposes of seniors housing on land to which this clause applies is RL 57.50, but only if the consent authority is satisfied that consent could be granted to the development without reliance on the relevant bonus floor space provisions.
- (4) Despite clauses 4.4 (2) and 4.4A, the maximum floor space ratio for development for the purposes of seniors housing on land to which this clause applies is 2:1, but only if the consent authority is satisfied that:

- (a) at least 15% of the self-contained dwellings for the accommodation of residents in the proposed development will be set aside as affordable places, and
  - (b) consent could be granted to the development without reliance on the relevant bonus floor space provisions.
- (5) In this clause:

***affordable place*** has the same meaning as in clause 45 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

***relevant bonus floor space provisions*** means the requirements of clause 45 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

## **6.24 Residential accommodation as part of mixed use development in certain business zones**

- (1) The objective of this clause is to provide for limited residential development in certain business zones and to ensure an appropriate proportion of residential accommodation as part of mixed use developments on that land.
- (2) This clause applies to the land identified as “Area 11”, “Area 12”, “Area 13”, “Area 14” and “Area 15” on the Key Sites Map.
- (3) Despite any other provision of this Plan, development consent for the purposes of residential accommodation is permitted with consent on land to which this clause applies, but only as part of a mixed use development.
- (4) Development consent must not be granted to development for the purpose of residential accommodation on land to which this clause applies unless the consent authority is satisfied that:
  - (a) no part of the ground floor of the building that fronts a street will be used for residential purposes (excluding access, car parking and waste storage), and
  - (b) the percentage of the total gross floor area of the building that will be used for non-residential purposes is not less than the following:
    - (i) 20% on land identified as “Area 11” on the Key Sites Map,
    - (ii) 40% on land identified as “Area 12” or “Area 13” on the Key Sites Map,
    - (iii) 70% on land identified as “Area 14” on the Key Sites Map,
    - (iv) 30% on land identified as “Area 15” on the Key Sites Map.

## **6.25 Development on certain land at Victoria Road, Marrickville**

- (1) The objective of this clause is to ensure that development on land at Victoria Road, Marrickville occurs in accordance with a development control plan to manage the transition from industrial land uses to residential and commercial land uses.
- (2) This clause applies to land shown coloured green and identified as “Area 16” on the Key Sites Map.
- (3) Development consent must not be granted for development on land to which this clause applies unless a development control plan that provides for the following matters has been prepared for the land:
  - (a) the upgrading of road networks and intersections on the land and surrounding areas,

- (b) transport connections on the land and within surrounding areas (including the layout of laneways, bicycle routes and other connections),
  - (c) the protection of items and areas of heritage significance,
  - (d) the management and mitigation of the impact of existing industrial development in the surrounding areas on the amenity of proposed residential development on the land,
  - (e) the impacts of the development on the surrounding residential and industrial areas and the amenity of the neighbourhood,
  - (f) the mitigation of aircraft noise (including through building design and the use of appropriate building materials),
  - (g) the management of drainage and flood risks,
  - (h) a network of active and passive recreation areas,
  - (i) the protection of public open spaces (including from overshadowing).
- (4) Subclause (3) does not apply to development for any of the following purposes:
- (a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,
  - (b) a subdivision of land if any of the lots proposed to be created is to be reserved or dedicated for public open space, public roads or any other public or environmental protection purpose,
  - (c) a subdivision of land in a zone in which the erection of structures is prohibited,
  - (d) development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the development would be consistent with the objectives of the zone in which the land is situated.

## **6.26 Arrangements for designated State public infrastructure in relation to development on certain land at Victoria Road, Marrickville**

- (1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the development of certain land at Victoria Road, Marrickville for the purposes of residential accommodation, commercial premises and mixed use development in order to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.
- (2) This clause applies to land shown coloured green and identified as “**Area 16**” on the [Key Sites Map](#).
- (3) Despite any other provision of this Plan, development consent must not be granted for development for the purposes of residential accommodation, commercial premises or mixed use development on the land to which this clause applies unless the Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to the land on which the development is to be carried out.
- (4) This clause does not apply to a development application to carry out development on land to which this clause applies if:
  - (a) all or any part of the land to which the application applies is a special contributions area (as defined by section 93C of the Act), or



- (b) the development will not result in an increase in residential accommodation, commercial premises or mixed use development.

(5) In this clause:

*designated State public infrastructure* means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds:

- (a) State and regional roads,
- (b) bus interchanges and bus lanes,
- (c) land required for regional open space,
- (d) social infrastructure and facilities (such as schools, hospitals, emergency services and justice purposes).

## **6.27 Development at 287–309 Trafalgar Street, Petersham**

- (1) This clause applies to land identified as “43” on the Additional Permitted Uses Map, being Lot 1, DP 1208130 and Lot 10, DP 1004198 at 287–309 Trafalgar Street, Petersham.
- (2) Despite any other provision of this Plan, development consent may be granted for development for the purposes of a registered club on land to which this clause applies.
- (3) For the purposes of calculating the floor space ratio of development on land to which this clause applies, car parking (including access to that parking) that is provided on the land for use in association with a registered club, up to a maximum of 150 car parking spaces, is not to be included in the gross floor area.

## **6.28 Architectural Roof Features**

- (1) The objectives of this clause are as follows:
  - (a) to enhance the urban and architectural design of buildings,
  - (b) to minimise the external impact of roof features, in particular with respect to solar access and views.
- (2) This clause applies to land identified as “Area 3” on the Key Sites Map:
- (3) 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.
- (4) Development consent must not be granted to any such development unless the consent authority is satisfied that:
  - (a) the architectural roof feature:
    - (i) comprises a decorative element on the uppermost portion of a building, and
    - (ii) is not an advertising structure, and
    - (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
    - (iv) will cause minimal overshadowing, and



- (b) 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.

## **Schedule 1 Additional permitted uses**

### **1 Use of certain land at 110 Frederick Street, Ashfield**

- (1) This clause applies to land identified as “03-1” on the [Additional Permitted Uses Map](#), being Lot A, DP 338677 at 110 Frederick Street, Ashfield.
- (2) Development for the purpose of business premises is permitted with development consent.

### **2 Use of certain land at 36–38 Holden Street, Ashfield**

- (1) This clause applies to land identified as “03-2” on the [Additional Permitted Uses Map](#), being Lot 10, Section 1, DP 820 at 36–38 Holden Street, Ashfield.
- (2) Development for the purpose of business premises is permitted with development consent.

### **3 Use of certain land at 75 Milton Street, Ashfield**

- (1) This clause applies to land identified as “03-3” on the [Additional Permitted Uses Map](#), being Lot 31, DP 707858 at 75 Milton Street, Ashfield.
- (2) Development for the purpose of a residential flat building is permitted with development consent.

### **4 Use of certain land at 69 Milton Street, Ashfield**

- (1) This clause applies to land identified as “03-4” on the [Additional Permitted Uses Map](#), being Lot 11, DP 730876 at 69 Milton Street, Ashfield.
- (2) Development for the purpose of a residential flat building is permitted with development consent.

### **5 Use of certain land at 2–6 Cavill Avenue, Ashfield**

- (1) This clause applies to land identified as “03-5” on the [Additional Permitted Uses Map](#), being Lot 17, DP 168456 and Lot 101, DP 234926 at 2-6 Cavill Avenue, Ashfield.
- (2) Development for the purposes of an access road (either public or private) is permitted with development consent if the road is used in connection with any other development permissible on land to which the road gives access.

### **6 Use of certain land at Buchanan and Reynolds Streets, Balmain**

- (1) This clause applies to land identified as “04-1” on the [Additional Permitted Uses Map](#), being Lots 85–93 and 126–145, SP 64162 at Buchanan and Reynolds Streets, Balmain.
- (2) Development for the purposes of business premises, kiosks, office premises, recreation facilities (indoor), restaurants or cafes, roadside stalls and shops is permitted with development consent.

### **7 Use of certain land at Gladstone Park, Darvall Street, Balmain**

(1) This clause applies to land identified as “04-2” on the [Additional Permitted Uses Map](#), being part of Lot 1, DP 724348 at Gladstone Park, Darvall Street, Balmain.

(2) Development for the purpose of a registered club is permitted with development consent.

#### **8 Use of certain land at Rosebery Place, Balmain**

(1) This clause applies to land identified as “04-3” on the [Additional Permitted Uses Map](#), being Lots 1–3, SP 60159, Lots 5–9, SP 62009 and Lots 1–20, SP 60158 at 5 and 7 Rosebery Place, Balmain.

(2) Development for the purposes of business premises, kiosks, office premises, restaurants or cafes, roadside stalls and shops is permitted with development consent.

#### **9 Use of certain land at 22- 24 and 26 Georges River Road, Croydon Park**

(1) This clause applies to land identified as “09-1” on the [Additional Permitted Uses Map](#), being Lot 1, DP 566070 and Lot 22, DP 847 at 22 and 26 Georges River Road, Croydon Park.

(2) Development for the purpose of business premises is permitted with development consent.

#### **10 Use of certain land at 165 Edgeware Road, Enmore**

(1) This clause applies to land identified as “11-1” on the [Additional Permitted Uses Map](#), being Lot D, DP 355228 at 165 Edgeware Road, Enmore.

(2) Development for the purpose of a pub is permitted with consent.

#### **11 Use of certain land near Canterbury Road, Hurlstone Park**

(1) This clause applies to the land identified as “13-1” on the [Additional Permitted Uses Map](#), being Lot A, DP 339754 and part of Lot 18, Section 1, DP 1078 and land on Canterbury Road between Hanks Street and Princess Street, Hurlstone Park.

(2) Development for the purpose of shop top housing is permitted with development consent.

#### **12 Use of certain land at 237 Marion Street, Leichhardt**

(1) This clause applies to land identified as “14-1” on the [Additional Permitted Uses Map](#), being Lot 121, DP 1106716 at 237 Marion Street, Leichhardt.

(2) Development for the purpose of seniors housing is permitted with development consent.

#### **13 Use of certain land at 141–161 New Canterbury Road, Lewisham**

(1) This clause applies to land identified as “15-1” on the [Additional Permitted Uses Map](#), being Lot 1, DP 718901 at 141–161 at New Canterbury Road, Lewisham.

(2) Development for the purpose of a residential flat building is permitted with development consent, as part of a mixed use development, but only if:

(a) no more than 55% of the total ground floor area of the building will be used for the purpose of dwellings, spaces for the loading or unloading of goods and car parking (including access to those uses), and

(b) any dwelling located on the ground floor will not have frontage to New Canterbury Road.

#### **14 Use of certain land at Old Canterbury Road, Lewisham**

(1) This clause applies to certain land identified as “15-2” on the [Additional Permitted Uses Map](#), being SP 91740, Lot SP 88286, Lot SP 92716, Lot B, DP 356705, Lot B DP 414124, Lot 2 DP

931170, Lot 1 DP 952897, Lot 34 DP 1210614, and part of SP 93231 at Old Canterbury Road, Lewisham.

- (2) Development for the purpose of residential accommodation is permitted with consent, but only as part of a mixed use development.

#### **15 Use of certain land at 776–798 Parramatta Road, Lewisham**

- (1) This clause applies to land identified as “15-3” on the [Additional Permitted Uses Map](#), being Lots 16 and 17, DP 2357, part of Lot 1, DP 1010446, Lot 1, DP 983757 and Lot 1, DP 658435 at 776–798 Parramatta Road, Lewisham.
- (2) Development for the purpose of a boarding house is permitted with consent.

#### **16 Use of certain land at 91 Canal Road, Leichhardt and 1 Canal Road, Lilyfield**

- (1) This clause applies to land identified as “16-1” on the [Additional Permitted Uses Map](#), being Lot 103, DP 826775 and Lot 1, DP 1070825 at 91 Canal Road, Leichhardt and 1 Canal Road, Lilyfield.
- (2) Development for any of the following purposes is permitted with development consent:
  - (a) building identification signs,
  - (b) business identification signs,
  - (c) entertainment facilities,
  - (d) industrial retail outlets,
  - (e) information and education facilities,
  - (f) light industries,
  - (g) markets,
  - (h) restaurants or cafes,
  - (i) take away food and drink premises.
- (3) Development for the purpose of office premises is permitted with development consent if:
  - (a) the gross floor area of the site used for that purpose does not exceed 20%, and
  - (b) the maximum gross floor area of any single premises used for office premises does not exceed 300m<sup>2</sup>.

#### **17 Use of certain land at 60 Glover Street, Lilyfield**

- (1) This clause applies to land identified as “16-2” on the [Additional Permitted Uses Map](#), being part of Lot 6643, DP 1137663 at 60 Glover Street, Lilyfield.
- (2) Development for the purpose of a function centre is permitted with development consent if the development will be located within an existing building.
- (3) In this clause, an *existing building* includes a proposed building that has been granted development consent.

#### **18 Use of certain land at Addison Road, Marrickville**

- (1) This clause applies to land identified as “17-1” on the Additional Permitted Uses Map, being Lot A and B DP 328206 and land on Addison Road between Perry Street and Fotheringham Lane, Marrickville.
- (2) Development for the purpose of residential accommodation is permitted with consent, but only as part of a mixed use development.

**19 Use of certain land at 74 Edinburgh Road, Marrickville**

- (1) This clause applies to land identified as “17-2” on the Additional Permitted Uses Map, being Lot 202, DP 1133999 at 74 Edinburgh Road, Marrickville.
- (2) Development for the purposes of a garden centre and hardware and building supplies is permitted with consent.

**20 Use of certain land at 72 Frampton Avenue, Marrickville**

- (1) This clause applies to land identified as “17-3” on the Additional Permitted Uses Map, being Lot 19, DP 4433 at 72 Frampton Avenue, Marrickville.
- (2) Development for the purpose of a warehouse and distribution centre is permitted with consent.

**21 Use of certain land at 74 Frampton Avenue, Marrickville**

- (1) This clause applies to land identified as “17-4” on the Additional Permitted Uses Map, being Lot 18, DP 4433 at 74 Frampton Avenue, Marrickville.
- (2) Development for the purpose of a warehouse and distribution centre is permitted with consent.

**22 Use of certain land at Illawarra Road, Thornley Street and Warne Place, Marrickville**

- (1) This clause applies to land identified as “17-5” on the Additional Permitted Uses Map, being Lot 2, DP 18772, Lot 2 DP 388798 and SP 87838 and land on Illawarra Road between Thornley Street and Warne Place, Marrickville
- (2) Development for the purpose of business premises, office premises, restaurants or cafes, shops and take away food and drink premises is permitted with consent.

**23 Use of certain land at 313–319 Marrickville Road and 178 -180 Livingstone Road, Marrickville**

- (1) This clause applies to land identified as “17-6” on the Additional Permitted Uses Map, being Lot 1 DP 1230265 and SP 99426 at 313–319 Marrickville Road and 178 -180 Livingstone Road, Marrickville.
- (2) Development for following purposes is permitted with consent:
  - (a) residential flat buildings (but only as part of a mixed use development that contains a non-residential use permitted in the zone), and
  - (b) residential flat buildings within heritage buildings retained on the land.

**24 Use of certain land at 394 Marrickville Road, Marrickville**

- (1) This clause applies to land identified as “17-7” on the Additional Permitted Uses Map, being Lot 1, Section 1, DP 5482 at 394 Marrickville Road, Marrickville.
- (2) Development for the purpose of business premises and offices premises is permitted with consent.

**25 Use of certain land at Marrickville Road and Railway Parade, Marrickville**

- (1) This clause applies to land identified as “17-8” on the Additional Permitted Uses Map, being land on Marrickville Road between Sydney Street and Railway Parade, Marrickville.
- (2) Development for the purposes of restaurants or cafes and small bars is permitted with consent.

(Clause 2.5)

## **26 Use of certain land at 32–72 Alice Street, Newtown**

- (1) This clause applies to land identified as “19-1” on the Additional Permitted Uses Map, being Lots 2 and 3, DP 1190094 and SP 88894 at 32–72 Alice Street, Newtown.
- (2) Development for the purpose of residential accommodation is permitted with consent, but only as part of a mixed use development.

## **27 Use of certain land at 5–11 Chester Street, Petersham**

- (1) This clause applies to land identified as “20-1” on the Additional Permitted Uses Map, being Lots A and B, DP 438174, Lots 1, 2 and 3, DP 598422, Lot A, DP 110183 and Lot 3, DP 1091310 at 5–11 Chester Street, Petersham.
- (2) The following development is permitted with consent:
  - (a) development for the purpose of a car park,
  - (b) development that is permissible within Zone B2 Local Centre.
- (3) The consent authority must not consent to development under this clause unless satisfied that the development will be carried out in conjunction with development on land to which clause 13A of this Schedule applies.

## **28 Use of certain land at 2–14 Fisher Street and 126 Crystal Street, Petersham**

- (1) This clause applies to land identified as “20-2” on the Additional Permitted Uses Map, being Lot 1, DP 587859 and Lot 5, DP 52786 at 2–14 Fisher Street and 126 Crystal Street, Petersham.
- (2) Development for the purpose of residential flat buildings is permitted with consent.

## **29 Use of certain land at 6 Livingstone Road, Petersham**

- (1) This clause applies to land identified as “20-3” on the Additional Permitted Uses Map, being Lot 11, DP 1145054 at 6 Livingstone Road, Petersham.
- (2) Development that is permissible within Zone R4 High Density Residential is permitted with consent.
- (3) The consent authority must not consent to development under this clause unless satisfied that the development will be carried out in conjunction with development on land to which clause 30 of this Schedule applies.

## **30 Use of certain land at 3–7 Regent Street, Petersham**

- (1) This clause applies to land identified as “20-4” on the Additional Permitted Uses Map, being Lot 1, DP 629058 at 3–7 Regent Street, Petersham.
- (2) Development for the purpose of a registered club is permitted with development consent.

## **31 Use of certain land at Terry Street, Rozelle**

- (1) This clause applies to land identified as “21-1” on the [Additional Permitted Uses Map](#), being Lot 1, SP 58291 at Terry Street, Rozelle.
- (2) Development for the purposes of business premises, kiosks, office premises, restaurants or cafes, roadside stalls and shops is permitted with development consent.

### **32 Use of certain land at Smith Street, Rozelle**

- (1) This clause applies to land identified as “21-2” on the [Additional Permitted Uses Map](#), being Lots 1 and 2, DP 782330, Lot 1, DP 782348 and Lot 1, DP 228261 at Smith Street, Rozelle.
- (2) Development for the purposes of boarding houses, function centres, hospitals, markets, places of public worship, public administration facilities, residential care facilities, seniors housing and telecommunication facilities is permitted with development consent.

### **33 Use of certain land at St Peters**

- (1) This clause applies to certain land identified as “22-1” on the [Additional Permitted Uses Map](#), on [Princes Highway between Campbell Street and Short Street, St Peters](#).
- (2) Development for the purposes of specialised retail premises is permitted with consent.

### **34 Use of certain land at St Peters**

- (1) This clause applies to certain land identified as “22-2” on the [Additional Permitted Uses Map](#), being Lot 1, DP 742446, SP 13328, SP 42098, Lot 20 DP 1250907, Lot 1, DP 65582, Lot 15 DP 112675, Lots 3-4 DP 928964, Lots 101-102, DP 1205462, Lot B, DP 449811, Lot 2-3 DP, 105320, Lot 50 1252094, Lot 1 DP 499704, Lot 1, DP 548632 and land on May Street between Daburi Lane and May Street Reserve, St Peters.
- (2) Development for the purposes of retail premises is permitted with consent.

### **35 Use of certain land at 500 Princes Highway, St Peters**

- (1) This clause applies to land identified as “22-3” on the [Additional Permitted Uses Map](#), being Lot 1, DP 1225110 at 500 Princes Highway, St Peters.
- (2) Development for the following purposes is permitted with consent:
  - (a) specialised retail premises, and
  - (b) retail premises (only in relation to engineering supplies or tools or vehicle parts and accessories).

### **36 Use of certain land at 162 Unwins Bridge Road, St Peters**

- (1) This clause applies to land identified as “22-4” on the [Additional Permitted Uses Map](#), being Lots 20–22, Section B, DP 726 at 162 Unwins Bridge Road, St Peters.
- (2) Development for the purpose of landscaping material supplies is permitted with consent.

### **37 Use of certain land at 55–63 Smith Street, Summer Hill**

- (1) This clause applies to land identified as “24-1” on the [Additional Permitted Uses Map](#), being Lot 13, Section 1, DP 560, Lot 1, DP 796910 and Lot 1, DP 905473 at [55–63 Smith Street, Summer Hill](#).
- (2) Development for the purposes of business premises, office premises, recreation facilities (indoor) and self-storage units is permitted with development consent.

### **38 Use of certain land at Railway Road, Sydenham**

(1) This clause applies to land identified as “25-1” on the [Additional Permitted Uses Map](#), being Lot 148, DP 750, Lot 2, DP 908492, Lot 1, DP 126348, Lots A-B, DP 438088, Lot 151, DP 750, Lots A-B, DP 319429, Lot A-B, DP 436158, Lots 1-2, DP 1079501 at Railway Road, Sydenham.

(2) Development for the purpose of business premises and office premises is permitted with consent.

### **39 Use of certain land at 24A Railway Road, Sydenham**

(1) This clause applies to land identified as “25-2” on the [Additional Permitted Uses Map](#), being Lots 82–84, DP 750 at 24A Railway Road, Sydenham.

(2) Development for the purpose of a place of public worship is permitted with consent.

### **40 Use of certain land at Tempe, known as the Tempe Bus Depot**

(1) This clause applies to land identified as “26-1” on the [Additional Permitted Uses Map](#), being Lot 1 – 3 DP 1244016, at 745 – 763 Princes Highway and 1B Gannon Street, Tempe.

(2) Development for the purpose of a passenger transport facility is permitted with consent.

### **41 Use of certain land at Marrickville Road, Marrickville and Princes Highway, Tempe**

(1) This clause applies to land identified as “26-2” on the [Additional Permitted Uses Map](#), being Lot A, DP 110314, part of Lot B, DP 110314, Lot C, DP 110314, Lot 2, DP 33100, Lots A-B, DP 343351, Lot 1, DP 326556, Lot 1, DP 124351, Lot A, DP 327982, Lot 1, DP 995524, Lots A-B, DP 155790, Lot 1-2, DP 124323, Lot 1, DP 315997, Lot 1, DP 316909, Lots 100-102, DP 803286 and Lots 3-6, DP 208829 and between Gerald Street and Meeks Road and land on Marrickville Road between Sydney Street and Meeks Road, Tempe.

(2) Development for the purpose of retail premises is permitted with consent.

### **42 Use of certain land at Princes Highway, St Peters and Bellevue Street, Tempe**

(1) This clause applies to land identified as “26-3” on the [Additional Permitted Uses Map](#), being Lot 75, DP 123263, Lot 101, DP 1229588, Lot 101 and 102, DP 1149125, Lot 8, DP 1228007, Lot 2, DP 1225110 and Lots 21-22, DP 1225108 at Princes Highway, St Peters and Bellevue Street, Tempe.

(2) Development for the purpose of specialised retail premises is permitted with consent.



## 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.

### 3.1 Exempt development

**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.

#### Advertisements—bus and taxi rank shelter signs

- (1) Must meet the general requirements of State Environmental Planning Policy (Exempt and Complying Development) 2008
- (2) Must be located on land owned or managed by Council
- (3) Must not extend beyond the perimeter of the shelter.
- (4) Only 1 advertising panel per shelter that may comprise an advertisement on 2 sides.
- (5) Must not contain flashing or neon signage.
- (6) Must not obstruct pedestrian paths of travel.
- (7) Must not obstruct the vehicular line of sight

#### Advertisements—business identification signs in residential zones

- (1) Must meet the general requirements of State Environmental Planning Policy (Exempt and Complying Development) 2008.
- (2) Must not be constructed or installed on or in, or in relation to, a heritage item or a draft heritage item.
- (3) Maximum area—0.75m<sup>2</sup>.
- (4) 1 sign per premises.



- (5) Must not be illuminated.
- (6) Must not protrude above an awning.
- (7) If over a public road—must be erected at a height of no less than 2.6m above ground/pavement level.

**Advertisements—signs not visible from outside site on which they are displayed**

- (1) Must be non-moving.
- (2) Must be associated with the lawful use of the building (except for temporary signs).
- (3) Must not be an “A” frame sign.
- (4) Must have the consent of the owner of the property on which the sign is located.
- (5) Must not be flashing.

**Letterboxes on or in a heritage item or draft heritage item**

- (1) Must not be higher than 1.2m above ground level (existing).
- (2) Must be visible from the road.
- (3) Must have appropriate numbering that is visible from the road.
- (4) Maximum width—0.6m.
- (5) Maximum depth—0.6m.
- (6) Must be structurally stable with adequate footings.
- (7) Must be designed, fabricated and installed in accordance with any applicable Australian Standard.
- (8) Must be designed to complement the architectural style of the building in relation to style and materials.
- (9) Must not involve any damage to, or removal of, historical fabric or trees or vegetation subject to protection.
- (10) 1 letterbox per site.

**Lighting (external)**

- (1) Must not be for the lighting of tennis courts or sports fields.
- (2) Must not cause glare to adjoining properties or streets.
- (3) Must be for domestic purposes.
- (4) Must comply with AS 4282—1997, *Control of the Obtrusive Effects of Outdoor Lighting*.
- (5) Must be limited to one within the front setback and must not cause damage to significant or early fabric.

**Minor routine maintenance of heritage items or on land in heritage conservation areas**

(1) Must comprise **limited repairs of a minor nature being:**

- (a) repainting existing painted surfaces,
  - (b) the repair of a window, glazing areas or a door,
  - (c) the repair of non-structural wall cladding,
  - (d) the repair of a balustrade or fence,
  - (e) the replacement of a timber paling fence located behind the building line,
  - (f) the repair of existing roof sheeting or replacement of broken or damaged tiles or slate, or
  - (g) the repair of existing landscape structures and retaining walls by either repointing (reinstating mortar) or the introduction of matching materials, which comprise less than 5% of the external surface,
  - (h) the installation of insulation material in the ceiling, floor or wall of a building where it can be easily removed and does not involve disturbance of, damage to or removal of existing fabric,
  - (i) the replacement of services such as cabling, plumbing, wiring or fire services that use existing service routes, cavities or voids, or replace existing surface-mounted services but do not involve damage to, or the removal of, original or early fabric,
- (2) Must not comprise the making of, or an alteration to the size of, any opening in a wall or roof, such as a doorway, window or skylight.
- (3) Must not affect the means of egress from the building in an emergency.
- (4) Must not affect any fire resisting components of the building.
- (5) If repointing in sandstone, must use soft mortar (being lime rich or composite mortar).
- (6) Materials and colours must be the same as existing materials, **profiles, fixings** and colours and consistent with the style and age of the building.
- (7) Replacement glass must meet any applicable Australian Standards.

**In this clause:**

**repair** means restore something damaged or faulty to a good condition through reassembling existing elements or introduction of new material to repair the existing elements. Repair does not include the replacement of the existing element.

### **Public art on footpaths (including sculptures, murals and pavement installations)**

- (1) Must be installed by or on behalf of Council.
- (2) Must be structurally sound.
- (3) Must not contain advertising material.
- (4) Must be designed, fabricated and installed in accordance with any applicable Australian Standard.
- (5) Must allow a minimum 1.5m wide pathway for pedestrians.
- (6) Must be consistent with any approval required under the Roads Act 1993.

## **Schedule 3 Complying development**

**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

### Change of use of land from restaurant or cafe to small bar or from small bar to restaurant or cafe

Land must be in Zone B2 Local Centre.

**Note.** The use of a footpath as an outdoor dining area may be exempt development if it is associated with a restaurant or cafe but cannot be exempt development if it is associated with a small bar: see *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*

## 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*.

### Condition that applies to change of use of land from restaurant or cafe to small bar or from small bar to restaurant or cafe

- (1) This clause applies to a change of use of land:
  - (a) from a restaurant or cafe to a small bar, or
  - (b) from a small bar to a restaurant or cafe.
- (2) The development is subject to a condition that the new use must be in accordance with the conditions of development consent applying to the old use that relate to hours of operation, noise, car parking, loading, vehicular movement, traffic generation, waste management and landscaping.

## Schedule 4 Classification and reclassification of public land

(Clause 5.2)

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

Column 1	Column 2
Locality	Description
Nil	

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

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Nil		

## Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
Nil	

## Schedule 5 Environmental heritage

(Clause 5.10)

Will be provided following a Gateway Determination

## Schedule 6 Pond-based and tank-based aquaculture

(Clause 5.19)

### 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.

## 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 **Inner West Council**.

**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 [Inner West Local Environmental Plan 2020](#) 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.

**Foreshore Building Line Map** means the [Inner West Local Environmental Plan 2020](#) Foreshore Building Line Map.

**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 **Inner West** Local Environmental Plan **2020** 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 **Inner West Local Environmental Plan 2020** 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 **Inner West Local Environmental Plan 2020** Land Application Map.

**Land Reservation Acquisition Map** means the **Inner West Local Environmental Plan 2020** Land Reservation Acquisition Map.

**Land Zoning Map** means the **Inner West Local Environmental Plan 2020** 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, knackeries, tanneries, woolscours 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 **Inner West Local Environmental Plan 2020** 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.