



New South Wales

# Marrickville Local Environmental Plan 2011

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, pursuant to section 33A of the *Environmental Planning and Assessment Act 1979*, adopt the mandatory provisions of the *Standard Instrument (Local Environmental Plans) Order 2006* and prescribe matters required or permitted by that Order so as to make a local environmental plan as follows.

TOM GELLIBRAND

As delegate for the Minister for Planning and Infrastructure

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## Contents

	Page
<b>Part 1 Preliminary</b>	
1.1 Name of Plan	5
1.1AA Commencement	5
1.2 Aims of Plan	5
1.3 Land to which Plan applies	6
1.4 Definitions	6
1.5 Notes	6
1.6 Consent authority	6
1.7 Maps	6
1.8 Repeal of planning instruments applying to land	7
1.8A Savings provision relating to development applications	7
1.9 Application of SEPPs	7
1.9A Suspension of covenants, agreements and instruments	7
<b>Part 2 Permitted or prohibited development</b>	
2.1 Land use zones	9
2.2 Zoning of land to which Plan applies	9
2.3 Zone objectives and Land Use Table	9
2.4 Unzoned land	10
2.5 Additional permitted uses for particular land	11
2.6 Subdivision—consent requirements	11
2.7 Demolition requires development consent	11
2.8 Temporary use of land	11
<b>Land Use Table</b>	12
<b>Part 3 Exempt and complying development</b>	
3.1 Exempt development	30
3.2 Complying development	31
3.3 Environmentally sensitive areas excluded	32
<b>Part 4 Principal development standards</b>	
4.1 Minimum subdivision lot size	34
4.1AA Minimum subdivision lot size for community title schemes	34
4.2 Rural subdivision	34
4.3 Height of buildings	34
4.4 Floor space ratio	34

	Page
4.5 Calculation of floor space ratio and site area	35
4.6 Exceptions to development standards	37
<b>Part 5 Miscellaneous provisions</b>	
5.1 Relevant acquisition authority	40
5.2 Classification and reclassification of public land	41
5.3 Development near zone boundaries	42
5.4 Controls relating to miscellaneous permissible uses	42
5.5 Development within the coastal zone	44
5.6 Architectural roof features	44
5.7 Development below mean high water mark	44
5.8 Conversion of fire alarms	44
5.9 Preservation of trees or vegetation	45
5.9AA Trees or vegetation not prescribed by development control plan	47
5.10 Heritage conservation	47
5.11 Bush fire hazard reduction	51
5.12 Infrastructure development and use of existing buildings of the Crown	51
5.13 Eco-tourist facilities	51
<b>Part 6 Additional local provisions</b>	
6.1 Acid sulfate soils	52
6.2 Earthworks	53
6.3 Flood planning	54
6.4 Terrestrial biodiversity	55
6.5 Development in areas subject to aircraft noise	56
6.6 Airspace operations	57
6.7 Foreshore building line	57
6.8 Development on the foreshore must ensure access	59
6.9 Conversion of industrial buildings and warehouse buildings to residential flat buildings, multi dwelling housing and office premises	59
6.10 Use of existing non-residential buildings in residential zones	60
6.11 Use of dwelling houses in business and industrial zones	60
6.12 Business and office premises in certain zones	61
6.13 Dwelling houses and residential flat buildings in Zone B7 Business Park	61
6.14 Location of sex services premises	61
<b>Schedule 1 Additional permitted uses</b>	63
<b>Schedule 2 Exempt development</b>	67

## **2011 No 645**

Marrickville Local Environmental Plan 2011

Contents

---

	Page
<b>Schedule 3</b>	
<b>Complying development</b>	71
<b>Schedule 4</b>	
<b>Classification and reclassification of public land</b>	73
<b>Schedule 5</b>	
<b>Environmental heritage</b>	74
<b>Dictionary</b>	107

## **Marrickville Local Environmental Plan 2011**

under the

Environmental Planning and Assessment Act 1979

### **Part 1 Preliminary**

#### **1.1 Name of Plan**

This Plan is Marrickville Local Environmental Plan 2011.

#### **1.1AA Commencement**

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

#### **1.2 Aims of Plan**

- (1) This Plan aims to make local environmental planning provisions for land in Marrickville 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 support the efficient use of land, vitalisation of centres, integration of transport and land use and an appropriate mix of uses,
  - (b) to increase residential and employment densities in appropriate locations near public transport while protecting residential amenity,
  - (c) to protect existing industrial land and facilitate new business and employment,
  - (d) to promote sustainable transport, reduce car use and increase use of public transport, walking and cycling,
  - (e) to promote accessible and diverse housing types including the provision and retention of affordable housing,
  - (f) to ensure development applies the principles of ecologically sustainable development,

## 2011 No 645

Clause 1.3 Murrumbidgee Local Environmental Plan 2011

Part 1 Preliminary

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(g) to identify and conserve the environmental and cultural heritage of Murrumbidgee,

(h) to promote a high standard of design in the private and public domain.

### 1.3 Land to which Plan applies

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

### 1.4 Definitions

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

### 1.5 Notes

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

### 1.6 Consent authority

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

### 1.7 Maps

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

(a) approved by the Minister 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 Minister when the instruments are made.

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

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

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

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

**1.8 Repeal of planning instruments applying to land**

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

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

*Marrickville Local Environmental Plan 2001*

- (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 provision relating to development applications**

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

**Note.** However, under Division 4B of Part 3 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant development is appropriately amended or if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.

**1.9 Application of SEPPs**

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

*State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development* (clause 6 and Parts 3 and 4)

*State Environmental Planning Policy No 60—Exempt and Complying Development*

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

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that

## 2011 No 645

Clause 1.9A Marrickville Local Environmental Plan 2011

Part 1 Preliminary

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restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.

- (2) This clause does not apply:
  - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
  - (b) to any prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, or
  - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
  - (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
  - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
  - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or
  - (g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

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

### **2.1 Land use zones**

The land use zones under this Plan are as follows:

#### **Residential Zones**

- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential

#### **Business Zones**

- B1 Neighbourhood Centre
- B2 Local Centre
- B4 Mixed Use
- B5 Business Development
- B6 Enterprise Corridor
- B7 Business Park

#### **Industrial Zones**

- IN1 General Industrial
- IN2 Light Industrial

#### **Special Purpose Zones**

- SP1 Special Activities
- SP2 Infrastructure

#### **Recreation Zones**

- RE1 Public Recreation
- RE2 Private Recreation

#### **Waterway Zones**

- W1 Natural Waterways
- W2 Recreational Waterways

### **2.2 Zoning of land to which Plan applies**

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

### **2.3 Zone objectives and Land Use Table**

- (1) The Land Use Table at the end of this Part specifies for each zone:
  - (a) the objectives for development, and

## 2011 No 645

Clause 2.4 Marrickville Local Environmental Plan 2011

Part 2 Permitted or prohibited development

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- (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

- (1) Development may be carried out on unzoned land only with development consent.
- (2) Before granting development consent, the consent authority:
  - (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
  - (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

**2.5 Additional permitted uses for particular land**

- (1) Development on particular land that is described or referred to in Schedule 1 may be carried out:
  - (a) with development consent, or
  - (b) if the Schedule so provides—without development consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.
- (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

**2.6 Subdivision—consent requirements**

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

**Notes.**

- 1 If a subdivision is specified as **exempt development** in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Act enables it to be carried out without development consent.
  - 2 Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that the strata subdivision of a building in certain circumstances is **complying development**.
- (2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.

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

**2.7 Demolition requires development consent**

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

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

**2.8 Temporary use of land**

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.

## 2011 No 645

Clause 2.8 Murrumbidgee Local Environmental Plan 2011

Part 2 Land Use Table

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

## Land Use Table

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

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

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

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

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

*State Environmental Planning Policy (Rural Lands) 2008*

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

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

*State Environmental Planning Policy No 62—Sustainable Aquaculture*

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

## **Zone R1 General Residential**

### **1 Objectives of zone**

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for office premises and retail premises in existing buildings designed and constructed for commercial purposes.

### **2 Permitted without consent**

Home occupations

### **3 Permitted with consent**

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

### **4 Prohibited**

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Bulky goods premises; Business premises; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Dual occupancies; Eco-tourist facilities; Electricity generating works; Emergency services facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Garden centres; Hardware and building supplies; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Landscaping material supplies; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Plant nurseries; Pubs; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted

## 2011 No 645

Clause 2.8 Murrumbidgee Local Environmental Plan 2011

Part 2 Land Use Table

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premises; Rural industries; Rural supplies; Rural workers' dwellings; Service stations; Sewerage systems; Sex services premises; Storage premises; Timber yards; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

### Zone R2 Low Density Residential

#### 1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for office premises, multi dwelling housing and residential flat buildings only as part of the conversion of existing industrial and warehouse buildings.
- To provide for office premises and retail premises in existing buildings designed and constructed for commercial purposes.

#### 2 Permitted without consent

Home occupations

#### 3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Child care centres; Community facilities; Dwelling houses; Group homes; Health consulting rooms; Hostels; Places of public worship; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Any other development not specified in item 2 or 4

#### 4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Bulky goods premises; Business premises; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Dual occupancies; Eco-tourist facilities; Electricity generating works; Emergency services facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Garden centres;

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Hardware and building supplies; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Landscaping material supplies; Marinas; Mooring pens; Moorings; Mortuaries; Neighbourhood shops; Open cut mining; Passenger transport facilities; Plant nurseries; Port facilities; Pubs; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Rural industries; Rural supplies; Rural workers' dwellings; Service stations; Sewerage systems; Sex services premises; Shop top housing; Storage premises; Timber yards; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

### **Zone R3 Medium Density Residential**

#### **1 Objectives of zone**

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for office premises and residential flat buildings only as part of the conversion of existing industrial and warehouse buildings.
- To provide for office premises and retail premises in existing buildings designed and constructed for commercial purposes.

#### **2 Permitted without consent**

Home occupations

#### **3 Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Child care centres; Community facilities; Group homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Respite day care centres; Roads; Seniors housing; Any other development not specified in item 2 or 4

## 2011 No 645

Clause 2.8 Marrickville Local Environmental Plan 2011

Part 2 Land Use Table

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### 4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Bulky goods premises; Business premises; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Dual occupancies; Eco-tourist facilities; Electricity generating works; Emergency services facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Garden centres; Hardware and building supplies; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Landscaping material supplies; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Plant nurseries; Port facilities; Pubs; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Rural industries; Rural supplies; Rural workers' dwellings; Service stations; Sewerage systems; Sex services premises; Shop top housing; Storage premises; Timber yards; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

### Zone R4 High Density Residential

#### 1 Objectives of zone

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for office premises only as part of the conversion of existing industrial and warehouse buildings.
- To provide for office premises and retail premises in existing buildings designed and constructed for commercial purposes.
- To provide for well connected neighbourhoods that support the use of public transport, walking and cycling.

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**2 Permitted without consent**

Home occupations

**3 Permitted with consent**

Bed and breakfast accommodation; Boarding houses; Child care centres; Community facilities; Dwelling houses; Group homes; Hostels; Neighbourhood shops; Places of public worship; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

**4 Prohibited**

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Bulky goods premises; Business premises; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Emergency services facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Garden centres; Hardware and building supplies; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Landscaping material supplies; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Plant nurseries; Port facilities; Pubs; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Rural supplies; Service stations; Sewerage systems; Sex services premises; Storage premises; Timber yards; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

## 2011 No 645

Clause 2.8 Marrickville Local Environmental Plan 2011

Part 2 Land Use Table

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### 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 provide for housing attached to permissible non-residential uses in development of a type and scale compatible with the surrounding neighbourhood.
- To provide for spaces, at street level, which are of a size and configuration suitable for land uses which generate active street-fronts.
- To enable a purpose built dwelling house to be used in certain circumstances as a dwelling house.

#### 2 Permitted without consent

Home occupations

#### 3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Business premises; Car parks; Child care centres; Community facilities; Dwelling houses; Food and drink premises; Garden centres; Health services facilities; Hostels; Kiosks; Markets; Medical centres; Neighbourhood shops; Respite day care centres; Roads; Shop top housing; Shops; Any other development not specified in item 2 or 4

#### 4 Prohibited

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

accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

## **Zone 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 provide housing attached to permissible non-residential uses which is of a type and scale commensurate with the accessibility and function of the centre or area.
- To provide for spaces, at street level, which are of a size and configuration suitable for land uses which generate active street-fronts.
- To constrain parking and reduce car use.

### **2 Permitted without consent**

Home occupations

### **3 Permitted with consent**

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

### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes;

## 2011 No 645

Clause 2.8 Marrickville Local Environmental Plan 2011

Part 2 Land Use Table

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Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Port facilities; Recreation facilities (major); Residential accommodation; Rural industries; 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

### Zone B4 Mixed Use

#### 1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To support the renewal of specific areas by providing for a broad range of services and employment uses in development which display good design.
- To promote commercial uses by limiting housing.
- To enable a purpose built dwelling house to be used in certain circumstances as a dwelling house.
- To constrain parking and restrict car use.

#### 2 Permitted without consent

Home occupations

#### 3 Permitted with consent

Boarding houses; Child care centres; Commercial premises; Community facilities; Dwelling houses; Educational establishments; Entertainment facilities; Function centres; Group homes; Hostels; Hotel or motel accommodation; Information and education facilities; Light industries; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

#### 4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat

launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Port facilities; Recreation facilities (major); Residential accommodation; Rural industries; 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

## **Zone B5 Business Development**

### **1 Objectives of zone**

- To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To enable a purpose built dwelling house to be used in certain circumstances as a dwelling house.
- To support urban renewal and a pattern of land use and density that reflects the existing and future capacity of the transport network.

### **2 Permitted without consent**

Home occupations

### **3 Permitted with consent**

Bulky goods premises; Child care centres; Dwelling houses; Food and drink premises; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Landscaping material supplies; Light industries; Markets; Passenger transport facilities; Respite day care centres; Roads; Serviced apartments; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in 2 or 4

### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental

## 2011 No 645

Clause 2.8 Marrickville Local Environmental Plan 2011

Part 2 Land Use Table

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facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Port facilities; Recreation facilities (major); Residential accommodation; Retail premises; Rural industries; Sewerage systems; Sex services premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

### Zone B6 Enterprise Corridor

#### 1 Objectives of zone

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses).
- To maintain the economic strength of centres by limiting retailing activity.
- To provide for residential uses, but only as part of a mixed development.
- To enable a purpose built dwelling house to be used in certain circumstances as a dwelling house.

#### 2 Permitted without consent

Home occupations

#### 3 Permitted with consent

Business premises; Community facilities; Dwelling houses; Food and drink premises; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Landscaping material supplies; Light industries; Markets; Neighbourhood shops; Office premises; Passenger transport facilities; Plant nurseries; Roads; Self-storage units; Serviced apartments; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

#### 4 Prohibited

Agriculture; Air transport facilities; Airstrips; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Commercial premises; Correctional centres; Eco-tourist facilities; Electricity generating

works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Helipads; Highway service centres; Home occupations (sex services); Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Port facilities; Recreation facilities (major); Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Sewerage systems; Storage premises; Tourist and visitor accommodation; Waste or resource management facilities; Water recreation structures; Water supply systems

## **Zone B7 Business Park**

### **1 Objectives of zone**

- To provide a range of office and light industrial uses.
- To encourage employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To provide for limited residential development in conjunction with permissible active ground floor uses.
- To provide business and office premises for the purposes of certain art, technology, production and design sectors.
- To enable a purpose-built dwelling house to be used in certain circumstances as a dwelling house.

### **2 Permitted without consent**

Home occupations

### **3 Permitted with consent**

Child care centres; Dwelling houses; Garden centres; Hardware and building supplies; Intensive plant agriculture; Kiosks; Landscaping and material supplies; Light industries; Markets; Neighbourhood shops; Office premises; Passenger transport facilities; Plant nurseries; Residential flat buildings; Respite day care centres; Roads; Shop top housing; Take away food and drink premises; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Environmental facilities;

## 2011 No 645

Clause 2.8 Murrumbidgee Local Environmental Plan 2011

Part 2 Land Use Table

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Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Respite day care centres; Restricted premises; Retail premises; Rural industries; Sewerage systems; Sex services premises; Tourist and visitor accommodation; Truck depots; Turf farming; Vehicle body repair workshops; Waste or resource management facilities; Water recreation structures; Water supply systems; Wholesale supplies

### Zone IN1 General Industrial

#### 1 Objectives of zone

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To protect industrial land in proximity to Sydney Airport and Port Botany.
- To enable a purpose built dwelling house to be used in certain circumstances as a dwelling house.

#### 2 Permitted without consent

Home occupations

#### 3 Permitted with consent

Agricultural produce industries; Depots; Dwelling houses; Freight transport facilities; General industries; Industrial training facilities; Intensive plant agriculture; Kiosks; Light industries; Markets; Neighbourhood shops; Roads; Take away food and drink premises; Timber yards; Warehouse or distribution centres; Any other development not specified in item 2 or 4

#### 4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Commercial premises; Community facilities; Correctional centres; Eco-tourist facilities; Educational establishments; Environmental facilities; Exhibition

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homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Heavy industries; Helipads; Highway service centres; Home occupations (sex services); Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Offensive industries; Open cut mining; Passenger transport facilities; Places of public worship; Port facilities; Public administration buildings; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Tourist and visitor accommodation; Transport depots; Veterinary hospitals; Water recreation structures; Water supply systems; Wholesale supplies

### **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 provide business and office premises for the purposes of certain art, technology, production and design sectors.
- To enable a purpose-built dwelling house to be used in certain circumstances as a dwelling house.

#### **2 Permitted without consent**

Home occupations

#### **3 Permitted with consent**

Depots; Dwelling houses; Garden centres; Hardware and building supplies; Hospitals; Industrial training facilities; Intensive plant agriculture; Kiosks; Landscaping material supplies; Light industries; Markets; Neighbourhood shops; Plant nurseries; Roads; Sewage reticulation systems; Take away food and drink premises; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

## 2011 No 645

Clause 2.8 Marrickville Local Environmental Plan 2011

Part 2 Land Use Table

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### 4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Eco-tourist facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Passenger transport facilities; Port facilities; Public administration buildings; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Restricted premises; Retail premises; Rural industries; Sewerage systems; Tourist and visitor accommodation; Vehicle body repair workshops; Waste or resource management facilities; Water recreation structures; Water supply systems; Wholesale supplies

### Zone SP1 Special Activities

#### 1 Objectives of zone

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

#### 2 Permitted without consent

Home occupations

#### 3 Permitted with consent

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

#### 4 Prohibited

Any development not specified in item 2 or 3

**Zone SP2 Infrastructure****1 Objectives of zone**

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

**2 Permitted without consent**

Home occupations

**3 Permitted with consent**

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

**4 Prohibited**

Any development not specified in item 2 or 3

**Zone RE1 Public Recreation****1 Objectives of zone**

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

**2 Permitted without consent**

Environmental protection works

**3 Permitted with consent**

Boat launching ramps; Building identification signs; Community facilities; Electricity generating works; Emergency services facilities; Environmental facilities; Food and drink premises; Jetties; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roads; Water recreation structures; Water storage facilities

## **2011 No 645**

Clause 2.8 Marrickville Local Environmental Plan 2011

Part 2 Land Use Table

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### **4 Prohibited**

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

## **Zone RE2 Private Recreation**

### **1 Objectives of zone**

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

### **2 Permitted without consent**

Environmental protection works

### **3 Permitted with consent**

Animal boarding or training establishments; Building identification signs; Business identification signs; Car parks; Child care centres; Community facilities; Entertainment facilities; Environmental facilities; Flood mitigation works; Funeral homes; Information and education facilities; Kiosks; Markets; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Veterinary hospitals; Water storage facilities

### **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone W1 Natural Waterways**

### **1 Objectives of zone**

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

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**2 Permitted without consent**

Environmental protection works

**3 Permitted with consent**

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

**4 Prohibited**

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

**Zone W2 Recreational Waterways**

**1 Objectives of zone**

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

**2 Permitted without consent**

Environmental protection works

**3 Permitted with consent**

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

## 2011 No 645

Clause 3.1 Murrumbidgee Local Environmental Plan 2011

Part 3 Exempt and complying development

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### Part 3 Exempt and complying development

#### 3.1 Exempt development

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

The section states that exempt development:

- (a) must be of minimal environmental impact, and
  - (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or 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*.
  - (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 or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent.

**Note.** A permit for the removal or pruning of a tree or other vegetation may be granted under this Plan. A development consent for the removal of native vegetation may be granted where relevant under the *Native Vegetation Act 2003*.

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

### 3.2 Complying development

**Note.** Under section 76A of the Act, development consent for the carrying out of complying development may be obtained by the issue of a complying development certificate.

The section states that development cannot be complying development if:

- (a) it is on land that is critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), or
  - (b) it is on land within a wilderness area (identified under the *Wilderness Act 1987*), or
  - (c) the development is designated development, or
  - (d) the development is on land that comprises, or on which there is, an item of environmental heritage (that is listed on the State Heritage Register or in Schedule 5 to this Plan or that is subject to an interim heritage order under the *Heritage Act 1977*), or
  - (e) the development requires concurrence (except a concurrence of the Director-General of the Department of Environment, Climate Change and Water in respect of development that is likely to significantly affect a threatened species, population, or ecological community, or its habitat (identified under the *Threatened Species Conservation Act 1995*)), or
  - (f) the development is on land identified as an environmentally sensitive area.
- (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.

## 2011 No 645

Clause 3.3 Marrickville Local Environmental Plan 2011

Part 3 Exempt and complying development

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- (3) To be complying development, the development must:
  - (a) be permissible, with development consent, in the zone in which it is carried out, and
  - (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
  - (c) have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.
- (4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out or referred to in Part 2 of that Schedule.
- (5) A heading to an item in Schedule 3 is part of that Schedule.

### 3.3 Environmentally sensitive areas excluded

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.
- (2) For the purposes of this clause:  
***environmentally sensitive area for exempt or complying development*** means any of the following:
  - (a) the coastal waters of the State,
  - (b) a coastal lake,
  - (c) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies,
  - (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 identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

## **2011 No 645**

Clause 4.1        Murrumbidgee Local Environmental Plan 2011

Part 4            Principal development standards

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### **Part 4    Principal development standards**

#### **4.1    Minimum subdivision lot size**

[Not adopted]

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

[Not applicable]

#### **4.2    Rural subdivision**

[Not applicable]

#### **4.3    Height of buildings**

- (1) The objectives of this clause are as follows:
  - (a) to establish the maximum height of buildings,
  - (b) to ensure building height is consistent with the desired future character of an area,
  - (c) to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,
  - (d) to nominate heights that will provide an appropriate transition in built form and land use intensity.
- (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.

#### **4.4    Floor space ratio**

- (1) The objectives of this clause are as follows:
  - (a) to establish the maximum floor space ratio,
  - (b) to control building density and bulk in relation to the site area in order to achieve the desired future character for different areas,
  - (c) to minimise adverse environmental impacts on adjoining properties and the public domain.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.
- (2A) Despite subclause (2), development for the purposes of attached dwellings, bed and breakfast accommodation, dwelling houses and semi-detached dwellings on land labelled "F" on the Floor Space Ratio Map is not to exceed the relevant floor space ratio determined in accordance with the Table to this subclause.

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<b>Site area</b>	<b>Maximum floor space ratio</b>
≤ 300 square metres	0.85:1
> 300 ≤ 350 square metres	0.7:1
> 350 ≤ 400 square metres	0.6:1
> 400 square metres	0.5:1

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- (2B) Despite subclause (2), development for the purposes of residential flat buildings on land identified with a thick red line and labelled “F” on the Floor Space Ratio Map may exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map by no more than 0.25:1.

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

##### (1) Objectives

The objectives of this clause are as follows:

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

##### (2) Definition of “floor space ratio”

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

##### (3) Site area

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

- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
- (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be

## 2011 No 645

Clause 4.5 Marrickville Local Environmental Plan 2011

Part 4 Principal development standards

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carried out that has at least one common boundary with another lot on which the development is being carried out.

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

(4) **Exclusions from site area**

The following land must be excluded from the site area:

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

(5) **Strata subdivisions**

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

(6) **Only significant development to be included**

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

(7) **Certain public land to be separately considered**

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

(8) **Existing buildings**

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

(9) **Covenants to prevent “double dipping”**

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

quantity of floor area will be created on another lot only because the site included the restricted lot.

(10) **Covenants affect consolidated sites**

If:

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

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

(11) **Definition**

In this clause, *public place* has the same meaning as it has in the *Local Government Act 1993*.

**4.6 Exceptions to development standards**

- (1) The objectives of this clause are as follows:
  - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
  - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

## 2011 No 645

Clause 4.6 Marrickville Local Environmental Plan 2011

Part 4 Principal development standards

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- (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 Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General 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 Director-General before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
  - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- Note.** When this Plan was made it did not include Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

- 
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:
- (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,
  - (c) clause 5.4.

## 2011 No 645

Clause 5.1 Murrumbidgee Local Environmental Plan 2011

Part 5 Miscellaneous provisions

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## Part 5 Miscellaneous provisions

### 5.1 Relevant acquisition authority

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

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

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

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

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

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- (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

- (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.

## 2011 No 645

Clause 5.3 Marrickville Local Environmental Plan 2011

Part 5 Miscellaneous provisions

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### 5.3 Development near zone boundaries

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 25 metres.
- (3) This clause does not apply to:
  - (a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or
  - (b) land within the coastal zone, or
  - (c) land proposed to be developed for the purpose of sex services or restricted premises.
- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:
  - (a) the development is not inconsistent with the objectives for development in both zones, and
  - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (5) This clause does not prescribe a development standard that may be varied under this Plan.

### 5.4 Controls relating to miscellaneous permissible uses

#### (1) Bed and breakfast accommodation

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

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

(2) **Home businesses**

If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 50 square metres of floor area.

(3) **Home industries**

If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 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) 11% 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 30 square metres.

(7) **Neighbourhood shops**

If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 100 square metres.

(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) 35% of the total floor area of the principal dwelling.

## **2011 No 645**

Clause 5.5 Murrumbidgee Local Environmental Plan 2011

Part 5 Miscellaneous provisions

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### **5.5 Development within the coastal zone**

[Not applicable]

### **5.6 Architectural roof features**

- (1) The objectives of this clause are as follows:
  - (a) to permit variations to maximum building height standards for roof features of visual interest, and
  - (b) to ensure that roof features are decorative elements and that the majority of the roof is contained within the maximum building height standard.
- (2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.
- (3) Development consent must not be granted to any such development unless the consent authority is satisfied that:
  - (a) the architectural roof feature:
    - (i) comprises a decorative element on the uppermost portion of a building, and
    - (ii) is not an advertising structure, and
    - (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
    - (iv) will cause minimal overshadowing, and
  - (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

### **5.7 Development below mean high water mark**

- (1) The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters.
- (2) Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).

### **5.8 Conversion of fire alarms**

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

- (2) The following development may be carried out, but only with development consent:
- (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
  - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
  - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) Development to which subclause (2) applies is complying development if it consists only of:
- (a) internal alterations to a building, or
  - (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.
- (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.
- (5) In this clause:
- private service provider*** means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

### 5.9 Preservation of trees or vegetation

- (1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.
- (2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.
- Note.** A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

## 2011 No 645

Clause 5.9 Marrickville Local Environmental Plan 2011

Part 5 Miscellaneous provisions

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- (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:
- (a) development consent, or
  - (b) a permit granted by the Council.
- (4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.
- (5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.
- (6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.
- (7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:
- (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
  - (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance,
- unless the Council is satisfied that the proposed activity:
- (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
  - (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.
- Note.** As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.
- (8) This clause does not apply to or in respect of:
- (a) the clearing of native vegetation:
    - (i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003*, or
    - (ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
  - (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the

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provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or

- (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
- (d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or
- (e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

**Note.** Permissibility may be a matter that is determined by or under any of these Acts.

- (9) [Not adopted]

#### **5.9AA Trees or vegetation not prescribed by development control plan**

- (1) This clause applies to any tree or other vegetation that is not of a species or kind prescribed for the purposes of clause 5.9 by a development control plan made by the Council.
- (2) The ringbarking, cutting down, topping, lopping, removal, injuring or destruction of any tree or other vegetation to which this clause applies is permitted without development consent.

#### **5.10 Heritage conservation**

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

##### **(1) Objectives**

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Marrickville,
- (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

## 2011 No 645

Clause 5.10 Murrumbidgee Local Environmental Plan 2011

Part 5 Miscellaneous provisions

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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

## 2011 No 645

Clause 5.10 Marrickville Local Environmental Plan 2011

Part 5 Miscellaneous provisions

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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

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- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
  - (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

**5.11 Bush fire hazard reduction**

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without development consent.

**Note.** The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

**5.12 Infrastructure development and use of existing buildings of the Crown**

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

**5.13 Eco-tourist facilities**

[Not applicable]

## 2011 No 645

Clause 6.1 Murrumbidgee Local Environmental Plan 2011

Part 6 Additional local provisions

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## Part 6 Additional local provisions

### 6.1 Acid sulfate soils

- (1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.
- (2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

<b>Class of land</b>	<b>Works</b>
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, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins), foundations or flood mitigation works, or
  - (b) the works are not likely to lower the watertable.

## 6.2 Earthworks

- (1) The objectives of this clause are as follows:
- (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,
  - (b) to allow earthworks of a minor nature without requiring separate development consent.
- (2) Development consent is required for earthworks unless:
- (a) the work is exempt development under this Plan or another applicable environmental planning instrument, or
  - (b) the work is ancillary to other development for which development consent has been given.
- (3) Before granting development consent for earthworks, the consent authority must consider the following matters:
- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,

## 2011 No 645

Clause 6.3 Marrickville Local Environmental Plan 2011

Part 6 Additional local provisions

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

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

### 6.3 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 that is shown as "Flood planning area" on the Flood Planning Map, and
  - (b) other land at or below the flood planning level.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
  - (a) is compatible with the flood hazard of the land, and
  - (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) incorporates appropriate measures to manage risk to life from flood, and
  - (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian

vegetation or a reduction in the stability of river banks or watercourses, and

- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
- (4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0), published in 2005 by the NSW Government, unless it is otherwise defined in this clause.
- (5) In this clause, ***flood planning level*** means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

#### 6.4 Terrestrial biodiversity

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

## 2011 No 645

Clause 6.5 Marrickville Local Environmental Plan 2011

Part 6 Additional local provisions

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

### 6.5 Development in areas subject to aircraft noise

- (1) The objectives of this clause are as follows:
  - (a) to prevent certain noise sensitive developments from being located near the Kingsford Smith Airport and its flight paths,
  - (b) to assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,
  - (c) to ensure that land use and development in the vicinity of that airport do not hinder or have any other adverse impacts on the ongoing, safe and efficient operation of that airport.
- (2) This clause applies to development that:
  - (a) is on land that:
    - (i) is near the 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, and
  - (b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2000, and
  - (c) must be satisfied the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000.
- (4) In this clause:

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

**AS 2021—2000** means AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction*.

**6.6 Airspace operations**

- (1) The objectives of this clause are as follows:
  - (a) to provide for the effective and ongoing operation of the Kingsford Smith Airport by ensuring that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport,
  - (b) to protect the community from undue risk from that operation.
- (2) If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.
- (3) The consent authority may grant development consent for the development if the relevant Commonwealth body advises that:
  - (a) the development will penetrate the Limitation or Operations Surface but it has no objection to its construction, or
  - (b) the development will not penetrate the Limitation or Operations Surface.
- (4) The consent authority must not grant development consent for the development if the relevant Commonwealth body advises that the development will penetrate the Limitation or Operations Surface and should not be constructed.
- (5) In this clause:

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

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

**6.7 Foreshore building line**

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

## 2011 No 645

Clause 6.7 Marrickville Local Environmental Plan 2011

Part 6 Additional local provisions

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- (2) Development consent must not be granted for development on land in the foreshore area except for the following purposes:
  - (a) the extension, alteration, or rebuilding of an existing building wholly or partly in the foreshore area,
  - (b) the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,
  - (c) boat sheds, retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).
- (3) Development consent must not be granted under subclause (2) unless the consent authority is satisfied that:
  - (a) the development will contribute to achieving the objectives for the zone in which the land is located, and
  - (b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and
  - (c) the development will not cause environmental harm such as:
    - (i) pollution or siltation of the waterway, or
    - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, flora or fauna habitats, or
    - (iii) an adverse effect on drainage patterns, and
  - (d) the development will not cause congestion of, or generate conflicts between, people using open space areas or the waterway, and
  - (e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and
  - (f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and
  - (g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and
  - (h) sea level rise or change of flooding patterns as a result of climate change have been considered.

**6.8 Development on the foreshore must ensure access**

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

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

**6.9 Conversion of industrial buildings and warehouse buildings to residential flat buildings, multi dwelling housing and office premises**

- (1) The objective of this clause is to provide for the adaptive reuse of existing industrial buildings and warehouse buildings to residential flat buildings, multi dwelling housing and office premises.
- (2) This clause applies to land in the following zones:
  - (a) Zone R1 General Residential,
  - (b) Zone R2 Low Density Residential,
  - (c) Zone R3 Medium Density Residential,
  - (d) Zone R4 High Density Residential.
- (3) Development consent must not be granted to development for the purpose of multi dwelling housing, office premises or residential flat buildings on land to which this clause applies unless:
  - (a) the development relates to a building that was designed and constructed for an industrial or warehouse purpose and was erected before the commencement of this Plan, and
  - (b) the consent authority has considered the following:
    - (i) the impact of the development on the scale and streetscape of the surrounding locality,
    - (ii) the suitability of the building for adaptive reuse,
    - (iii) the degree of modification of the footprint and facade of the building.
- (4) Despite clause 4.3 (2) or 4.4, development carried out under this clause is not subject to any height or floor space ratio limits shown for the land on the Height of Buildings Map or the Floor Space Ratio Map.

## **2011 No 645**

Clause 6.10 Marrickville Local Environmental Plan 2011

Part 6 Additional local provisions

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

- (1) The objective of this clause is to provide for the reuse of buildings for non-residential purposes.
- (2) This clause applies to land in the following zones:
  - (a) Zone R1 General Residential,
  - (b) Zone R2 Low Density Residential,
  - (c) Zone R3 Medium Density Residential,
  - (d) Zone R4 High Density Residential.
- (3) Development consent must not be granted to development for the purpose of office premises, shops, restaurants or cafes or take away food and drink premises on land to which this clause applies unless:
  - (a) the development relates to a building that was designed and constructed for the purpose of a shop and was erected before the commencement of this Plan, and
  - (b) the consent authority has considered the following:
    - (i) the impact of the development on the amenity of the surrounding locality,
    - (ii) the suitability of the building for adaptive reuse,
    - (iii) the degree of modification of the footprint and facade of the building.

### **6.11 Use of dwelling houses in business and industrial zones**

- (1) The objective of this clause is to provide for the use of purpose built dwelling houses in business and industrial zones, for residential purposes, under particular circumstances.
- (2) This clause applies to land in the following zones:
  - (a) Zone B1 Neighbourhood Centre,
  - (b) Zone B4 Mixed Use,
  - (c) Zone B5 Business Development,
  - (d) Zone B6 Enterprise Corridor,
  - (e) Zone B7 Business Park,
  - (f) Zone IN1 General Industrial,
  - (g) Zone IN2 Light Industrial.
- (3) Development consent must not be granted to development for the purpose of a dwelling house on land to which this clause applies unless:
  - (a) there is an existing dwelling house on the land that was erected before the commencement of this Plan,

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- (b) the existing dwelling house will be substantially retained and will not require significant structural alterations,
  - (c) the existing dwelling house will offer satisfactory residential amenity.

#### **6.12 Business and office premises in certain zones**

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

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

- (1) The objective of this clause is to provide for limited residential development for small scale live-work enterprises, to assist in the revitalisation of employment areas and to provide a transition between adjoining land use zones.
- (2) This clause applies to land in Zone B7 Business Park.
- (3) Development consent must not be granted to development for the purpose of a dwelling or a residential flat building on land to which this clause applies unless the consent authority is satisfied that the development is part of a mixed use development that includes business premises or office premises on the ground floor.

#### **6.14 Location of sex services premises**

- (1) The objective of this clause is to control the impact of sex services premises on the community.
- (2) Development consent must not be granted for development for the purpose of sex services premises if the sex services premises will be located on land that adjoins, or that is separated only by a road from, land:

## 2011 No 645

Clause 6.14 Marrickville Local Environmental Plan 2011

Part 6 Additional local provisions

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- (a) in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential or Zone RE1 Public Recreation, or
  - (b) used for a child care centre, community facility, educational establishment or place of public worship.
- (3) Development consent must not be granted for development for the purpose of sex services premises:
  - (a) on land in Zone B6 Enterprise Corridor if any part of the sex services premises (excluding access, car parking and waste storage) is located at street level, or
  - (b) if the development will be located within 200 metres of existing or proposed sex services premises.
- (4) In deciding whether to grant consent to development for the purpose of sex services premises, the consent authority must consider the impact that the proposed development will have on children who use the surrounding land.

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## Schedule 1 Additional permitted uses

(Clause 2.5)

### 1 Use of certain land at 165 Edgeware Road, Enmore

- (1) This clause applies to land at 165 Edgeware Road, Enmore, being Lot D, DP 355228 in Zone B1 Neighbourhood Centre.
- (2) Development for the purpose of a pub is permitted with consent.

### 2 Use of certain land at Old Canterbury Road, Lewisham

- (1) This clause applies to certain land in Lewisham coloured blue and identified as “A” on the Key Sites Map.
- (2) Development for the purpose of residential accommodation is permitted with consent, but only as part of a mixed use development.

### 3 Use of certain land at Addison Road, Marrickville

- (1) This clause applies to land shown coloured blue and identified as “B” on the Key Sites Map.
- (2) Development for the purpose of residential accommodation is permitted with consent, but only as part of a mixed use development.

### 4 Use of certain land at 72 Frampton Avenue, Marrickville

- (1) This clause applies to land at 72 Frampton Avenue, Marrickville, being Lot 19, DP 4433 in Zone R2 Low Density Residential.
- (2) Development for the purpose of a warehouse and distribution centre is permitted with consent.

### 5 Use of certain land at 74 Frampton Avenue, Marrickville

- (1) This clause applies to land at 74 Frampton Avenue, Marrickville, being Lot 18, DP 4433 in Zone R2 Low Density Residential.
- (2) Development for the purpose of a warehouse and distribution centre is permitted with consent.

### 6 Use of certain land at 51 Garners Avenue, Marrickville

- (1) This clause applies to land at 51 Garners Avenue, Marrickville, being Lot 41, DP 816662 in Zone R2 Low Density Residential.
- (2) Development for the purpose of a medical centre is permitted with consent.

## 2011 No 645

Marrickville Local Environmental Plan 2011

Schedule 1 Additional permitted uses

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

- (1) This clause applies to land shown coloured blue and identified as “C” on the Key Sites Map.
- (2) Development for the purpose of business premises, office premises, restaurants or cafes, shops and take away food and drink premises is permitted with consent.

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

- (1) This clause applies to land shown coloured blue and identified as “D” on the Key Sites Map.
- (2) Development for the purpose of retail premises is permitted with consent.

### **9 Use of certain land at 313–319 Marrickville Road and 182–186 Livingstone Road, Marrickville**

- (1) This clause applies to land at 313–319 Marrickville Road and 182–186 Livingstone Road, Marrickville, being Lot 2, DP 872693 and Lot 2, DP 103507 in Zone B2 Local Centre.
- (2) Development for following purposes is permitted with consent:
  - (a) residential flat buildings (but only as part of a mixed use development that contains a non-residential use permitted in the zone), and
  - (b) residential flat buildings within heritage buildings retained on the land.

### **10 Use of certain land at 394 Marrickville Road, Marrickville**

- (1) This clause applies to land at 394 Marrickville Road, Marrickville, being Lot 1, Section 1, DP 5482.
- (2) Development for the purpose of business premises and offices premises is permitted with consent.

### **11 Use of certain land at 36 Alice Street, Newtown**

- (1) This clause applies to land at 36 Alice Street, Newtown, being Lot 203, DP 772164 and SP 32809.
- (2) Development for the purpose of residential accommodation is permitted with consent, but only as part of a mixed use development.

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**12 Use of certain land at 76 Wilford Street, Newtown**

- (1) This clause applies to land at 76 Wilford Street, Newtown, being Lot 1, DP 617685.
- (2) Development for the purpose of residential accommodation is permitted with consent, but only as part of a mixed use development.

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

- (1) This clause applies to land at 2–14 Fisher Street and 126 Crystal Street, Petersham, being Lot 1, DP 587859 and Lot 5, DP 52786.
- (2) Development for the purpose of residential flat buildings is permitted with consent.

**14 Use of certain land at 3–7 Regent Street, 287 Trafalgar Street and 16–20 Fisher Street, Petersham**

- (1) This clause applies to land at 3–7 Regent Street, 287 Trafalgar Street, and 16–20 Fisher Street Petersham, being Lot 1, DP 629058, Lot 10, DP 1004198 and Lots A, B and C, DP 440676.
- (2) Development for the purpose of a registered club is permitted with consent.

**15 Use of certain land at St Peters**

- (1) This clause applies to certain land in St Peters as shown coloured blue on the Key Sites Map.
- (2) Development for the following purposes is permitted with consent:
  - (a) on land identified as “E” on the Key Sites Map—residential accommodation, but only as part of a mixed use development,
  - (b) on land identified as “F” on the Key Sites Map—residential accommodation, but only as part of a mixed use development,
  - (c) on land identified as “G” on the Key Sites Map—bulky goods premises and residential accommodation, but only as part of a mixed use development,
  - (d) on land identified as “H” on the Key Sites Map—retail premises and residential accommodation (only as part of a mixed use development).

## 2011 No 645

Marrickville Local Environmental Plan 2011

Schedule 1 Additional permitted uses

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

- (1) This clause applies to land shown coloured blue and identified as “I” on the Key Sites Map.
- (2) Development for the purpose of bulky goods premises is permitted with consent.

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

- (1) This clause applies to land at 500 Princes Highway, St Peters, being Lot 11, DP 1083971.
- (2) Development for the following purposes is permitted with consent:
  - (a) bulky goods premises, and
  - (b) retail premises (only in relation to engineering supplies or tools or vehicle parts and accessories).

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

- (1) This clause applies to land at 162 Unwins Bridge Road, St Peters, being Lots 20 and 22, DP 726.
- (2) Development for the purpose of landscaping material supplies is permitted with consent.

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

- (1) This clause applies to land shown coloured blue and identified as “J” on the Key Sites Map.
- (2) Development for the purpose of business premises and office premises is permitted with consent.

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

- (1) This clause applies to land at 24A Railway Road, Sydenham, being Lots 82–84, DP 750.
- (2) Development for the purpose of a place of public worship is permitted with consent.

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

- (1) This clause applies to lands at 1 Tramway Street, Tempe, being Lot 1, DP 925726, 1B Gannon St, Tempe, being Lot PT1, DP 724918, Princes Highway, being Lot 1710, DP 1140035 and 739A Princes Highway, being Lot B, DP 110314.
- (2) Development for the purpose of a passenger transport facility is permitted with consent.

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## Schedule 2 Exempt development

(Clause 3.1)

**Note 1.** *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies exempt development under that Policy. The Policy has State-wide application. This Schedule contains additional exempt development not specified in that Policy.

**Note 2.** Exempt development may be carried out without the need for development consent under the Act. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply.

### Advertisements—general requirements

Must meet the following general requirements:

- (a) must be non-moving,
- (b) must be associated with the lawful use of the building (except for temporary signs),
- (c) must be within the boundary of the property to which it applies, unless in a business or an industrial zone,
- (d) must not be on walls that face or adjoin residential premises,
- (e) must not be an “A” frame sign,
- (f) must have the consent of the owner(s) of the property on which the sign is located,
- (g) must not be flashing,
- (h) must not replace an existing advertising structure or sign.

### Advertisements—business identification signs (other than for sex services premises and restricted premises) in business zones

(1) **Underawning sign**

Sign attached to the underside of an awning:

- (a) must meet the general standards for advertisements,
- (b) 1 sign per ground floor premises with street frontage,
- (c) maximum length—2.5m,
- (d) maximum height—0.4m,
- (e) minimum clearance—2.6m above any public footpath.

(2) **Flush wall sign**

Sign attached to the wall of a building (other than the transom of a doorway or display window) and not projecting more than 150mm

## 2011 No 645

Marrickville Local Environmental Plan 2011

Schedule 2 Exempt development

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beyond the face of the building and top end of the sign not higher than 3.0m from the footpath level along the street frontage:

- (a) must meet the general requirements for advertisements,
- (b) maximum area—2.5m<sup>2</sup>.

(3) **Top hamper sign**

Sign attached to the transom of a doorway or top end of the display window of a ground floor premises:

- (a) must meet the general requirements for advertisements,
- (b) maximum area—2.5m<sup>2</sup>,
- (c) must not project more than 150mm beyond the face of the building to which it is attached.

(4) **Awning fascia sign**

Fascia sign:

- (a) must meet the general requirements for advertisements, and
- (b) must be attached to the fascia or return of the awning, and
- (c) must not project above or below the fascia or return end of the awning to which it is attached.

### **Advertisements—business identification signs (other than for sex services premises) in industrial zones**

- (1) Must meet the general requirements for advertisements.
- (2) For an industrial complex, containing three or more industrial units with common driveway(s)—1 common pole or pylon sign for the entire complex (including any directory board) complying with the following requirements:
  - (a) maximum height—5m,
  - (b) maximum advertising area of all surfaces—25m<sup>2</sup>,
  - (c) must be within 5m of any public entry point to the premises,
  - (d) must not obstruct the sight line of vehicle or pedestrian traffic.
- (3) 1 additional business identification sign at main entrance of each occupied unit within an industrial complex with a maximum advertising area—1.2m<sup>2</sup>.
- (4) For single occupancy industrial premises, 1 business identification sign is permitted:
  - (a) Maximum area—50m<sup>2</sup> or 1m<sup>2</sup> per 3m of street frontage, whichever is the lesser.

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- (b) Must be in the form of an advertising panel attached to the facade of the building with no part of the advertising panel projecting higher than the front wall of the building to which the sign is attached.
  - (c) Must not be constructed or installed on or in, or in relation to, a heritage item or a draft heritage item.

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

- (1) Must meet the general requirements for advertisements.
- (2) 1 sign per premises.
- (3) Maximum area—0.75m<sup>2</sup>.
- (4) If a pole sign, maximum height—2m from natural ground level.
- (5) Must not be illuminated.
- (6) Must be located at least 600mm from any public road.
- (7) Must not be constructed or installed on or in, or in relation to, a heritage item or a draft heritage item.

**Advertisements—real estate signs (advertising premises or land for sale or rent) in non residential zones**

- (1) Must meet the general requirements for advertisements.
- (2) Must be located at least 600mm from any public road.
- (3) Maximum area—4.5m<sup>2</sup>.
- (4) Must be removed within 7 days after the premises or land is sold or let.

**Advertisements—real estate signs (advertising premises or land for sale or rent) in residential zones**

- (1) Must meet the general requirements for advertisements.
- (2) Must be located at least 600mm from any public road.
- (3) Maximum area—2.5m<sup>2</sup>.
- (4) Must be removed within 7 days after the premises or land is sold or let.

**Temporary structures (other than temporary builders' structures)**

- (1) Must be on land within Zone B1, Zone B2, Zone B4, Zone B5, Zone B6, Zone IN1, Zone IN2, Zone RE2 or Zone SP2.
- (2) Must not remain erected more than 72 hours.
- (3) Must be at least 6m from any public street.

## 2011 No 645

Marrickville Local Environmental Plan 2011

Schedule 2 Exempt development

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- (4) Must not be used for a recurring use or a use that would otherwise require development consent.
- (5) Must be installed in accordance with the manufacturer's specifications.
- (6) Must not be used for commercial or industrial purposes.
- (7) Changes or alterations to the surface and surrounding environment, where it is constructed or erected, must be superficial and temporary.

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## Schedule 3 Complying development

(Clause 3.2)

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

### Part 1 Types of development

**Note.** This Part refers to complying development not specified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

#### Alterations and additions to residential buildings that are not heritage items or draft heritage items

- (1) Juliet balconies for residential flat buildings or multi dwelling housing:
  - (a) must be at the rear of the property, and
  - (b) must replace an existing opening with an area greater than 1m<sup>2</sup>, and
  - (c) must not have a width greater than 1m or a depth greater than 500mm, and
  - (d) must not be within 15m (horizontal distance) from any (visible) private open space or habitable room window of an adjoining property, and
  - (e) 1 per dwelling.
- (2) Dormer window for dwelling house, attached dwelling or semi-detached dwelling:
  - (a) Maximum 1 per dwelling house.
  - (b) Must be at the rear of the dwelling house, attached dwelling or semi-detached dwelling and face the rear boundary of the property.
  - (c) Maximum dimensions—1.2m × 1.5m.
  - (d) Must not exceed a ratio of 2:1 measured on the external frame of the window.
  - (e) Must be setback at least 500mm from the roof edges (facing the side boundaries), 200mm from the roof gutter and 200mm below the ridge line.
  - (f) If within 15m (horizontal distance) from any visible habitable room window or private open space of adjoining property—sill height must be at least 1.6m from internal finished floor level of associated room or window must contain fixed obscure glazing to a height of 1.6m.

## 2011 No 645

Marrickville Local Environmental Plan 2011

Schedule 3 Complying development

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- (3) Alterations within roof space:
  - (a) Existing ridge line and angle of roof pitch must be retained.
  - (b) Additional floor area must only be used for non-habitable purposes.

### **Bed and breakfast accommodation**

- (1) Must be carried out in a lawfully existing dwelling house, attached dwelling or semi-detached dwelling in a land use zone where bed and breakfast accommodation is a permissible use.
- (2) Maximum number of guest bedrooms—3 and maximum number of guests at any one time—6.
- (3) Minimum number of bathrooms—2.
- (4) Must have a fire extinguisher and fire blanket in the kitchen.

## **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 Division 3 of Part 3 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

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

(Clause 5.2)

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

Column 1	Column 2
Locality	Description
Nil	

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

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

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

Column 1	Column 2
Locality	Description
Nil	

## 2011 No 645

Marrickville Local Environmental Plan 2011

Schedule 5 Environmental heritage

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### Schedule 5 Environmental heritage

(Clause 5.10)

#### Part 1 Heritage items

Locality	Item name	Address	Property description	Significance	Item no
Camperdown	Camperdown Park	Australia Street	Lot 3, DP 175973; Lot 1, DP 724199; Lot 1, DP 975361; 4087–3000; 3760–3000	Local	I1
Camperdown	Cranbrook group	10 and 12 Australia Street	Part Lot 4, DP 175973	State	I2
Camperdown	Australia Street industrial group	27, 29, 31, 33, 35 and 43 Australia Street and 32, 34 and 36 Denison Street and part of 143 Parramatta Road	Lots 1–8, DP 1078125; Lot 1, DP 818033; Lots C and D, DP 400192	Local	I3
Camperdown	Sullivan RSPCA Memorial Horse trough, balustrade and 2 ficus trees	Fowler Street (closed section near Gibbens Street)		Local	I4
Camperdown	Bridge Road School (former Camperdown Public School)	127 Parramatta Road	Lot 1, DP 879583	Local	I5
Camperdown	Federation	187 Parramatta Road	Lot 1, DP 960297	Local	I6
Camperdown	Group of 2 Victorian semi-detached cottages	143 and 145 Salisbury Road	Lot 1, DP 799559; Lot 1, DP 799973	Local	I7

Locality	Item name	Address	Property description	Significance	Item no
Dulwich Hill	Group of Victorian houses	1, 3, 5 and 7 Abergeldie Street and 279 Old Canterbury Road	Lots 2–5, Section 1, DP 857	Local	I8
Dulwich Hill	Cottage and garden	25 Abergeldie Street	Lot 2, DP 621607	Local	I9
Dulwich Hill	Victorian villa	29 Constitution Road	Lot B, DP 372435	Local	I10
Dulwich Hill	Victorian rustic gothic villa—“Brook Lodge”	174 Denison Road (part)	Lot 4, DP 6892	Local	I11
Dulwich Hill	Dibble Avenue Waterhole	Dibble Avenue	Lot 1, DP 346874; Lot A, DP 431233	Local	I12
Dulwich Hill	Gladstone Hall	114 Ewart Street	Lot 10, DP 1115631	Local	I13
Dulwich Hill	Federation Arts and Crafts style house—“Leonardi”	61 Garnet Street	Lot 1, DP 310484	Local	I14
Dulwich Hill	Holy Trinity Church of England	7 Herbert Street	Lot 1, DP 529533	Local	I15
Dulwich Hill	The Rectory	11 Herbert Street	Lot 2, DP 529533	Local	I16
Dulwich Hill	Victorian filigree style villa—“Fairview”	17–19 Herbert Street	Lot 1, DP 901271	Local	I17
Dulwich Hill	Memorial Boy Scout headquarters	31–33 Lewisham Street	Lot 1, DP 1093562; Lot 1, DP 927267	Local	I18
Dulwich Hill	Victorian italianate style villa—“Allerton”	407 Marrickville Road	Lot 1, DP 176181	Local	I19

## 2011 No 645

Marrickville Local Environmental Plan 2011

Schedule 5 Environmental heritage

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<b>Locality</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Dulwich Hill	Gladstone Hotel	572 Marrickville Road (corner New Canterbury Road)	Lot 1, DP 222649	Local	I20
Dulwich Hill	Victorian villa	227 Old Canterbury Road	Lot A, DP 100329	Local	I21
Dulwich Hill	Victorian italianate style villa— “Malvern”	42–44 Pile Street	Lot 1, DP 1058788; Lot 7, DP 1280	Local	I23
Dulwich Hill	Dulwich Hill High School	Seaview Street	Lot 1, DP 830323	Local	I24
Dulwich Hill	Waratah Flour Mills	10–14 Terry Road	SP 69298	Local	I25
Dulwich Hill	Timber Federation period house	122 Victoria Street	Lot 1, Section 7, DP 813	Local	I26
Dulwich Hill	Maronite Sisters Convent and High School (former Carmelite Convent)	194–210 Wardell Road	Lot 101, DP 1091233	Local	I27
Dulwich Hill	Pressure Tunnel Shaft (Sydney Water heritage asset no 4570942)	1–9 Weston Street	Lot 1, DP 187816; Lot 17, Section 2, DP 1576; Lot 16, Section 2, DP 1576; Lot 15, Section 2, DP 1576; Lot 14, Section 2, DP 1576	State	I28
Enmore	Victorian rustic gothic style house	6 Alma Avenue	Lot 1, DP 781180	Local	I29

Locality	Item name	Address	Property description	Significance	Item no
Enmore	Garsed's cottages— Victorian Georgian style terrace houses and Victorian Georgian style freestanding house	89A–E and 91 Camden Street	Lots 6–10, DP 216009; Lot 2, DP 231154	Local	I30
Enmore	Victorian Georgian style cottage— “Eugenie Cottage”	24 Cavendish Street	Lot A, DP 334014	Local	I31
Enmore	Victorian villa	13–17 Edgeware Road	Lot 9, Section 3, DP 1166; Lot 10, Section 3, DP 1166; Lot 11, Section 3, DP 1166	Local	I32
Enmore	Group of mid-Victorian gothic houses	43A, 45 and 47 Edgeware Road	Lot 1, DP 901034; Lots 31 and 32, Section 3, DP 1166	Local	I33
Enmore	Golden Barley Hotel	165 Edgeware Road	Lot D, DP 355228	Local	I34
Enmore	Marie Louise shopfront and salon	135 Enmore Road	Lot C, DP 110326	Local	I35
Enmore	Sly Fox Hotel	199 Enmore Road (corner Cambridge Street)	Lot 1, DP 82870	Local	I36
Enmore	Enmore Post Office (former)	213 Enmore Road	Lot 603, DP 752049	Local	I37
Enmore	Group of semi-detached cottages	40, 42, 44 and 46 Juliett Street	Lots 1 and 2, DP 805036; Lots 100 and 101, DP 531867	Local	I38
Enmore	Victorian rustic gothic villa	9 Liberty Street	Lot 1, DP 900660	Local	I39

**2011 No 645**

Marrickville Local Environmental Plan 2011

Schedule 5 Environmental heritage

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<b>Locality</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Enmore	Victorian rustic gothic style house—"Percy Villa"	11 Liberty Street	Lot 1, DP 904028	Local	I40
Enmore	Federation Queen Anne style house	15 Liberty Street (corner Cambridge Street)	Lot 1, DP 129777; Lot 2, Section 6, DP 1; Lot 1, Section 6, DP 1	Local	I41
Enmore	Group of Victorian italianate style terraces—"Wilcannia, Wyoming and Wyandah"	29, 31 and 33 Liberty Street	Lots 1–3, DP 590289	Local	I42
Enmore	Group of Victorian italianate style villas—"Eureka Villa"	4 and 14 London Street	Lot A, DP 321322; Lot 1, DP 501007	Local	I43
Enmore	Terrace—"Jessy"	9, 11, 13 and 15 London Street	Lots A–D, DP 439892	Local	I44
Enmore	Queen Anne house	75 London Street	Lot 1, DP 977194	Local	I45
Enmore	Former Enmore Public School	2–12 Metropolitan Road	Lots 13–21, Section 1, DP 1166	Local	I46
Enmore	Enmore Church of Christ	17–21 Metropolitan Road	Lots 99–102, Section 2, DP 1166	Local	I47
Enmore	Retail group and pedestrian tunnel	48 and 50 Phillip Street (including Gladstone Street, Newtown)	Lots 2 and 3, DP 220595; Lot X, DP 443195; Part Lot 50, DP 1006033	Local	I48
Enmore	Newington Manor—Victorian gothic villa	10–14 Sebastopol Street	Lot 1, DP 954372	Local	I49

Locality	Item name	Address	Property description	Significance	Item no
Enmore	Victorian Georgian style villa	17 Sebastopol Street	Lot 1, DP 741345	Local	I50
Enmore	St Luke's Church of England	11 and 13-35 Stanmore Road	Lots 3-8, Section 4, DP 1; Lot 2, DP 455687	Local	I51
Enmore	Victorian rustic gothic villa—"Woodford Cottage"	10 Wemyss Street	Lot 1, DP 437973	Local	I52
Lewisham	Victorian style terrace—"Hobart"	1 Fred Street	Lot 1, DP 910860	Local	I53
Lewisham	Morton House—Edwardian house	40 Hunter Street	Lot A, DP 327424; Lot 31, Section 1, DP 144	Local	I55
Lewisham	Lewisham Sewage Aqueduct (Sydney Water heritage asset no 4570955)	Longport Street (vicinity)		State	I54
Lewisham	Long Cove Creek railway viaducts (formerly adjacent girder bridges)	Longport Street (vicinity)		State	I229
Lewisham	Huntsbury Hotel	127 New Canterbury Road	Lots 2-5, DP 1543; Lots 4 and 5, DP 10989	Local	I56
Lewisham	Stone terracing and steps	Old Canterbury Road		Local	I57
Lewisham	Pair of timber Victorian cottages	11 and 13 Old Canterbury Road	Lots 100 and 102, DP 595582	Local	I58
Lewisham	Former shop and residence	4 Summer Hill Street	Lot 1, DP 984239	Local	I59
Lewisham	Sewer ventilation stack	10A The Boulevarde	Lot 2, DP 173378	State	I60

## 2011 No 645

Marrickville Local Environmental Plan 2011

Schedule 5 Environmental heritage

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<b>Locality</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Lewisham	Petersham Baptist Church and Church Hall	13 The Boulevarde	Lot 1, DP 981811	Local	I61
Lewisham	Christian Brothers High School	68–84 The Boulevarde	Lot 1, DP 1089520	Local	I62
Lewisham	Former Lewisham Hospital, Convent and grounds	1 Thomas Street and 2B and 2C West Street	Lot 1, DP 565617; Lots 1 and 2, DP 1116995	Local	I63
Lewisham	St Thomas's Catholic Church, School and Presbytery	3 Thomas Street	Lot 22, DP 827632	Local	I64
Lewisham	Victorian style villa	36 Thomas Street	Lot B, DP 943060	Local	I65
Marrickville	Addison Road Centre	142 Addison Road	Lot 622, DP 720759	Local	I66
Marrickville	Sewage pumping station 271, chimney stack and two storey residence	Carrington Road (Northern end)	Lot 1, DP 182542; Lots 1 and 2, DP 744955	State	I67
Marrickville	Carrington Road—Select industrial facades and Canary Island Palms	10 and 47 Carrington Road (facade only)	Lot 1, DP 351068; Lot 1, DP 856851; Lot 1, DP 620857	Local	I68
Marrickville	Victorian villa	48 Cary Street	Lot 17, Section 5, DP 759	Local	I69
Marrickville	Brick drain	Between Centennial Street and Garners Avenue		Local	I70
Marrickville	Henson Park	Centennial Street	Lots 423 and 424, DP 1035319	Local	I71
Marrickville	Marrickville Public School	116 Chapel Street	Lot 1, DP 802664	Local	I72

Locality	Item name	Address	Property description	Significance	Item no
Marrickville	Roseby Memorial Church	2A Church Street (also known as 388–390 Illawarra Road)	Lot 11, DP 850441	Local	I73
Marrickville	Enmore Box and Case Factory	Empire Lane (southern corner of Shelley Lane)	Lot Y, DP 954108	Local	I74
Marrickville	Enmore Park and entry gates and Port Jackson fig trees	Enmore Road	Part Lot 7024, DP 93582	Local	I75
Marrickville	Terrace housing	341–371 Enmore Road	Lots A–D, DP 928973; Lots 1–4, DP 253046; Lots 1–4, DP 858436; Lot 1, DP 611913; Lots 1–3, DP 253540	Local	I76
Marrickville	Victorian style cottage	3 Esk Street	Lot 14, DP 605	Local	I77
Marrickville	Stone house	5 Esk Street	Lot 13, DP 605	Local	I78
Marrickville	Group of Federation Queen Anne style terrace houses	11, 13, 15 and 17 Fernbank Street	Lots A and B, DP 371157; Lots 35 and 36, DP 1971	Local	I79
Marrickville	Booth House	52 Frazer Street	Lot 11, DP 830219	Local	I80
Marrickville	Flood storage reserve and brick drain (Sydenham Pit and Drainage Pumping Station 1)	Garden Street	Part Lot 1, DP 186276; Lot 1, DP 1022910; Lots 29, 34, 35, 40, 41 and 46, DP 153	State	I81
Marrickville	Victorian style residence—“Ourimbah”	49 Garners Avenue	Lots 9 and 10, DP 976398	Local	I82
Marrickville	Former Marrickville Police Station	4–8 Gladstone Street	Lots 11–13, Section 3, DP 2620	Local	I83

## 2011 No 645

### Marrickville Local Environmental Plan 2011

#### Schedule 5 Environmental heritage

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<b>Locality</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Marrickville	Former Globe Worsted Mills	11–23 Gordon Street (including 40A Philpott Street)	SP 77403	Local	I84
Marrickville	Brick footpath paving and Canary Island palms	Graham Avenue		Local	I85
Marrickville	Stonewalling, terracing and street planting	High, Junction, Ruby and Schwebel Streets (streetscape group)		Local	I86
Marrickville	Victorian italianate style villa—“Rockleigh”	9 Hilltop Avenue	Lot 4, DP 16193	Local	I87
Marrickville	Benson’s Quarry House—weatherboard cottage	11 Hilltop Avenue	Lot 2, DP 819815	Local	I88
Marrickville	Marrickville Railway Station group	Illawarra Road	Lot 1, DP 1042838	State	I89
Marrickville	Victorian italianate corner shop and adjacent pair of Victorian terrace houses	40, 42 and 44 Illawarra Road	Lots A–C, DP 101925	Local	I90
Marrickville	Tunneyfall Terrace—Victorian italianate corner shops and Victorian style terrace houses	46–60 Illawarra Road	Lots 1–4, DP 306991; Lots 2 and 3, DP 101498; Lots 1–3, DP 103785	Local	I91
Marrickville	Former corner shop	87 Illawarra Road	Lot 10, DP 599846	Local	I92
Marrickville	Henson Park Hotel	91 Illawarra Road	Lot 1, DP 110113	Local	I93

Locality	Item name	Address	Property description	Significance	Item no
Marrickville	Former Marrickville Town Hall	96 Illawarra Road	Lot 961, DP 813630	State	I94
Marrickville	Victorian style house	211 Illawarra Road	Lot 36, Section 2, DP 826	Local	I96
Marrickville	Stone House associated with former Schwebel Family Quarry	560 Illawarra Road	Lot 2, DP 338141	Local	I97
Marrickville	Brick paving	Sections of Juliett Street, Llewellyn Street, Enmore Road, Victoria Road, Bourne Street, Lynch Avenue and Murray Street		Local	I98
Marrickville	Federation house	18 Lawson Avenue	Lot 102, DP 870783	Local	I99
Marrickville	Stead House (circa 1850s, also known as Frankston Villa and Waterloo Villa)	12 Leicester Street	Lot 1, DP 582556	Local	I125
Marrickville	Federation Queen Anne mansion—and coach house—“Penston Hall”	159 Livingstone Road	Lot 159, DP 1114934	Local	I100
Marrickville	Former Marrickville Hospital site—Victorian cottage	182–186 Livingstone Road and 313–319 Marrickville Road	Lots 36 and 37, DP 3164; Lot 2, DP 103507; Lot 2, DP 872693	Local	I101
Marrickville	St Nicholas Greek Orthodox Church	205 Livingstone Road	Lot 1, DP 119393	Local	I102

## 2011 No 645

Marrickville Local Environmental Plan 2011

Schedule 5 Environmental heritage

---

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Marrickville	Marrickville West Public School	269A Livingstone Road	Lot 1, DP 793884	Local	I103
Marrickville	Edwardian villa—“Laurel-Bank”	323 Livingstone Road	Lot 2, DP 316444	Local	I104
Marrickville	Spanish Mission style house	329 Livingstone Road	Lot B, DP 331680	Local	I105
Marrickville	Letter box	Marrickville Road (near corner of Lilydale Street)		Local	I106
Marrickville	Former Marrickville Post Office	274A Marrickville Road	Lot 1, Section 2, DP 5482	Local	I107
Marrickville	Marrickville Town Hall	303 Marrickville Road	Lot 1, DP 804376	Local	I108
Marrickville	Marrickville Fire Station	309 Marrickville Road	Lots 1 and 2, DP 1108824	Local	I109
Marrickville	Edwardian House—“Montrose”	321 Marrickville Road	Lot 1, Section 2, DP 5482; Lot 2, DP 1083250	Local	I110
Marrickville	St Clement’s Church of England Hall and Rectory	332–334 Marrickville Road	Lot 1, DP 860839	Local	I111
Marrickville	St Brigid’s Church, Hall, Monastery, Shrine and grounds	344–392 Marrickville Road	Lot 3, DP 1076759; Lot 1, DP 9223	Local	I112
Marrickville	Federation Arts and Crafts style mansion—“Parklands”	448 Marrickville Road	Lot E, DP 2623	Local	I113
Marrickville	Stone house	1 Myrtle Street	Lot 2, DP 774207	Local	I114

Locality	Item name	Address	Property description	Significance	Item no
Marrickville	Sewer ventilation stack and two adjoining Federation cottages	24 and 26 Premier Street	Lots 17 and 18, Section 7, DP 1142	State	I115
Marrickville	Ferncourt Public School	74 Premier Street	Lot 50, DP 107216	Local	I116
Marrickville	Industrial facade	14 Rich Street	Lot C, DP 178259; Lots 2 and 3, DP 785027; Lot 4, DP 785028	Local	I117
Marrickville	Sims Metal Factory	61–65 Shepherd Street	Lot 5, DP 785028	Local	I118
Marrickville	Victorian italianate style mansion—“Lauraville”	2 Thompson Street	Lot 1, DP 1120426	Local	I119
Marrickville	Quarry and stone-walling	Thornley Street and Hampden Avenue	Lot 23, DP 609856	Local	I120
Marrickville	Cooks River Sewage Aqueduct (Sydney Water Heritage Asset no 4570953)	Thornley Street (vicinity)	Lots 38–40, Section 10, DP 1142	State	I121
Marrickville	Federation house	28 Thornley Street	Lots 22 and 23, Section 10, DP 1142	Local	I122
Marrickville	Richardsons Lookout and gate posts	47A Thornley Street	Lots 1 and 3, DP 582062	Local	I123
Marrickville	Mill House	34 Victoria Road (part)	Lot 100, DP 715231	Local	I124
Marrickville	Victorian cottage	286 Wardell Road	Lot 1, DP 879004	Local	I126
Marrickville	Burial vaults	Warren Park	Lot 2, DP 582062	Local	I127

## 2011 No 645

### Marrickville Local Environmental Plan 2011

#### Schedule 5 Environmental heritage

---

<b>Locality</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Marrickville	Pair of Victorian villas	47 and 51 Warren Road	Lots 1 and 2, DP 2191	Local	I128
Marrickville	Former Schwebel Family Quarry	Wharf Road and Illawarra Road (rear of properties)	Lot 2, DP 338141; Lot 1, DP 615272; Lot 1, DP 311826; Lot 1, DP 913016; Lot 1, DP 956119; Lots 1 and 2, DP 300589; Lots 3–10, DP 10071	Local	I97
Marrickville	Victorian villa—“Colchester”	11–13 Woodcourt Street	Lot 3, DP 7663	Local	I129
Newtown	Victorian Georgian house and stables	38 and 54 Albermarle Street	Lot 1, DP 120229; Lot 1, DP 933727	Local	I130
Newtown	Victorian villa	55 Albermarle Street	Lot B, DP 358613	Local	I131
Newtown	Victorian villa	69 Albermarle Street	Lot 1, DP 120223	Local	I132
Newtown	Group of Federation Queen Anne style terrace houses	63–69 Alice Street	Lots 1–4, DP 110571	Local	I133
Newtown	Courthouse Hotel	202–204 Australia Street	Lot 1, DP 329342; Lots 1–3, DP 796705	Local	I134
Newtown	Courthouse and former Police Station	218 Australia Street	Lot 1, DP 199559	Local	I135
Newtown	Australia Street Infants School	229 Australia Street (including 73 Lennox Street)	Part Lot 1, DP 830304	Local	I136
Newtown	Newtown Town Hall	1 Bedford Street	Lot 1817, DP 996797	Local	I137

Locality	Item name	Address	Property description	Significance	Item no
Newtown	Bedford Street retail group	15, 27 and 37 Bedford Street and 167 Probert Street	Lot 4, DP 33129; Part Lot 1, DP 1109296; Lot 14, DP 1041804; Lot 1, DP 107636	Local	I138
Newtown	St Joseph's Roman Catholic Church	49 Bedford Street	Lot 1, DP 86190	Local	I139
Newtown	J. Ratner & Co shop (former)	32 Camden Street (part)	Part Lot 1, DP 119022	Local	I140
Newtown	Corner shop	88 Chelmsford Street	Lot 1, DP 853895	Local	I141
Newtown	St Joseph's Boys School	93 Chelmsford Street	Lot 1, DP 86189	Local	I309
Newtown	Group of Victorian style terraces	92-98 Chelmsford Street	Lots 1-4, DP 28274	Local	I142
Newtown	St Stephen's Church of England and Cemetery	187 and 189 Church Street	Lot 1, DP 137465; Lot 1, DP 90249	State	I143
Newtown	Newtown Baptist Church	191 Church Street	16691-3000	Local	I144
Newtown	Josiah Gentle's Victorian italianate style villa—"The Towers"	15 Dickson Street	Lots 30 and 31, DP 2569	Local	I145
Newtown	Group of Victorian italianate style terrace houses—"Doris, Clifton, Tarana and Glenroy"	17-23 Dickson Street	Lots 26-29, DP 2569	Local	I146
Newtown	St Pius Church, Church Hall and Presbytery	290 Edgeware Road	Lots 1-7, Section 3, DP 128	Local	I147
Newtown	Former School of Arts	5 Eliza Street	Lot 1, DP 1110477; Lot 1, DP 108098	Local	I148

## 2011 No 645

Marrickville Local Environmental Plan 2011

Schedule 5 Environmental heritage

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<b>Locality</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Newtown	Dispensary Hall	82–84 Enmore Road	Lots 55–57, DP 3605	Local	I149
Newtown	Stanmore House (at rear)	88–92 Enmore Road	Lots 50–52, DP 3605	State	I150
Newtown	Enmore Theatre	118–132 Enmore Road	Lot 1, DP 955088; Lots 2–4, DP 62845	Local	I151
Newtown	Cragos Flour Mills site	1 and 3 Gladstone Street	SP 74637; SP 80980	Local	I152
Newtown	Former CBC Bank	325 King Street	Lot 1, DP 798784	Local	I153
Newtown	Former ANZ Bank	327 King Street	Lot 1, DP 54685	Local	I154
Newtown	Terrace with shops	415A, 417, 417A, 419 and 419A King Street	Lots 1 and 2, DP 235183; Lot E, DP 107733; Lots 1–3, DP 219073	Local	I155
Newtown	Formerly “Molloys” shop	539 King Street	Lot 1, Section A, DP 2186	Local	I156
Newtown	Shop counters	555 King Street	Lot H, DP 33260	Local	I157
Newtown	Botany View Hotel	597 King Street (corner Darley Street)	Lot A, DP 443127	Local	I158
Newtown	St Peters Hotel	631 King Street	Lot 1, DP 956255	Local	I159
Newtown	Terrace housing	2–24 Laura Street	Lot 1, DP 328606; Lots A and B, DP 338362; Lot 9, DP 441715; Lot 1, DP 331327; Lots 1–8, DP 441715	Local	I160

Locality	Item name	Address	Property description	Significance	Item no
Newtown	Victorian terraces— “Church Avenue—1886” and “May”	2–8 and 38–84 Lennox Street	Lot B, DP 179846; Lots 1–3, DP 106450; Lots 1–10, DP 259844; Lot 2, DP 778630; Lots 1–11, 13 and 14, DP 443934	Local	I161
Newtown	Coronation Hall— Federation Arts and Crafts style hall	95–103 Lennox Street	Lot 1, DP 799247; Lot 140, Section 4, DP 7	Local	I162
Newtown	Former electricity substation	134 Lennox Street	Lot 1, DP 82162	Local	I163
Newtown	Semi-detached house	2 and 4 Margaret Street	Lots A and B, DP 441573	Local	I164
Newtown	Victorian terrace	18–24 Oxford Street	Lots 3–6, DP 225310	Local	I165
Newtown	St Joseph’s Girls’ School and St Bede’s Convent and Presbytery	26 and 36 Oxford Street	Lot 1, DP 595079; Lot 1, DP 725270	Local	I166
Newtown	Villa— “Ferndale”	1 Samuel Kent Lane	Lot 52, DP 1048316	Local	I167
Newtown	Victorian italianate style villa— “Butleigh”	8 Simmons Street	Lot 1, DP 76518	Local	I168
Newtown	Victorian italianate style villa— “Yarrowa”	18 Simmons Street	Lot 1, DP 307435; Lot 1, DP 996037	Local	I169
Newtown	Pressure Tunnel Shaft (Sydney Water heritage asset no 4570942)	2–14 Station Street	Lot 1, DP 1799302	State	I170
Newtown	Masonic Hall	38 Station Street	Lot 1, DP 81784	Local	I171

**2011 No 645**

## Marrickville Local Environmental Plan 2011

## Schedule 5 Environmental heritage

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<b>Locality</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Newtown	Ulster House and Ulster Terrace—Victorian terrace houses	48–80 Station Street	Lots 1–6 and 8–17, DP 913687; Lot 71, DP 819632	Local	I172
Newtown	Terrace housing	51, 51A, 53, 53A, 55, 55A, 57, 57A, 59, 59A, 61, 61A, 63, 63A, 65 and 67 Station Street	Lots 1–8, Section 2, DP 339	Local	I173
Newtown	Victorian Italianate and Federation period transitional style semi-detached pair of houses	4 and 6 Trade Street	Lot Y, DP 162822; Lot B, DP 447564	Local	I174
Newtown	Group of Victorian Italianate and Federation period transitional style terraces	29–37 Trade Street	Lots 1–5, DP 518803	Local	I175
Newtown	Camdenville Public School	127–137 Wells Street	Lots A and B, DP 442207; Lots A and B, DP 437043; Lots A and B, DP 434860; Lots A and B, DP 106302; Lots 18–34, Section 3, DP 128	Local	I176
Petersham	Pressure Tunnel Shaft (Sydney Water heritage asset no 4570942)	Corner Albert Street and Chester Street (excluding 30 Chester Street)	Lot 8, DP 18245	State	I177

Locality	Item name	Address	Property description	Significance	Item no
Petersham	Federation period shop including original shopfront and original interior detailing	110 Audley Street	Lot 2, DP 934028	Local	I178
Petersham	Inter-war Art Deco style residential flat buildings (one of three) "Montroy"	112 Audley Street	SP 1135	Local	I179
Petersham	Inter-war Art Deco style residential flat buildings (one of three) "Kanimbla"	114 Audley Street	Lot A, DP 334562	Local	I180
Petersham	Group of Victorian shops	16 and 18 Brighton Street and 45B Railway Street	Lot 49, Section 11, DP 258; Lot A, DP 409552	Local	I181
Petersham	Victorian former hotel	23 Brighton Street	Lot 1, DP 100852	Local	I182
Petersham	W. MacFarlane Furniture Store and Workshop	48 Charles Street	Lot 11, DP 785635	Local	I183
Petersham	Former Eversleigh Hospital	1-3 Coronation Avenue	SP 72114	Local	I184
Petersham	Petersham TAFE	25 Crystal Street	Lot 1, DP 749931	Local	I185
Petersham	Victorian Georgian style villa— "Trelowarren"	89 Crystal Street	Lot 1, DP 650007	Local	I186
Petersham	Former 5th Church of Christ, Scientist	96 Crystal Street	Lot 1, DP 723233	Local	I187

## 2011 No 645

### Marrickville Local Environmental Plan 2011

#### Schedule 5 Environmental heritage

---

<b>Locality</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Petersham	Petersham Town Hall	107 Crystal Street	Lot 1, DP 905358; Lot 1, DP 724300; Lot 52, Section 56, DP 976735	Local	I188
Petersham	Terrace housing	109–123 Crystal Street	Lots A and B, DP 441211; Lots 1–4, DP 232867; Lots B and C, DP 374291	Local	I189
Petersham	ANZ Bank (former)	125 Crystal Street	Lot 21, Section 1, DP 978577	Local	I190
Petersham	Group of Victorian houses	1–5 Fisher Street	Lot 1, DP 921294; Lot 1, DP 520586; Lot 1, DP 921295	Local	I191
Petersham	Group of flat buildings—“Valencia”	17 and 17A Fort Street and 15–19 Railway Street	SP 20522; SP 17078; Lots 3 and 4, DP 16100; 20751	Local	I192
Petersham	Petersham Presbyterian Church and Parish Hall	2A Gordon Street	Lot 16, Section 1, DP 275	Local	I193
Petersham	Horse trough	Closed section of John Street (next to 298 Stanmore Road)		Local	I194
Petersham	Victorian house	46–48 Livingstone Road	Lot 1, DP 901506	Local	I195
Petersham	Former Salvation Army College	55 Livingstone Road, Petersham	Lot 1, DP 663510	Local	I196
Petersham	Late Victorian terrace with carriageway	58–62 Margaret Street	Lots 1 and 2, DP 910712; Lot 1, DP 982270	Local	I197
Petersham	Victorian filigree style villa—“Valetta”	21–23 Marshall Street	Lots 1 and 2, DP 797571	Local	I198

Locality	Item name	Address	Property description	Significance	Item no
Petersham	Victorian Italianate style villa— “Lyndhurst”	1 Middleton Street	Lot 1, DP 65870	Local	I199
Petersham	Victorian villa— “Richmond”	13 Middleton Street	Lot 1, DP 87625	Local	I200
Petersham	Petersham Reservoir and site, gate and fence	New Canterbury Road	Lot 1, DP 744897	State	I201
Petersham	Petersham Police Station	2 New Canterbury Road	Lot 1, DP 781265	Local	I202
Petersham	Egyptian Room Scottish Royal Arch Temple	23–25 New Canterbury Road	Lot 3, Section 18, DP 111207; Lot B, DP 300647	State	I203
Petersham	Vaudeville Theatre (former)	49 New Canterbury Road	Lot 1, DP 650434	Local	I204
Petersham	Commercial Bank Co. Sydney Building—former	114 New Canterbury Road	Lot 1, DP 970714	Local	I205
Petersham	Late Victorian villa	19 Palace Street	Lot 19, DP 499813	Local	I206
Petersham	Group of Victorian villas and stables— “Zanobi”	21–25 Palace Street	Lots 1–3, DP 1309	Local	I207
Petersham	Corner shop	74 Palace Street	Lot 1, DP 633917	Local	I208
Petersham	Petersham Inn Hotel	386 and 396 Parramatta Road	Lots 10 and 11, DP 67608	Local	I209
Petersham	The Clarence Hotel	450 Parramatta Road (corner Crystal Street)	Lot 1, DP 67121	Local	I210

**2011 No 645**

## Marrickville Local Environmental Plan 2011

## Schedule 5 Environmental heritage

<b>Locality</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Petersham	William Wilkins Building—Fort Street High School	620 Parramatta Road	Lot 3, DP 826604	Local	I211
Petersham	Petersham Inn Hotel	1–5 Phillip Street	Lots 1 and 2, DP 67607	Local	I209
Petersham	Pair of Victorian villas—“Glenthorn”	2 and 4 Railway Street	Lots 1 and 2, DP 906950	Local	I212
Petersham	Victorian villa	23 Railway Street	Lot 1, DP 931757	Local	I213
Petersham	Petersham Uniting Church	32A Railway Street	Lot 1, DP 794939	Local	I215
Petersham	Inter-war Art Deco style residential flat building	2A Sadlier Crescent	Lot C, DP 334562	Local	I216
Petersham	“Tresillian”—2 storey Federation Queen Anne style mansion; 1920s nurse’s home; garden	2–4 Shaw Street	Lot 1, DP 571836; Lot 2, DP 955354; Lot 1, DP 57514	Local	I218
Petersham	Victorian italianate villa—“Trethaway”	18 Shaw Street	Lots 4–7, Section B, DP 642	Local	I219
Petersham	Maundrell Park and pergolas, stone steps and seating and dwarf boundary wall	Stanmore Road	Lot 1, DP 79676; Lots 1–5, DP 1130318	Local	I220
Petersham	Victorian italianate style commercial/retail building—“Newington”	256 Stanmore Road	Lot 1, DP 923371	Local	I221
Petersham	Newington Inn Hotel	292 Stanmore Road	Lot 20, DP 748176	Local	I222

Locality	Item name	Address	Property description	Significance	Item no
Petersham	Stanmore Fire Station	308–314 Stanmore Road	Lot 1, DP 723900; Lot 1, DP 723936	Local	I223
Petersham	All Saints Anglican Church	325 Stanmore Road	Lot 73, DP 52804	Local	I224
Petersham	Petersham Park including park and stone boundary walls, pergolas and memorial gates	2 Station Street	Lots 7025 and 7026, DP 1060136; Lot 7048, DP 1060137	Local	I225
Petersham	Petersham Railway Station group	Terminus Street (and Trafalgar Street)	Part Lot 1, DP 868501	State	I226
Petersham	White Cockatoo Hotel	30 Terminus Street (corner Railway Street)	Lot 1, DP 651726; Lot 2, DP 61813	Local	I227
Petersham	Horse trough	Trafalgar Street		Local	I228
Petersham	Streets names in red letters marked in cement footpath paving in the former Municipality of Petersham	Various		Local	I310
Petersham	Petersham Girls' High School (former)	West Street	Lot 1, DP 835049	Local	I230
Petersham	W. MacFarlane Furniture Store—warehouse	67 Westbourne Street	Lot 21, DP 65421	Local	I231
Petersham	Victorian Georgian style weatherboard cottage	2 York Crescent	Lot 1, DP 69455	Local	I232
Petersham	Victorian Georgian style villa—“Louisville”	18 York Crescent	Lot 1, DP 77793	Local	I233

## 2011 No 645

Marrickville Local Environmental Plan 2011

Schedule 5 Environmental heritage

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<b>Locality</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Stanmore	Victorian italianate Building	135 and 137 Albany Road	Lots 1 and 2, DP 105251	Local	I234
Stanmore	Stanmore Baptist Church	138A–140 Albany Road	Part Lot 19 and Lots 20–24, Section K, DP 2992	Local	I235
Stanmore	Brick factory (former)	2–6 Bridge Road	Lot 73918	Local	I236
Stanmore	Victorian italianate style villa—“Mariola”	53 Cambridge Street	Lot 3, DP 19946	Local	I237
Stanmore	Victorian Gothic villa and outbuilding	95 Cambridge Street	Lot 12, DP 788058	Local	I238
Stanmore	Stanmore Public School	96 Cambridge Street	Lots 2 and 3, DP 926517; Lot 1, DP 725592; Lots 4–6, Section 8, DP 1; Lot 1, DP 122999; Lot 1, DP 123000; Lot 1, DP 123001; Lot 1, DP 123002; Lots A and B, DP 356811; Lot 1, DP 122998; Lot 1, DP 123017; Lot 1, DP 105001; Lot 1, DP 915874; Lot 1, DP 900311	Local	I239
Stanmore	Victorian villa—“Horaceville”	129–133 Cambridge Street	Lot 1, DP 1135958	Local	I240
Stanmore	Victorian italianate style villa—“Carfield”	37 Cavendish Street	Lot B, DP 322675	Local	I241

Locality	Item name	Address	Property description	Significance	Item no
Stanmore	Victorian villa	40–42 Cavendish Street and 61–75 Stanmore Road	Lots 11 and 12, DP 532846; Lot 4, DP 930844; Lot 1, DP 930862; SP 56364; Lot 1, DP 931867; Lot 1, DP 932304; Lot 1, DP 905413; Lot 37, DP 656574;	Local	I242
Stanmore	Hughenden terrace	59–67 Cavendish Street	Lots A–E, DP 26942	Local	I243
Stanmore	Group of Victorian filigree style villas	78–86 Cavendish Street	Lot 1, DP 68274; Lot 1, DP 85583; Lot 100, DP 621045; Lot 1, DP 995237	Local	I244
Stanmore	Denesthorpe Terrace—four pairs of Victorian filigree style semi-detached houses	81–95 Cavendish Street	Lots 1–8, DP 238816	Local	I245
Stanmore	Former gatehouse to Annandale Farm (located off Corunna Lane)	96 Corunna Road (rear of site only)	Lot 17, Section C2, DP 3567	Local	I246
Stanmore	Brick sewer vent and Edwardian cottage	125 Corunna Road	Lot 14, Section A2, DP 3325	State	I247
Stanmore	Stanmore Railway Station group	Douglas Street		State	I248
Stanmore	Two Victorian villas	56 and 58 Douglas Street	Lots 19 and 20, Section G, DP 2871; Lot 1, DP 919391	Local	I249
Stanmore	Victorian villa—“Essington”	34 Gordon Crescent	Lots 1 and 2, DP 788626	Local	I250

## 2011 No 645

Marrickville Local Environmental Plan 2011

Schedule 5 Environmental heritage

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<b>Locality</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Stanmore	Victorian italianate villa	38 Gordon Crescent	Lots 11, 12, 23 and 24, Section D, DP 1336; Lot 1, DP 922786	Local	I251
Stanmore	Victorian italianate villa— Convent of Mercy	27 Myrtle Street	Lot 720, DP 609196	Local	I252
Stanmore	Olympia Milk Bar	190 Parramatta Road	Lot 4, Section C, DP 3567	Local	I253
Stanmore	Weekley Park and pergolas and dwarf boundary wall	Percival Road	Lot 1, DP 970392; Lots 18–21 and 74–78, Section Y, DP 4705; Lot 7034, DP 93583	Local	I254
Stanmore	Federation filigree style corner shop	83 Percival Road	Lot 1, Section W, DP 3782	Local	I255
Stanmore	Former State Bakery	92–96 Percival Road	SP 63804	Local	I256
Stanmore	Federation period shop with original shopfront	102 Percival Road	Lot 1, DP 105512	Local	I257
Stanmore	Salisbury Hotel	118–120 Percival Road (corner Temple Street)	Lot 1, DP 1042273	Local	I258
Stanmore	Former bakery and ovens and shop facades	118–124 Percival Road (part)	Lot 1, DP 1042273; Lots 2 and 3, DP 815533	Local	I259
Stanmore	Group of inter-war flat buildings	2–12 Phillip Street	Lots A–F, DP 340571	Local	I260

Locality	Item name	Address	Property description	Significance	Item no
Stanmore	Group of Federation cottages— “Wilga”, “Eddington”, “Irene”, “Otago”, “Kiora”, “Killara”, “Dorothy” and “Etham”	6–24 Railway Avenue	Lots 1–10, DP 244989	Local	I261
Stanmore	Victorian villa— “Dundoos”	50 Railway Avenue	Lots 1 and 2, Section P, DP 1933	Local	I262
Stanmore	Villa— “Bombara”	88 Stanmore Road	Lot 51, DP 654999	Local	I263
Stanmore	Newington College— Grounds	244 Stanmore Road	Lot 8, DP 710369	Local	I264
Stanmore	Newington College— Gate House	244 Stanmore Road	Lot 8, DP 710369	Local	I265
Stanmore	Former Methodist Church— Newington College	244 Stanmore Road	Lot 8, DP 710369	Local	I266
Stanmore	Polychrome brickwork cottage	32 Temple Street	Lot 40, Section B, DP 1336	Local	I267
Stanmore	Group of 4 Victorian villas	223–229 Trafalgar Street	Lots 10 and 14, Section 1, DP 220; Lot 1, DP 131860; Lot 13, DP 664100; Lot 1, DP 510794	Local	I268
St Peters	Alexandra Canal	Canal Road	Part Lot 13, DP 1050464	State	I270

**2011 No 645**

## Marrickville Local Environmental Plan 2011

## Schedule 5 Environmental heritage

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<b>Locality</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
St Peters	St Peters Public School	93A Church Street	Lot 1, DP 562252; Lot 1, DP 798935; Lot 1, DP 798934; Lots 1–4, DP 799518; Lots 1 and 2, DP 798936; Lot 1, DP 797303	Local	I271
St Peters	St Peters Railway Station group	King Street	Lot 1, DP 65188	State	I272
St Peters	Terrace housing	105–119 May Street	Lots 1–8, DP 879483	Local	I273
St Peters	St Peter's Church of England	187 and 211 Princes Highway	Lot 1, DP 233214	State	I275
St Peters	Southern Cross Hotel	340 Princes Highway (corner Canal Road)	Lot 1, DP 573943; Lots 3–6, DP 16867	Local	I277
St Peters	Victorian filigree style mansion—“Claraville”	21–23 Silver Street	Lots 1 and 2, DP 592840	Local	I278
St Peters	Group of retail premises	47 and 52 Sutherland Street (including 46 Frederick Street, Sydenham)	Lot 1, DP 100762; Lot 24, Section A, DP 726; Lot A, DP 439103; Lot 23, Section E, DP 726	Local	I279
St Peters	Waugh & Josephson industrial buildings former—Inter-war Functionalist Showroom and offices, workshop, and site	1–7 Unwins Bridge Road	Lot 100, DP 629032	Local	I280

Locality	Item name	Address	Property description	Significance	Item no
St Peters	Town and Country Hotel	2 Unwins Bridge Road (corner Campbell Road)	Lot 1, DP 174051	Local	I281
St Peters	Group of Victorian filigree and Victorian Italianate terrace houses—“Narara”	4–18 Unwins Bridge Road	Lot 1, DP 772214	Local	I282
St Peters	Remaining brick road and footpath paving and stone guttering	Victoria Street (near 2 Bishop Street)		Local	I283
Sydenham	Brick kerb and sandstone kerb guttering	George Street, Henry Street, Park Road, Park Lane, Railway Lane, Rowe Lane, Reilly Lane and Stewart Lane		Local	I284
Sydenham	Victorian filigree terrace and engineering workshop at rear	88 George Street	Lot 7, Section J, DP 898	Local	I285
Sydenham	Sydenham Railway Station group	Gleeson Avenue	Lot 11, DP 862287	State	I286
Sydenham	Brick retaining walls	Marrickville Road (eastern end) and Railway Parade		Local	I287
Sydenham	Victorian filigree style sandstone faced residence	3–47 Railway Road (part only)	Lot 3, DP 878225	Local	I288
Sydenham	St Mary and St Mina Coptic Orthodox Church	24A Railway Road	Lots 82–84, DP 750	Local	I289

**2011 No 645**

## Marrickville Local Environmental Plan 2011

## Schedule 5 Environmental heritage

Locality	Item name	Address	Property description	Significance	Item no
Sydenham	General Gordon Hotel	20 Swain Street (corner Burrows Avenue)	Lot 1, DP 630174	Local	I290
Sydenham	St Peters Town Hall	39 Unwins Bridge Road	Lots 1 and 2, DP 976769	Local	I291
Sydenham	Gothic and Italianate house—“Carthness”	41 Unwins Bridge Road	Lot 4, DP 59076	Local	I292
Sydenham	Electricity substation	204 Unwins Bridge Road	Lot 18, Section H, DP 726	Local	I293
Tempe	Timber slab cottage	44 Barden Street	Lot 1, DP 195769	State	I294
Tempe	Group of stone houses and stone quarry	1, 3, 11 and 13 Collins Street and 137 Unwins Bridge Road (including rear of 23–31 Toyer Street)	Lots 4, 5, 9 and 10, DP 1423; Lot 2, Section 13, DP 1551	Local	I295
Tempe	Tempe Bus Depot site	1B Gannon Street (also known as 745–763 Princes Highway) and 1 Tramway Street	Part Lot 1, DP 724918; Lot 1710, DP 1140035; Lot 1, DP 925726	Local	I274
Tempe	Tempe Railway Station group	Griffiths Street	Lot 1, DP 878290	State	I296
Tempe	Brick paving	Hillcrest Street and Hillcrest Lane		Local	I297
Tempe	Victorian villa—“Lymerston”	22 Hillcrest Street	Lot 101, DP 703030	Local	I298
Tempe	Westpac Stores Department and Penfolds Wine Cellars (former)	688 and 728 Princes Highway (part only)	Lot A, DP 385209; Lot 1, DP 213101; Lot 2, DP 803493	Local	I299

Locality	Item name	Address	Property description	Significance	Item no
Tempe	Tempe Hotel	735 Princes Highway	Lot 2, DP 33100	Local	I300
Tempe	Tempe Police Station (former)	846–854 Princes Highway	Lot 1, DP 783720	Local	I301
Tempe	Riverview and Irish Harp Hotel	898–904 Princes Highway	Lots 1 and 2, DP 124354	Local	I302
Tempe	Morton Bay fig tree	43 South Street	Lot B, DP 331917	Local	I303
Tempe	Tempe Station Master's cottage—former	86 Station Street	Lot 21, DP 1053830	Local	I304
Tempe	Victorian Villa—“Hurlingham”	60 Union Street	Lot 1, DP 127335	Local	I305
Tempe	Tempe Public and High Schools	119 and 368 Unwins Bridge Road	Lots 1 and 2, DP 828095	Local	I306
Tempe	Milford Haven—Colonial bungalow	125 Unwins Bridge Road	Lot E, DP 311769	State	I307
Tempe	Kendrick Park	View Street	Lot 796, DP 752049; Lots 2, 3, 17 and 18, Section 19, DP 57638; Lot 1, DP 124369; Lot 1, DP 723865	Local	I308
Tempe	Quarry Cliff Face Wells Avenue and Edgar Street	Opposite 3–15 Wells Avenue, rear property boundaries of 11–21 Edgar Street and along north-eastern boundary of 135 Unwins Bridge Road	Lot B, DP 386161; Lot C, DP 396603; Lots 1–4, DP 7716; Lot 1, Section 13, DP 1551	Local	I311

## 2011 No 645

Marrickville Local Environmental Plan 2011

Schedule 5 Environmental heritage

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### Part 2 Heritage conservation areas

<b>Heritage conservation area name</b>	<b>Identification on Heritage Map</b>	<b>Significance</b>
Camperdown Park Heritage Conservation Area	Shown on Heritage Map by red hatching and labelled "C10"	Local
Hopetoun-Roberts-Federation Streets Heritage Conservation Area	Shown on Heritage Map by red hatching and labelled "C9"	Local
The Abergeldie Estate Heritage Conservation Area	Shown on Heritage Map by red hatching and labelled "C1"	Local
Dulwich Hill Commercial Precinct Heritage Conservation Area	Shown on Heritage Map by red hatching and labelled "C28"	Local
Inter-War Heritage Conservation Area Group—Hollands Avenue; Jocelyn Avenue and Woodbury Street	Shown on Heritage Map by red hatching and labelled "C35"	Local
Enmore-Newtown Heritage Conservation Area	Shown on Heritage Map by red hatching and labelled "C12"	Local
Enmore House Estate Heritage Conservation Area	Shown on Heritage Map by red hatching and labelled "C13"	Local
Llewellyn Estate Heritage Conservation Area	Shown on Heritage Map by red hatching and labelled "C14"	Local
Lewisham Estate Heritage Conservation Area	Shown on Heritage Map by red hatching and labelled "C26"	Local
Civic Precinct Heritage Conservation Area	Shown on Heritage Map by red hatching and labelled "C30"	Local
David Street Heritage Conservation Area	Shown on Heritage Map by red hatching and labelled "C31"	Local
Norwood Park Estate (Park Street, Marrickville) Heritage Conservation Area	Shown on Heritage Map by red hatching and labelled "C19"	Local
Porter's Brickworks Estate Heritage Conservation Area	Shown on Heritage Map by red hatching and labelled "C24"	Local
South Dulwich Hill Heritage Conservation Area	Shown on Heritage Map by red hatching and labelled "C29"	Local
Holmwood Estate Heritage Conservation Area	Shown on Heritage Map by red hatching and labelled "C15"	Local

<b>Heritage conservation area name</b>	<b>Identification on Heritage Map</b>	<b>Significance</b>
North Kingston Estate Heritage Conservation Area	Shown on Heritage Map by red hatching and labelled "C11"	Local
King Street and Enmore Road Heritage Conservation Area	Shown on Heritage Map by red hatching and labelled "C2"	Local
Audley Street South (Bayswater Estate) Heritage Conservation Area	Shown on Heritage Map by red hatching and labelled "C20"	Local
Hordern Avenue Heritage Conservation Area	Shown on Heritage Map by red hatching and labelled "C27"	Local
Jarvie Avenue Heritage Conservation Area	Shown on Heritage Map by red hatching and labelled "C23"	Local
Morgan Street Heritage Conservation Area	Shown on Heritage Map by red hatching and labelled "C22"	Local
Petersham Commercial Precinct Heritage Conservation Area	Shown on Heritage Map by red hatching and labelled "C25"	Local
Petersham North Heritage Conservation Area	Shown on Heritage Map by red hatching and labelled "C3"	Local
Petersham South Heritage Conservation Area	Shown on Heritage Map by red hatching and labelled "C18"	Local
Railway Street (Petersham) Heritage Conservation Area	Shown on Heritage Map by red hatching and labelled "C4"	Local
Rathlin Estate Heritage Conservation Area	Shown on Heritage Map by red hatching and labelled "C21"	Local
Goodsell Estate Heritage Conservation Area	Shown on Heritage Map by red hatching and labelled "C16"	Local
Annandale Farm Heritage Conservation Area	Shown on Heritage Map by red hatching and labelled "C6"	Local
Cardigan Street Heritage Conservation Area	Shown on Heritage Map by red hatching and labelled "C8"	Local
Kingston South Heritage Conservation Area	Shown on Heritage Map by red hatching and labelled "C17"	Local
Kingston West Heritage Conservation Area	Shown on Heritage Map by red hatching and labelled "C7"	Local
Parramatta Road Commercial Precinct Heritage Conservation Area	Shown on Heritage Map by red hatching and labelled "C5"	Local

## 2011 No 645

Marrickville Local Environmental Plan 2011

Schedule 5 Environmental heritage

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<b>Heritage conservation area name</b>	<b>Identification on Heritage Map</b>	<b>Significance</b>
Collins Street Heritage Conservation Area	Shown on Heritage Map by red hatching and labelled "C32"	Local
Stanley Street Heritage Conservation Area	Shown on Heritage Map by red hatching and labelled "C34"	Local
Wells Avenue Heritage Conservation Area	Shown on Heritage Map by red hatching and labelled "C33"	Local

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## Dictionary

(Clause 1.4)

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

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

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

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

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

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

**Acid Sulfate Soils Map** means the Marrickville Local Environmental Plan 2011 Acid Sulfate Soils Map.

**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

## 2011 No 645

Marrickville Local Environmental Plan 2011

Dictionary

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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*.

**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.

**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.

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**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** means biological diversity.

**biological diversity** has the same meaning as in the *Threatened Species Conservation Act 1995*.

**Note.** The term is defined as follows:

**biological diversity** means the diversity of life and is made up of the following 3 components:

- (a) genetic diversity—the variety of genes (or units of heredity) in any population,
- (b) species diversity—the variety of species,
- (c) ecosystem diversity—the variety of communities or 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.

## 2011 No 645

Marrickville Local Environmental Plan 2011

Dictionary

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**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 the vertical distance between ground level (existing) and 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.

**bulky goods premises** means a building or place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:

- (a) a large area for handling, display or storage, and
- (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,

and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

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

**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.

## 2011 No 645

Marrickville Local Environmental Plan 2011

Dictionary

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**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*.

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**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.

**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.

**child care centre** means a building or place used for the supervision and care of children that:

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,

but does not include:

- (c) a building or place used for home-based child care, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the Children's Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
- (h) a service that is concerned primarily with the provision of:
  - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
  - (ii) private tutoring, or
- (i) a school, or
- (j) a service provided at exempt premises (within the meaning of Chapter 12 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

## 2011 No 645

Marrickville Local Environmental Plan 2011

Dictionary

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**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 the *Native Vegetation Act 2003*.

**Note.** The term is defined as follows:

**clearing native vegetation** means any one or more of the following:

- (a) cutting down, felling, thinning, logging or removing native vegetation,
- (b) killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation.

(See Division 3 of Part 3 of the *Native Vegetation Act 2003* for the exclusion of routine agricultural management and other farming activities from constituting the clearing of native vegetation if the landholder can establish that any clearing was carried out for the purpose of those activities.)

**coastal foreshore** means land with frontage to a beach, estuary, coastal lake, headland, cliff or rock platform.

**coastal hazard** has the same meaning as in the *Coastal Protection Act 1979*.

**coastal lake** means a body of water specified in Schedule 1 to *State Environmental Planning Policy No 71—Coastal Protection*.

**coastal protection works** has the same meaning as in the *Coastal Protection Act 1979*.

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

**coastal zone** has the same meaning as in the *Coastal Protection Act 1979*.

**Note.** The term is defined as follows:

**coastal zone** means:

- (a) the area within the coastal waters of the State as defined in Part 10 of the *Interpretation Act 1987* (including any land within those waters), and
- (b) the area of land and the waters that lie between the western boundary of the coastal zone (as shown on the maps outlining the coastal zone) and the landward boundary of the coastal waters of the State, and
- (c) the seabed (if any) and the subsoil beneath, and the airspace above, the areas referred to in paragraphs (a) and (b).

The coastal zone consists of the area between the western boundary of the coastal zone shown on the maps outlining the coastal zone and the outermost boundary of the coastal waters of the State. The coastal waters of the State extend, generally, to 3 nautical miles from the coastline of the State.

**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 Marrickville Council.

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

**Crown reserve** means:

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

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

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

## 2011 No 645

Marrickville Local Environmental Plan 2011

Dictionary

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***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 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.

***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,

## 2011 No 645

Marrickville Local Environmental Plan 2011

Dictionary

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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 for commercial purposes,
- (c) bee keeping,
- (d) a dairy (pasture-based).

**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.

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**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, fed (wholly or substantially) on prepared and manufactured feed, for the purpose of meat production or fibre products, but does not include a poultry farm, dairy or piggery.

**Note.** Feedlots are a type of **intensive livestock agriculture**—see the definition of that term 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

## 2011 No 645

### Marrickville Local Environmental Plan 2011

#### Dictionary

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- (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.

**Flood Planning Map** means the Marrickville Local Environmental Plan 2011 Flood Planning Map.

**floor space ratio**—see clause 4.5.

**Floor Space Ratio Map** means the Marrickville Local Environmental Plan 2011 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.

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

**foreshore area** means the land between the foreshore building line and the mean high water mark of the nearest bay or river, shown as “Land below Foreshore Building Line” on the Foreshore Building Line Map.

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

**Foreshore Building Line Map** means the Marrickville Local Environmental Plan 2011 Foreshore Building Line Map.

**forestry** has the same meaning as **forestry operations** in the *Forestry and National Park Estate Act 1998*.

**Note.** The term is defined as follows:

**forestry operations** means:

- (a) logging operations, namely, the cutting and removal of timber from land for the purpose of timber production, or
- (b) forest products operations, namely, the harvesting of products of trees, shrubs and other vegetation (other than timber) that are of economic value, or

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- (c) on-going forest management operations, namely, activities relating to the management of land for timber production such as thinning, bush fire hazard reduction, bee-keeping, grazing and other silvicultural activities, or
  - (d) ancillary road construction, namely, the provision of roads and fire trails, and the maintenance of existing railways, to enable or assist in the above operations.

**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, if ancillary to the principal purpose for which the building or place is used, include a restaurant or cafe and the sale of any 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

## 2011 No 645

### Marrickville Local Environmental Plan 2011

#### Dictionary

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- (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

## 2011 No 645

Marrickville Local Environmental Plan 2011

Dictionary

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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 Marrickville Local Environmental Plan 2011 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 Division of the Government Service 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.

***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 Marrickville Local Environmental Plan 2011 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,

## 2011 No 645

Marrickville Local Environmental Plan 2011

Dictionary

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- (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 dwelling used by a resident of the dwelling for the supervision and care of one or more children and that satisfies the following conditions:

- (a) the service is licensed within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*,
- (b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 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.

## 2011 No 645

Marrickville Local Environmental Plan 2011

Dictionary

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**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 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 or other livestock that are fed wholly or substantially on externally-sourced feed, and includes any of the following:

- (a) dairies (restricted),

## 2011 No 645

Marrickville Local Environmental Plan 2011

Dictionary

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- (b) feedlots,
- (c) piggeries,
- (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.

**Key Sites Map** means the Marrickville Local Environmental Plan 2011 Key Sites Map.

**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 Marrickville Local Environmental Plan 2011 Land Application Map.

**Land Reservation Acquisition Map** means the Marrickville Local Environmental Plan 2011 Land Reservation Acquisition Map.

**Land Zoning Map** means the Marrickville Local Environmental Plan 2011 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,

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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.

**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, derived principally from surrounding districts, and includes abattoirs, knackereries, tanneries, woolscours and rendering plants.

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

**Lot Size Map** means the Marrickville Local Environmental Plan 2011 Lot Size Map. [Not adopted. See clause 4.1]

**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.

## 2011 No 645

Marrickville Local Environmental Plan 2011

Dictionary

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**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 the *Native Vegetation Act 2003*.

**Note.** The term is defined as follows:

**Meaning of “native vegetation”**

- (1) **Native vegetation** means any of the following types of indigenous vegetation:
  - (a) trees (including any sapling or shrub, or any scrub),
  - (b) understorey plants,
  - (c) groundcover (being any type of herbaceous vegetation),
  - (d) plants occurring in a wetland.
- (2) Vegetation is **indigenous** if it is of a species of vegetation, or if it comprises species of vegetation, that existed in the State before European settlement.
- (3) **Native vegetation** does not include any mangroves, seagrasses or any other type of marine vegetation to which section 205 of the *Fisheries Management Act 1994* applies.

**Natural Resource—Biodiversity Map** means the Marrickville Local Environmental Plan 2011 Natural Resource—Biodiversity Map.

**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 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.

## 2011 No 645

Marrickville Local Environmental Plan 2011

Dictionary

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***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.

***NSW Coastal Policy*** means the publication titled *NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast*, published by the Government.

***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*.

***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

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parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

**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.

**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.

**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** has the same meaning as in the *Native Vegetation Act 2003*.

**Note.** The term is defined as follows:

**property vegetation plan** means a property vegetation plan that has been approved under Part 4 of the *Native Vegetation Act 2003*.

**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.

## 2011 No 645

Marrickville Local Environmental Plan 2011

Dictionary

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**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 Government Department 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, Government Department, 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,

## 2011 No 645

Marrickville Local Environmental Plan 2011

Dictionary

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- (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, takeaway 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) bulky goods premises,
- (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,
- (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,

## 2011 No 645

Marrickville Local Environmental Plan 2011

Dictionary

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- (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.

**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

## 2011 No 645

Marrickville Local Environmental Plan 2011

Dictionary

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- (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 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, 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.

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**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.

**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.

**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.

## 2011 No 645

Marrickville Local Environmental Plan 2011

Dictionary

---

**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.

**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.

**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

## 2011 No 645

Marrickville Local Environmental Plan 2011

Dictionary

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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, dosing facilities and water supply reservoirs.

**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,

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- (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, sedgeland 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,

## 2011 No 645

Marrickville Local Environmental Plan 2011

Dictionary

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- (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.