

2013 No 26



New South Wales

Kogarah Local Environmental Plan 2012

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.

SAM HADDAD
As delegate for the Minister for Planning and Infrastructure

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Clause 1.1 Kogarah Local Environmental Plan 2012

Part 1 Preliminary

Kogarah Local Environmental Plan 2012

under the

Environmental Planning and Assessment Act 1979

Part 1 Preliminary

1.1 Name of Plan

This Plan is *Kogarah Local Environmental Plan 2012*.

1.1AA Commencement

This Plan commences 14 days after 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 Kogarah 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 guide the orderly and sustainable development of Kogarah,
 - (b) to encourage a diversity of housing choice suited to meet the needs of the current and future residents of Kogarah,
 - (c) to promote economic development and facilitate the continued growth of commercial, medical-related and industrial employment-generating opportunities,
 - (d) to protect and enhance Kogarah's natural environment, foreshores and waterways,
 - (e) to provide high quality open space and a range of recreational areas and facilities suited to meet the needs of the residents of Kogarah and its visitors,
 - (f) to conserve Kogarah's environmental heritage.

1.3 Land to which Plan applies

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

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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:

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Clause 1.8A Kogarah Local Environmental Plan 2012

Part 1 Preliminary

- (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 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

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Clause 1.9A

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Part 1

- (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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Clause 2.1 Kogarah Local Environmental Plan 2012

Part 2 Permitted or prohibited development

Part 2 Permitted or prohibited development

2.1 Land use zones

The land use zones under this Plan are as follows:

Residential Zones

R2 Low Density Residential

R3 Medium Density Residential

Business Zones

B1 Neighbourhood Centre

B2 Local Centre

B4 Mixed Use

Industrial Zones

IN2 Light Industrial

Special Purpose Zones

SP2 Infrastructure

Recreation Zones

RE1 Public Recreation

RE2 Private Recreation

Environment Protection Zones

E4 Environmental Living

Waterway Zones

W2 Recreational Waterways

2.2 Zoning of land to which Plan applies

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

2.3 Zone objectives and Land Use Table

- (1) The Land Use Table at the end of this Part specifies for each zone:
 - (a) the objectives for development, and
 - (b) development that may be carried out without development consent, and
 - (c) development that may be carried out only with development consent, and
 - (d) development that is prohibited.

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Clause 2.4

Permitted or prohibited development

Part 2

- (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

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Clause 2.6 Kogarah Local Environmental Plan 2012

Part 2 Permitted or prohibited development

- (b) if the Schedule so provides—without development consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.
- (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

2.6 Subdivision—consent requirements

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

Notes.

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

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

2.7 Demolition requires development consent

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

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

2.8 Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 28 days (whether or not consecutive days) in any period of 12 months.

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Clause 2.8

Land Use Table

Part 2

- (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

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Clause 2.8 Kogarah Local Environmental Plan 2012

Part 2 Land Use Table

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.

2 Permitted without consent

Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Car parks; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Environmental protection works; Flood mitigation works; Group homes; Hospitals; Places of public worship; Public administration buildings; Recreation areas; Residential care facilities; Respite day care centres; Roads; Semi-detached dwellings

4 Prohibited

Any development not specified in item 2 or 3

Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Nil

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Car parks; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Environmental protection works; Flood mitigation works; Group homes; Hotel or motel accommodation; Multi dwelling housing; Neighbourhood shops; Places of public worship; Public administration buildings; Recreation areas;

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Clause 2.8

Land Use Table

Part 2

Residential flat buildings; Respite day care centres; Roads;
Semi-detached dwellings; Seniors housing

4 Prohibited

Any development not specified in item 2 or 3

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 allow residential development that contributes to the social vitality of the neighbourhood centre and does not detract from the business function of the zone.

2 Permitted without consent

Nil

3 Permitted with consent

Boarding houses; Business premises; Child care centres; Community facilities; Medical centres; Neighbourhood shops; Respite day care centres; Roads; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited

Amusement centres; Caravan parks; Eco-tourist facilities; Electricity generating works; General industries; Heavy industrial storage establishments; Heavy industries; Helipads; Heliports; Home occupations (sex services); Resource recovery facilities; Sex services premises; Transport depots; Vehicle body repair workshops; Vehicle sales or hire premises; Warehouse or distribution centres; Waste disposal facilities

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.

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Clause 2.8 Kogarah Local Environmental Plan 2012

Part 2 Land Use Table

2 Permitted without consent

Nil

3 Permitted with consent

Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; 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

Amusement centres; Caravan parks; Eco-tourist facilities; Electricity generating works; General industries; Heavy industrial storage establishments; Heavy industries; Helipads; Heliports; Home occupations (sex services); Resource recovery facilities; Sex services premises; Transport depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste disposal 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 encourage development that contributes to economic growth and employment opportunities.
- To encourage development that contributes to an active, vibrant and sustainable town centre.
- To provide opportunities for residential development, where appropriate.

2 Permitted without consent

Nil

3 Permitted with consent

Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger

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Clause 2.8

Land Use Table

Part 2

transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited

Caravan parks; Dwelling houses; Eco-tourist facilities; Electricity generating works; General industries; Heavy industrial storage establishments; Heavy industries; Home occupations (sex services); Resource recovery facilities; Secondary dwellings; Transport depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste disposal facilities

Zone IN2 Light Industrial

1 Objectives of zone

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

2 Permitted without consent

Nil

3 Permitted with consent

Depots; Industrial training facilities; Light industries; Neighbourhood shops; Roads; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Amusement centres; Child care centres; Eco-tourist facilities; Educational establishments; Electricity generating works; Function centres; General industries; Heavy industrial storage establishments; Heavy industries; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Hospitals; Kiosks; Pubs; Residential accommodation; Respite day care centres; Shops; Tourist and visitor accommodation

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Clause 2.8 Kogarah Local Environmental Plan 2012

Part 2 Land Use Table

Zone SP2 Infrastructure

1 Objectives of zone

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

2 Permitted without consent

Nil

3 Permitted with consent

Car parks; Child care centres; Community facilities; Depots; Environmental facilities; Environmental protection works; Markets; Places of public worship; Recreation areas; Respite day care centres; Roads; Signage; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

Zone RE1 Public Recreation

1 Objectives of zone

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

2 Permitted without consent

Building identification signs; Business identification signs; Environmental protection works

3 Permitted with consent

Boat launching ramps; Car parks; Child care centres; Community facilities; Emergency services facilities; Environmental facilities; Information and education facilities; Jetties; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Signage; Water recreation structures

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Clause 2.8

Land Use Table

Part 2

4 Prohibited

Any development not specified in item 2 or 3

Zone RE2 Private Recreation

1 Objectives of zone

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

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Building identification signs; Business identification signs; Camping grounds; Car parks; Community facilities; Environmental facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Restaurants or cafes; Roads; Tourist and visitor accommodation

4 Prohibited

Any development not specified in item 2 or 3

Zone E4 Environmental Living

1 Objectives of zone

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.

2 Permitted without consent

Environmental protection works; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boat sheds; Car parks; Child care centres; Community facilities; Dwelling houses; Educational establishments; Flood mitigation works; Hospitals; Jetties; Places of public worship; Public administration buildings; Recreation areas;

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Part 2 Land Use Table

Residential care facilities; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings

4 Prohibited

Industries; 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.

2 Permitted without consent

Nil

3 Permitted with consent

Aquaculture; Boat launching ramps; Boat sheds; Environmental facilities; Environmental protection works; Jetties; Kiosks; Marinas; Moorings; Roads; Water recreation structures

4 Prohibited

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

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Kogarah Local Environmental Plan 2012

Clause 3.1

Exempt and complying development

Part 3

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

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Clause 3.2 Kogarah Local Environmental Plan 2012

Part 3 Exempt and complying development

- (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.

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Clause 3.3

Exempt and complying development

Part 3

- (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,

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- (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*.

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Kogarah Local Environmental Plan 2012

Clause 4.1

Principal development standards

Part 4

Part 4 Principal development standards

4.1 Minimum subdivision lot size

- (1) The objectives of this clause are as follows:
 - (a) to promote the efficient use of land,
 - (b) to ensure that subdivision does not prevent the orderly development of land,
 - (c) to require adequate street frontages and dimensions for standard and battle-axe lots,
 - (d) to ensure that the intensity of development is appropriate to the land's environmental capability.
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (3A) Despite subclause (3), development consent may only be granted for the subdivision of a lot to create a battle-axe lot, if the battle-axe lot will meet the following requirements:
 - (a) for land in Zone R2 Low Density Residential identified as "I" on the Lot Size Map:
 - (i) minimum lot width—15 metres, and
 - (ii) minimum lot depth—30 metres, and
 - (iii) minimum lot size:
 - (A) 550 square metres, if the lot has a rear boundary with land in Zone RE1 Public Recreation, or
 - (B) 600 square metres, if the lot has a rear boundary with land in a residential zone or Zone E4 Environmental Living,
 - (b) for land in Zone R3 Medium Density Residential identified as "S" on the Lot Size Map:
 - (i) minimum lot width—18 metres or 27 metres, if the lot has frontage to a classified road, and
 - (ii) minimum lot depth—30 metres, and
 - (iii) minimum lot size:
 - (A) 900 square metres, if the lot has a rear boundary with land in Zone RE1 Public Recreation, or

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- (B) 950 square metres, if the lot has a rear boundary with land in a residential zone or Zone E4 Environmental Living,
- (c) for land in Zone E4 Environmental Living identified as "M" on the Lot Size Map:
 - (i) minimum lot width—15 metres, and
 - (ii) minimum lot depth—30 metres, and
 - (iii) minimum lot size:
 - (A) 650 square metres, if the lot has a rear boundary with land in Zone RE1 Public Recreation, or
 - (B) 700 square metres, if the lot has a rear boundary with land in a residential zone or Zone E4 Environmental Living,
- (d) for land in Zone E4 Environmental Living identified as "Q" on the Lot Size Map:
 - (i) minimum lot width—18 metres, and
 - (ii) minimum lot depth—30 metres, and
 - (iii) minimum lot size:
 - (A) 750 square metres, if the lot has a rear boundary with land in Zone RE1 Public Recreation, or
 - (B) 800 square metres, if the lot has a rear boundary with land in a residential zone or Zone E4 Environmental Living,
- (e) for land in Zone E4 Environmental Living identified as "R" on the Lot Size Map:
 - (i) minimum lot width—18 metres, and
 - (ii) minimum lot depth—25 metres, and
 - (iii) minimum lot size:
 - (A) 800 square metres, if the lot has a rear boundary with land in Zone RE1 Public Recreation, or
 - (B) 850 square metres, if the lot has a rear boundary with land in a residential zone or Zone E4 Environmental Living, and
 - (iv) at least 500 square metres of the lot must not be located behind the foreshore building line.
- (3B) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size for the purpose of subclauses (3) and (3A).

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Clause 4.1AA

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- (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

4.1AA Minimum subdivision lot size for community title schemes

[Not adopted]

4.1A Minimum lot sizes for dual occupancies, multi dwelling housing, residential flat buildings and seniors housing

- (1) The objective of this clause is to achieve planned residential density in certain zones.
- (2) Development consent may be granted to development on a lot in a zone shown in Column 2 of the Table to this clause for a purpose shown in Column 1 of the Table opposite that zone, if the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the Table.

Column 1	Column 2	Column 3
Dual occupancy (attached)	Zone R2 Low Density Residential	850 square metres
	Zone R3 Medium Density Residential	850 square metres
Multi dwelling housing	Zone R3 Medium Density Residential	800 square metres
Residential flat building	Zone R3 Medium Density Residential	1,000 square metres
Seniors housing	Zone R3 Medium Density Residential	1,000 square metres

4.2 Rural subdivision

[Not applicable]

4.3 Height of buildings

[Not adopted]

4.4 Floor space ratio

[Not adopted]

4.5 Calculation of floor space ratio and site area

[Not adopted]

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Clause 4.6 Kogarah Local Environmental Plan 2012

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4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out,
 - (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

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Clause 4.6

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- (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 or Zone E3 Environmental Management.
- (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.

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Clause 5.1 Kogarah Local Environmental Plan 2012

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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>

- (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.

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

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Clause 5.2

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5.2 Classification and reclassification of public land

- (1) The objective of this clause is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.
Note. Under the *Local Government Act 1993*, “public land” is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.
- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4:
 - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
 - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
 - (b) any reservations that except land out of the Crown grant relating to the land, and
 - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).

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

5.3 Development near zone boundaries

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on

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the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.
- (3) This clause does not apply to:
 - (a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or
 - (a1) land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone B1 Neighbourhood Centre, Zone B2 Local Centre, Zone B4 Mixed Use, Zone IN2 Light Industrial, Zone RE2 Private Recreation, Zone E4 Environmental Living or Zone W2 Recreational Waterways, or
 - (b) land within the coastal zone, or
 - (c) land proposed to be developed for the purpose of sex services or restricted premises.
- Note.** When this Plan was made it did not include Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways.
- (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.

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Clause 5.4

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5.4 Controls relating to miscellaneous permissible uses

(1) Bed and breakfast accommodation

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

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

(2) Home businesses

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

(3) Home industries

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

(4) Industrial retail outlets

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

(a) 10% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or

(b) 100 square metres,

whichever is the lesser.

(5) Farm stay accommodation

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

(6) Kiosks

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

(7) Neighbourhood shops

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

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Clause 5.5 Kogarah Local Environmental Plan 2012

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(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) 13% of the total floor area of the principal dwelling.

5.5 Development within the coastal zone

[Not adopted]

5.6 Architectural roof features

[Not adopted]

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

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- (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.
- (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.

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Clause 5.9 Kogarah Local Environmental Plan 2012

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- (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 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) Subclause (8) (a) (ii) does not apply in relation to land in Zone R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental Management or E4 Environmental Living.
-

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Clause 5.9AA

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

(2) Requirement for consent

Development consent is required for any of the following:

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

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- (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

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item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment

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

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

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

(6) Heritage conservation management plans

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

(7) Archaeological sites

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

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

(8) Aboriginal places of heritage significance

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

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

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Clause 5.11 Kogarah Local Environmental Plan 2012

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take into consideration any response received within 28 days after the notice is sent.

(9) **Demolition of nominated State heritage items**

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

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

(10) **Conservation incentives**

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

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

5.11 Bush fire hazard reduction

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

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

5.12 Infrastructure development and use of existing buildings of the Crown

- (1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without

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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]

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Clause 6.1 Kogarah Local Environmental Plan 2012

Part 6 Additional local provisions

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.

Class of land	Works
1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.
5	Works within 100 metres of adjacent Class 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 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.

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Clause 6.2

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- (5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):
 - (a) emergency work, being the repair or replacement of the works of the public authority, required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,
 - (b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),
 - (c) minor work, being work that costs less than \$20,000 (other than drainage work).
- (6) Despite subclause (2), development consent is not required under this clause to carry out any works if:
 - (a) the works involve the disturbance of less than 1 tonne of soil, and
 - (b) the works are not likely to lower the watertable.

6.2 Earthworks

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

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- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

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

6.3 Flood planning

- (1) The objectives of this clause are as follows:
 - (a) to minimise the flood risk to life and property associated with the use of land,
 - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
 - (c) to avoid significant adverse impacts on flood behaviour and the environment.
- (2) This clause applies to:
 - (a) land identified as "Flood planning area" on the Flood Planning Map, and
 - (b) other land at or below the flood planning level.
- (3) 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.

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- (4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.
- (5) In this clause:
flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

6.4 Limited development on foreshore area

- (1) The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.
- (2) Development consent must not be granted to development on land in the foreshore area except for the following purposes:
 - (a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,
 - (b) the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,
 - (c) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways or walking trails.
- (3) Development consent must not be granted under this clause unless the consent authority is satisfied that:
 - (a) the development will contribute to achieving the objectives for the zone in which the land is located, and
 - (b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and
 - (c) the development will not cause environmental harm such as:
 - (i) pollution or siltation of the waterway, or
 - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or
 - (iii) an adverse effect on drainage patterns, and
 - (d) the development will not cause congestion or generate conflict 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

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which the development is to be carried out and of surrounding land will be maintained, and

- (g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and
- (h) sea level rise or change of flooding patterns as a result of climate change has been considered.

6.5 Airspace operations

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

Limitation or Operations Surface means the Obstacle Limitation Surface or the Procedures for Air Navigation Services Operations Surface as shown on the Obstacle Limitation Surface Map or the Procedures for Air Navigation Services Operations Surface Map for the Sydney Airport and Bankstown Airport.

Obstacle Limitation Surface Map means the Obstacle Limitation Surface Map prepared for the Sydney Airport and the Bankstown Airport by the relevant Commonwealth body.

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relevant Commonwealth body means the body, under Commonwealth legislation, that is responsible for development approvals for development that penetrates the Limitation or Operations Surface for the Sydney Airport and Bankstown Airport.

6.6 Development in areas subject to aircraft noise

- (1) The objectives of this clause are as follows:
 - (a) to prevent certain noise sensitive developments from being located near the Sydney 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 Sydney 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 Sydney 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*.

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6.7 Location of sex services premises

- (1) The objective of this clause is to restrict the location of sex services premises.
- (2) Development consent must not be granted for development for the purposes of sex services premises if the premises will be located:
 - (a) on land that adjoins, or that is separated only by a road from, land in any of the following zones:
 - (i) Zone E4 Environmental Living,
 - (ii) Zone R2 Low Density Residential,
 - (iii) Zone R3 Medium Density Residential, or
 - (b) on land that adjoins, or that is separated only by a road from, land that is within 50 metres (measured from the boundary of an allotment upon which the premises are proposed) from land in any of the following zones:
 - (i) Zone E4 Environmental Living,
 - (ii) Zone R2 Low Density Residential,
 - (iii) Zone R3 Medium Density Residential, or
 - (c) on land that adjoins, or that is separated only by a road from, land that adjoins land used or partly used for residential purposes, or
 - (d) on land that adjoins, or that is separated only by a road from, land used as a place of public worship or for community or school uses or hospital, or
 - (e) on land that adjoins, or that is separated only by a road from, land in Zone RE1 Public Recreation.
- (3) In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider the following:
 - (a) the impact of the proposed development on land on which the sex services premises are located, or any land referred to in subclause (1), that is frequented by children,
 - (b) whether the operation of the proposed development will be likely to cause a disturbance in the neighbourhood because of its size or the number of people working at the sex services premises,
 - (c) whether the operation of the proposed development will be likely to cause a disturbance in the neighbourhood when taking into account other sex services premises operating in the neighbourhood involving similar hours of operation,
 - (d) whether the operation of the proposed development will be likely to interfere with the amenity of the neighbourhood.

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Additional permitted uses

Schedule 1

Schedule 1 Additional permitted uses

(Clause 2.5)

1 Use of certain land at 36 Bunyala Street, Blakehurst

- (1) This clause applies to land at 36 Bunyala Street, Blakehurst, being Lot 4, DP 516331.
- (2) Development for the purpose of hotel or motel accommodation is permitted with development consent.

2 Use of certain land at 916–918 King Georges Road, Blakehurst

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

3 Use of certain land at 513 Princes Highway, Blakehurst

- (1) This clause applies to land at 513 Princes Highway, Blakehurst, being Lots A, B and C, DP 384408 and Lot 4, DP 370571.
- (2) Development for the purpose of hotel or motel accommodation is permitted with development consent.

4 Use of certain land at 47, 47A, 47B, 47C, 47D and 47E Terry Street, Blakehurst

- (1) This clause applies to land at 47, 47A, 47B, 47C, 47D and 47E Terry Street, Blakehurst, being Lots 2–7, DP 30809.
- (2) Development for the purpose of multi dwelling housing is permitted with development consent if the development includes the consolidation of 6 lots to create 1 lot.

5 Use of certain land at 59, 59A and 59B Terry Street, Blakehurst

- (1) This clause applies to land at 59, 59A and 59B Terry Street, Blakehurst, being Lots 1–3, DP 522109.
- (2) Development for the purpose of multi dwelling housing is permitted with development consent if the development includes the consolidation of 3 lots to create 1 lot.

6 Use of certain land at 63–67 Terry Street, Blakehurst

- (1) This clause applies to land at 63–67 Terry Street, Blakehurst, being Lots 1–3, DP 362520.

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- (2) Development for the purpose of multi dwelling housing is permitted with development consent if the development includes the consolidation of 3 lots to create 1 lot.

7 Use of certain land at 71–73 Jubilee Avenue, Carlton

- (1) This clause applies to land at 71–73 Jubilee Avenue, Carlton, being part of Lots 10 and 11, DP 625850.
- (2) Development for the purpose of vehicle sales or hire premises is permitted with development consent.

8 Use of certain land at 2–4 Short Street, Kogarah

- (1) This clause applies to land at 2–4 Short Street, Kogarah, being Lot 1, DP 999803 and Lot 1, DP 196315.
- (2) Development for the purpose of health services facilities is permitted with development consent.

9 Use of certain land at 66 Letitia Street, Oatley

- (1) This clause applies to land at 66 Letitia Street, Oatley, being part of Lot 12, Section I, DP 2150.
- (2) Development for the purpose of recreation facilities (outdoor) is permitted with development consent.

10 Use of certain land at 11, 11A, 11B and 15 Wonoona Parade East and 5A Ada Street, Oatley

- (1) This clause applies to land at 11, 11A, 11B and 15 Wonoona Parade East and 5A Ada Street, Oatley, being Lots 1 and 2, DP 1004995, Lots A and B, DP 310662 and Lot 11, Section G, DP 2150.
- (2) Development for the purpose of multi dwelling housing is permitted with development consent if the development includes the consolidation of 5 lots to create 1 lot.

11 Use of certain land at 3 and 3A Torwood Street and 12 Dalkeith Street, Sans Souci

- (1) This clause applies to land at 3 and 3A Torwood Street and 12 Dalkeith Street, Sans Souci, being Lots 1–3, DP 21753.
- (2) Development for the purpose of multi dwelling housing is permitted with development consent if the development includes the consolidation of 3 lots to create 1 lot.

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12 Use of certain land at 7 Greenacre Road, South Hurstville

- (1) This clause applies to land at 7 Greenacre Road, South Hurstville, being Lot 4, DP 662882.
- (2) Development for the purpose of multi dwelling housing is permitted with development consent.

13 Use of certain land at 16A, 18 and 18A Rickard Road, South Hurstville

- (1) This clause applies to land at 16A, 18 and 18A Rickard Road, South Hurstville, being Lot 72, DP 236239 and Lots 1 and 2, DP 524246.
- (2) Development for the purpose of multi dwelling housing is permitted with development consent if the development includes the consolidation of 3 lots to create 1 lot.

14 Use of certain land at 12–16 The Mall and 53 Tavistock Road, South Hurstville

- (1) This clause applies to land at 12–16 The Mall and 53 Tavistock Road, South Hurstville, being Lots A–D, DP 350898.
- (2) Development for the purpose of multi dwelling housing is permitted with development consent if the development includes the consolidation of 4 lots to create 1 lot.

15 Use of certain land at 1–3 William Street, South Hurstville

- (1) This clause applies to land at 1–3 William Street, South Hurstville, being Lots 56 and 57, DP 6862.
- (2) Development for the purpose of multi dwelling housing is permitted with development consent if the development includes the consolidation of 2 lots to create 1 lot.
- (3) Development consent must not be granted under subclause (2) if the carrying out of the proposed development would, in the opinion of the consent authority, restrict the potential for residential accommodation on any lot adjoining the consolidated lot.

16 Use of certain land for business premises, office premises, residential flat buildings and shops

- (1) This clause applies to the following land:
 - (a) 97 Noble Street, Allawah, being Lot 50, DP 7182,
 - (b) 30 Jubilee Avenue, Carlton, being Lot 1, DP 577628,
 - (c) 32 Jubilee Avenue, Carlton, being Lot 2, DP 577628,
 - (d) 39 Jubilee Avenue, Carlton, being Lot 6, Section B, DP 10377,
 - (e) 41 Jubilee Avenue, Carlton, being Lot 7, Section B, DP 10377,

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- (f) 43 Jubilee Avenue, Carlton, being Lot 8, Section B, DP 10377,
 - (g) 45 Jubilee Avenue, Carlton, being Lot 9, Section B, DP 10377,
 - (h) 55 Jubilee Avenue, Carlton, being Lot 5, DP 170245,
 - (i) 115 Connells Point Road, Connells Point, being Lot E, DP 302306,
 - (j) 40 Bellevue Parade, Hurstville, being Lot 43, Section 7, DP 2793,
 - (k) 13–15 Gray Street, Kogarah, being Lots 1 and 2, DP 770957,
 - (l) 71 Gray Street, Kogarah, being Lots 6–8, Section B, DP 976627,
 - (m) 4A Wyee Street, Kogarah Bay, being Lot A, DP 383186,
 - (n) 59 Rosa Street, Oatley, being Lot 1, DP 1080827,
 - (o) 281 Rocky Point Road, Sans Souci, being Lots 1 and 2, SP 65139,
 - (p) 283 Rocky Point Road, Sans Souci, being Lots 1 and 2, SP 67532,
 - (q) 393 Rocky Point Road, Sans Souci, being Lot E, DP 25589,
 - (r) 395–399 Rocky Point Road, Sans Souci, being Lot D, DP 25589,
 - (s) 64 Blakesley Road, South Hurstville, being Lot 8, Section 3, DP 5453,
 - (t) 64 Blakesley Road, South Hurstville, being Lot 1, DP 947432,
 - (u) 100 Connells Point Road, South Hurstville, being Lot 1, DP 103456,
 - (v) 911 King Georges Road, South Hurstville, being Lot B, DP 324694.
- (2) Development for the purposes of any of the following is permitted with development consent:
- (a) business premises,
 - (b) office premises,
 - (c) residential flat buildings,
 - (d) shops.
- (3) Development consent must not be granted under subclause (2) unless:
- (a) no more than two floors are used for the development permitted by subclause (2), and
 - (b) the maximum floor space used for the development permitted by subclause (2) is no more than 80m² or the existing commercial and retail floor space, whichever is greater.

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17 Use of certain land for multi dwelling housing

- (1) This clause applies to the following land:
 - (a) 36 Bunyala Street, Blakehurst, being Lot 4, DP 516331,
 - (b) 243 West Street, Blakehurst, being Lot 7, DP 25945,
 - (c) 69 Homedale Crescent, Connells Point, being Lot 213, DP 635022,
 - (d) 56 The Boulevarde, Sans Souci, being Lot 1, DP 326110.
- (2) Development for the purpose of multi dwelling housing is permitted with development consent.
- (3) Development consent must not be granted under subclause (2) if the carrying out of the proposed development would, in the opinion of the consent authority, restrict the potential for residential accommodation on any lot adjoining the site of the development.

18 Use of certain land for multi dwelling housing

- (1) This clause applies to the following land:
 - (a) 107 Jubilee Avenue, Beverley Park, being Lot A, DP 101335,
 - (b) 109 Jubilee Avenue, Beverley Park, being Lot 1, DP 210497,
 - (c) 113 and 115 Rocky Point Road, Beverley Park, being Lots 2 and 3, DP 210497,
 - (d) 117 and 119 Rocky Point Road, Beverley Park, being Lots D and E, DP 101335,
 - (e) 121 Rocky Point Road, Beverley Park, being Lot A, DP 343822 and Lot C, DP 373834,
 - (f) 139 and 141 Rocky Point Road, Beverley Park, being Lots 1 and 2, DP 218556,
 - (g) 143 and 145 Rocky Point Road, Beverley Park, being Lots A and B, DP 399360,
 - (h) 153 and 155 Rocky Point Road, Beverley Park, being Lots 10 and 11, DP 4796,
 - (i) 1A Cooleen Street, Blakehurst, being Lot A, DP 437181,
 - (j) 1 Heath Road, Blakehurst, being Lot A, DP 380539,
 - (k) 3 Heath Road, Blakehurst, being Lot 36, DP 6905,
 - (l) 1 James Street, Blakehurst, being Lot C, DP 340256,
 - (m) 2 and 4 James Street, Blakehurst, being Lots 17 and 18, DP 15830,
 - (n) 3 James Street, Blakehurst, being Lot B, DP 340256,

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- (o) 5 James Street, Blakehurst, being Lot 1, DP 124073,
- (p) 6 and 8 James Street, Blakehurst, being Lots 19 and 20, DP 15830,
- (q) 913 and 917 King Georges Road, Blakehurst, being Lots 1 and 3, Section 1, DP 6565,
- (r) 915 King Georges Road, Blakehurst, being Lot 1, DP 126146,
- (s) 919 King Georges Road, Blakehurst, being Lot 100, DP 854309,
- (t) 925 and 927 King Georges Road, Blakehurst, being Lots B and C, DP 437181,
- (u) 945, 947, 949 and 951 King Georges Road, Blakehurst, being Lots 21–24, DP 262240,
- (v) 953 King Georges Road, Blakehurst, being Lot 5, Section 3, DP 6565,
- (w) 955 and 957 King Georges Road, Blakehurst, being Lots 26 and 27, DP 262240,
- (x) 969 King Georges Road, Blakehurst, being Lot 4, DP 523667,
- (y) 9 Lynwood Street, Blakehurst, being Lot 1, DP 27533,
- (z) 11 Lynwood Street, Blakehurst, being Lot 9, Section 3, DP 6565,
- (aa) 9 Phillip Street, Blakehurst, being Lot 3, DP 402470,
- (ab) 11 Phillip Street, Blakehurst, being Lot 2, DP 523667,
- (ac) 2 and 4 Stuart Street, Blakehurst, being Lots 25 and 26, DP 15830,
- (ad) 6 Stuart Street, Blakehurst, being Lot 24, DP 15830 and Lot B, DP 385083,
- (ae) 8 Stuart Street, Blakehurst, being Lot A, DP 385083,
- (af) 22 Terry Street, Blakehurst, being Lot B, DP 380539,
- (ag) 22A Terry Street, Blakehurst, being Lot 3, DP 411978,
- (ah) 24 Terry Street, Blakehurst, being Lot 101, DP 854309,
- (ai) 26, 30, 36, 38, 40, 42 and 46 Terry Street, Blakehurst, being Lots 24, 26–29, 32 and 34, Section 1, DP 6565,
- (aj) 28 Terry Street, Blakehurst, being Lots 1 and 2, SP 66475,
- (ak) 44 Terry Street, Blakehurst, being Lots 25A and 25B, DP 416254,
- (al) 2 and 4 Vaughan Street, Blakehurst, being Lots 21 and 22, DP 15830,
- (am) 6 Vaughan Street, Blakehurst, being Lot 9, DP 80533,

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- (an) 8, 10, 12 and 14 Vaughan Street, Blakehurst, being Lots 9–12, DP 13988,
 - (ao) 16 Vaughan Street, Blakehurst, being Lot 1, DP 20675,
 - (ap) 2 Walton Street, Blakehurst, being Lot 53, Section 3, DP 6565,
 - (aq) 1, 3, 5 and 7 Water Street, Blakehurst, being Lots 2–5, DP 20675,
 - (ar) 433 and 435 Princes Highway, Carlton, being Lots 6, 13 and 14, DP 3875,
 - (as) 314 and 316 Princes Highway, Carss Park, being Lots 5 and 6, DP 6905,
 - (at) 143 Connells Point Road, Connells Point, being Lot 12, DP 6840,
 - (au) 145, 147 and 149 Connells Point Road, Connells Point, being Lots A–C, DP 315244,
 - (av) 151 Connells Point Road, Connells Point, being Lots 1, 2 and 3, SP 80427,
 - (aw) 92 and 94 Greenacre Road, Connells Point, being Lots 26 and 27, DP 6840,
 - (ax) 67 and 69 Hillcrest Avenue, Hurstville Grove, being Lots 58 and 59, DP 5885,
 - (ay) 74 and 76 Hillcrest Avenue, Hurstville Grove, being Lots 1 and 2, DP 200688,
 - (az) 72A Laycock Road, Hurstville Grove, being Lot 3, DP 200688,
 - (ba) 74 Laycock Road, Hurstville Grove, being Lot 14, DP 528704,
 - (bb) 1, 3, 5, 7 and 9 Hillpine Avenue, Kogarah, being Lots 35–39, DP 15932,
 - (bc) 61 Park Road, Kogarah Bay, being Lot B, DP 379454,
 - (bd) 30 and 32 Coleborne Avenue, Mortdale, being Lots 1 and 2, Section 7, DP 1884,
 - (be) 120 and 122 Railway Parade, Mortdale, being Lots 24 and 25, Section 3, DP 1884,
 - (bf) 11 and 13 Ada Street, Oatley, being Lots 16 and 17, Section C, DP 2150,
 - (bg) 15 and 17 Ada Street, Oatley, being Lots A and B, DP 345978,
 - (bh) 23 Frederick Street, Oatley, being Lot 5, DP 19905,
 - (bi) 1, 3 and 5 Mimosa Street, Oatley, being Lots 8–10, DP 251147,
 - (bj) 8 and 10 Rosa Street, Oatley, being Lots 8 and 9, Section C, DP 2150,
 - (bk) 30, 30A, 32 and 34 Rosa Street, Oatley, being Lots 1–4, DP 19905,

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- (bl) 38, 40 and 42 Rosa Street, Oatley, being Lots A–C, DP 348486,
 - (bm) 1 Dalkeith Street, Sans Souci, being Lot 1, DP 316574,
 - (bn) 9 and 11 Endeavour Street, Sans Souci, being Lots A and C, DP 394119,
 - (bo) 2 Myers Street, Sans Souci, being Lot 5, Section 5, DP 3896,
 - (bp) 2A Myers Street, Sans Souci, being Lot B, DP 345362,
 - (bq) 2B Myers Street, Sans Souci, being Lot 10, DP 559048,
 - (br) 81, 83 and 85 Ramsgate Road, Sans Souci, being Lots A–C, DP 964924,
 - (bs) 293 and 295 Rocky Point Road, Sans Souci, being Lots 4 and 5, DP 4949,
 - (bt) 405 and 407 Rocky Point Road, Sans Souci, being Lots 11 and 12, DP 559048,
 - (bu) 409 and 411 Rocky Point Road, Sans Souci, being Lots 3 and 4, Section 5, DP 3896,
 - (bv) 2 Torwood Street, Sans Souci, being Lot 7, DP 4258,
 - (bw) 2A Torwood Street, Sans Souci, being Lot 1, DP 544556,
 - (bx) 42 Halstead Street, South Hurstville, being Lot 115, DP 666383,
 - (by) 44 Halstead Street, South Hurstville, being Lot 1, DP 956571,
 - (bz) 3 Resthaven Road, South Hurstville, being Lot 1, DP 313600,
 - (ca) 5 Resthaven Road, South Hurstville, being Lot 1, DP 300706,
 - (cb) 8 and 10 Resthaven Road, South Hurstville, being Lots 1 and 2, DP 560980,
 - (cc) 1, 3 and 5 Rickard Road, South Hurstville, being Lots 92–94, DP 6862,
 - (cd) 1, 3, 4 and 6 William Street, South Hurstville, being Lots 56, 57, 65 and 66, DP 6862.
- (2) Development for the purpose of multi dwelling housing is permitted with development consent if:
- (a) the site will be at least 20m wide at the front building line of the development, and
 - (b) the development will not exceed a building height of 5m, and
 - (c) the carrying out of the proposed development would not, in the opinion of the consent authority, restrict the potential for residential accommodation on any lot adjoining the site.

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Additional permitted uses

Schedule 1

19 Use of certain land for multi dwelling housing or dual occupancies (detached)

- (1) This clause applies to the following land:
 - (a) 46–48 Princes Highway, Beverley Park, being Lot 102, DP 880129,
 - (b) 124 Princes Highway, Beverley Park, being Lot 1, DP 814106,
 - (c) 36 Bunyala Street, Blakehurst, being Lot 4, DP 516331,
 - (d) 16–24 Cheddar Street, Blakehurst, being Lot 150, DP 1110271,
 - (e) 26 Heath Road, Blakehurst, being Lot 45, DP 853686,
 - (f) 394 Princes Highway, Blakehurst, being Lot 1, DP 703471,
 - (g) 408 Princes Highway, Blakehurst, being Lot D, DP 362178,
 - (h) 699 Princes Highway, Blakehurst, being Lot 11, DP 617346,
 - (i) 200 West Street, Blakehurst, being Lot 1, Section 5, DP 7754,
 - (j) 17 Planthurst Road, Carlton, being Lot 143, DP 2022,
 - (k) 251 Princes Highway, Carlton, being Lot 202, DP 746731,
 - (l) 14 Gnarbo Avenue, Carss Park, being Lot 145A, DP 396249,
 - (m) 52 Gnarbo Avenue, Carss Park, being Lot 1164, DP 866621,
 - (n) 137 Terry Street, Connells Point, being Lot D, DP 16990,
 - (o) 5 Denman Street, Hurstville, being Lot 12, DP 236321,
 - (p) 15 Greenbank Street, Hurstville, being Lot 16, DP 662877,
 - (q) 27 Hurstville Road, Hurstville, being Lot 31, DP 666112,
 - (r) 62 English Street, Kogarah, being Lot 1, DP 810707,
 - (s) 11 Hamer Street, Kogarah Bay, being Lot B, DP 340038,
 - (t) 40 Oatley Parade, Oatley, being Lot B, DP 363683,
 - (u) 44 Oatley Parade, Oatley, being Lot B, DP 381842,
 - (v) 54 Oatley Parade, Oatley, being Lot B, DP 382279,
 - (w) 9 Belmont Avenue, Penshurst, being Lot 7, DP 11194,
 - (x) 42 Dudley Street, Penshurst, being Lot 90, DP 5885,
 - (y) 671 King Georges Road, Penshurst, being Lot 1, DP 312949,
 - (z) 721A and 721B King Georges Road, Penshurst, being part of Lot 12, DP 881035,
 - (aa) 24 Penshurst Avenue, Penshurst, being Lot 2, DP 320644.
- (2) Development for the purpose of dual occupancies (detached) is permitted with development consent if the total site coverage of the proposed buildings does not exceed 30%.

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Schedule 1 Additional permitted uses

- (3) Development for the purpose of multi dwelling housing is permitted with development consent if:
- (a) the total site coverage of the proposed buildings does not exceed 30%, and
 - (b) if a site has frontage to a classified road, the frontage is at least 27m.

20 Development of certain land for dual occupancies (detached)

- (1) This clause applies to the following land:
- (a) 76 Bellevue Parade, Allawah, being Lot 1, Section 10, DP 2793,
 - (b) 71 Woids Avenue, Allawah, being Lot 2, Section 10, DP 2793,
 - (c) 6, 8 and 12 Battye Avenue, Beverley Park, being Lots 69, 71 and 80, DP 19098,
 - (d) 46 Battye Avenue, Beverley Park, being Lot 354, DP 19818,
 - (e) 37 Burgess Street, Beverley Park, being Lot 15, DP 409014,
 - (f) 2 Carroll Street, Beverley Park, being Lot 29, DP 6155,
 - (g) 27 Carroll Street, Beverley Park, being Lot 34, DP 4796,
 - (h) 38 Princes Highway, Beverley Park, being Lot 1, DP 12196,
 - (i) 17 Targo Road, Beverley Park, being Lot B, DP 409014,
 - (j) 52 Castle Street, Blakehurst, being Lot B, DP 32261,
 - (k) 30 Church Street, Blakehurst, being Lot 13, DP 20874,
 - (l) 1 Coogarah Street, Blakehurst, being Lot 1, DP 89906,
 - (m) 30 Crawford Street, Blakehurst, being Lot 100, DP 15597,
 - (n) 24 Empire Avenue, Blakehurst, being Lot 54, DP 15709,
 - (o) 20 Grenfell Street, Blakehurst, being Lot A, DP 415218,
 - (p) 28 Hatfield Street, Blakehurst, being Lot 6, DP 10722,
 - (q) 38 Hatfield Street, Blakehurst, being Lot 8, DP 11667,
 - (r) 49 Hatfield Street, Blakehurst, being Lot 16, DP 20874,
 - (s) 60 Hatfield Street, Blakehurst, being Lot 1, DP 89998,
 - (t) 86 Hatfield Street, Blakehurst, being Lot 1, DP 86149,
 - (u) 8 James Street, Blakehurst, being Lot 20, DP 15830,
 - (v) 930 and 932 King Georges Road, Blakehurst, being Lot 3, Section 1, and Lot 1, Section 2, DP 7575,
 - (w) 1 Lorna Avenue, Blakehurst, being Lot 12, DP 15709,
 - (x) 30 Lynwood Street, Blakehurst, being Lot 1, DP 15709,
 - (y) 390 Princes Highway, Blakehurst, being Lot 1, DP 519832,

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Schedule 1

-
- (z) 669 Princes Highway, Blakehurst, being Lot 1, DP 23408,
 - (aa) 43 Stuart Street, Blakehurst, being Lot 1, DP 1100231,
 - (ab) 25 Taro Street, Blakehurst, being Lot 1, DP 83013,
 - (ac) 17 Torrens Street, Blakehurst, being Lot E, DP 19995,
 - (ad) 49 and 59 Townson Street, Blakehurst, being Lots 3 and 8, DP 19866,
 - (ae) 61 Townson Street, Blakehurst, being Lot B, DP 366478,
 - (af) 38 Francis Street, Carlton, being Lot A, DP 384708,
 - (ag) 1–3 Planthurst Road, Carlton, being Lot 10, DP 1037820,
 - (ah) 251 Princes Highway, Carlton, being Lot 202, DP 746731,
 - (ai) 323 Princes Highway, Carlton, being Lot 18, Section H, DP 2560,
 - (aj) 37 Bunyala Street, Carss Park, being Lot 345, DP 12759,
 - (ak) 35A Carwar Avenue, Carss Park, being Lot B, DP 441499,
 - (al) 40 and 63 Carwar Avenue, Carss Park, being Lots 194 and 247, DP 12759,
 - (am) 12 Currawang Street, Carss Park, being Lot 45, DP 12759,
 - (an) 24 Dewrang Street, Carss Park, being Lot 68, DP 12759,
 - (ao) 2 Erang Street, Carss Park, being Lot 216, DP 668581,
 - (ap) 2, 20 and 42 Gnarbo Avenue, Carss Park, being Lots 139, 148 and 159, DP 12759,
 - (aq) 161 Connells Point Road, Connells Point, being Lot B, DP 417443,
 - (ar) 165 Connells Point Road, Connells Point, being Lot 9, DP 229836,
 - (as) 193 Connells Point Road, Connells Point, being Lot 342, DP 597772,
 - (at) 1 and 25 Duggan Crescent, Connells Point, being Lots 35 and 52, DP 240984,
 - (au) 55 Greenacre Road, Connells Point, being Lot 2, DP 214059,
 - (av) 60 Greenacre Road, Connells Point, being Lot 1, DP 125252,
 - (aw) 150 Kyle Parade, Connells Point, being Lot 4, DP 22559,
 - (ax) 18 Australia Street, Hurstville, being Lot 1, DP 125105,
 - (ay) 46 Hillcrest Avenue, Hurstville, being Lot B, DP 333710,
 - (az) 22 Hurstville Road, Hurstville, being Lot 128, DP 6862,
 - (ba) 747 King Georges Road, Hurstville, being Lot 1, DP 12813,

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Schedule 1 Additional permitted uses

- (bb) 8, 10, 18 and 20 Maher Street, Hurstville, being Lots 15, 17, 31 and 33, Section 2, DP 5040,
- (bc) 37 Woniora Road, Hurstville, being Lot 1, DP 657218,
- (bd) 1 East Crescent, Hurstville Grove, being Lot X, DP 400878,
- (be) 76 Hillcrest Avenue, Hurstville Grove, being Lot 1, DP 200688,
- (bf) 44 Seymour Street, Hurstville Grove, being Lot B, DP 337276,
- (bg) 58 Seymour Street, Hurstville Grove, being Lot 1, DP 27421,
- (bh) 1 The Crescent, Hurstville Grove, being Lot A, DP 348813,
- (bi) 23 Waitara Parade, Hurstville Grove, being Lot 1, DP 10114,
- (bj) 10 West Crescent, Hurstville Grove, being Lot 18, DP 17773,
- (bk) 24 West Crescent, Hurstville Grove, being Lot B, DP 319779,
- (bl) 209 Princes Highway, Kogarah, being Lot B, DP 151423,
- (bm) 243 Princes Highway, Kogarah, being Lot 1, DP 308167,
- (bn) 57 Rocky Point Road, Kogarah, being Lot C, DP 380551,
- (bo) 17 Bayview Street, Kogarah Bay, being Lot 60, DP 7056,
- (bp) 2 Brighton Street, Kogarah Bay, being Lot 16, DP 7056,
- (bq) 28 Bruce Street, Kogarah Bay, being Lot 15, Section 3, DP 1963,
- (br) 9 Carlton Crescent, Kogarah Bay, being Lot 1, DP 515175,
- (bs) 20 Lacey Street, Kogarah Bay, being Lot 124, DP 7056,
- (bt) 96 Park Road, Kogarah Bay, being Lot 54, DP 7056,
- (bu) 113 Park Road, Kogarah Bay, being Lot 1, Section 13, DP 1963,
- (bv) 1 Parkside Drive, Kogarah Bay, being Lot 1, Section 6, DP 1963,
- (bw) 54, 65 and 87 Payten Street, Kogarah Bay, being Lot 14, Section 2, Lot 11, Section 12 and Lot 22, Section 13, DP 1963,
- (bx) 52 Souter Street, Kogarah Bay, being Lot 12, Section 12, DP 1963,
- (by) 6 Wyee Street, Kogarah Bay, being Lot 5, DP 13982,
- (bz) 709 King Georges Road, Penshurst, being Lot 11, DP 243743,
- (ca) 11 MacLaurin Street, Penshurst, being Lot 5, DP 415976,
- (cb) 299 Rocky Point Road, Sans Souci, being Lot 34, DP 4949,
- (cc) 311 Rocky Point Road, Sans Souci, being Lot 1, DP 4277,
- (cd) 56 The Boulevarde, Sans Souci, being Lot 1, DP 326110,
- (ce) 40 The Promenade, Sans Souci, being Lot 59, DP 4258,
- (cf) 42 The Promenade, Sans Souci, being Lot A, DP 366782,
- (cg) 58 The Promenade, Sans Souci, being Lot 2, DP 530202,

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Additional permitted uses

Schedule 1

- (ch) 66 The Promenade, Sans Souci, being Lot 5, DP 314430,
 - (ci) 68 The Promenade, Sans Souci, being Lot A, DP 960976,
 - (cj) 128 The Promenade, Sans Souci, being Lot 23, Section 4, DP 3896,
 - (ck) 112 Connells Point Road, South Hurstville, being Lot A, DP 188687,
 - (cl) 24 Prairievale Road, South Hurstville, being Lot A, DP 340446,
 - (cm) 27 The Appian Way, South Hurstville, being Lot 231, DP 315756,
 - (cn) 23 The Mall, South Hurstville, being Lot A, DP 313704,
 - (co) 127 Woniora Road, South Hurstville, being Lot 42, DP 4607.
- (2) Development for the purpose of dual occupancies (detached) and associated subdivision of the lot is permitted with development consent if:
- (a) the site has a minimum area of 650m², and
 - (b) each lot resulting from the subdivision will be at least 12m wide at its street frontage, and
 - (c) each building resulting from the carrying out of the development will face a public street that is at least 8m wide in front of the building, and
 - (d) the total site coverage of the proposed buildings does not exceed 30%.

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Schedule 2 Exempt development

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.

Advertising structures and signs—general requirements

- (1) A sign that is not a community notice or temporary sign must not be located on a building on land identified as "Kogarah Town Square development precinct", or "Kogarah Town Square Precinct", on the Kogarah Town Square Precinct Map.
- (2) Must only advertise a business or event that is operating legally.
- (3) A sign that is not a temporary sign must be wholly located on the land or premises to which the sign relates.
- (4) Must have the consent of the owner of the property on which the sign is located.
- (5) No more than 3 business identification signs per occupancy.
- (6) Must not cover mechanical ventilation inlets or outlets.
- (7) Must not be animated, or include flashing or moving parts.
- (8) Must be a minimum of 2.6m above any public footpath if the sign is not flush with the wall.
- (9) Must be at least 600mm from a kerb or roadway edge if the sign is over a public road.
Note. Signs erected on or over a public road require consent under the *Roads Act 1993*.
- (10) Must be of a professional standard structurally and in finish.
- (11) Must not be located on any roof or above the line of any guttering or awning.
- (12) Must not be erected on a heritage item or within a heritage conservation area.
- (13) Must not be erected on a sex services premises.
- (14) If the sign is illuminated, the illumination, including the cabling, must be concealed or be integral with the sign.

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Exempt development

Schedule 2

Advertising structures and signs—Zone RE1 Public Recreation and Zone RE2 Private Recreation

- (1) Must be associated with kiosks, refreshment rooms or any other approved commercial activity.
- (2) Must be designed to be viewed primarily from within the recreation area.
- (3) May include general commercial advertising not related to the use of the site.

Advertising structures and signs—awning fascia signs

- (1) No more than one sign for each premises.
- (2) Must not project above or below the fascia or return end of the awning and must be flush with the fascia.
- (3) Must not be illuminated.

Advertising structures and signs—business identification signs in Zone R2 Low Density Residential and Zone R3 Medium Density Residential

- (1) No more than one sign for each premises.
- (2) Must not exceed 0.75m² in area and must be affixed to the dwelling no higher than 3m above ground or pavement level and below the eave line of the building.

Advertising structures and signs—community notice signs

Must not exceed 1.8m² in area and 3m above the ground or pavement level.

Advertising structures and signs—construction signs

- (1) Must only be erected during construction phase.
- (2) Must be located within the property boundaries.
- (3) Must not exceed 3m² in area.

Advertising structures and signs—drop awning signs (weather protection sign/canvas blind)

- (1) Must not exceed a maximum coverage of 40% of the surface area of the blind or awning.
- (2) Must be attached behind the fascia.
- (3) One per ground floor occupancy with a street frontage.
- (4) Must not be illuminated.

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Schedule 2 Exempt development

Advertising structures and signs—freestanding business directory boards for multiple occupancy complexes

- (1) Must be located on land in Zone IN2 Light Industrial.
- (2) Must be located within the property boundary and setback a minimum of 2.5m from the front boundary.
- (3) Must not exceed 5m² in area and a height of 4.5m.

Advertising structures and signs—freestanding signboards

- (1) If a freestanding sign is to be placed on public land, a lease or licence for the structure must be obtained from the Council or owner of the land prior to the sign being erected.
- (2) Must not exceed height of 1m and width of 0.6m.

Advertising structures and signs—inflatable promotional signs

- (1) Must be displayed only on the property where the promotion is to be held.
- (2) Must not be displayed for more than 7 consecutive days, more than 4 times a year or for a total of more than 28 days in any year, or later than 48 hours after the relevant promotion is finalised.
- (3) A contact telephone number for the owner of the sign must be displayed in a prominent location on or adjoining the sign.
- (4) The structure must not overhang any road.

Advertising structures and signs—newsagent placards

- (1) Must not exceed 0.6m in width.
- (2) Must have height of between 0.75m and 1m.
- (3) Must be contained in frames securely fixed to the facade of the premises.
- (4) Must not project more than 75mm from the building facade.
- (5) Must not project over windows.

Advertising structures and signs—real estate signs

- (1) Must only advertise premises or land for sale or lease and must be located on the property that is for sale or lease.
- (2) One per premises and must be located within the property boundaries.
- (3) Sign and associated structure must not exceed 3.5m² in area.
- (4) Must not be erected more than 28 days prior to an auction.

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Exempt development

Schedule 2

- (5) Must be removed no later than 14 days after completion of the sale or granting of the lease.

Advertising structures and signs—school and community signs

- (1) Must be located on the site of an educational establishment.
- (2) Must relate to a school or community service.
- (3) Must not exceed 2.5m² in area.

Advertising structures and signs—special promotional advertisements

- (1) Must be displayed on the property where the special event is being held unless erected by, or on behalf of, the Council or a public authority.
- (2) Must be constructed of a lightweight, banner-type material.
- (3) Sponsorship must be limited to no more than 30% of the sign area.
- (4) Must not be erected more than 21 days before the special event or present more than 48 hours after the event is finalised.
- (5) Must not exceed 3.5m² in area.

Advertising structures and signs—suspended under awning signs

- (1) No more than one sign for each premises.
- (2) Must not exceed 1.5m² in area.
- (3) Must not project beyond the awning.

Advertising structures and signs—top hamper signs (under awning wall signs)

- (1) Must be above the head of a doorway or window.
- (2) Must not project more than 200mm beyond the building alignment.
- (3) Must be within the perimeter of the building walls.
- (4) Must not cover any windows or architectural features.
- (5) Must not be illuminated.
- (6) One per shop front, showroom or the like.

Advertising structures and signs—under awning bracket signs

- (1) No more than 2 signs for any one premises.
- (2) Must not project more than 0.5m from the wall on which it is mounted.

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Schedule 2 Exempt development

Advertising structures and signs—wall signs

- (1) Must be located on land in Zone IN2 Light Industrial.
- (2) No more than one sign for each premises.
- (3) Must not exceed 2.5m² in area and a height of 4.5m above ground level.
- (4) Must not project above the building parapet or eave line.

Advertising structures and signs—window signs

- (1) Must be located on the inside of the glazing.
- (2) Must be located at ground level, or above the awning on a first floor window if it involves only painted lettering on the glazed areas.
- (3) At least 50% of the glazed area must remain uncovered by advertising or any other obstruction.
- (4) Must not be illuminated.

Footpaths—display of goods

- (1) Must be associated with a lawfully established business.
- (2) Must comply with the *Roads Act 1993* and the *Local Government Act 1993*.
- (3) Must not abut a classified road.
- (4) The display must be located so that the widths of travel to the public road from the exits of any premises remain clear of all obstructions.

Footpaths—outdoor dining (associated with food and drink premises)

- (1) Must be associated with adjacent food and drink premises being carried out with development consent.
- (2) Must be carried out in accordance with an approval granted under section 125 of the *Roads Act 1993*.

Private markets, fairs or fetes

- (1) The Council must be notified of the private market, fair or fete 7 days prior to the event being undertaken.
- (2) The private market, fair or fete can only occur for a maximum period of 2 days (whether or not consecutive days) in any period of 12 months.

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Complying development

Schedule 3

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

(When this Plan was made this Part was blank)

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*.

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Schedule 4 Classification and reclassification of public land

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
16 Gray Street, Kogarah	Lot 2, DP 9047423; Lot 4, DP 804742
6 Allen Street, South Hurstville	Lot C, DP 17767

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	

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Environmental heritage

Schedule 5

Schedule 5 Environmental heritage

(Clause 5.10)

Part 1 Heritage items

Suburb	Item name	Address	Property description	Significance	Item no
Allawah	Allawah Hotel	470 Railway Parade	Lots 263 and 264, DP 7182	Local	I1
Allawah	Former Woids Avenue Congregational Church—St George Christian School	51–69 Woids Avenue	Lot 1, DP 1144313	Local	I2
Beverley Park	House and garden, “McWilliam House”	186–188 Princes Highway	Lots 5 and 6, DP 17522	Local	I3
Beverley Park	House and garden	177 Rocky Point Road	Lot 11, DP 1087596	Local	I4
Beverley Park	Former Ramsgate Methodist Church—Ramsgate Community Church	181 Rocky Point Road	Lot 1, DP 1084543	Local	I5
Blakehurst	House and garden, “Braeside Castle”	4 Marie Dodd Crescent	Lot A, DP 29102	Local	I6
Blakehurst	Georges River (Tom Ugly’s) Bridge	Princes Highway		Local	I7
Blakehurst	House and garden	701 Princes Highway	Lot 5, DP 14570	Local	I8
Blakehurst	House and garden	139 Stuart Street	Lot 102, DP 739163	Local	I9
Blakehurst	House and garden	145 Stuart Street	Lots 1 and 2, DP 381985	Local	I10

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Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item no
Blakehurst	Bald Face Point Reserve	227 Stuart Street	Lot 1, DP 921050; Lot 1, DP 984057; Lot 7038, DP 93516	Local	I11
Blakehurst	Kyle Williams House and Reserve	52 Waratah Street	Lot 19, DP 663247	Local	I12
Carlton	House and garden, "Yosemite"	18 Anglo Square	Lot 10, Section E, DP 5409	Local	I13
Carlton	House and garden, "Lohengrin"	24 Anglo Square	Lot 13, Section E, DP 5409	Local	I14
Carlton	House and garden	43 Arthur Street	Lot 24, Section A, DP 5409	Local	I15
Carlton	House and garden, "Titus"	45 Arthur Street	Lot 41, Section F, DP 5409	Local	I16
Carlton	House and former corner shop	41 Edward Street	Lot 23, Section B, DP 5409	Local	I17
Carlton	House and garden	86 Hampton Court Road	Lot 202, DP 1916	Local	I18
Carlton	House and garden, "Winchester"	10 Nielsen Avenue	Lot 48, DP 5452	Local	I19
Carlton	House and garden, "Linden"	16 Nielsen Avenue	Lot 45, DP 5452	Local	I20
Carlton	St Cuthbert's Anglican Church (excluding Sunday school hall and rectory)	34 Park Road	Lots 20–22, Section A, DP 2560	Local	I22
Carlton	House and garden	40 Park Road	Lots 3 and 4, Section F, DP 5409	Local	I23
Carlton	House and garden, "The Cobbles"	33 Park Street	Lot 1, DP 198769	Local	I21
Carlton	House and garden	1–3 Planthurst Road	Lot 10, DP 1037820	Local	I24
Carlton	House and garden	5 Planthurst Road	Lot 3, DP 211577	Local	I25

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Environmental heritage

Schedule 5

Suburb	Item name	Address	Property description	Significance	Item no
Carlton	Former Kogarah Hotel	247 Princes Highway	Lot 1, DP 301901	Local	I26
Carlton	Kogarah Park and Jubilee Oval (including reserve, war memorial and oval)	249 Princes Highway	Lot 2, DP 170281; Lots A and B, DP 316338; Lot A, DP 162265; Lot 7084, DP 93146	Local	I27
Carlton	Carlton Railway Station	Railway Parade	Lot 1, DP 1138068	Local	I28
Carlton	Royal Hotel	314 Railway Parade	Lot 1, DP 174657	Local	I29
Carlton	House and garden	5 Waterview Street	Part of Lot 201, DP 1053797	Local	I30
Carss Park	Carss Bush Park	72–78 Carwar Avenue, 999 Beach Street and 34 Bunyala Street	Lot 376, DP 12759; part of Lot 376, DP 1118749; Lots 5–8, DP 10791; Lot 4, DP 668319; Lot 1, DP 1109360; Lot 1, DP 177114; Lot 1, DP 125981; Lot 511, DP 752056	Local	I31
Carss Park	Carss Cottage	74–78 Carwar Avenue	Part of Lot 376, DP 1118749; Lot 376, DP 12759	State	I32
Carss Park	Blakehurst Primary School (including original 1881 weatherboard demountable classrooms and 1920–1930 administration and library buildings)	294A Princes Highway	Lot 1, DP 128058; Lot 1, DP 126885	Local	I33
Connells Point	House and garden	116 Connells Point Road	Lot 219, DP 6202	Local	I34
Connells Point	House and garden, "Jacma"	222 Connells Point Road	Lot D, DP 414623	Local	I35

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Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item no
Connells Point	Connells Point Reserve	290 and 290R Connells Point Road	Lots 12–14, Section 1, DP 3362	Local	I36
Connells Point	House and garden, "Whitevale"	55 Greenacre Road	Lot 2, DP 214059	Local	I37
Connells Point	House and garden	8 Loch Maree Crescent	Lot 10, DP 29352	Local	I38
Connells Point	House and garden	219 Terry Street	Lot B, DP 323295	Local	I39
Hurstville	House and garden, "Maroo"	6 Carysfort Street	Lot A, DP 415190	Local	I40
Hurstville	House and garden, "Oxley"	11 Denman Street	SP 49471	Local	I41
Hurstville	House and garden, "Loch Even"	2 Hillcrest Avenue	Lot 56, Section 1, DP 5040	Local	I42
Hurstville	House and garden	22 Hillcrest Avenue	Lot 36, Section 1, DP 5040	Local	I43
Hurstville	House and garden,	4 Maher Street	Lot B, DP 407726	Local	I44
Hurstville	House and garden	17 Maher Street	Lot 441, DP 1163839	Local	I45
Hurstville	Hurstville South Public School (two original school buildings, circa 1915 and 1917)	30 Maher Street	Lot A, DP 948241; Lots 8–10, DP 7247	Local	I46
Hurstville	House and garden	35 Maher Street	Lot 21, DP 7247	Local	I47
Hurstville	House and garden	67 Woniora Road	SP 55657	Local	I48
Hurstville	Woniora Road School	83–85 Woniora Road	Lot 1, DP 616346	Local	I49
Hurstville	House and garden, "Fernleigh"	95 Woniora Road	Lot 18, DP 1608	Local	I50

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Environmental heritage

Schedule 5

Suburb	Item name	Address	Property description	Significance	Item no
Hurstville Grove	House and garden, "Yamba"	11 Cecil Street	Lot 27, Section 2, DP 1650	Local	I51
Hurstville Grove	House and garden, "Aintree"	41 Hillcrest Avenue	Lot 2, DP 980293	Local	I52
Hurstville Grove	House and garden	115 Hillcrest Avenue	Lot 20, Section 4, DP 1650	Local	I53
Hurstville Grove	Quarry Reserve (North)(including reserve and quarry)	29 and 29A Hurstville Road	Lots 28–30, DP 6816; Lot 1, DP 191623; Lot B, DP 356551; Lot 1, DP 223497; Lot 29, DP 528848; Lot 27, DP 532296; Lot 1, DP 227641; Lot 25, DP 528014; Lot 3, DP 532756; Lot 23, DP 528997; Lot 5, DP 528677; Lot 21, DP 529848; Lot 7, DP 528727; Lot 19, DP 528678; Lot 9, DP 528998; Lot 17, DP 528726; Lot 2, DP 232384; Lot 15, DP 528999; Lot 13, DP 528704; Lot 11, DP 236321	Local	I54
Hurstville Grove	House and garden	141 Lansdowne Street	Lot 1, DP 847983		I55
Hurstville Grove	Moore Reserve	West Crescent, between Hurstville Road and Oatley Bay	Lot 7047, DP 1127644; Lots A and C, DP 187857; Lot A, DP 187853; Lots 5–8, DP 449747; Lot A, DP 187855; Lot A, DP 187858; Lot 1, DP 359867; Lot 1, DP 360230; Lot 2, DP 450322; Lot 2, DP 379410; Lot 2, DP 360235; Lot 2, DP 360233;	Local	I56

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Suburb	Item name	Address	Property description	Significance	Item no
			Lot 1, DP 361093; Lot 1, DP 361825; Lot 1, DP 360227; Lots A and B, DP 360226; Lot 1, DP 433374; Lot 1, DP 363870; Lot 1, DP 360232; Lot 3, DP 526583; Lot A, DP 359870; Lot A, DP 359869; Lot A, DP 433393; Lot 2, DP 364066; Lot 1, DP 360237; Lot 1, DP 362212; Lots 1 and 2, DP 1114945; Lot 2, DP 360437; Lots 37, 52 and 71, Section 56, DP 5023; Lot 1, DP 1176951; Lot 2, DP 515398; Lot 1, DP 360229; Lots 5 and 6, DP 11265; Lot C, DP 359868; Lot 2, DP 211618; Lot 1, DP 361096; Lot 1, DP 363289; Lot 1, DP 363288; Lot A, DP 385168; Lot 1, DP 360228; Lot D, DP 360231; Lot E, DP 362296; Lot 1, DP 1115462; Lot B, DP 374610; Lot 4, DP 660911; Lot 1, DP 361675; Lot 1, DP 370329; Lot B, DP 338785; Lot 2, DP 362102; Lot 3, Section 9, DP 1604; Lot B, DP 342749; Lot B, DP 342706; Lot 2, DP 374842; Lot 3, DP 361092; Lot 2, DP 360549		

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Suburb	Item name	Address	Property description	Significance	Item no
Kogarah	Former Commonwealth Bank	1 Belgrave Street	Lot 1, DP 710161	Local	I61
Kogarah	House and garden, "Tokio"	8 Belgrave Street	Lot 101, DP 1051252	Local	I62
Kogarah	House and garden, "Ulmarra"	3 Bellevue Street	Lot 13, DP 79370	Local	I63
Kogarah	House and garden, "Abestay"	11 Bellevue Street, now part of multi-unit development at 6 Blake Street	SP 70403	Local	I64
Kogarah	House and garden, "Essieville"	13 Bellevue Street, now part of multi-unit development at 6 Blake Street	SP 70403	Local	I65
Kogarah	House and garden	9 Bowns Road	Lot 14, Section 1, DP 975157	Local	I66
Kogarah	Kogarah School of Arts	10A Bowns Road	Lots 36 and 37, Section A, DP 976627; Lot 1, DP 1104088	Local	I67
Kogarah	House and garden	3 Chapel Street	Lot 19, DP 84876	Local	I68
Kogarah	Former Kogarah Presbyterian Church and hall	1 and 2, 12–16 Derby Street	Lots 1 and 2, DP 1142870	Local	I69
Kogarah	House and garden, "Bayview"	26 English Street	Lot 1, DP 85811	Local	I70
Kogarah	House and garden, "The Laurels"	45 English Street	Lot 1, DP 76252	Local	I71
Kogarah	House and garden	52 English Street	Lots 1 and 2, DP 445721	Local	I72
Kogarah	Terraces, "Te Komaraki"	72–74 English Street	Lots 1 and 2, DP 413914	Local	I73
Kogarah	House and garden	14 Garden Street	Lots 21 and 22, Section 1, DP 2635	Local	I74

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Suburb	Item name	Address	Property description	Significance	Item no
Kogarah	Terraces	4–14 Gray Street	Lots 5–10, DP 237524	Local	I75
Kogarah	Kogarah Fire Station	26 Gray Street	Lot 1, DP 382771	Local	I76
Kogarah	House and garden	50 Gray Street	Lot 100, DP 1030386	Local	I77
Kogarah	Hogben Park	1 Harrow Road	Lots 3 and 5–12, Section 23, DP 1680; Lot 1, DP 178818; Lot 1, DP 1088770; Lot 12, Section 23, DP 370	Local	I78
Kogarah	Semi-detached dwellings and garden, “Falston”	24–26 High Street	Lots 1 and 2, DP 303588	Local	I79
Kogarah	Shop and residence	22 Hogben Street	Lot 1, DP 170609	Local	I80
Kogarah	Former Sixth Church of Christ Scientist—Grace Chinese Church	1A Kensington Street	Lot B, DP 337489	Local	I81
Kogarah	“Griffith House”	16 Kensington Street, adjacent to Gray Street	Lot 12, DP 800476	Local	I82
Kogarah	Terraces, “Leah Buildings”	22–28 Montgomery Street	Lots A–C, DP 443736; Lot 1, DP 917849	Local	I83
Kogarah	Kogarah Courthouse	25–27 Montgomery Street	Lots 23 and 24, Section F, DP 1397	Local	I84
Kogarah	House and garden	15 Ocean Street	Lot 33, Section A, DP 976627	Local	I85
Kogarah	House and garden	15A Ocean Street	Lot 32, Section A, DP 976627	Local	I86
Kogarah	House and garden	17 Ocean Street	Lot 31, DP 61623	Local	I87
Kogarah	House and garden	19 Ocean Street	Lot 30, Section A, DP 976627	Local	I88
Kogarah	House and garden	23 Ocean Street	Lot 28, DP 82056	Local	I89

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Suburb	Item name	Address	Property description	Significance	Item no
Kogarah	House and garden	25 Ocean Street	Lots 26 and 27, Section A, DP 976627	Local	I90
Kogarah	House and garden	27 Ocean Street	Lot 25, DP 575888	Local	I91
Kogarah	House and garden	47 Ocean Street	Lot 15, Section A, DP 976627	Local	I92
Kogarah	Terraces	2–8 Premier Street	Lots A–D, DP 442920	Local	I93
Kogarah	House and garden, “Stanmer”	10 Premier Street	Lot 64, Section D, DP 1397	Local	I94
Kogarah	Terraces, “Burn Brae”	12–18 Premier Street	Lots 1–4, DP 528047	Local	I95
Kogarah	St Paul’s Anglican Church and hall	53–57 Princes Highway	Lot 1, DP 1037176; Lot 1, DP 1049742; Lot B2, DP 397422	Local	I96
Kogarah	Shop and residence	111 Princes Highway	Lot 1, DP 735692	Local	I97
Kogarah	St Patrick’s Catholic Church	143 Princes Highway	Lot 1, DP 86635	Local	I98
Kogarah	House and garden	193–195 Princes Highway	Lots 7 and 8, Section A, DP 976627	Local	I99
Kogarah	House and garden	4 Queens Avenue	Lot B, DP 384976	Local	I100
Kogarah	HV Evatt Memorial Reserve	25 Railway Lands		Local	I101
Kogarah	Shop	52 Railway Parade	Lot 1, DP 205973	Local	I102
Kogarah	Former post office	90 Railway Parade	Lot 1, DP 618131	Local	I103
Kogarah	Shops and offices	92 Railway Parade	Lot 1, DP 913023	Local	I104
Kogarah	Subway shops	200–204 Railway Parade	Lots 1–3, DP 201775	Local	I105
Kogarah	Shop	4 Regent Street	Lot 1, Section C, DP 1397	Local	I106

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Suburb	Item name	Address	Property description	Significance	Item no
Kogarah	Shops	7–13 Regent Street	Lots A–D, DP 413452	Local	I107
Kogarah	Kogarah High School (original three storey school building)	28 Regent Street	Lot 11, DP 668184	Local	I108
Kogarah	House and garden, “Lindhurst Gallery”	6–8 Victor Street	Lots A and B, DP 360051	Local	I109
Kogarah	House and garden, “Hindmarsh”	2 Victoria Street	Lot 81, Section B, DP 1397	Local	I110
Kogarah	Terraces and garden, “Beatrice” and “Lillyville”	14–16 Victoria Street	Lots 72 and 73, Section B, DP 1397	Local	I111
Kogarah	St George Girls High School (two storey main building)	15 Victoria Street	Lot 1, DP 832046	Local	I112
Kogarah Bay	House and front garden, “Bayview”	28A Carlton Crescent	Lot 21, Section 15, DP 1963	Local	I113
Kyle Bay	House and garden	7 Cross Street	Lot 3, DP 209927	Local	I114
Kyle Bay	Kyle Bay Bowling Club	12A Merriman Street	Lot 10, DP 21299; Lot 12, DP 650783; Lots 9–11 and 40, Section 1, DP 7641; Lot 7081, DP 1027255	Local	I115
Mortdale	Mortdale Public School (buildings A and B)	52 Colebourne Avenue and 35 Judd Street	Lot 1, DP 910638; Lot 1, DP 723943; Lot 1, DP 182917; Lots 5 and 6, DP 622396	Local	I116

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Suburb	Item name	Address	Property description	Significance	Item no
Mortdale	Mortdale Railway Station and car sheds	Illawarra Railway, between Colebourne Avenue, Ellen Subway and 195–235 Hurstville Road	Lot 100, DP 1141151	State	I117
Oatley	House and garden, "Dulmar"	59 Ada Street	Lot 32, Section F, DP 2150	Local	I118
Oatley	Oatley Pleasure Grounds	16 and 16A Annette Street	Lot 20, DP 921615; Lots 21, 21A and 22, Section 56, DP 4442; Lot 452, DP 752056; Lots 1–4, DP 20130; Lots 251 and 252, DP 208422	Local	I119
Oatley	House and garden	23 Annette Street	Lot 29, Section 42, DP 4442	Local	I120
Oatley	House and garden	25 Annette Street	Lot 30, Section 42, DP 4442	Local	I121
Oatley	Oatley Memorial Clock	On traffic island in Frederick Street, west of intersection with Oatley Avenue		Local	I122
Oatley	Como Railway Bridge	Georges River		State	I123
Oatley	Oatley Masonic Lodge	11A Letitia Street	Lot A, DP 325569; Lot 20, DP 1043366	Local	I124
Oatley	House and garden	56 Letitia Street	Lot C, DP 389898	Local	I125
Oatley	Semi-detached dwellings and garden, "Glenbrook"	90–92 Letitia Street	Lots 1 and 2, DP 526437	Local	I126
Oatley	Oatley Memorial Gardens	2B and 2C Oatley Avenue	Lots 1–26, DP 16690	Local	I127

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Suburb	Item name	Address	Property description	Significance	Item no
Oatley	Oatley Point Reserve	1 and 1A Phipps Street	Lots 22, 25 and 25A, Section 37, DP 4868; Lots 22A, 23, 23A, 24 and 24A, DP 4868; Lot 7050, DP 1027173	Local	I128
Oatley	Oatley Railway Station group	80 Railway Lands	Lot 14, DP 839742	State	I129
Oatley	House	92 Rosa Street	Lot 5, Section 42, DP 4442	Local	I130
Oatley	House and garden	9 Russell Street	Lot B, DP 367555	Local	I131
Oatley	House and garden	10 Russell Street	Lot 2, DP 231023	Local	I132
Oatley	House and garden	42 Wyong Street	Lot 1, DP 1146269	Local	I133
Oatley	Derwent and Drake Oyster Farm	44 Wyong Street and Neverfail Bay	Lot 1, DP 803348	Local	I134
Penshurst	House	16 Claremont Street	Lot 14, Section 6, DP 1650	Local	I135
Penshurst	House and garden	3 Dudley Street	Lot 2, DP 132515	Local	I136
Penshurst	Revival Life Centre, "West Maling"	663–669 King Georges Road	Lot 100, DP 854121	State	I137
Penshurst	Laycock Road street trees	Laycock Road		Local	I138
Penshurst	Penshurst Reservoirs and pumping station	14B Laycock Road	Lot 1, DP 906312	State	I139
Penshurst	House and garden, "Kintail"	51–53 Laycock Road	Lot 2, DP 16253	Local	I140
Penshurst	Stables, "Kintail"	57 Laycock Road	Lot 4, DP 16253	Local	I141
Penshurst	House	72 Pacific Avenue	Lot B, DP 330880	Local	I142
Penshurst	House and garden	24 Penshurst Avenue	Lot 2, DP 320644	Local	I143

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Suburb	Item name	Address	Property description	Significance	Item no
Penshurst	House and garden, "Beverley"	25 Penshurst Avenue	Lots 5 and 6, DP 168912	Local	I144
Ramsgate	Residential flat building, "Roma"	70 Ramsgate Road	SP 55373	Local	I145
Ramsgate	Shops	211–219 Rocky Point Road	SP 55373	Local	I146
Penshurst	Penshurst Railway Station	1A The Strand	Part of Lot 1, DP 660790	Local	I147
Sans Souci	St Finbar's Roman Catholic Church, primary school and convent	21 Broughton Street and 120 The Promenade	Lots 19–21, Section 3, DP 3896; Lots A–C, DP 313815; SP 80453	Local	I148
Sans Souci	House and garden, "Torwood"	12 Dalkeith Street	Lot 1, DP 21753	Local	I149
Sans Souci	House	12 Harris Street	Lot 15, Section 1, DP 975493	Local	I150
Sans Souci	St Andrew's Church (church only, excluding rectory)	323–329 Rocky Point Road	Lots 48 and 49, DP 4277	Local	I151
Sans Souci	Sans Souci Public School (original 2 storey school building)	413 Rocky Point Road	Lots 4–17, Section 1, DP 288	Local	I152
Sans Souci	Stables	489 Rocky Point Road	SP 76105	Local	I153
Sans Souci	House and garden, "Blanche Cottage"	493 Rocky Point Road	Lot 71, DP 1162043	Local	I154
Sans Souci	Sans Souci Park, public baths and bathers pavilion	521 Rocky Point Road and 4 Water Street	Lot 7046, DP 93515; Lot 519, DP 752056	Local	I155
Sans Souci	Street trees	The Boulevard		Local	I156
Sans Souci	House and garden, "Kellaton"	50 The Boulevard	Lot 20, Section 2, DP 288	Local	I157

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Suburb	Item name	Address	Property description	Significance	Item no
Sans Souci	Sandstone retaining wall	The Promenade		Local	I158
Sans Souci	House and garden	6 The Promenade	Lot 138, DP 553879	Local	I159
Sans Souci	Semi-detached dwelling and garden	133–135 The Promenade	Lot 52, DP 793379; Lot 101, DP 1127650	Local	I160
Sans Souci	House and garden, "Cuzco"	169 The Promenade	Lot A, DP 380694	Local	I161
Sans Souci	House, "Palmyra"	17 Vista Street	Lot 1, DP 216929	Local	I162
Sans Souci	House and garden, "Ellesmere"	23 Vista Street	Lot 2, DP 211561	Local	I163
Sans Souci	House and garden, "St Kilda House"	67 Vista Street	Lot 2, DP 232626	Local	I164
South Hurstville	Former South Hurstville Methodist Church—South Hurstville Uniting Church	37 and 38 Culwulla Street	Lot 21 and part of Lot 22, DP 4607	Local	I57
South Hurstville	House and garden, "Pine Villa"	1 Derwent Street (now part of SP 65185, 824–828 King Georges Road)	SP 65185	Local	I58
South Hurstville	St Raphael's Church and School	88 George Street	Lots 13–16, Section 7, DP 5453	Local	I59
South Hurstville	Former South Hurstville Bowling Club—Club Hurstville Sports	29A Greenacre Road	Lot 4, DP 790242	Local	I60

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Part 2 Heritage conservation areas

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

Part 3 Archaeological sites

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

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(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 Kogarah Local Environmental Plan 2012 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

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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.

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

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- (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.

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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*.

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

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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.

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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

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- (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 Kogarah City 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.

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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.

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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,

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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

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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 Kogarah Local Environmental Plan 2012 Flood Planning Map.

floor space ratio—see clause 4.5.

Floor Space Ratio Map means the Kogarah Local Environmental Plan 2012 Floor Space Ratio Map. [Not adopted. See clause 4.4.]

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.

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

Foreshore Building Line Map means the Kogarah Local Environmental Plan 2012 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

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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

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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

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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 Kogarah Local Environmental Plan 2012 Height of Buildings Map. [Not adopted. See clause 4.3.]

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.

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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 Kogarah Local Environmental Plan 2012 Heritage Map.

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

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

- (a) electronic or micro-electronic systems, goods or components,
- (b) information technology (such as computer software or hardware),
- (c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,
- (d) biological, pharmaceutical, medical or paramedical systems, goods or components,
- (e) film, television or multi-media technologies, including any post production systems, goods or components,
- (f) telecommunications systems, goods or components,
- (g) sustainable energy technologies,

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- (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.

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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.

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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

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- (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),

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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 piers or piled foundation.

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

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

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

Kogarah Town Square Precinct Map means the Kogarah Local Environmental Plan 2012 Kogarah Town Square Precinct Map.

Land Application Map means the Kogarah Local Environmental Plan 2012 Land Application Map.

Land Reservation Acquisition Map means the Kogarah Local Environmental Plan 2012 Land Reservation Acquisition Map.

Land Zoning Map means the Kogarah Local Environmental Plan 2012 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, knackeries, tanneries, woolscooms 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 Kogarah Local Environmental Plan 2012 Lot Size Map.

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

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

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

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

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

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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.

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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.

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.

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

people who are socially disadvantaged means:

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

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

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 receival, 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

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premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

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

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

public authority has the same meaning as in the Act.

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

Note. The term is defined as follows:

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

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

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

public utility undertaking means any of the following undertakings carried on or permitted to be carried on by or by authority of any 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,

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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,

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- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

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

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

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

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

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

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

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

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

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

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

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, 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

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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),

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- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

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

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

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

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

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

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

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

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

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

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.

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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

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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.

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

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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.

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.

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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

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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, sedgelands, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or
- (b) artificial wetland, including marshes, swamps, wet meadows, sedgelands or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

wharf or boating facilities means a wharf (or any of the following facilities associated with a wharf or boating) that are not port facilities:

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receival, land transport and storage facilities,
- (c) wharves for commercial fishing operations,

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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.