

Ref No: D19/240531

# Appendix 1

Planning Proposal (PP2019/0004)

Draft instrument - *Georges River Local Environmental Plan 2020*

June 2020

**FOR REFERENCE ONLY,**

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**SUBJECT TO CHANGE AFTER PUBLIC  
EXHIBITION**

## Table of Contents

Part 1 Preliminary .....	3	
Part 2 Permitted or prohibited development .....	5	
Land use table .....	9	
Part 3 Exempt and complying development .....	24	
Part 4 Principal development standards .....	27	
Part 5 Miscellaneous provisions .....	36	
Part 6 Additional local provisions .....	46	
Schedule 1 Additional permitted uses.....	<del>66</del>	Deleted: 65
Schedule 2 Exempt development .....	<del>72</del>	Deleted: 71
Schedule 3 Complying development .....	<del>73</del>	Deleted: 72
Schedule 4 Classification and reclassification of public land.....	<del>74</del>	Deleted: 73
Schedule 5 Environmental heritage .....	<del>75</del>	Deleted: 74
Schedule 6 Pond-based and tank-based aquaculture.....	<del>93</del>	Deleted: 92
Dictionary.....	<del>95</del>	Deleted: 94
Historical notes .....	<del>131</del>	Deleted: 130

### Note:

Red text – mandated by the *Standard Instrument Local Environmental Plan*

Black text – proposed local planning controls

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This draft instrument has been prepared to assist in the interpretation of the proposed planning controls in the *Georges River Local Environmental Plan 2020*. The proposed wording reflects the intent of this Planning Proposal and is subject to change following legal drafting.

# Georges River Local Environmental Plan 2020

## Part 1 Preliminary

### Name of Plan [compulsory]

This Plan is Georges River Local Environmental Plan 2020.

### 1.1AA Commencement [compulsory]

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

### 1.2 Aims of Plan [compulsory]

- (1) This Plan aims to make local environmental planning provisions for land in Georges River in accordance with the relevant standard environmental planning instrument under section 33A of the Act.
- (2) The particular aims of this Plan are as follows:
  - (a) to provide for housing choices to cater for changing demographics and population needs,
  - (b) to provide for a range of business uses which promote employment and economic growth and contribute to the viability and vibrancy of centres,
  - (c) to promote and facilitate an ecologically and economically sustainable and vegetated urban environment in which the needs and aspirations of the community are realised,
  - (d) to provide for a range of recreational, social, cultural and community service opportunities to meet the needs of the Georges River community,
  - (e) to protect and preserve the natural, built, cultural and Aboriginal heritage of Georges River, to build upon and enhance the character of local areas,
  - (f) to promote a high standard of urban design and built form;
  - (g) to protect, preserve and enhance the natural landform, vegetation and open space, especially foreshores or bushland, in order to maintain landscape amenity and public access and use,
  - (h) to protect, maintain and improve waterway health to achieve the community environmental values and uses for waterways. (in response to EPA submission)
  - (i) to facilitate infrastructure to support new development, and
  - (j) to promote and facilitate transit oriented development that encourages the use of public transport, cycling and walking.

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### 1.3 Land to which Plan applies [compulsory]

- (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.

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#### 1.4 Definitions [compulsory]

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

#### 1.5 Notes [compulsory]

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

#### 1.6 Consent authority [compulsory]

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

#### 1.7 Maps [compulsory]

- (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 [compulsory]

- (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:

*Hurstville Local Environmental Plan 2012*

~~*Hurstville Local Environmental Plan 1994*~~

*Kogarah Local Environmental Plan 2012*

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

## **1.8A Savings provisions relating to development applications**

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

## **1.9 Application of SEPPs [compulsory]**

- (1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 36 of the Act.
- (2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies:

*State Environmental Planning Policy No 1—Development Standards*

## **Part 2 Permitted or prohibited development**

### **2.1 Land use zones [compulsory]**

The land use zones under this Plan are as follows:

#### **Residential Zones**

R2 Low Density Residential

R3 Medium Density Residential

R4 High Density Residential

#### **Business Zones**

B1 Neighbourhood Centre

B2 Local Centre

B3 Commercial Core

B4 Mixed Use

B6 Enterprise Corridor

#### **Industrial Zones**

IN2 Light Industrial

#### **Special Purpose Zones**

SP2 Infrastructure

#### **Recreation Zones**

RE1 Public Recreation

RE2 Private Recreation

#### **Environment Protection Zones**

E1 National Parks and Nature Reserves

E2 Environmental Conservation

## Waterway Zones

### W2 Recreational Waterways

#### 2.2 Zoning of land to which Plan applies [compulsory]

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 [compulsory]

- (1) The Land Use Table at the end of this Part specifies for each zone:
  - (a) the objectives for development, and
  - (b) development that may be carried out without development consent, and
  - (c) development that may be carried out only with development consent, and
  - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.
- (3) In the Land Use Table at the end of this Part:
  - (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
  - (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.
- (4) This clause is subject to the other provisions of this Plan.

#### Notes.

- 1 Schedule 1 sets out additional permitted uses for particular land.
- 2 Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act or, if applicable, Part 3A of the Act.
- 3 Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).
- 4 Clause 2.6 requires consent for subdivision of land.
- 5 Part 5 contains other provisions which require consent for particular development.

#### 2.4 Unzoned land [compulsory]

- (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 [compulsory]

- (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 [compulsory]

- (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. 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 [compulsory]

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 [optional]

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that:

- (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
  - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
  - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
  - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
- (5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

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## Land use table

### Note.

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

*State Environmental Planning Policy (Affordable Rental Housing) 2009* (including provision for secondary dwellings)

*State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*

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

*State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*

*State Environmental Planning Policy No 33—Hazardous and Offensive Development*

*State Environmental Planning Policy No 50—Canal Estate Development*

*State Environmental Planning Policy No 64—Advertising and Signage*

*State Environmental Planning Policy (Primary Production and Rural Development) 2019*

## 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 promote a high standard of urban design and built form within a landscaped setting that enhances the local character of the suburb and achieves a high level of residential amenity.~~

• To promote a high standard of urban design and built form that enhances the local character of the suburb and achieves a high level of residential amenity.

• To provide for housing within a landscaped setting that enhances the existing environmental character of Georges River local government area.

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### 2 Permitted without consent

Home occupations

### 3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Boatsheds; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Early education and care facilities; Educational establishments; Emergency services facilities; Environmental facilities; Environmental protection works; Group homes; Health services facilities; Home businesses; Home industries; Jetties; Oyster aquaculture; Pond-based aquaculture; Public

administration buildings; Recreation areas; **Respite day care centres**; **Roads**; Secondary dwellings; Semi-detached dwellings; Seniors housing; **Tank-based aquaculture**

#### 4 Prohibited

Any other development not listed above.

### 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 and contribute to the vibrancy of the neighbourhood.

~~• To promote a high standard of urban design and built form within a landscaped setting that enhances the local character of the suburb and achieves a high level of residential amenity.~~

• To promote a high standard of urban design and built form that enhances the local character of the suburb and achieves a high level of residential amenity.

• To provide for housing within a landscaped setting that enhances the existing environmental character of Georges River local government area.

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#### 2 Permitted without consent

Home occupations

#### 3 Permitted with consent

**Attached dwellings**; Bed and breakfast accommodation; **Boarding Houses**; Business identification signs; Car parks; **Centre-based child care facilities**; **Community facilities**; Dual occupancies; Dwellings houses; Early education and care facilities; Educational establishments; Emergency services facilities; Environmental facilities; Environmental protection works; **Group homes**; Health services facilities; Home businesses; Home industries; Jetties; **Multi dwelling housing**; **Neighbourhood shops**; **Oyster aquaculture**; **Places of public worship**; Public administration buildings; Recreation areas; **Respite day care centres**; **Roads**; Secondary dwellings; Semi-detached dwellings; **Seniors housing**; **Tank-based aquaculture**

#### 4 Prohibited

**Pond-based aquaculture**, any other development not listed above.

## 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 and contribute to the vibrancy of the neighbourhood while ensuring that business centres remain the focus for business and retail activity.
- To encourage development that maximises public transport patronage and promotes walking and cycling.

### 2 Permitted without consent

Home occupations

### 3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Business identification signs; Car parks; Centre-based childcare; Community facilities; Dual occupancies; Dwelling houses; Early education and care facilities; Educational establishments; Emergency services facilities; Environmental facilities; Environmental protection works; Group homes; Health services facilities; Home businesses; Hostels; Hotel or motel accommodation; Jetties; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation areas; Residential flat buildings; Respite day care centres; Restaurants or cafes; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Serviced apartments; Shops; Shop top housing; Small bars

### 4 Prohibited

Pond-based aquaculture; Tank-based aquaculture; any other development not listed above.

## Zone B1 Neighbourhood Centre

### 1 Objectives of zone

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To ensure development contributes to the vibrancy of the neighbourhood.
- To ensure residential development provides housing that meets the needs of the community.

### 2 Permitted without consent

Home occupations.

### 3 Permitted with consent

Boarding houses; Business premises; Centre-based child care facilities; Community facilities; Medical centres; Neighbourhood shops; Neighbourhood supermarkets; Oyster aquaculture; Respite day care centres; Roads; 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; Attached dwellings; Backpackers' accommodation; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Function centres; General industries; Heavy industrial storage establishments; Heavy industries; Helipads; High technology industries; Highway service centres; Home occupations (sex services); Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Jetties; Landscaping material supplies; Marinas; Mooring pens; Moorings; Multi dwelling housing; Open cut mining; Passenger transport facilities; Pond-based aquaculture; Port facilities; Pubs; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential flat buildings; Restricted premises; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Semi-detached dwellings; Sewerage systems; Sex services premises; Specialised retail premises; Storage premises; Timber yards; 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 ensure development contributes to the vibrancy and economic viability of the centre.
- To allow residential development to provide housing that meets the needs of the community.

### 2 Permitted without consent

Home occupations

### 3 Permitted with consent

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

### 4 Prohibited

Agriculture; Air transport facilities; Airstrips; Attached dwellings; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; General industries; Heavy industrial storage establishments; Heavy industries; Helipads; High technology industries; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Jetties; Marinas; Mooring pens; Moorings; Multi dwelling housing; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential flat buildings; Rural industries; Rural workers' dwellings; Secondary dwellings; Semi-detached dwellings; Sewerage systems; Sex services premises; Storage premises; 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; Wholesale supplies

## Zone B3 Commercial Core

### 1 Objectives of zone

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To encourage a range of tourism, recreation, function and entertainment uses.
- To strengthen the viability of existing centres through increased economic activity and employment.

### 2 Permitted without consent

Nil

### 3 Permitted with consent

Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Tank-based aquaculture; Any other development not specified in item 2 or 4.

### 4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Backpackers' accommodation; Bed and breakfast accommodation; 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; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; General industries; Heavy industrial storage establishments; Heavy industries; Helipads; Highway service centres; Home businesses; Home-based child care; Home industries; Home occupations; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Rural industries; Serviced apartments; Sewerage systems; Sex services premises; Storage premises; 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 B4 Mixed Use

### 1 Objectives of zone

- To provide a mixture of compatible land use.
- 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 allow residential development that contributes to the vitality of the centre and provides housing that meets the needs of the community.
- To encourage the provision of community facilities and public infrastructure so that all residents have reasonable access to a range of facilities and services.

### 2 Permitted without consent

Home occupations

### 3 Permitted with consent

Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4.

### 4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Attached dwellings; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; General industries; Heavy industrial storage establishments; Heavy industries; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Jetties; Marinas; Mooring pens; Moorings; Multi dwelling housing; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential flat buildings; Rural industries; Rural workers' dwellings; Secondary dwellings; Semi-detached dwellings; Sewerage systems; Sex services premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

## 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 provide for residential uses, but only as part of a mixed use development.
- To allow residential development that contributes to the vitality of the centre and provides housing that meets the needs of the community.
- To ensure that the access needs and traffic generated by development and their uses do not interfere with the safety and efficiency of the road network.

### 2 Permitted without consent

Home occupations

### 3 Permitted with consent

Business premises; Community facilities; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Landscaping material supplies; Light industries; Oyster aquaculture; Passenger transport facilities; Plant nurseries; Roads; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 4

### 4 Prohibited

Agriculture; Air transport facilities; Airstrips; Attached dwellings; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Crematoria; Depots; Dual occupancies; Dwelling houses; Early education and care facilities; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; General industries; Heavy industrial storage establishments; Heavy industries; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Jetties; Marinas; Mooring pens; Moorings; Multi dwelling housing; Open cut mining; **Pond-based aquaculture**; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential flat buildings; Restricted premises; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Semi-detached dwellings; Sewerage systems; Sex services premises; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities.



## Zone IN2 Light Industrial

### 1 Objectives of zone

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

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### 2 Permitted without consent

Nil

### 3 Permitted with consent

Agricultural produce industries; Depots; Funeral homes; Garden centres; Hardware and building supplies; Industrial training facilities; Light industries; Neighbourhood shops; Oyster aquaculture; Places of public worship; Roads; 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; Biosolids treatment facilities; Boat launching ramps; Boat sheds; Business premises; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Early education and care facilities; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; General industries; Health services facilities; Heavy industrial storage establishments; Heavy industries; Helipads; Highway service centres; Home businesses; Home occupations; Home occupations (sex services); Jetties; Marinas; Mooring pens; Moorings; Office premises; Open cut mining; Pond-based aquaculture; Port facilities; Pubs; Recreation facilities (major); Registered clubs; Residential accommodation; Respite day care centres; Roadside stalls; Rural industries; Sewage treatment plants; Shops; Small bars; Specialised retail premises; Tourist and visitor accommodation; Water recreation structures.

## 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 and public infrastructure.

### 2 Permitted without consent

Nil

### 3 Permitted with consent

Aquaculture; Car parks; Community facilities; Markets; Public administration buildings; Recreation areas; Respite day care centres; Roads; Signage; 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 other 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.

### 2 Permitted without consent

Environmental facilities, Environmental protection works.

### 3 Permitted with consent

**Aquaculture**; Boat launching ramps; Centre-based child care facilities; Emergency services facilities; Information and education facilities; Jetties; **Kiosks**; Markets; **Recreation areas**; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; **Roads**; Signage; Take away food and drink premises; Water recreation structures; Water storage facilities.

### 4 Prohibited

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 ensure the scale, density and form of development reflects the nature of the recreational use of the land and is compatible with the surrounding urban form and natural setting

### 2 Permitted without consent

Nil

### 3 Permitted with consent

Aquaculture; Bee keeping; Building identification signs; Business identification signs; Community facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Information and education facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Restaurants or cafes; Roads; Water recreation structures.

### 4 Prohibited

Any other development not specified in item 2 or 3.

## **Zone E1 National Parks and Nature Reserves**

### **1 Objectives of zone**

- To enable the management and appropriate use of land that is reserved under the *National Parks and Wildlife Act 1974* or that is acquired under Part 11 of that Act.
- To enable uses authorised under the *National Parks and Wildlife Act 1974*.
- To identify land that is to be reserved under the *National Parks and Wildlife Act 1974* and to protect the environmental significance of that land.

### **2 Permitted without consent**

Uses authorised under the *National Parks and Wildlife Act 1974*.

### **3 Permitted with consent**

Nil

### **4 Prohibited**

Any development not specified in item 2 or 3.

## **Zone E2 Environmental Conservation**

### **1 Objectives of zone**

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

### **2 Permitted without consent**

Environmental protection works.

### **3 Permitted with consent**

Environmental facilities; Information and education facilities; Jetties; Oyster aquaculture; Roads.

### **4 Prohibited**

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

## 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.

### 2 Permitted without consent

Nil

### 3 Permitted with consent

Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Environmental facilities; Environmental protection works; Jetties; Kiosks; Marinas; Mooring pens; Moorings; Roads; 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 [compulsory]

**Note.**

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

The section states that exempt development:

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

**Note.**

See *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* and Part 5A of the *Local Land Services Act 2013*.



(6) A heading to an item in Schedule 2 is part of that Schedule.

### 3.2 Complying development [compulsory]

- (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 [compulsory]

- (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*.

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## Part 4 Principal development standards

### 4.1 Minimum subdivision lot size [optional]

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

- (a) to ensure that new lots created have sufficient area for development to comply with the relevant development standards and controls,
- (b) to ensure that subdivision reflects the subdivision pattern of the area,
- (c) to ensure lot size reflects the land's environmental capability with consideration to topography and other natural features.

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

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

(3A) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle and any right of carriage way is not to be included in calculating the lot size.

(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*.

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

[Not adopted]

### 4.1A Minimum subdivision lot size for dual occupancies

- (1) The objective of this clause is to allow for the subdivision of lots used for the purpose of a dual occupancy that complies with the relevant development standards and controls.
- (2) Despite clauses 4.1 and 4.1B, development consent may be granted for the subdivision of land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, or Zone R4 High Density Residential, but only if:
  - (a) there is a dual occupancy on the land that was lawfully erected, and
  - (b) the lot size for each resulting lot will be at least 300 square metres.
- (3) Despite clauses 4.1, subclause(2) and 4.1B, development consent may be granted for the subdivision of land in the Foreshore Scenic Protection Area as identified on the [Foreshore Scenic Protection Area Map](#), but only if:
  - (a) there is a dual occupancy on the land that was lawfully erected, and

- (b) the lot size for each resulting lot will be at least 430 square metres.
- (4) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle and any right of carriageway is not to be included in calculating the lot size.

**4.1B Minimum lot sizes and special provisions for certain dwellings**

- (1) The objectives of this clause are as follows:
  - (a) to ensure that lots for residential accommodation are of sufficient size to accommodate proposed dwellings, setbacks to adjoining residential land, private open space and landscaped areas, driveways and vehicle manoeuvring areas,
  - (b) to ensure that dual occupancies in Zone R2 Low Density Residential retain the general low-density scale and character of existing single dwelling development,
  - (c) to ensure that multi dwelling housing in Zone R3 Medium Density Residential retain the general medium-density scale and character of existing multi dwelling development,
  - (d) to minimise any likely adverse impact of the development on the amenity of the area,
  - (e) where an existing lot is inadequate in terms of its area or width—to require the consolidation of 2 or more lots.
- (2) Despite any other provision of this Plan, development consent must not be granted to development on a lot in a zone shown in Column 2 of the table to this clause for a purpose shown in Column 1 of the table opposite that zone unless:
  - (a) the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the table, and
  - (b) the width of the lot at the front building line is equal to or greater than the width specified for that purpose and shown opposite in Column 4 of the table.

Column 1	Column 2	Column 3	Column 4
Attached dwellings	Zone R3 Medium Density Residential	800 square metres	21 metres
Attached dwellings	Zone R4 High Density Residential	800 square metres	21 metres
Dual occupancies	Zone R2 Low Density Residential	650 square metres	15 metres
Dual occupancies	Zone R3 Medium Density Residential	650 square metres	15 metres
Dual occupancies	Zone R4 High Density Residential	650 square metres	15 metres
Multi dwelling housing	Zone R3 Medium Density Residential	800 square metres	18 metres
Multi dwelling housing	Zone R4 High Density Residential	800 square metres	18 metres

- (3) Despite subclause (2), development consent must not be granted to dual occupancies in the Foreshore Scenic Protection Area unless the area of the lot is equal to or greater than 1,000 square metres, as shown on the [Minimum Lot Size for Dual Occupancy Map](#).
- (4) Despite subclause (2), development consent must not be granted to dual occupancies consisting of two dwellings (attached), with both dwellings facing the primary street frontage, unless the width of the lot at the front building line is equal to or greater than 15 metres.
- (5) Despite subclause (2), development consent must not be granted to dual occupancies (detached) consisting of two dwellings one in front of the other, with one dwelling facing the primary street frontage, unless the width of the lot at the front building line is equal to or greater than 18 metres.
- (6) Despite subclause (2), development consent must not be granted to dual occupancies (detached) consisting of two dwellings side by side, with both dwellings facing the primary street frontage, unless the width of the lot at the front building line is equal to or greater than 22 metres.
- (7) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle and any right of carriageway is not to be included in calculating the lot size.

#### **4.2 Rural subdivision**

[Not applicable]

#### **4.3 Height of buildings [optional]**

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

- (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,
- (b) to minimise the impact of overshadowing, visual impact, disruption of views and loss of privacy on adjoining properties and open space areas,
- (c) to ensure that developments provide appropriate height transition to adjoining land use zones,
- (d) to ensure that developments provide appropriate height transition to items and areas of heritage significance.

(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](#).

#### **4.3A Exceptions to height of buildings**

- (1) Despite clause 4.3, the maximum height of dual occupancies is 9 metres on land in Zone R3 Medium Density Residential and Zone R4 High Density Residential.
- (2) Despite clause 4.3, the maximum height of a multi dwelling housing is 5 metres for any dwelling that is adjacent to the rear boundary.

#### 4.4 Floor space ratio

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

- (a) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the local area,
- (b) to ensure that developments provide appropriate built form transition to adjoining land use zones,
- (c) to ensure that developments provide appropriate built form transition to items and areas of heritage significance,
- (d) to control development density and intensity of land use, taking into account:
  - i) the environmental constraints and values of the site, including retaining the scenic, visual, and landscape qualities of the area, and
  - ii) the amenity of adjoining land and the public domain, and
  - iii) the availability of infrastructure to service the site, and
  - iv) the capacity of the road network to accommodate the vehicular and pedestrian traffic the development will generate.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

#### 4.4A Exceptions to floor space ratio for certain dwellings

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

- (a) to ensure that the bulk and scale of development are compatible with the size of the lot, and
- (b) to promote good residential amenity.

(2) Despite clause 4.4(2), the floor space ratio for dwelling houses on land identified as “Area 1” on the [Floor Space Ratio Map](#) with a site area within the specified range in Column 1 of the table to this clause must not exceed the maximum gross floor area shown opposite that site area in Column 2 of that table.

Column 1	Column 2
≤ 650 square metres	Site area × 0.55
> 650 square metres ≤ 1000 square metres	(Site area – 650) × 0.3 + 357.50
> 1000 square metres ≤ 1500 square metres	(Site area – 1000) × 0.2 + 462.50
> 1500 square metres	(Site area – 1500) × 0.1 + 562.50

- (3) Despite clause 4.4(2) and subclause (2), the maximum floor space ratio for residential accommodation on land identified as “Area 2” on the [Floor Space Ratio Map](#) must not exceed 0.6:1.
- (4) Despite clause 4.4(2), the floor space ratio for dual occupancies on land with a site area within the specified range in Column 1 of the table to this clause must not exceed the maximum gross floor area shown opposite that site area in Column 2 of that table.

Column 1	Column 2
≤ 1000 square metres	Site area × 0.6
>1000 square metres ≤ 1500 square metres	(Site area - 1000) × 0.3 + 600
>1500 square metres ≤ 2000 square metres	(Site area - 1500) × 0.2 + 750
>2000 square metres	(Site area - 2000) × 0.1 + 850

#### 4.4B Non-residential floor space ratios

- (1) The objective of this clause is to encourage an appropriate mix of residential and non-residential uses in order to ensure a suitable level of non-residential floor space is provided to promote employment and reflect the hierarchy of the business zones.
- (2) Despite clause 4.4, development consent must not be granted for development on land in Zone B1 Neighbourhood Centre, Zone B2 Local Centre or B4 Mixed Use unless the non-residential floor space ratio is at least 0.3:1.
- (3) Despite subclause (2), development consent must not be granted for development on land identified as “Area 3” on the [Floor Space Ratio Map](#) unless the non-residential floor space ratio is at least 0.5:1.
- (4) Despite clause 4.4, development consent must not be granted for development on land identified as “Area 4” on the [Floor Space Ratio Map](#) unless the non-residential floor space ratio is at least 1:1.
- (5) Despite clause 4.4, development consent must not be granted for development on land identified as “Area 5” on the [Floor Space Ratio Map](#) unless the non-residential floor space ratio is at least 0.7:1.
- (6) In this clause, **non-residential floor space ratio** means the ratio of the gross floor area of that part of a building not used for the purpose of residential accommodation, but may include any part of the ground floor used for the lobby of a commercial, residential, serviced apartment or hotel component of the development, within the site to the site area.

#### 4.5 Calculation of floor space ratio and site area [optional]

##### (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.
- (c) 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 [compulsory]**

(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.
- (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 Controls relating to miscellaneous permissible uses,
  - (d) clause 6.14 Development for the purposes of dual key dwellings in Zones R2 and R3, and
  - (e) clause 6.16 Take away food and drink premises and restaurants or café in Zone IN2.

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## Part 5 Miscellaneous provisions

### 5.1 Relevant acquisition authority [compulsory]

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

**Note.**

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

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

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

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

### 5.2 Classification and reclassification of public land [compulsory]

- (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

[Not adopted]

### 5.4 Controls relating to miscellaneous permissible uses [compulsory]

(1) **Bed and breakfast accommodation**

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

**Note.**

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

(2) **Home businesses**

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

(3) **Home industries**

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

**(4) Industrial retail outlets**

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

- (a) 20% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
  - (b) 400 square metres,
- whichever is the lesser.

**(5) Farm stay accommodation**

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

**(6) Kiosks**

If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 15 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 8 square metres.

**(9) Secondary dwellings**

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

- (a) 60 square metres,
- (b) 10% of the total floor area of the principal dwelling.

**(10) Artisan food and drink industry exclusion**

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

- (a) 20% of the gross floor area of the industry, or
  - (b) 400 square metres,
- whichever is the lesser.

## 5.5 (Repealed)

## 5.6 Architectural roof features

[Not adopted]

## 5.7 Development below mean high water mark [compulsory if land to which Plan applies contains tidal waters]

- (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 [compulsory]

- (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 [compulsory]

### 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 *Georges River local government area*.
- (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 [compulsory]**

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 [compulsory]**

- (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 Pond-based, tank-based and oyster aquaculture [compulsory]**

**(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.

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## Part 6 Additional local provisions

### 6.1 Acid sulphate 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.

## 6.2 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 and amenity, cultural or heritage items or features of the surrounding land.
- (2) Development consent is required for earthworks unless the earthworks are ancillary to:
  - (a) development that is permitted without consent under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, or
  - (b) development for which development consent has been granted.
- (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) demonstration of the geotechnical stability of sloping land to support the development,
  - (c) the effect of the development on the likely future use or redevelopment of the land,
  - (d) designed to minimise the height and bulk of the development, particularly on sloping land,
  - (e) designed to minimise the need for cut and fill, particularly on sloping land, by stepping the development to accommodate the fall in the land,
  - (f) the effect of the development on the existing and likely amenity and structural integrity of adjoining properties,
  - (g) the effect of the development on the health and vitality of trees on the land and adjoining lands,
  - (h) the impact on the scenic and visual amenity of the Georges River foreshore,

- (i) the quality and source of any fill material,
  - (j) the quality of the soil to be excavated and its proposed disposal location,
  - (k) any appropriate measures to minimise the potential for soil erosion,
  - (l) designed to incorporate and maintain an appropriate landscape setting, and
  - (m) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development, including having regard to natural site features, such as rock features and outcrops, remnant bushland and watercourses.
- (4) In this clause:  
**Sloping land** refers to a site with a slope of 15% or greater.

### 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 identified as "Flood planning area" on the [Flood Planning Map](#), and
  - (b) other land at or below the flood planning level.
- (3) Before granting development consent to development on land to which this clause applies 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 area** means the land shown as “Flood planning area” on the Flood Planning Map.

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

**Flood Planning Map** means the Georges River Local Environment Plan 2020 Flood Planning Map.

#### 6.4 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 development consisting of the erection of a new building, the substantial redevelopment or the substantial refurbishment of an existing building on all land.
- (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:
    - i) maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water,
    - ii) minimise the impacts of the development on Council's drainage network and existing users of the network by reducing peak flows, and
    - iii) reduce the likelihood and severity of downstream flooding,
  - (b) includes, if practicable, on-site stormwater detention or retention to minimise run-off volumes and reduce the development's reliance on mains supplied water, groundwater or river water, and
  - (c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland, receiving waters and the downstream stormwater system, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.

#### 6.5 Foreshore area and coastal hazards and risks

- (1) The objectives of this clause are as follows:
  - (a) to protect people and property from unacceptable risk from coastal hazards associated with climate change,
  - (b) to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area,
  - (c) to encourage opportunities for public access to and along the foreshore.
- (2) This clause applies to:

- (a) Land identified on the [Coastal Hazard and Risk Map](#),
  - (b) Land identified on the [Foreshore Building Line Map](#).
- (3) Development consent must not be granted for development on land subject to this clause, except for the following purposes:
- (a) the extension, alteration or rebuilding of an existing building located wholly or partly in the areas identified in subclause (2), if the footprint of the extension or alteration will not extend any further forward of the foreshore building line or further into the land identified on the [Coastal Hazard and Risk Map](#), than the footprint of the existing dwelling,
  - (b) the erection of a building if the levels, depth or other exceptional features of the site make it appropriate to do so,
  - (c) boat sheds, sea retaining walls, wharves, slipways, jetties, works to enable pedestrian access to the waterway, swimming pools, fences, cycleways or walking trails.
- (4) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following:
- (a) whether the development addresses the impacts of sea level rise and tidal inundation as a result of climate change,
  - (b) whether the development could be located on parts of the site not exposed to coastal hazards,
  - (c) whether the development will cause congestion or generate conflict between people using open space areas or the waterway, and
  - (d) opportunities to provide reasonable, continuous public access along the foreshore, considering the needs of property owners.
- (5) In this clause:

**foreshore area** means the land between the foreshore building line and the mean high water mark of the nearest bay or river.

**foreshore building line** means the line shown as the foreshore building line on the [Foreshore Building Line Map](#).

## 6.6 Riparian lands and **waterways**

- (1) The objective of this clause is to protect and maintain the following:
- (a) water quality within **waterways**,
  - (b) the stability of the bed and banks of **waterways**,
  - (c) aquatic and riparian **species, communities, populations and** habitats,
  - (d) ecological processes within **waterways** and riparian areas.

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(e) **Aboriginal cultural heritage values of waterways and riparian lands**

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(2) This clause applies to land identified as “Sensitive Land” on the **Riparian Lands and Waterways Map**.

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(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider:

(a) whether the development is likely to have any adverse impact on the following:

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i) the water quality and flows within the **waterway**,

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ii) the stability of the bed, **shore** and banks of the **waterway**,

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iii) integrity of coastal wetlands located within the vicinity of the land including the aquatic and riparian species, habitats and ecosystems of the **waterway**,

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iv) pollution or siltation of the waterway arising from the development,

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v) impact on indigenous trees and other vegetation, including opportunities for additional planting **of local native riparian vegetation**, and

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vi) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

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(b) whether or not the development is likely to increase water extraction from the **waterway** and

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(c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

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

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(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or

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(b) if the impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

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(c) if the impact cannot be minimised—the development will be managed to mitigate that impact.

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## 6.7 Foreshore scenic protection area

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

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(a) to protect, maintain and improve the scenic amenity of the Georges River foreshore,

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(b) to protect, maintain and improve significant views to and from the Georges River,

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- (c) to protect, maintain and improve the diversity and condition of native vegetation and habitats,
  - (d) to reinforce and improve the dominance of landscape over built form, hard surfaces and cut and fill,
  - (e) to encourage the recovery and repopulation of threatened species and their communities, populations and their habitats,
  - (f) to enhance existing environmental, social and character values of the foreshore.
- (2) This clause applies to land identified on the [Foreshore Scenic Protection Area Map](#).
- (3) Before determining a development application for development on land to which this clause applies, the consent authority is satisfied that the development facilitates the following:
- (a) protection of the natural environment, including topography, rock formations, canopy vegetation or other significant vegetation,
  - (b) **avoids and minimises** disturbance and adverse impacts on remnant vegetation communities, habitat and threatened species and populations,
  - (c) maintenance **and enhancement** of native vegetation and habitat in parcels of a size, condition and configuration that will facilitate biodiversity protection and native flora and fauna movement through biodiversity corridors,
  - (d) achievement of no net loss of significant vegetation or habitat,
  - (e) avoidance of clearing steep slopes and facilitation of the stability of the land,
  - (f) minimising the height and bulk by stepping the development to accommodate the fall in the land,
  - (g) minimising impact on the views and visual environment, including views to and from the Georges River, foreshore reserves, residential areas and public places, and
  - (h) compatibility with desired future neighbourhood character, including the interrelationship between elements in the public and private domains such as buildings, open space and vegetation.

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## 6.8 Airspace operations

- (1) The objectives of this clause are to:
- (a) provide for the effective and on-going operation of airports by ensuring that such operation is not compromised by proposed development that penetrates the Obstacle Limitation Surface or the Procedures for Air Navigation Systems Operations Surface for that airport,
  - (b) protect the community from undue risk from the airport operation.
- (2) If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Obstacle Limitation Surface or the Procedures for

Air Navigation Systems Operations Surface as shown on the Obstacle Limitation Surface Map or the Procedures for Air Navigation Systems Operations Surface Map for the airports, the consent authority must not grant development consent unless it has notified the operator of 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 the:
  - (a) development will penetrate the Obstacle Limitation Surface or the Procedures for Air Navigation Systems Operations Surface but it has no objection to its construction, or
  - (b) development will not penetrate the Obstacle Limitation Surface or the Procedures for Air Navigation Systems 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 Obstacle Limitation Surface or the Procedures for Air Navigation Systems Operations Surface and should not be constructed.
- (5) In this clause:

**relevant Commonwealth body** means the body that is responsible for controlled activity approvals for development that penetrates the Obstacle Limitation Surface or the Procedures for Air Navigation Systems Operations Surface for the airports under Commonwealth legislation, within the meaning of *Airports Act 1996* and *Airports (Protection of Airspace) Regulations 1996*.

## 6.9 Development in areas subject to aircraft noise

- (1) The objectives of this clause are to:
  - (a) prevent certain noise sensitive developments from being located near the Sydney Kingsford Smith Airport and its flight paths,
  - (b) 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 that:
  - (a) is on land that:
    - i) is near the Sydney Kingsford Smith Airport, and
    - ii) is in an ANEF contour of 20 or greater, and
  - (b) the consent authority considers is likely to be adversely affected by aircraft noise.
- (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 an increase in the number of dwellings or people affected by aircraft noise,
- (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, *Acoustics-Aircraft noise intrusion- Building siting and construction*, and
- (c) must be satisfied that the development will meet AS 2021, *Acoustics-Aircraft noise intrusion- Building siting and construction* with respect to interior noise levels for the purposes of:
  - i) if the development will be in an ANEF contour of 20 or greater - child care centres, educational establishments, entertainment facilities, hospitals, places of public worship, public administration buildings or residential accommodation, and
  - ii) if the development will be in an ANEF contour of 25 or greater - business premises, hostels, hotel or motel accommodation, office premises or retail premises.

(4) In this clause:

**airport** means civil, military or joint civil and military airport.

**ANEF contour** means a noise exposure contour shown as an ANEF contour on the *Australian Noise Exposure Forecast Contour Map* for that airport endorsed by the Department of the Commonwealth responsible for airports.

#### 6.10 Essential services

- (1) The objective of this clause is to ensure that essential services are provided to a site prior to development.
- (2) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:
  - (a) the supply of water,
  - (b) the supply of electricity,
  - (c) the supply of telecommunications facilities,
  - (d) the disposal and management of sewage,
  - (e) adequate management of stormwater,
  - (f) suitable road and vehicular access.

## 6.11 Design excellence

- (1) The objective of this clause is to deliver the highest standard of sustainable architecture and urban design.
- (2) This clause applies to development consisting of the erection of a new building, the substantial redevelopment or the substantial refurbishment of an existing building or the conversion of an existing building that:
  - (a) is on land that is located in business and industrial zones and Zone R4 High Density Residential, and is consisting of any of the following:
    - i) Residential accommodation of at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking),
    - ii) Development that varies the maximum height and/or floor space ratio of an environmental planning instrument by 10% or more,
    - iii) Commercial premises exceeding 12m in height,
    - iv) Industrial buildings exceeding 12m in height,
  - (b) is on land that is located in the Foreshore Scenic Protection Area as identified on the [Foreshore Scenic Protection Area Map](#), and is consisting of any of the following:
    - i) Bed and breakfast accommodation,
    - ii) Health services facilities,
    - iii) Marinas,
    - iv) Residential accommodation with the exception of secondary dwellings,
    - v) Development that varies the maximum height and/or floor space ratio of an environmental planning instrument by 10% or more.
- (3) Development consent must not be granted to development to which this clause applies unless:
  - (a) the consent authority considers that the development exhibits design excellence in accordance with subclause (4), and
  - (b) the development has been reviewed by an urban designer or a registered architect appointed from an independent panel as nominated by Georges River Council.
- (4) In considering whether the development exhibits design excellence, the consent authority must have regard to the following:
  - (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 proposed development will improve the quality and amenity of the public domain,
- (c) whether the proposed development detrimentally impacts on view corridors,
- (d) how the proposed development addresses the following matters:
  - i) the suitability of the land for development,
  - ii) the existing and proposed uses and use mix,
  - iii) density of the development in its context
  - iv) the bulk, massing and modulation of buildings,
  - v) street frontage heights,
  - vi) any heritage issues and streetscape constraints,
  - vii) 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,
  - viii) environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,
  - ix) incorporation of water sensitive urban design principles,
  - x) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network,
  - xi) supporting social connections through the provision of communal spaces and meeting places
  - xii) the impact on, and any proposed improvements to, the public domain,
  - xiii) the impact on any special character area,
  - xiv) achieving appropriate interfaces at ground level between the building and the public domain,
  - xv) the provision of public art in the public domain,
  - xvi) promoting safety using CPTED principles,
  - xvii) excellence and integration of landscape design, and

**xviii) the provision of integrated waste and recycling infrastructure on site, addressing storage, safety, efficiency, accessibility to waste, reuse and recycling services, and collection without compromising the safety and amenity of the public domain, (in response to EPA submission).**

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### **Plain English Explanation of 6.11 Design excellence**

In response to the *Local Strategic Planning Statement 2040* vision for well-designed development, this clause has been introduced to deliver a high standard of architecture and urban design across the LGA. It applies to new developments and substantial redevelopments of 12m or taller in the business, industrial and high density residential zones, as well as certain developments in the Foreshore Scenic Protection Area (FSPA) such as dwelling houses, dual occupancies, bed and breakfast accommodation, health services facilities and marinas.

No design competition is required by this clause. Instead, the subject development will need to be peer-reviewed by an urban designer or a registered architect appointed from Council's panel of design experts against the heads of consideration listed in this clause. The criteria include the suitability of the land for development, 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, bulk, massing and modulation of buildings.

### **6.12 Environmental sustainability in certain business, industrial and residential zones**

- (1) The objective of this clause is to ensure that development to which this clause applies is consistent with principles of best practice environmentally sensitive design.
- (2) This clause applies to development consisting of the erection of a new building, the substantial redevelopment or the substantial refurbishment of an existing building or the conversion of an existing building that is 1,500 square metres or greater in gross floor area located on land in the following zones:
  - (a) Zone R4 High Density Residential,
  - (b) Zone B1 Neighbourhood Centre,
  - (c) Zone B2 Local Centre,
  - (d) Zone B3 Commercial Core,
  - (e) Zone B4 Mixed Use,
  - (f) Zone B6 Enterprise Corridor,
  - (g) Zone IN2 Light Industrial.
- (3) Before granting development consent to development on land to which this clause applies the consent authority must consider the following principles of best practice environmentally sensitive design:
  - (a) water demand reduction, including water efficiency, water recycling and minimisation of potable water usage,
  - (b) energy demand reduction, including energy generation, use of renewable energy and reduced reliance on mains power,

- (c) reducing the urban heat island effect by increasing urban vegetation, reflective and permeable surfaces,
  - (d) indoor environmental quality, including daylight provision, glare control, cross ventilation, thermal comfort,
  - (e) a reduction in new materials consumption and use of sustainable materials, including recycled content in concrete, sustainable timber and PVC minimisation, and
  - (f) transport initiatives to reduce car dependence such as providing cycle facilities, car share and small vehicle parking spaces.
- (4) A statement of verification must be submitted by an Australian Building Sustainability Association accredited assessor demonstrating that the development satisfies the principles identified in subclause (3).

**Plain English Explanation of 6.12 Environmental sustainability in certain business, industrial and residential zones**

The objective of this clause is to ensure that all development involving the erection of a new building, the substantial redevelopment or the substantial refurbishment of an existing building or the conversion of an existing building that is 1,500sqm or greater in gross floor area located on land in the business, industrial and high density residential zones embrace the best practice principles of environmentally sustainable development.

The clause requires a statement of verification to be submitted with the development application by an Australian Building Sustainability Association accredited assessor demonstrating that the development satisfies environmentally sustainable principles such as water efficiency, reducing the urban heat island effect and reducing energy demands.

**6.13 Landscaped areas in certain residential and environmental protection zones**

- (1) The objectives of this clause are as follows:
- (a) to ensure adequate opportunities exist for the retention or provision of vegetation that contributes to biodiversity and, in the case of trees, enhances the tree canopy of the Georges River local government area,
  - (b) to minimise urban run-off by maximising permeable areas on development sites,
  - (c) to ensure that the visual impact of development is minimised by sufficient and appropriately located landscaping that complements the scale of buildings,
  - (d) to reduce the urban heat island effect by increasing urban vegetation and permeable surfaces.
- (2) This clause applies to land in the following zones:
- (a) Zone R2 Low Density Residential,
  - (b) Zone R3 Medium Density Residential,

(c) Zone R4 High Density Residential,

(d) Zone E2 Environmental Conservation.

(3) Despite subclause (2), this clause does not apply to development subject to *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*.

(4) Before granting development consent to development on land to which this clause applies the consent authority must be satisfied that the landscaped area:

(a) enables the establishment of appropriate plantings to maintain and enhance the streetscape and the desired future character of the locality,

(b) enables the establishment of appropriate plantings that are of a scale and density commensurate with the building height, bulk and scale,

(c) enhances privacy between dwellings,

(d) enables the establishment of indigenous vegetation and habitat for native fauna, and

(e) conserves significant natural features of the site.

(5) Development consent may be granted for development to which this clause applies subject to the provision of the following minimum landscaped areas (as a percentage of the site area):

(a) 20% for dwelling houses located outside of the Foreshore Scenic Protection Area,

(b) 25% for dwelling houses located within the Foreshore Scenic Protection Area,

(c) 25% per lot for dual occupancies located outside of the Foreshore Scenic Protection Area,

(d) 30% per lot for dual occupancies located within the Foreshore Scenic Protection Area,

(e) 20% for development in Zone R3 Medium Density Residential,

(f) 10% for development in Zone R4 High Density Residential,

(g) 70% for development in Zone E2 Environmental Conservation.

(6) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle and any right of carriageway is not to be included in calculating the site area.

(7) In this clause:

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

**Foreshore Scenic Protection Area** means any land shown on the [Foreshore Scenic Protection Area Map](#).

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**Plain English Explanation of 6.13 Landscaped areas in certain residential and environmental protection zones**

The natural environment is highly valued by the Georges River community. To ensure development, especially in the private domain, is accompanied by an appropriate level of landscaping, this clause has been introduced to specify minimum landscaping requirements in the residential and E2 zones.

This clause seeks to ensure landscaping is a significant part of the local character by requiring the retention and provision of vegetation that contributes to biodiversity and enhances the tree canopy of the LGA, whilst minimising urban run-off, the visual impact of development and the urban heat island effect.

Refer to the Dictionary for the definition of “landscaped area”.

The proposed minimum landscaped area requirements are tabulated below:

Development Type/Area	Proposed requirement	Example
Dwelling house (non-FSPA)	20% of site area	90sqm is required on a 450sqm site
Dwelling house (FSPA)	25% of site area	175sqm is required on a 700sqm site
Dual occupancy (non-FSPA)	25% of site area	81.25sqm per lot (or 162.5sqm total) is required on a 650sqm site
Dual occupancy (FSPA)	30% of site area	150sqm per lot (or 300sqm total) is required on a 1,000sqm site
Medium density development (e.g. multi dwelling housing)	20% of site area	160sqm is required on a 800sqm site
R4 zones (excludes SEPP 65 development such as apartments)	10% of site area	100sqm is required on a 1,000sqm site
E2 zone (only one site in the LGA)	70% of site area	16,520sqm is required on the 23,600sqm site

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**6.14 Development for the purposes of dual key dwellings in Zones R2 and R3**

- (1) The objectives of this clause are as follows:
  - (a) to ensure that dual key dwellings on land to which this clause applies are of low impact and do not adversely affect the specific ecological, social and aesthetic values of the land,
  - (b) to provide housing diversity that meets the needs of the community.
- (2) This clause applies to land in the following zones:
  - (a) Zone R2 Low Density Residential,
  - (b) Zone R3 Medium Density Residential.

- (3) Development consent must not be granted to development for the purposes of a dual key dwelling on land to which this clause applies unless the consent authority is satisfied that:
- (a) the gross floor area of the dual key dwelling does not exceed 75 square metres,
  - (b) the dual key dwelling will be located entirely within the external walls of an existing principal dwelling,
  - (c) there are no other dual key dwellings or secondary dwellings on the land, and
  - (d) the gross floor area of the dual key dwelling and existing principal dwelling does not exceed the floor space ratio specified in clauses 4.4 and 4.4A.

(4) In this clause:

**dual key dwelling** means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the **principal dwelling**),
- (b) is on the same lot of land as the principal dwelling,
- (c) is located within the external walls of an existing principal dwelling, and
- (d) must not be subdivided into a separate lot from the principal dwelling.

**development for the purposes of a dual key dwelling** includes the following:

- (a) the erection of, or alterations or additions to, a dual key dwelling,
- (b) alterations or additions to a principal dwelling for the purposes of a dual key dwelling.

#### **6.15 Development in certain business zones**

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

- (a) to promote uses that attract pedestrian traffic at street level,
- (b) to maintain existing and encourage additional non-residential uses at ground floor street level,
- (c) to strengthen the viability of existing centres,
- (d) to maintain opportunities for business and retail development that is suited to high exposure locations while ensuring that the town centres remain the focus for economic activity and employment.

(2) This clause applies to land in the following business zones:

- (a) Zone B1 Neighbourhood Centre,
- (b) Zone B2 Local Centre,

- (c) Zone B4 Mixed Use,
  - (d) Zone B6 Enterprise Corridor.
- (3) Development consent must not be granted for the purposes of residential accommodation or tourist and visitor accommodation on the ground floor of a building that is facing a street, other than any part of that floor used for the purposes of:
- (a) lobbies for any commercial, residential, serviced apartment or hotel component of the development,
  - (b) essential services,
  - (c) access for fire services,
  - (d) vehicular access.
- (4) Development consent must not be granted for development in Zone B6 Enterprise Corridor unless the consent authority is satisfied that no less than 500 square metres of the gross floor area on the ground floor will be used for non-residential uses, including uses specified in subclause (3).

#### **6.16 Take away food and drink premises and restaurants or café in Zone IN2**

- (1) The objective of this clause is to meet the needs of those who work within or visit the industrial precincts while ensuring that the town centres remain the focus for business and retail activity.
- (2) This clause applies to development or change of use for the purposes of a restaurant or café or take away food and drink premises on land in Zone IN2 Light Industrial.
- (3) Development consent may be granted if the floor area of the restaurant or café or take away food and drink premises does not exceed:
  - (a) 20% of the gross floor area of the industrial activity located on the same land as the restaurant or café or take away food and drink premises, or
  - (b) 200 square metres,whichever is the lesser.

#### **6.17 Creative industries in Zone IN2**

- (1) The objective of this clause is to foster a diverse range of industries in the IN2 Light Industrial zone, including creative and innovative industries that do not compete with commercial centres and do not compromise industrial or urban services activities.
- (2) This clause applies to the development or change of use for creative industries on land identified on the [Key Sites Map](#).
- (3) Development consent for the purpose of office premises may only be granted, where the consent authority is satisfied that the development or change of use is to be used for the purpose of 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.

### Plain English Explanation of 6.17 Creative industries in Zone IN2

This local provision is intended to encourage a diverse range of industries (including creative and innovative industries) that do not compete with commercial centres and do not compromise industrial and urban services within the IN2 Light Industrial zone.

Although office premises are prohibited in the IN2 zones across the LGA, this clause allows office premises for the purposes of creative industries such as media, advertising, fine arts and craft, design, film and television, music, publishing, performing arts, cultural heritage institutions and other related uses to be permitted in developments located in the two industrial precincts below:

- Penshurst Lane, Penshurst (refer to **Figure 1** below) industrial precinct
- Halstead Street, South Hurstville (refer to **Figure 2** below) industrial precinct



Figure 1: Penshurst Lane, Penshurst industrial precinct



Figure 2: Halstead Street, South Hurstville industrial precinct

## 6.18 Location of sex services premises

- (1) The objective of this clause is to restrict the location of sex services premises.
- (2) Development consent must not be granted for development for the purposes of sex services premises if the premises will be located:
  - (a) on land in, or that adjoins, or that is separated only by a road from, or is within 50 metres (measured from the boundary of an allotment upon which the premises are proposed) from, land in any of the following zones:
    - i) Zone R2 Low Density Residential,
    - ii) Zone R3 Medium Density Residential,
    - iii) Zone R4 High Density Residential, or
  - (b) on land that adjoins, or that is separated only by a road from, land that adjoins land used or partly used for residential purposes, or
  - (c) on land that adjoins, or that is separated only by a road from, land used as a place of public worship or for community or school uses or hospital, or
  - (d) on land that adjoins, or that is separated only by a road from, land in Zone RE1 Public Recreation or Zone E2 Environmental Conservation.
- (3) In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider the following:
  - (a) the impact of the proposed development on land that is frequented by children or any land referred to in subclause (2),
  - (b) whether the operation of the proposed development will be likely to cause a disturbance in the neighbourhood because of its size or the number of people working at the sex services premises,
  - (c) whether the operation of the proposed development will be likely to cause a disturbance in the neighbourhood when taking into account other sex services premises operating in the neighbourhood involving similar hours of operation,
  - (d) whether the operation of the proposed development will be likely to interfere with the amenity of the neighbourhood.



## 6.19 Tree protection and landscaping in Zones R2 and R3

(1) The objective of this clause is to ensure any development undertaken on land in the R2 Low Density Residential and the R3 Medium Density Residential zones maintains and enhances the landscaped character of the neighbourhood and contributes to the tree canopy of the local government area.

(2) Before granting development consent to development on land to which this clause applies, the consent authority must consider the following —

(a) the extent to which the development integrates to protect existing trees, natural landscape feature (such as rock, outcrops, remnant bushland and natural watercourses) and a well-designed landscaped setting (such as new trees, shrubs and lawns and usable open space areas).

(b) an assessment of the current health, condition and structure of the tree(s) on the land,

(c) an assessment of the contribution made by the existing tree(s) on the land to the natural landscape or local character of the locality including environmental, heritage, cultural and amenity factors.

(d) the extent to which the design of the development minimises or avoids potential conflict between trees, landscape features and structures on site and on any neighbouring property.

(e) the building construction methods will minimise the impact on trees and their root systems on site and on any neighbouring property.

(f) existing trees on the site and any adjoining land can be retained with Tree Protection Zone (TPZ) being 12 x trunk diameter (DBH) when measured at 1.4 metres from ground level. (this is the calculation of the TPZ area).

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

(a) where there are no trees on a site, one tree reaching a mature height of 8 metres is planted.

(b) when one tree is removed, two or more advanced approved species (45L pot size or greater) are to be planted or, the payment of an offset fee (per tree) calculated by an endorsed method of valuation (e.g. Thyer Method of Valuation).

(c) the site has deep soil planting areas and landscaped areas to allow for replanting of replacement trees and the creation of a landscape setting.

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## **Schedule 1 Additional permitted uses**

### **1. Use of certain land at 87A Jubilee Avenue, Beverley Park**

- (1) This clause applies to land at 87A Jubilee Avenue, Beverley Park, being Lot 161, DP 19098.
- (2) Development for the purpose of a registered club is permitted with development consent.

### **2. Use of certain land at 7 Holley Road, Beverly Hills**

- (1) This clause applies to land at 7 Holley Road, Beverly Hills, being Lot 78, DP 16723.
- (2) Development for the purpose of a registered club is permitted with development consent.

### **3. Use of certain land at 916–918 King Georges Road, Blakehurst**

- (1) This clause applies to land at 916–918 King Georges Road, Blakehurst, being Lot 22, DP 575236 and Lot 252, DP 1999.
- (2) Development for the purpose of a shop is permitted with development consent if the ratio of the gross floor area of the buildings to the area of the lot on which the buildings are erected does not exceed 0.27:1.

### **4. Use of certain land at Princes Highway, Carlton**

- (1) This clause applies to land at Jubilee Oval and Kogarah Park, being Lot 7084, DP 93146, Lots A and B, DP 316338, Lots A and B, DP 162265 and Lot 2, DP 170281
- (2) Development for the purpose of an entertainment facility is permitted with development consent.

### **5. Use of certain land at 84D Roberts Avenue, Mortdale**

- (1) This clause applies to land at 84D Roberts Avenue, Mortdale, being Lot 21, DP 542051.
- (2) Development for the following purposes is permitted with development consent:
  - (a) retail premises,
  - (b) centre-based child care facilities.

### **6. Use of certain land at 95 Mulga Road, Oatley**

- (1) This clause applies to land at 95 Mulga Road, Oatley being Lot 14, Section 11, DP 6368.
- (2) Development for the purpose of a vehicle repair station is permitted with development consent.

### **7. Use of certain land at 764 Forest Road, Peakhurst**

- (1) This clause applies to land at 764 Forest Road, Peakhurst being Lot 8, DP 659072.

(2) Development for the purpose of a function centre is permitted with development consent.

**8. Use of certain land at 12 and 14 Pindari Road, Peakhurst Heights**

(1) This clause applies to land at 12 and 14 Pindari Road, Peakhurst Heights, being Lots 58 and 59, DP 206906.

(2) Development for the following purposes is permitted with development consent:

- (a) office premises,
- (b) a restaurant or cafe.

**9. Use of certain land for limited commercial and residential purposes**

(1) This clause applies to the following land:

- (a) 30 Jubilee Avenue, Carlton, being Lot 1, DP 577628,
- (b) 32 Jubilee Avenue, Carlton, being Lot 2, DP 577628,
- (c) 55 Jubilee Avenue, Carlton, being Lot 5, DP 170245,
- (d) 115 Connells Point Road, Connells Point, being Lot E, DP 302306,
- (e) 40 Bellevue Parade, Hurstville, being Lot 43, Section 7, DP 2793,
- (f) 129 Laycock Road, Hurstville Grove, being Lot 1, DP 178839,
- (g) 13–15 Gray Street, Kogarah, being Lots 1 and 2, DP 770957,
- (h) 29–31 Rocky Point Road, Kogarah, being Lot 61, DP 6615,
- (i) 4A Wyee Street, Kogarah Bay, being Lot A, DP 383186,
- (j) 59 Rosa Street, Oatley, being Lot 1, DP 1080827,
- (k) 281 Rocky Point Road, Sans Souci, being Lots 1 and 2, SP 65139,
- (l) 283 Rocky Point Road, Sans Souci, being Lots 1 and 2, SP 67532,
- (m) 393 Rocky Point Road, Sans Souci, being Lot E, DP 25589
- (n) 395–399 Rocky Point Road, Sans Souci, being Lot D, DP 25589,
- (o) 401 and 403 Rocky Point Road, Sans Souci, being Lots B and C, DP 25589,
- (p) 64 Blakesley Road, South Hurstville, being Lot 8, Section 3, DP 5453,
- (q) 64 Blakesley Road, South Hurstville, being Lot 1, DP 947432,

(r) 100 Connells Point Road, South Hurstville, being Lot 1, DP 103456,

(s) 911 King Georges Road, South Hurstville, being Lot B, DP 324694

(2) Development for the purposes of any of the following is permitted with development consent:

(a) business premises,

(b) office premises,

(c) residential flat buildings,

(c1) restaurants or cafes,

(d) shops,

(e) shop top housing,

(f) multi dwelling housing.

(3) Development consent must not be granted under subclause (2) unless:

(a) no more than two floors are used for the development permitted by subclause (2), and

(b) the maximum floor space used for the purpose of business premises, office premises or shops is no more than 80 square metres or the existing commercial and retail floor space, whichever is greater.

#### **10. Use of certain land for multi dwelling housing or dual occupancies (detached)**

(1) This clause applies to the following land:

(a) 124 Princes Highway, Beverley Park, being Lot 1, DP 814106,

(b) 408 Princes Highway, Blakehurst, being Lot D, DP 362178,

(c) 17 Planthurst Road, Carlton, being Lot 143, DP 2022,

(d) 5 Denman Street, Hurstville, being Lot 12, DP 236321,

(e) 15 Greenbank Street, Hurstville, being Lot 16, DP 662877,

(f) 27 Hurstville Road, Hurstville, being Lot 31, DP 666112,

(g) 11 Hamer Street, Kogarah Bay, being Lot B, DP 340038,

(h) 40 Oatley Parade, Oatley, being Lot B, DP 363683,

(i) 44 Oatley Parade, Oatley, being Lot B, DP 381842,

(j) 54 Oatley Parade, Oatley, being Lot B, DP 382279,

(k) 9 Belmont Avenue, Penshurst, being Lot 7, DP 11194,

- (l) 42 Dudley Street, Penshurst, being Lot 90, DP 5885,
  - (m) 721A and 721B King Georges Road, Penshurst being Lot 32 DP 1010274 and Lot 12 DP 881035,
  - (n) 24 Penshurst Avenue, Penshurst, being Lot 2, DP 320644.
- (2) Development for the purpose of dual occupancies (detached) is permitted with development consent if the total site coverage of the proposed buildings does not exceed 30%.
- (3) Development for the purpose of multi dwelling housing is permitted with development consent if:
- (a) the total site coverage of the proposed buildings does not exceed 30%, and
  - (b) if a site has frontage to a classified road, the frontage is at least 27 metres.

#### 11. Use of certain land for a place of public worship

(1) This clause applies to the following land:

- (a) 117 and 121 Morgan Street, Beverly Hills, being Lots 25-27, DP 12807,
- (b) 438 King Georges Road, Beverly Hills, being Lot 22, DP 771989,
- (c) 82 Ponyara Road, Beverly Hills, being Lot 301, DP 13496 and Lot 1300, DP 669323,
- (d) 192 and 194 Stoney Creek Road, Beverly Hills, being Lots 22 and 23, DP 9505,
- (e) 7, 9 and 11 Warrawee Place, Beverly Hills, being Lots 29-35, DP 13496,
- (f) ~~1 and 3 Lorna Avenue, Blakehurst, being Lots 12 and 13, DP 15709,~~
- (g) 48 Lynwood Street, Blakehurst, being Lots 10 and 11, DP 15709,
- (h) 100 Stuart Street, Blakehurst, being Lot B, DP 344531,
- (i) 34 Park Road, Carlton, being Lot 1 DP 326285, Lots 20-23, Section A, DP 2560 and Lot 19, Section A, DP 5409,
- (j) 17 Planthurst Road, Carlton, being Lot 143 DP 2022,
- (k) 247 Princes Highway, Carlton, being Lot 1, DP 301901,
- (l) 112A Hillcrest Avenue, Hurstville Grove, being Lots 5 and 6, Section 7, DP 1650,
- (m) 289A Kingsgrove Road, Kingsgrove, being Lots 12 and 13, DP 18444,
- (n) 4 Morgan Street, Kingsgrove, being Lots 1 and 2, DP 216288,
- (o) 3 Paterson Street, Kingsgrove, being Lot 62, DP 19078,

**Deleted:** <#>19 Warrawee Place, Beverly Hills, being Lots 42-44, DP 13496,¶  
¶

(p) 26 Souter Street, Kogarah Bay, being Lots 15 and 16, Section 2, DP 1963,

(q) 909 Forest Road, Lugarno, being Lots 8 and 9, DP 241206,

(r) 977 Forest Road, Lugarno, being Lot 2, DP 405732,

(s) 1142 Forest Road, Lugarno, being Lot 9, DP 13473,

(t) 3A Old Forest Road, Lugarno, being Lots 18 and 19, DP 13473,

(u) 112 Morts Road, Mortdale, being Lots 26-28, DP 4374,

(v) 74 Walter Street, Mortdale, being Lot 100, DP 1136828,

(w) 3 Boundary Road, Oatley, being Lot A, DP 360268,

(x) 20 River Road, Oatley, being Lot 2, Section 5, DP 2297,

(y) 1 Woronora Parade, Oatley, being Lot 1, DP 900753, Lot A and B, DP 362134 and Lot 1, DP 315491,

(z) 60 Woronora Parade, Oatley, being Lots 1-3, Section 13, DP 979509 and Lot 40, DP 1033406,

(aa) 33 Baumans Road, Peakhurst, being Lots 1-8, DP 20830,

(bb) 815 Forest Road, Peakhurst, being Lot 11, DP 136467,

(cc) 4A Whitegates Avenue, Peakhurst Heights, being Lot 5, DP 26545,

(ab) 22, 24 and 26 Dudley Street, Peshurst, being Lots A, B and C, DP 322282,

(ac) 671 King Georges Road, Peshurst, being Lot 100, DP 854121 and Lot 1, DP 312949,

(ad) 18 Peshurst Avenue, Peshurst, being Lot 3, DP 312214,

(ae) 55 Peshurst Street, Peshurst, being Lots 4 and 6, DP 14114 and Lot 5, DP 319474,

(af) 96 Peshurst Street, Peshurst, being Lots 24 and 25, DP 8173,

(ag) 116A and 118 Peshurst Street, Peshurst, being Lot 2, DP 225248 and Lot 2, DP 625328,

(ah) 15 Percival Street, Peshurst, being Lot 21, DP 8173,

(ai) 181 Rocky Point Road, Ramsgate, being Lot 1, DP 1084543,

(aj) 43 Coleridge Street, Riverwood, being Lots 23 and 24, DP 15347,

(ak) 1 Newcombe Street, Sans Souci, being Lot 5, Section 1, DP 3896,

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- (al) 323-329 Rocky Point Road, Sans Souci, being Lots 47-50, DP 4277 and Lots 1 and 2, Section 1, DP 3896,
  - (am) 35 and 37 Culwulla Street, South Hurstville, being Lots 20-22, DP 4607,
  - (an) 84 George Street, South Hurstville, being Lot 3, DP 534462.
- (2) Development for the purpose of a place of public worship is permitted with development consent.

**12. Use of certain land for a service station**

- (1) This clause applies to the following land:
- (a) 1044 Forest Road, Lugarno being Lot A, DP 401276,
  - (b) 21 Boundary Road, Oatley being Lots 1 and 2, DP 388264,
  - (c) 633 – 637 Forest Road, Peakhurst being Lots 1 and 2, SP 48902,
  - (d) 742 Forest Road, Peakhurst being Part Lots 5–10, DP 12823,
  - (e) 836 Forest Road, Peakhurst being Lot 1, DP 209909,
  - (f) 641 King Georges Road, Penshurst being Lot A and B, DP 368871 and Lot 2, DP 321154.
- (2) Development for the purpose of a service station is permitted with development consent.

**13. Use of certain land for an office premise**

(1) This clause applies to the following land:

- (a) 1 Penshurst Lane, Penshurst being SP 54564,
- (b) 3 Penshurst Lane, Penshurst being Lot 1, DP 666371 and Lot 3, 925240,
- (c) 52 Halstead Street, South Hurstville being Lot 1, DP 24112,
- (d) 53 Halstead Street, South Hurstville being Lot A, DP 339086,
- (e) 54 Halstead Street, South Hurstville being Lot 2, DP 24112,
- (f) 55 Halstead Street, South Hurstville being SP 45503,
- (g) 57 Halstead Street, South Hurstville being Lot 101, DP 1212518,
- (h) 59 – 69 Halstead Street, South Hurstville being SP 82911,
- (i) 71 Halstead Street, South Hurstville being Lot 6, DP 24112.

(2) Development for the purpose of an office premise is permitted with development consent.

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## Schedule 2 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.

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## 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

### 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*.

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**Schedule 4 Classification and reclassification of public land**

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

<b>Column 1</b>	<b>Column 2</b>
<b>Locality</b>	<b>Description</b>

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

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Locality</b>	<b>Description</b>	<b>Any trusts etc not discharged</b>

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

<b>Column 1</b>	<b>Column 2</b>
<b>Locality</b>	<b>Description</b>

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## Schedule 5 Environmental heritage

### Part 1 Heritage items

Suburb	Item	Address	Property description	Significance	Item no
Allawah	Allawah Hotel	470 Railway Parade	Lots 263 and 264, DP 7182	Local	11
Allawah	Former Woids Avenue Congregational Church—St George Christian School	51–69 Woids Avenue	Lot 1, DP 1172012	Local	12
Beverley Park	House and garden, “McWilliam House”	188 Princes Highway	Lots 5 and 6, DP 17522	Local	13
Beverley Park	House and garden	177 Rocky Point Road	Lot 11, DP 1087596	Local	14
Beverley Park	Former Ramsgate Methodist Church—Ramsgate Community Church	181 Rocky Point Road	Lot 1, DP 1084543	Local	15
Beverly Hills	Beverly Hills Railway Station Group	East Hills rail line	Lot 10, DP 1211599	State	16
Beverly Hills	Federation style weatherboard house, early outbuildings and spatial qualities of the setting	71 Edgbaston Road	Lot 36, DP 13578	Local	17
Beverly Hills	Late Federation house “Woodville” and setting	79 Edgbaston Road	Lot B, DP 377604	Local	18
Beverly Hills	Interwar house “Hilcrest” and setting, including front fence	130 Stoney Creek Road	Lot 7, DP 18860	Local	19
Beverly Hills	Timber Federation period house “Devonia Farm” and setting	136 Stoney Creek Road	Lot 1, DP 20704	Local	110
Blakehurst	House and garden, “Braeside Castle”	4 Marie Dodd Crescent	Lot A, DP 29102	Local	111
Blakehurst	Georges River (Tom Ugly’s) Bridge	Princes Highway		Local	112
Blakehurst	House and garden	701 Princes Highway	Lot 5, DP 14570	Local	113
Blakehurst	House and garden	139 Stuart Street	Lot 102, DP 739163	Local	114
Blakehurst	House and garden	145 Stuart Street	Lots 1 and 2, DP 381985	Local	115
Blakehurst	Bald Face Point Reserve	227 Stuart Street	Lot 1, DP 921050; Lot 1, DP 984057; Lot 7038, DP 93516	Local	116
Blakehurst	Kyle Williams House and Reserve	52 Waratah Street	Lot 190, DP 1212712	Local	117
Carlton	House and garden, “Yosemite”	18 Anglo Square	Lot 10, Section E, DP 5409	Local	118
Carlton	House and garden, “Lohengrin”	24 Anglo Square	Lot 13, Section E, DP 5409	Local	119
Carlton	House and garden	43 Arthur Street	Lot 24, Section A, DP 5409	Local	120
Carlton	House and garden, “Titus”	45 Arthur Street	Lot 41, Section F, DP 5409	Local	121
Carlton	Weatherboard cottages and their setting including	20 and 22 Botany Street	Lots 25–27, DP 5619	Local	122

Suburb	Item	Address	Property description	Significance	Item no
	peppercorn tree				
Carlton	Stone cottage "Old Ryan's Dairy" and setting	117 Botany Street	Lot 8, Section C, DP 975238	Local	I23
Carlton	Interwar bungalow "Grenfell" (house and setting)	136 Carlton Parade	Lot 1, Section 2, DP 976510	Local	I24
Carlton	California bungalow (house and setting)	3 Cronulla Street	Lots 12 and 13, DP 456222	Local	I25
Carlton	Interwar house and setting	7 Cronulla Street	Lot B, DP 320947	Local	I26
Carlton	Pair of semi-detached cottages "Semah" and "Waratah" and their settings including front fences	30–32 Cronulla Street	Lot 1, DP 198189; Lot 1, DP 715915	Local	I27
Carlton	California bungalow "Beverley" (house and setting including front fence)	43 Cronulla Street	Lot 1, DP 85615	Local	I28
Carlton	Federation house "Glenreagh" (house and setting)	77 Cronulla Street	Lot 1, DP 828358	Local	I29
Carlton	Late Federation house "Clapham" (house and setting including front fences and Canary Island Date Palm)	43 Durham Street	Lot 42, Section C, DP 975238	Local	I30
Carlton	House and former corner shop	41 Edward Street	Lot 23, Section B, DP 5409	Local	I31
Carlton	House and garden	86 Hampton Court Road	Lot 202, DP 1916	Local	I32
Carlton	House and garden, "Winchester"	10 Nielsen Avenue	Lot 48, DP 5452	Local	I33
Carlton	House and garden, "Linden"	16 Nielsen Avenue	Lot 45, DP 5452	Local	I34
Carlton	St Cuthbert's Anglican Church (excluding Sunday school hall and rectory)	34 Park Road	Lots 20–23, Section A, DP 2560; Lot 1, DP 326285; Lot 19, Section A, DP 5409	Local	I35
Carlton	House and garden	40 Park Road	Lots 3 and 4, Section F, DP 5409	Local	I36
Carlton	House and garden, "The Cobbles"	33 Park Street	Lot 1, DP 198769	Local	I37
Carlton	House and garden	1–3 Planthurst Road	Lot 10, DP 1037820	Local	I38
Carlton	House and garden	5 Planthurst Road	Lot 3, DP 211577	Local	I39
Carlton	Former Kogarah Hotel	247 Princes Highway	Lot 1, DP 301901	Local	I40
Carlton	Kogarah Park and Jubilee Oval (including reserve, war memorial and oval)	249 Princes Highway	Lot 2, DP 170281; Lots A and B, DP 316338; Lot A, DP 162265; Lot 7084, DP 93146	Local	I41
Carlton	Carlton Railway Station	Railway Parade	Lot 1, DP 1138068	Local	I42

Suburb	Item	Address	Property description	Significance	Item no
Carlton	Royal Hotel	314 Railway Parade	Lot 1, DP 174657	Local	143
Carlton	House and garden	5 Waterview Street	Lot 201, DP 1053797	Local	144
Carss Park	Carss Cottage	72 Carwar Avenue	Part of Lot 376, DP 1118749	State	145
Carss Park	Carss Bush Park	72–82 Carwar Avenue	Part of Lot 1, DP 89019; Part of Lot 376, DP 1118749; Lots 5–8, DP 10791; Lot 4, DP 668319; Lot 1, DP 1109360; Lot 1, DP 177114; Lot 1, DP 125981; Lot 511, DP 752056	Local	146
Carss Park	Blakehurst Primary School (including original 1881 weatherboard demountable classrooms and 1920–1930 administration and library buildings)	294A Princes Highway	Lot 1, DP 128058; Lot 1, DP 126885	Local	147
Connells Point	House and garden	116 Connells Point Road	Lot 219, DP 6202	Local	148
Connells Point	House and garden, "Jacma"	222 Connells Point Road	Lot D, DP 414623	Local	149
Connells Point	Connells Point Reserve	290 Connells Point Road	Lots 12–14, Section 1, DP 3362	Local	150
Connells Point	House and garden, "Whitevale"	55 Greenacre Road	Lot 2, DP 214059	Local	151
Connells Point	House and garden	8 Loch Maree Crescent	Lot 10, DP 29352	Local	152
Connells Point	House and garden	219 Terry Street	Lot B, DP 323295	Local	153
Hurstville	Federation house and setting including front fence	69 Bristol Road	Lot B, DP 340048	Local	154
Hurstville	Rendered Victorian house and setting	76 Bristol Road	Lot 13, DP 1866	Local	155
Hurstville	Federation house and setting including trees to rear garden	19 Carrington Avenue	Lot C, DP 330153	Local	156
Hurstville	Pair of semi-detached Federation cottages	56 Carrington Avenue	SP 63285	Local	157
Hurstville	Federation house and setting	71 Carrington Avenue	Lot 79, DP 1956	Local	158
Hurstville	Federation house and setting	73 Carrington Avenue	Lot 78, DP 1956	Local	159
Hurstville	Federation house "Canberra" and setting	75 Carrington Avenue	Lot 2, DP 204431	Local	160
Hurstville	House and garden, "Maroo"	6 Carysfort Street	Lot A, DP 415190	Local	161
Hurstville	Federation house and setting	2 Clevedon Road	Lot 34, DP 1866	Local	162
Hurstville	Federation house "Dungog"	4 Clevedon	Lot 33, DP 1866	Local	163

Suburb	Item	Address	Property description	Significance	Item no
	and setting	Road			
Hurstville	Victory House	8 Crofts Avenue	SP 46769	Local	164
Hurstville	House and garden, "Oxley"	11 Denman Street	SP 49471	Local	165
Hurstville	Hurstville Oval and Velodrome	30 Dora Street	Lot 1, DP 919317; Lot 53, DP 9355	Local	166
Hurstville	Four pairs of semi-detached Victorian cottages and settings	33–47 Dora Street	Lots 5–8, DP 237059; Lot 34, DP 836363; Lot 1, DP 794227	Local	167
Hurstville	Federation house "Busigny" and setting including traditional garden	50 Dora Street	Lot 8, DP 9355	Local	168
Hurstville	Hurstville Scout Hall	116 Durham Street	Lot 5, DP 171179	Local	169
Hurstville	War Memorial Monument	Forest Road		Local	170
Hurstville	Allawah Reservoir (WS 0001)	2 Forest Road	Lots 1, 7–9, DP 6584; Lot 1, DP 73077; Lots A–C, DP 308650; Lots A and B, DP 322974; Lots 1 and 2, DP 331657; Lot 1, DP 1019736; Lot 13, DP 666411; Lot 1, DP 1019740; Lot B, DP 303573	Local	171
Hurstville	Hurstville Public School	80 Forest Road	Lot 32, DP 842051	Local	172
Hurstville	Shop and residence	140 Forest Road	Lot 1, DP 82544	Local	173
Hurstville	Commercial building	143 Forest Road	Lot 2, Section 1, DP 3232	Local	174
Hurstville	St George Anglican Church	144 Forest Road	Lot 2, DP 207467	Local	175
Hurstville	Retail building	160 Forest Road	Lot 69, DP 1595	Local	176
Hurstville	Shop and residence	166 Forest Road	Lot 1, DP 901305	Local	177
Hurstville	HT Wills & Co.	167–169 Forest Road	Lots 1 and 2, DP 219375	Local	178
Hurstville	John Fretus Building	173A Forest Road	Lot 12, Section 1, DP 3232	Local	179
Hurstville	Wingello	176 Forest Road	Lot 1, DP 901842	Local	180
Hurstville	Shop and residence	178 Forest Road	Lot B, DP 392780	Local	181
Hurstville	Glenvale Court	183B Forest Road	Lots 10 and 11, DP 15996	Local	182
Hurstville	Retail building	184 Forest Road	Lot 1, DP 974595	Local	183
Hurstville	Former Australian Gas Light Company Showroom	185A Forest Road	Lot 1, DP 82309; Lots 1	Local	184

Suburb	Item	Address	Property description	Significance	Item no
			and 2, DP 15996		
Hurstville	Berkley building	195–197 Forest Road	Lots A and B, DP 411059	Local	185
Hurstville	Electricity House building	213 Forest Road	Lot 1, DP 700214	Local	186
Hurstville	Old Propeller Building	218 Forest Road	Lot 30, DP 7051	Local	187
Hurstville	Meridian Hotel	220 Forest Road	Lot 10, DP 852346	Local	188
Hurstville	Soul Pattinson Building	225 Forest Road	Lot 22, DP 10296	Local	189
Hurstville	Group of shops	232–242 Forest Road	Lot 5, DP 651591; Lots 1–4, DP 17612	Local	190
Hurstville	Shop and residence	235 Forest Road	Lot 18, DP 10296; Lot 1, DP 82936	Local	191
Hurstville	Shop and residence	239 Forest Road	Lot 16, DP 10296; Lot 1, DP 81168; Lots 1 and 2, DP 327296	Local	192
Hurstville	Shop	244 Forest Road	Lot Y, DP 403117	Local	193
Hurstville	Retail building	248 Forest Road	Lot 7, DP 9115; Lot X, DP 403117	Local	194
Hurstville	Group of shops	255–273 Forest Road	Lots 7 and 8, DP 10296; Lots C, D, E, F and G, DP 304794; Lot 1, DP 611044	Local	195
Hurstville	Retail building	272 Forest Road	Lot 23, DP 4799	Local	196
Hurstville	Group of shops	277–291 Forest Road	Lot B, DP 331187; Lots A and B, DP 331185; Lot 4, DP 331186	Local	197
Hurstville	Retail building with two shopfronts	307-307A Forest Road	Lots E and D, DP 17670	Local	198
Hurstville	Hurstville Railway Substation	Between 309 and 309A Forest Road	Lot 101, DP 1240658	Local	199
Hurstville	Centennial Bakery	319 Forest Road	Lot 8, DP 1201216	Local	1100
Hurstville	Retail building	338–340 Forest Road	Lot 1, DP 517273; Lot 1, DP 502856	Local	1101
Hurstville	Pair of retail buildings	342–344 Forest Road	Lots A and B, DP 168743	Local	1102
Hurstville	Hurstville Hotel	350 Forest Road	Lots L, M, N and O, DP 27426; Lots C, D and E, DP	Local	1103

Suburb	Item	Address	Property description	Significance	Item no
			168743		
Hurstville	Belmontes Pizza Shop	372 Forest Road	Lot A, DP 399606	Local	I104
Hurstville	Federation house "Lilliesleaf" and setting	50 Gloucester Road	Lot 1, DP 957691	Local	I105
Hurstville	House and garden, "Loch Even"	2 Hillcrest Avenue	SP 86368	Local	I106
Hurstville	House and garden	22 Hillcrest Avenue	Lot 36, Section 1, DP 5040	Local	I107
Hurstville	Georges River College - Hurstville Boys Campus	Kenwyn Street	Lot 31, DP 842051	Local	I108
Hurstville	Victorian house "Vermont" and setting	14 Kimberley Road	Lot 90, DP 2005	Local	I109
Hurstville	Federation house and setting including front fence	18 Kimberley Road	Lot 88, DP 2005	Local	I110
Hurstville	Weatherboard cottage "Kimberley" and setting	62 Kimberley Road	Lot 147, DP 2787	Local	I111
Hurstville	Weatherboard cottage "Lynne" and setting	39 Lily Street	Lot 29, Section A, DP 975238	Local	I112
Hurstville	Late Federation bungalow and setting including front fence and traditional garden	53 Lily Street	Lots 118 and 119, DP 457004; Lots 21 and 22, Section A, DP 975238	Local	I113
Hurstville	Californian bungalow "Belbowrie" (house and setting), including front fence	76 Lily Street	Lot 1, DP 78137	Local	I114
Hurstville	Presbyterian Church	1 MacMahon Street	Lots 26-28, Section A, DP 1297; Lot 67, DP 7051	Local	I115
Hurstville	Friendly Societies' Dispensary Building	17 MacMahon Street	SP 58631; SP 72896	Local	I116
Hurstville	Fire Station	27 MacMahon Street	SP 58395	Local	I117
Hurstville	House and garden, "Leyholme"	4 Maher Street	Lot B, DP 407726	Local	I118
Hurstville	House and garden	17 Maher Street	Lot 441, DP 1163839	Local	I119
Hurstville	Hurstville South Public School (two original school buildings, circa 1915 and 1917)	30 Maher Street	Lot A, DP 948241; Lots 8-10, DP 7247	Local	I120
Hurstville	House and garden	35 Maher Street	Lot 21, DP 7247	Local	I121
Hurstville	Victorian Villa "Erina" (house and spaces of setting)	18 Millett Street	Lot 22, Section D, DP 1426	Local	I122
Hurstville	Federation house "Alinda" and setting including fence and garden layout	29 Millett Street	Lot 3, Section E, DP 1426; Lot 1, DP 917242	Local	I123
Hurstville	Victorian house "Overdale" and setting	67 Millett Street	Lot 13, Section 2, DP 1769	Local	I124
Hurstville	Federation house and	16 Patrick	Lot 1, DP	Local	I125



Suburb	Item	Address	Property description	Significance	Item no
	setting	Street	965662		
Hurstville	Victorian house "Yarramundi" and remnant garden setting	75 Queens Road	Lot 3, DP 270404	Local	1126
Hurstville	Victorian house "Gladwyn" and garden setting	96 Queens Road	Lot 2, DP 316459	Local	1127
Hurstville	Fig tree in Binder Reserve	1D Regan Street	Lot 154, DP 13372	Local	1128
Hurstville	Free-standing terrace house and garden setting	24 Taunton Road	Lot 58, DP 2005	Local	1129
Hurstville	Federation house and setting	12 The Avenue	Lot 195, DP 1595	Local	1130
Hurstville	Victorian house "Lorne" and setting	18 The Avenue	Lot 192, DP 1595	Local	1131
Hurstville	Hurstville City Uniting Church	20–22 The Avenue	Lots 190 and 191, DP 1595	Local	1132
Hurstville	California bungalow "Claydon" and setting	78 The Avenue	Lot 1, DP 669335	Local	1133
Hurstville	Victorian House "Waimea" and front setback space	79 The Avenue	Lot 101, DP 1595	Local	1134
Hurstville	Victorian cottage "Erica" and front setback space	81 The Avenue	SP 45009	Local	1135
Hurstville	Victorian house "Roseleigh" and setting	82 The Avenue	Lot 156, DP 1595	Local	1136
Hurstville	Victorian house "Balgownie" and setting	84 The Avenue	Lot 155, DP 1595	Local	1137
Hurstville	Late Federation house "Yuriga" later "Allerton" and front garden	85 The Avenue	Lot 2, DP 166769	Local	1138
Hurstville	Federation house "Oikos" and front garden	87 The Avenue	Lot 1, DP 166769; Lot 97, DP 1595	Local	1139
Hurstville	Interwar house "Sylvan" and garden setting	89 The Avenue	Lot 96, DP 663361	Local	1140
Hurstville	Federation house "Oswaldene" and setting	90 The Avenue	Lots 152 and 153, DP 455605	Local	1141
Hurstville	Federation house "Lorraine" and setting	92 The Avenue	Lot A, DP 1866; Lot 1, DP 923650	Local	1142
Hurstville	Front portion of Victorian terrace "Waikouaiti"	95 The Avenue	Lot 93, DP 1595	Local	1143
Hurstville	Pair of Victorian semi-detached houses and settings	110–112 The Avenue	Lots 1 and 2, DP 202783	Local	1144
Hurstville	Transitional Federation/Interwar house and setting	1 Vine Street	Lot 101, DP 789023	Local	1145
Hurstville	Stone cottage "Senlack" and setting	26 Weston Road	Lot 189, DP 2787; Lot 190, DP 135084	Local	1146
Hurstville	House and garden	67 Woniora	SP 55657	Local	1147

Suburb	Item	Address	Property description	Significance	Item no
		Road			
Hurstville	Woniara Road School	83-85 Woniara Road	Lot 1, DP 616346	Local	I148
Hurstville	House and garden, "Fernleigh"	95 Woniara Road	Lot 18, DP 1608	Local	I149
Hurstville Grove	House and garden, "Yamba"	11 Cecil Street	Lot 27, Section 2, DP 1650	Local	I150
Hurstville Grove	House and garden, "Aintree"	41 Hillcrest Avenue	Lot 2, DP 980293	Local	I151
Hurstville Grove	House and garden	115 Hillcrest Avenue	Lot 20, Section 4, DP 1650	Local	I152
Hurstville Grove	Quarry Reserve (North) (including reserve and quarry)	29 and 29A Hurstville Road	Lots 28–30, DP 6816; Lot 1, DP 191623; Lot B, DP 356551; Lot 1, DP 223497; Lot 29, DP 528848; Lot 27, DP 532296; Lot 1, DP 227641; Lot 25, DP 528014; Lot 3, DP 532756; Lot 23, DP 528997; Lot 5, DP 528677; Lot 21, DP 529848; Lot 7, DP 528727; Lot 19, DP 528678; Lot 9, DP 528998; Lot 17, DP 528726; Lot 2, DP 232384; Lot 15, DP 528999; Lot 13, DP 528704; Lot 11, DP 236321	Local	I153
Hurstville Grove	House and garden	141 Lansdowne Street	Lot 1, DP 847983	Local	I154
Hurstville Grove	Moore Reserve	West Crescent, between Hurstville Road and Oatley Bay	Lot 7047, DP 1127644; Lots A and C, DP 187857; Lot A, DP 187853; Lots 5–8, DP 449747; Lot A, DP 187855; Lot A, DP 187858; Lot 1, DP 359867; Lot 1, DP 360230; Lot 2, DP 450322; Lot 2, DP 379410; Lot 2, DP 360235; Lot 2, DP 360233;	Local	I155

Suburb	Item	Address	Property description	Significance	Item no
			Lot 1, DP 361093; Lot 1, DP 361825; Lot 1, DP 360227; Lots A and B, DP 360226; Lot 1, DP 433374; Lot 1, DP 363870; Lot 1, DP 360232; Lot 3, DP 526583; Lot A, DP 359870; Lot A, DP 359869; Lot A, DP 433393; Lot 2, DP 364066; Lot 1, DP 360237; Lot 1, DP 362212; Lots 1 and 2, DP 1114945; Lot 2, DP 360437; Lots 37, 52 and 71, Section 56, DP 5023; Lot 1, DP 1176951; Lot 2, DP 515398; Lot 1, DP 360229; Lots 5 and 6, DP 11265; Lot C, DP 359868; Lot 2, DP 211618; Lot 1, DP 361096; Lot 1, DP 363289; Lot 1, DP 363288; Lot A, DP 385168; Lot 1, DP 360228; Lot D, DP 360231; Lot E, DP 362296; Lot 1, DP 1115462; Lot B, DP 374610; Lot 4, DP 660911; Lot 1, DP 361675; Lot 1, DP 370329; Lot B, DP 338785; Lot 2, DP 362102; Lot 3, Section 9, DP 1604; Lot B, DP 342749; Lot B, DP 342706; Lot 2, DP 374842; Lot 3,		

Suburb	Item	Address	Property description	Significance	Item no
			DP 361092; Lot 2, DP 360549		
Kingsgrove	Victorian Villa cottage and setting	287 Stoney Creek Road	Lot 1, DP 593184	Local	I156
Kogarah	Former Commonwealth Bank	1 Belgrave Street	Lot 1, DP 710161	Local	I157
Kogarah	House and garden, "Tokio"	8 Belgrave Street	Lot 101, DP 1051252	Local	I158
Kogarah	House and garden, "Ulmarra"	3 Bellevue Street	Lot 13, DP 79370	Local	I159
Kogarah	House and garden, "Abestay"	11 Bellevue Street, now part of multi-unit development at 6 Blake Street	SP 70403	Local	I160
Kogarah	House and garden, "Essieville"	13 Bellevue Street, now part of multi-unit development at 6 Blake Street	SP 70403	Local	I161
Kogarah	House and garden	9 Bowns Road	Lot 14, Section 1, DP 975157	Local	I162
Kogarah	Kogarah School of Arts	10A Bowns Road	Lots 36 and 37, Section A, DP 976627; Lot 1, DP 1104088	Local	I163
Kogarah	House and garden	3-5 Chapel Street	Lot 19, DP 84876	Local	I164
Kogarah	St Patrick's Catholic Church	38 Chapel Street	Lot 1, DP 1207162	Local	I165
Kogarah	House and garden, "Bayview"	26 English Street	Lot 1, DP 85811	Local	I166
Kogarah	House and garden, "The Laurels"	45 English Street	Lot 1, DP 76252	Local	I167
Kogarah	House and garden	52 English Street	Lots 1 and 2, DP 445721	Local	I168
Kogarah	Terraces, "Te Komaraki"	72-74 English Street	Lots 1 and 2, DP 413914	Local	I169
Kogarah	House and garden	14 Garden Street	Lots 21 and 22, Section 1, DP 2635	Local	I170
Kogarah	Terraces	6-14 Gray Street and 170 Railway Parade	Lots 5-10, DP 237524	Local	I171
Kogarah	Kogarah Fire Station	26 Gray Street	Lot 1, DP 382771	Local	I172
Kogarah	House and garden	50 Gray Street	Lot 100, DP 1030386	Local	I173
Kogarah	Hogben Park	1 Harrow Road	Lots 3 and 5-12, Section 23, DP 1680; Lot 1, DP 178818; Lot 1, DP 1088770; Lot 12, Section 23, DP 370	Local	I174
Kogarah	Semi-detached dwellings	24-26 High	Lots 1 and 2,	Local	I175

Suburb	Item	Address	Property description	Significance	Item no
	and garden, "Falston"	Street	DP 303588		
Kogarah	Shop and residence	22 Hogben Street	Lot 1, DP 170609	Local	1176
Kogarah	Former Sixth Church of Christ Scientist—Grace Chinese Church	1A Kensington Street	Lot B, DP 337489	Local	1177
Kogarah	Former Kogarah Presbyterian Church and hall	13 and 17 Kensington Street	Lots 1 and 2, DP 1142870	Local	1178
Kogarah	Terraces, "Leah Buildings"	22–28 Montgomery Street	Lots A–C, DP 443736; Lot 1, DP 917849	Local	1179
Kogarah	Kogarah Courthouse	25–27 Montgomery Street	Lots 23 and 24, Section F, DP 1397	Local	1180
Kogarah	House and garden	15 Ocean Street	Lot 33, Section A, DP 976627	Local	1181
Kogarah	House and garden	15A Ocean Street	Lot 32, Section A, DP 976627	Local	1182
Kogarah	House and garden	17 Ocean Street	Lot 31, DP 61623	Local	1183
Kogarah	House and garden	19 Ocean Street	Lot 30, Section A, DP 976627	Local	1184
Kogarah	House and garden	23 Ocean Street	Lot 28, DP 82056	Local	1185
Kogarah	House and garden	25 Ocean Street	Lots 26 and 27, Section A, DP 976627	Local	1186
Kogarah	House and garden	27 Ocean Street	Lot 25, DP 575888	Local	1187
Kogarah	House and garden	47 Ocean Street	Lot 15, Section A, DP 976627	Local	1188
Kogarah	Terraces	2–8 Premier Street	Lots A–D, DP 442920	Local	1189
Kogarah	House and garden, "Stanmer"	10 Premier Street	Lot 64, Section D, DP 1397	Local	1190
Kogarah	Terraces, "Burn Brae"	12–18 Premier Street	Lots 1–4, DP 528047	Local	1191
Kogarah	St Paul's Anglican Church and hall	53–57 Princes Highway	Lot 1, DP 1037176; Lot 1, DP 1049742; Lot B2, DP 397422	Local	1192
Kogarah	Shop and residence	111 Princes Highway	Lot 1, DP 735692	Local	1193
Kogarah	House and garden	195 Princes Highway	Lots 7 and 8, Section A, DP 976627	Local	1194
Kogarah	House and garden	4 Queens Avenue	Lot B, DP 384976	Local	1195
Kogarah	HV Evatt Memorial Reserve	71 Railway Lands	Lot 2, DP 871296	Local	1196
Kogarah	Shop	52 Railway Parade	Lot 1, DP 205973	Local	1197
Kogarah	Former post office	90 Railway Parade	Lot 1, DP 618131	Local	1198

Suburb	Item	Address	Property description	Significance	Item no
Kogarah	Shops and offices	92 Railway Parade	Lot 1, DP 913023	Local	I199
Kogarah	Subway shops	200–204 Railway Parade	Lots 1–3, DP 201775	Local	I200
Kogarah	Shop	4 Regent Street	Lot 1, Section C, DP 1397	Local	I201
Kogarah	Shops	7–13 Regent Street	Lots A–D, DP 413452	Local	I202
Kogarah	Kogarah High School (original three storey school building)	28 Regent Street	Lot 11, DP 668184	Local	I203
Kogarah	House and garden, “Lindhurst Gallery”	6–8 Victor Street	Lots A and B, DP 360051	Local	I204
Kogarah	House and garden, “Hindmarsh”	2 Victoria Street	Lot 81, Section B, DP 1397	Local	I205
Kogarah	Terraces and garden, “Beatrice” and “Lillyville”	14–16 Victoria Street	Lots 72 and 73, Section B, DP 1397	Local	I206
Kogarah	St George Girls High School (two storey main building)	15 Victoria Street	Lot 1, DP 832046	Local	I207
Kogarah Bay	House and front garden, “Bayview”	28A Carlton Crescent	Lot 21, Section 15, DP 1963	Local	I208
Kyle Bay	House and garden	7 Cross Street	Lot 3, DP 209927	Local	I209
Kyle Bay	Kyle Bay Bowling Club	12A Merriman Street	Lot 10, DP 21299; Lot 12, DP 650783; Lots 9–11 and 40, Section 1, DP 7641; Lot 7316, DP 1154446	Local	I210
Lugarno	Stone wharf, walls, path and setting	Between Bayside Drive and Lime Kiln Bay	Lot 1, DP 793262; Lot 45, DP 237063; Lot 26, DP 232089	Local	I211
Lugarno	Stone house “The Hermitage” (remnant) and setting	1 Bayside Drive	Lot 3, DP 793262	Local	I212
Lugarno	Evatt Park	Forest Road	Lot 7, DP 702963; Lot 29, DP 27634	Local	I213
Lugarno	Lugarno Water Pumping Station	Corner of Forest Road and Cypress Drive	Lot 21, DP 239902	Local	I214
Lugarno	Convict Road	Northern side, end of Forest Road	Lots 8 and 9, DP 29596; Lot 181, DP 752056	Local	I215
Lugarno	Stone shed and ferry wharf slipway	Southern side, Forest Road	Lot 8, DP 29596	Local	I216
Lugarno	Cottage “Killarney” and setting	66A Moons Avenue	Lot 1, DP 506036	Local	I217
Lugarno	Memorial Obelisk	Corner of Ponderosa Place and		Local	I218

Suburb	Item	Address	Property description	Significance	Item no
		Forest Road			
Lugarno	Victorian house "Woodcliff" and setting	12 Woodcliff Parade	Lot 33, DP 237063	Local	I219
Mortdale	Weatherboard cottage "Magrathea" and setting	41 Boundary Road	Lot C, DP 369682	Local	I220
Mortdale	Mortdale Public School (buildings A and B)	1-21 and 27 Colebourne Avenue and 35 Judd Street	Lot 1, DP 910638; Lot 1, DP 723943; Lot 1, DP 182917; Lots 5 and 6, DP 622396	Local	I221
Mortdale	Electricity Substation No 10020	31 Cook Street	Lot B, DP 154171	Local	I222
Mortdale	Mortdale Railway Station Group setting	Illawarra rail line	Part of Lot 101, DP 1181296; Part of Lot 100, DP 1141151	Local	I223
Mortdale	Weatherboard bungalow and setting including front fence and garden	11 Jersey Avenue	Lot 521, DP 565681	Local	I224
Mortdale	Mortdale Uniting Church and grounds	18 Morts Road	Lots 11 and 12, DP 4817	Local	I225
Mortdale	Mortdale Fire Station	38 Morts Road	Lot 101, DP 545765	Local	I226
Mortdale	Brick house "Longleat" (excluding infill development to the rear)	7 Mutual Road	SP 69358	Local	I227
Mortdale	Mortdale Memorial Park	65 Oxford Street	Lot 2, DP 232106; Lots 27-44, Section J, DP 2921	Local	I228
Oatley	House and garden, "Dulmar"	59 Ada Street	Lot 32, Section F, DP 2150	Local	I229
Oatley	Oatley Pleasure Grounds	16 and 16A Annette Street	Lot 20, DP 921615; Lots 21, 21A and 22, Section 56, DP 4442; Lot 452, DP 752056; Lots 1-4, DP 20130; Lots 251 and 252, DP 208422	Local	I230
Oatley	House and garden	23 Annette Street	Lot 29, Section 42, DP 4442	Local	I231
Oatley	House and garden	25 Annette Street	Lot 30, Section 42, DP 4442	Local	I232
Oatley	Oatley Park and Baths	1 Dame Mary Gilmour Road	Lot 13, DP 752056; Lot 542, DP 727277	Local	I233
Oatley	Oatley Memorial Clock	On traffic island in Frederick Street, west of intersection with Oatley Avenue		Local	I234

Suburb	Item	Address	Property description	Significance	Item no
Oatley	Como Railway Bridge	Georges River		State	I235
Oatley	Oatley Railway Station Group	Illawarra rail line	Lot 5, DP 803349; Lot 11 DP 803349; Lot 14, DP 839742	State	I236
Oatley	Oatley Masonic Lodge	11A Letitia Street	Lot A, DP 325569; Lot 20, DP 1043366	Local	I237
Oatley	House and garden	56 Letitia Street	Lot C, DP 389898	Local	I238
Oatley	Semi-detached dwellings and garden, "Glenbrook"	90–92 Letitia Street	Lots 1 and 2, DP 526437	Local	I239
Oatley	Interwar bungalow and setting including fence base	36 Lloyd Street	Lot 58, DP 9927	Local	I240
Oatley	George Fincham Pipe Organ	1 Myall Street	Lot 123, DP 801645	Local	I241
Oatley	Interwar bungalow "Bangala" and setting including brick fence and frangipanni	7 Myall Street	Lot 24, Section 15, DP 4513	Local	I242
Oatley	Oatley Memorial Gardens	2B and 2C Oatley Avenue	Lots 1–26, DP 16690; Lot 1, DP 1170690	Local	I243
Oatley	Oatley Point Reserve	1 and 1A Phipps Street	Lots 22, 25 and 25A, Section 37, DP 4868; Lots 22A, 23, 23A, 24 and 24A, DP 4868; Lot 7050, DP 1027173	Local	I244
Oatley	House	92 Rosa Street	Lot 5, Section 42, DP 4442	Local	I245
Oatley	House and garden	9 Russell Street	Lot B, DP 367555	Local	I246
Oatley	House and garden	10 Russell Street	Lot 2, DP 231023	Local	I247
Oatley	Federation house "Lindaville" and setting	11 Waratah Street	Lot 4, DP 319565	Local	I248
Oatley	Federation house "Colwyn" and setting	30 Waratah Street	Lot 7, Section 8, DP 2297	Local	I249
Oatley	Rendered Victorian house "Merlewood" and setting	34 Waratah Street	Lot 1, DP 565314	Local	I250
Oatley	Federation house "Oxford" and setting around original house	8-10 Woronora Parade	SP 79366	Local	I251
Oatley	Federation house "Cambridge" and setting	22 Woronora Parade	Lot B, DP 368274	Local	I252
Oatley	Pair of semi-detached Federation cottages and settings	36–38 Woronora Parade	Lots A and B, DP 378215	Local	I253
Oatley	Federation house "Caprera" and setting	37 Woronora Parade	Lot 100, DP 1250001	Local	I254
Oatley	Weatherboard Federation	46 Woronora Parade	Lot 8, Section 13, DP 2297	Local	I255



Suburb	Item	Address	Property description	Significance	Item no
	house "Aigburth"/"Carthona" and setting				
Oatley	Federation house "Yengarie" and setting	51 Woronora Parade	Lot 11, Section 9, DP 2297	Local	I256
Oatley	Federation house "Truro" and setting	84 Woronora Parade	Lot 2, Section 12, DP 2297	Local	I257
Oatley	House and garden	42 Wyong Street	Lot 1, DP 1146269	Local	I258
Oatley	Derwent and Drake Oyster Farm	44 Wyong Street and Neverfail Bay	Lot 1, DP 803348	Local	I259
Peakhurst	Peakhurst Public School	65A Bonds Road	Lot B, DP 327027	Local	I260
Peakhurst	Salt Pan Creek sewage aqueduct	Behind 9 Elwin Street		Local	I261
Peakhurst	Interwar house "Rose Lea" and setting	589 Forest Road	Lot 4, DP 398982	Local	I262
Peakhurst	Holy Trinity Anglican Church	671 Forest Road (also known as 8-12 Neilson Avenue)	Lot 567, DP 1088167	Local	I263
Peakhurst	"The Gardens on Forest: Clovelly and grounds"	764 Forest Road	Lot 8, DP 659072	Local	I264
Peakhurst	Wesleyan Chapel	800 Forest Road	Lot 376, DP 36537; Lot 1, DP 196789	Local	I265
Peakhurst Heights	Fig tree in Pickering Park	16A Isaac Street	Lot A, DP 36202	Local	I266
Peakhurst Heights	Fig tree in Lambert Reserve	13D Whitegates Avenue	Lot 37, DP 209573	Local	I267
Penshurst	Late Federation style house and setting	17 Arcadia Street	Lot 182, DP 1121781	Local	I268
Penshurst	Federation house "Hillside" and setting	19 Arcadia Street	Lot A, DP 976115	Local	I269
Penshurst	Late Federation style house "Alston" and setting	55 Cambridge Street	Lot 1, DP 508045	Local	I270
Penshurst	Federation cottage and original setting	60 Cambridge Street	Lot 1, DP 774307	Local	I271
Penshurst	House	16 Claremont Street	Lot 14, Section 6, DP 1650	Local	I272
Penshurst	House and garden	3 Dudley Street	Lot 2, DP 132515	Local	I273
Penshurst	Victorian bungalow "Torino" and setting	469 Forest Road	Lot 2, DP 511490	Local	I274
Penshurst	Victorian Villa "Ithiel" and setting	55 Inverness Avenue	Lot X, DP 393801	Local	I275
Penshurst	St John the Evangelist's Anglican Church	645 King Georges Road	Lot 1, DP 732744	Local	I276
Penshurst	Revival Life Centre, "West Maling"	663-671 King Georges Road	Lot 100, DP 854121	State	I277
Penshurst	Penshurst Railway Station Group	Illawarra rail line - Corner of Laycock Road	Lot 1, DP 1154260	Local	I278

Suburb	Item	Address	Property description	Significance	Item no
		(South) and Bridge Street			
Penshurst	Laycock Road street trees	Laycock Road		Local	I279
Penshurst	Penshurst Reservoirs and pumping station	12C Laycock Road	Lot 1, DP 906312	State	I280
Penshurst	House and garden, "Kintail"	51 Laycock Road	Lot 2, DP 16253	Local	I281
Penshurst	Stables, "Kintail"	57 Laycock Road	Lot 4, DP 16253	Local	I282
Penshurst	House	72 Pacific Avenue	Lot B, DP 330880	Local	I283
Penshurst	House and garden	24 Penshurst Avenue	Lot 2, DP 320644	Local	I284
Penshurst	House and garden, "Beverley"	25 Penshurst Avenue	Lots 5 and 6, DP 168912	Local	I285
Penshurst	Former Penshurst Post Office	27 Penshurst Street	Lot A, DP 357995	Local	I286
Penshurst	Penshurst Hotel	29 Penshurst Street	Lots 31 and 32, Section 2, DP 1399	Local	I287
Penshurst	Georges River College—Penshurst Girls Campus	51 Penshurst Street	Lot 1, DP 122301; Lot 1, DP 122321	Local	I288
Penshurst	Former St Joseph's Convent	55 Penshurst Street	Lots 4 and 6, DP 14114; Lot 5, DP 319474	Local	I289
Penshurst	Federation bungalow and setting, front fence	69 Penshurst Street	Lot 1, DP 228996	Local	I290
Penshurst	Federation house "Ferncliff" and setting	71 Penshurst Street	Lot 5, DP 28273	Local	I291
Penshurst	Two pairs of semi-detached Federation cottages "Awaba" and "Waitia"; and "Werona" and "Yaralla" and settings	102–108 Penshurst Street	Lot 10, DP 1003473; Lots 1 and 2, DP 206249; Lot 100, DP 854189	Local	I292
Penshurst	Weatherboard Federation cottage and setting	146 Penshurst Street	Lot 1, DP 902124	Local	I293
Ramsgate	Residential flat building, "Roma"	70 Ramsgate Road	SP 55373	Local	I294
Ramsgate	Shops	211–219 Rocky Point Road	SP 55373	Local	I295
Sans Souci	St Finbar's Roman Catholic Church, primary school and convent	21 Broughton Street & 120 The Promenade	Lots 19–21, Section 3, DP 3896; Lots A–C, DP 313815; SP 80453	Local	I296
Sans Souci	House and garden, "Torwood"	12 Dalkeith Street	Lot 1, DP 21753	Local	I297
Sans Souci	House	12 Harris Street	Lot 15, Section 1, DP 975493	Local	I298
Sans Souci	St Andrew's Church (church only, excluding rectory)	323–329 Rocky Point Road	Lots 48 and 49, DP 4277	Local	I299
Sans Souci	Sans Souci Public School (original 2 storey school)	413 Rocky Point Road	Lots 4–17, Section 1, DP	Local	I300

Suburb	Item	Address	Property description	Significance	Item no
	building)		288		
Sans Souci	Stables	489 Rocky Point Road	SP 76105	Local	I301
Sans Souci	House and garden, "Blanche Cottage"	493 Rocky Point Road	Lot 71, DP 1162043	Local	I302
Sans Souci	Sans Souci Park, public baths and bathers pavilion	521 Rocky Point Road and 10 Water Street	Lot 7046, DP 93515; Lot 519, DP 752056	Local	I303
Sans Souci	Street trees	The Boulevard		Local	I304
Sans Souci	House and garden, "Kellaton"	50 The Boulevard	Lot 20, Section 2, DP 288	Local	I305
Sans Souci	Sandstone retaining wall	The Promenade		Local	I306
Sans Souci	House and garden	6 The Promenade	Lot 138, DP 553879	Local	I307
Sans Souci	Semi-detached dwelling and garden	133–135 The Promenade	Lot 52, DP 793379; Lot 101, DP 1127650	Local	I308
Sans Souci	House and garden, "Cuzco"	169 The Promenade	Lot A, DP 380694	Local	I309
Sans Souci	House, "Palmyra"	17 Vista Street	Lot 1, DP 216929	Local	I310
Sans Souci	House and garden, "Ellesmere"	23 Vista Street	Lot 2, DP 211561	Local	I311
Sans Souci	House and garden, "St Kilda House"	67 Vista Street	Lot 2, DP 232626	Local	I312
South Hurstville	Former South Hurstville Methodist Church—South Hurstville Uniting Church	37 and 38 Culwulla Street	Lots 21 and 22, DP 4607	Local	I313
South Hurstville	House and garden, "Pine Villa"	1 Derwent Street (now part of SP 65185, 824–828 King Georges Road)	SP 65185	Local	I314
South Hurstville	St Raphael's Church and School	88 George Street	Lots 13–16, Section 7, DP 5453	Local	I315
South Hurstville	Former South Hurstville Bowling Club—Club Hurstville Sports	29 Greenacre Road	Lot 40, DP 1241815	Local	I316

## Part 2 Heritage conservation areas

Description	Identification on Heritage Map	Significance
Penshurst Heritage Conservation Area	Shown by red hatching and labelled "C1"	Local
O'Brien's Estate Heritage Conservation Area	Shown by red hatching and labelled "C2"	Local
Kogarah South Heritage Conservation Area	Shown by red hatching and labelled "C3"	Local

### Part 3 Archaeological sites

Suburb	Item name	Address	Property description	Significance	Item no
Blakehurst	Ruin—sandstone block dwelling	56 Townson Street	Lot B, DP 343565	Local	A1

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

### Part 1 Pond-based and tank-based aquaculture

#### Division 1 Site location requirements

##### 1 Conservation exclusion zones

- (1) Must not be carried out on the following land, except to the extent necessary to gain access to water:
  - (a) land declared an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*,
  - (b) vacant Crown land,
  - (c) land within a wetland of international significance declared under the Ramsar Convention on Wetlands.
- (2) Must not be carried out on the following land, except for the purposes of minimal infrastructure to support the extraction of water from, and discharge of water to, the land concerned:
  - (a) land declared as an aquatic reserve under the *Marine Estate Management Act 2014*,
  - (b) land declared as a marine park under the *Marine Estate Management Act 2014*.

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

#### Division 2 Operational requirements

##### 2 Species selection

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

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

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

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

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

##### 5 Outlets from culture ponds etc

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

##### 6 Definition

In this Division:

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

## **Part 2 Extensive pond-based aquaculture**

### **Division 1 Site location requirements**

#### **7 Conservation exclusion zones**

- (1) Must not be carried out on the following land, except to the extent necessary to gain access to water:
  - (a) land declared an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*,
  - (b) vacant Crown land,
  - (c) land within a wetland of international significance declared under the Ramsar Convention on Wetlands.

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

#### **8 Flood liability**

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

### **Division 2 Operational requirements**

#### **9 Species selection**

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

#### **10 Pond design**

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

#### **11 Culture water**

Must use freshwater.

## Dictionary

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

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

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

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

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

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

**advertisement** has the same meaning as in the Act.

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

**advertising structure** has the same meaning as in the Act.

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

**affordable housing** has the same meaning as in the Act.

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

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

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

**agriculture** means any of the following:

- (a) aquaculture,
- (b) extensive agriculture,

- (c) intensive livestock agriculture,
- (d) intensive plant agriculture.

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

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

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

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

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

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

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

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

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

**Note.**

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

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

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

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

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

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

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

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



**Note.**

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

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

**backpackers' accommodation** means a building or place that:

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

**Note.**

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

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

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

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

**Note.**

See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation. Bed and breakfast accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

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

**Note.**

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

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

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

**Note.**

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

**boarding house** means a building that:

- (a) is wholly or partly let in lodgings, and
- (b) provides lodgers with a principal place of residence for 3 months or more, and
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

**Note.**

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

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

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

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

**brothel** has the same meaning as in the Act.

**Note.**

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

**building** has the same meaning as in the Act.

**Note.**

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

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

- (a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or
- (b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

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

**Note.**

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

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

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

whichever distance is the shortest.

**bush fire hazard reduction work** has the same meaning as in the *Rural Fires Act 1997*.

**Note.**

The term is defined as follows:

**bush fire hazard reduction work** means:

- (a) the establishment or maintenance of fire breaks on land, and

- (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,

but does not include construction of a track, trail or road.

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

**Note.**

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

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

**business identification sign** means a sign:

- (a) that indicates:
- (i) the name of the person or business, and
- (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

**Note.**

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

**business premises** means a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis,

and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

**Note.**

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

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

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

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

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

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

**catchment action plan** has the same meaning as in the *Catchment Management Authorities Act 2003*.

**Note.**

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

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

**Note.**

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

**cemetery** means a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.

**centre-based child care facility** means:

- (a) a building or place used for the education and care of children that provides any one or more of the following:
  - (i) long day care,
  - (ii) occasional child care,
  - (iii) out-of-school-hours care (including vacation care),
  - (iv) preschool care, or

- (b) an approved family day care venue (within the meaning of the *Children (Education and Care Services) National Law (NSW)*),

**Note.**

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

but does not include:

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

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

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

**Note.**

The term is defined as follows:

**classified road** means any of the following:

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

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

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

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

**coastal hazard** has the same meaning as in the *Coastal Management Act 2016*.

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

**coastal protection works** has the same meaning as in the *Coastal Management Act 2016*.

**coastal waters of the State**—see section 58 of the *Interpretation Act 1987*.

**coastal zone** has the same meaning as in the *Coastal Management Act 2016*.

**commercial premises** means any of the following:

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

**community facility** means a building or place:

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

**community land** has the same meaning as in the *Local Government Act 1993*.

**correctional centre** means:

- (a) any premises declared to be a correctional centre by a proclamation in force under section 225 of the *Crimes (Administration of Sentences) Act 1999*, including any juvenile correctional centre or periodic detention centre, and

- (b) any premises declared to be a detention centre by an order in force under section 5 (1) of the *Children (Detention Centres) Act 1987*,

but does not include any police station or court cell complex in which a person is held in custody in accordance with any Act.

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

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

**Crown reserve** means:

- (a) a reserve within the meaning of Part 5 of the *Crown Lands Act 1989*, or  
(b) a common within the meaning of the *Commons Management Act 1989*, or  
(c) lands within the meaning of the *Trustees of Schools of Arts Enabling Act 1902*,

but does not include land that forms any part of a reserve under Part 5 of the *Crown Lands Act 1989* provided for accommodation.

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

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

**Note.**

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

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

**Note.**

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

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

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

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

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

**Note.**

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

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

**Note.**

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

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

**Note.**

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

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

**dwelling house** means a building containing only one dwelling.

**Note.**

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

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

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

**earthworks** means excavation or filling.

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

**eco-tourist facility** means a building or place that:

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

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

**Note.**

See clause 5.13 for requirements in relation to the granting of development consent for eco-tourist facilities. Eco-tourist facilities are not a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

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

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

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

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

**emergency services organisation** means any of the following:

- (a) Ambulance Service of New South Wales,

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

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

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

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

**estuary** has the same meaning as in the *Water Management Act 2000*.

**Note.**

The term is defined as follows:

**estuary** means:

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

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

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

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

**extensive agriculture** means any of the following:

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



- (d) a dairy (pasture-based) where the animals generally feed by grazing on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the animals.

**Note.**

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

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

**Note.**

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

**extractive material** means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the *Mining Act 1992*.

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

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

**Note.**

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

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

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

**Note.**

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

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

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

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

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

**fish** has the same meaning as in the *Fisheries Management Act 1994*.

**Note.**

The term is defined as follows:  
**Definition of “fish”**

(1)  
**Fish** means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).

(2)  
**Fish** includes:  
(a) oysters and other aquatic molluscs, and

(b) crustaceans, and

(c) echinoderms, and

(d) beachworms and other aquatic polychaetes.

(3)  
**Fish** also includes any part of a fish.

(4)  
However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the [Fisheries Management Act 1994](#).

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

**floor space ratio**—see clause 4.5.

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

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

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

**Note.**

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

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

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

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

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

**Note.**

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

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

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

**Note.**

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

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

**Note.**

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

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

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

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

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

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

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

**Note.**

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

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

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

**Note.**

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

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

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

**Note.**

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

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

**Note.**

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

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

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

**Note.**

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

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

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

**Note.**

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

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

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

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

**Note.**

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

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

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

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

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

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

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

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

**Note.**

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

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

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

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

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

**Note.**

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

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

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

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

**heritage impact statement** means a document consisting of:

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

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

**Note.**

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

**Direction.**

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

**heritage management document** means:

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

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

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

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

- (a) electronic or micro-electronic systems, goods or components,
- (b) information technology (such as computer software or hardware),
- (c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,
- (d) biological, pharmaceutical, medical or paramedical systems, goods or components,

- (e) film, television or multi-media technologies, including any post production systems, goods or components,
- (f) telecommunications systems, goods or components,
- (g) sustainable energy technologies,
- (h) any other goods, systems or components intended for use in a science or technology related field,

but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.

**Note.**

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

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

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

**home-based child care** means:

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

**Note.**

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

- (b) a dwelling used for the purposes of a home based education and care service (within the meaning of the *Children (Education and Care Services) Supplementary Provisions Act 2011*),

at which the education and care service is provided at any one time to no more than 7 children (including any child of the person providing the service) all of whom are under the age of 13 years and no more than 4 of whom are children who do not ordinarily attend school.

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

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

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

**Note.**

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

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

- (a) the employment of more than 2 persons other than those residents,
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter,
- (d) the exhibition of any signage (other than a business identification sign),
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation or sex services premises.

**Note.**

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

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

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

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

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

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

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
- (c) the exhibition of any signage, or
- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include a home business or sex services premises.

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

**Note.**

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

**hospital** means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-



patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:

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

**Note.**

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

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

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

**Note.**

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

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

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

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

**Note.**

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

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

**industrial retail outlet** means a building or place that:

- (a) is used in conjunction with an industry (other than an artisan food and drink industry) or rural industry, and
- (b) is situated on the land on which the industry or rural industry is located, and

- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located,

but does not include a warehouse or distribution centre.

**Note.**

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

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

**industry** means any of the following:

- (a) general industry,
- (b) heavy industry,
- (c) light industry,

but does not include:

- (d) rural industry, or
- (e) extractive industry, or
- (f) mining.

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

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

- (a) dairies (restricted),
- (b) feedlots,
- (c) pig farms,
- (d) poultry farms,

but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.

**Note.**

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

**intensive plant agriculture** means any of the following:

- (a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),
- (b) horticulture,
- (c) turf farming,
- (d) viticulture.

**Note.**

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

**jetty** means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

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

**Note.**

See clause 5.4 for controls relating to the gross floor area of a kiosk.  
Kiosks are a type of **retail premises**—see the definition of that term in this Dictionary.

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

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

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

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

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

**Note.**

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

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

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

**Note.**

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

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

**Note.**

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

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

**Note.**

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

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

**Note.**

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

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

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

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

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

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

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

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

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

**Note.**

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

**mezzanine** means an intermediate floor within a room.

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

**mine subsidence district** means a mine subsidence district proclaimed under section 15 of the *Mine Subsidence Compensation Act 1961*.

**mining** means mining carried out under the *Mining Act 1992* or the recovery of minerals under the *Offshore Minerals Act 1999*, and includes:

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

**Note.**

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

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

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

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

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

**moveable dwelling** has the same meaning as in the *Local Government Act 1993*.

**Note.**

The term is defined as follows:

**moveable dwelling** means:

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

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

**Note.**

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

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

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

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

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

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

**Note.**

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

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

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

**Note.**

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

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

**nominated State heritage item** means a heritage item that:

- (a) has been identified as an item of State significance in a publicly exhibited heritage study adopted by the Council, and
- (b) the Council has, by notice in writing to the Heritage Council, nominated as an item of potential State significance.

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

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

**Note.**

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

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

**Note.**

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

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

**Note.**

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

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

**operational land** has the same meaning as in the *Local Government Act 1993*.

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

**Note.**

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

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

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

**people who are socially disadvantaged** means:

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

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

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

**Note.**

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

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

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

**Note.**

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

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

**Note.**

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

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

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

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

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

**Note.**

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

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

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

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

**Note.**

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

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

**public authority** has the same meaning as in the Act.

**public land** has the same meaning as in the *Local Government Act 1993*.

**Note.**

The term is defined as follows:

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

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

**public reserve** has the same meaning as in the *Local Government Act 1993*.

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

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

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

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

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

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



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

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

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

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

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

**Note.**

The term is defined as follows:

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

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

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

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

- (a) attached dwellings,
- (b) boarding houses,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

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

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

but does not include a dwelling, hostel, hospital or psychiatric facility.

**Note.**

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

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

**Note.**

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

**resource recovery facility** means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

**Note.**

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

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

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

**Note.**

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

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

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

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

- (a) (Repealed)
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,

- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (la) specialised retail premises,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

**Note.**

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

**road** means a public road or a private road within the meaning of the *Roads Act 1993*, and includes a classified road.

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

**Note.**

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

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

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

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

**Note.**

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

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

**Note.**

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

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

**Note.**

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

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

**Note.**

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

**school** means a government school or non-government school within the meaning of the *Education Act 1990*.

**Note.**

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

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

**Note.**

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

**secondary dwelling** means a self-contained dwelling that:

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

**Note.**

See clause 5.4 for controls relating to the total floor area of secondary dwellings.

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

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

**Note.**

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

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

**Note.**

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

**seniors housing** means a building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),  
and that is, or is intended to be, used permanently for:
  - (e) seniors or people who have a disability, or
  - (f) people who live in the same household with seniors or people who have a disability, or
  - (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

**Note.**

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

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

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

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

**Note.**

Serviced apartments are a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**sewage reticulation system** means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated:

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

**Note.**

Sewage reticulation systems are a type of **sewerage system**—see the definition of that term in this Dictionary.

**sewage treatment plant** means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

**Note.**

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

**sewerage system** means any of the following:

- (a) biosolids treatment facility,
- (b) sewage reticulation system,
- (c) sewage treatment plant,
- (d) water recycling facility,
- (e) a building or place that is a combination of any of the things referred to in paragraphs (a)–(d).

**sex services** means sexual acts or sexual services in exchange for payment.

**sex services premises** means a brothel, but does not include home occupation (sex services).

**shop** means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.

**Note.**

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

**shop top housing** means one or more dwellings located above ground floor retail premises or business premises.

**Note.**

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

**signage** means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign or traffic control facilities.

**site area** means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

**Note.**

The effect of this definition is varied by clause 4.5 for the purpose of the determination of permitted floor space area for proposed development.

**site coverage** means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

**small bar** means a small bar within the meaning of the *Liquor Act 2007*.

**Note.**

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

**spa pool** has the same meaning as in the *Swimming Pools Act 1992*.

**Note.**

The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

**specialised retail premises** means a building or place the principal purpose of which is the sale, hire or display of goods that are of a size, weight or quantity, that requires:

- (a) a large area for handling, display or storage, or
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale, hire or display of other goods referred to in this definition.

**Note.**

Examples of goods that may be sold at specialised retail premises include automotive parts and accessories, household appliances and fittings, furniture, homewares, office equipment, outdoor and recreation equipment, pet supplies and party supplies.

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

**stock and sale yard** means a building or place that is used on a commercial basis for the purpose of offering livestock or poultry for sale and that may be used for the short-term storage and watering of stock.

**Note.**

Stock and sale yards are a type of **rural industry**—see the definition of that term in this Dictionary.

**storage premises** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment or a warehouse or distribution centre.

**storey** means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

**swimming pool** has the same meaning as in the *Swimming Pools Act 1992*.

**Note.**

The term is defined as follows:

**swimming pool** means an excavation, structure or vessel:

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the *Swimming Pools Act 1992* not to be a swimming pool for the purposes of that Act.

**take away food and drink premises** means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

**Note.**

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

**tank-based aquaculture** means aquaculture undertaken exclusively in tanks, but not including natural water-based aquaculture.

**Note.**

Tank-based aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary. Typical tank-based aquaculture is the tank culture of barramundi or abalone.

**telecommunications facility** means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing used in or in connection with a telecommunications network.

**telecommunications network** means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

**temporary structure** has the same meaning as in the Act.

**Note.**

The term is defined as follows:

**temporary structure** includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

**the Act** means the *Environmental Planning and Assessment Act 1979*.

**timber yard** means a building or place the principal purpose of which is the sale of sawn, dressed or treated timber, wood fibre boards or similar timber products. It may include the cutting of such timber, boards or products to order and the sale of hardware, paint, tools and materials used in conjunction with the use and treatment of timber.

**Note.**

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

**tourist and visitor accommodation** means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) serviced apartments,
- but does not include:
- (f) camping grounds, or
- (g) caravan parks, or
- (h) eco-tourist facilities.

**transport depot** means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.

**truck depot** means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

**turf farming** means the commercial cultivation of turf for sale and the removal of turf for that purpose.

**Note.**

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

**underground mining** means:

- (a) mining carried out beneath the earth's surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and
- (b) shafts, drill holes, gas and water drainage works, surface rehabilitation works and access pits associated with that mining (whether carried out on or beneath the earth's surface),

but does not include open cut mining.



**vehicle body repair workshop** means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

**vehicle repair station** means a building or place used for the purpose of carrying out repairs to, or the selling and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop or vehicle sales or hire premises.

**vehicle sales or hire premises** means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

**Note.**

Vehicle sales or hire premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**veterinary hospital** means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

**viticulture** means the cultivation of grapes for use in the commercial production of fresh or dried fruit or wine.

**Note.**

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

**warehouse or distribution centre** means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, and includes local distribution premises.

**waste disposal facility** means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

**Note.**

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

**waste or resource management facility** means any of the following:

- (a) a resource recovery facility,
- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

**waste or resource transfer station** means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

**Note.**

Waste or resource transfer stations are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

**water recreation structure** means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

**water recycling facility** means a building or place used for the treatment of sewage effluent, stormwater or waste water for use as an alternative supply to mains water, groundwater or river water (including, in particular, sewer mining works), whether the facility stands alone or is associated with other development, and includes associated:

- (a) retention structures, and
- (b) treatment works, and
- (c) irrigation schemes.

**Note.**

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

**water reticulation system** means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure and dosing facilities.

**Note.**

Water reticulation systems are a type of **water supply system**—see the definition of that term in this Dictionary.

**water storage facility** means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

**Note.**

Water storage facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

**water supply system** means any of the following:

- (a) a water reticulation system,
- (b) a water storage facility,
- (c) a water treatment facility,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

**water treatment facility** means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

**Note.**

Water treatment facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

**waterbody** means a waterbody (artificial) or waterbody (natural).

**waterbody (artificial)** or **artificial waterbody** means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

**waterbody (natural)** or **natural waterbody** means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

**watercourse** means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

**waterway** means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).

**wetland** means:

- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgeland, 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.

#### Historical notes

N/A