



New South Wales

# Ashfield Local Environmental Plan 2013

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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## Ashfield Local Environmental Plan 2013

under the

Environmental Planning and Assessment Act 1979

### Part 1 Preliminary

#### 1.1 Name of Plan

This Plan is *Ashfield Local Environmental Plan 2013*.

#### 1.1AA Commencement

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

#### 1.2 Aims of Plan

- (1) This Plan aims to make local environmental planning provisions for land in Ashfield 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 promote the orderly and economic development of Ashfield in a manner that is consistent with the need to protect the environment,
  - (b) to retain and enhance the identity of Ashfield as an early residential suburb with local service industries and retail centres,
  - (c) to identify and conserve the environmental and cultural heritage of Ashfield,
  - (d) to provide increased housing choice in locations that have good access to public transport, community facilities and services, retail and commercial services and employment opportunities,
  - (e) to strengthen the viability and vitality of the Ashfield town centre as a primary centre for investment, employment, cultural and civic activity, and to encourage a majority of future housing opportunities to be located within and around the centre,
  - (f) to protect the urban character of the Haberfield, Croydon and Summer Hill urban village centres while providing opportunities

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for small-scale, infill development that enhances the amenity and vitality of the centres,

- (g) to encourage the revitalisation of the Parramatta Road corridor in a manner that generates new local employment opportunities, improves the quality and amenity of the streetscape, and does not adversely affect adjacent residential areas,
- (h) to ensure that development has proper regard to environmental constraints and minimises any adverse impacts on biodiversity, water resources, riparian land and natural landforms,
- (i) to require that new development incorporates the principles of ecologically sustainable development.

### 1.3 Land to which Plan applies

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

### 1.4 Definitions

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

### 1.5 Notes

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

### 1.6 Consent authority

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

### 1.7 Maps

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name:
  - (a) approved by the Minister when the map is adopted, and
  - (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.

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- (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:

*Ashfield Local Environmental Plan 1985*

- (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*

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

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## Part 2 Permitted or prohibited development

### 2.1 Land use zones

The land use zones under this Plan are as follows:

**Residential Zones**

R2 Low Density Residential

R3 Medium Density Residential

**Business Zones**

B1 Neighbourhood Centre

B2 Local Centre

B4 Mixed Use

B6 Enterprise Corridor

**Industrial Zones**

IN2 Light Industrial

**Special Purpose Zones**

SP2 Infrastructure

**Recreation Zones**

RE1 Public Recreation

RE2 Private Recreation

### 2.2 Zoning of land to which Plan applies

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

### 2.3 Zone objectives and Land Use Table

- (1) The Land Use Table at the end of this Part specifies for each zone:
  - (a) the objectives for development, and
  - (b) development that may be carried out without development consent, and
  - (c) development that may be carried out only with development consent, and
  - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

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Part 2 Permitted or prohibited development

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- (3) In the Land Use Table at the end of this Part:
- (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
  - (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.
- (4) This clause is subject to the other provisions of this Plan.

**Notes.**

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

### 2.4 Unzoned land

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

### 2.5 Additional permitted uses for particular land

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

## 2.6 Subdivision—consent requirements

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

### Notes.

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

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

## 2.7 Demolition requires development consent

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

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

## 2.8 Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that:
  - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
  - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and

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Clause 2.8 Ashfield Local Environmental Plan 2013

Part 2 Land Use Table

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

## Land Use Table

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

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

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

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

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

*State Environmental Planning Policy (Rural Lands) 2008*

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

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

*State Environmental Planning Policy No 62—Sustainable Aquaculture*

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

## Zone 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; Business identification signs; Dual occupancies (attached); Dwelling houses; Group homes; Neighbourhood shops; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

**4 Prohibited**

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

**Zone 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**

Home occupations

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Clause 2.8 Ashfield Local Environmental Plan 2013

Part 2 Land Use Table

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### 3 Permitted with consent

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

### 4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Dual occupancies (detached); Eco-tourist facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wholesale supplies

## Zone B1 Neighbourhood Centre

### 1 Objectives of zone

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To ensure that new development has regard to the character and amenity of adjacent and nearby residential areas.

### 2 Permitted without consent

Home occupations

**3 Permitted with consent**

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

**4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Resource recovery facilities; Restricted premises; Retail premises; Rural industries; Service stations; Sewage treatment plants; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water supply systems; Wholesale supplies

**Zone B2 Local Centre****1 Objectives of zone**

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

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Clause 2.8 Ashfield Local Environmental Plan 2013

Part 2 Land Use Table

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### 2 Permitted without consent

Home occupations

### 3 Permitted with consent

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

### 4 Prohibited

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

## 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 enhance the viability, vitality and amenity of Ashfield town centre as the primary business activity, employment and civic centre of Ashfield.

- To encourage the orderly and efficient development of land through the consolidation of lots.

## **2 Permitted without consent**

Home occupations

## **3 Permitted with consent**

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

## **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Recreation facilities (major); Rural industries; Sewage treatment plants; Signage; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

## **Zone B6 Enterprise Corridor**

### **1 Objectives of zone**

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

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Clause 2.8 Ashfield Local Environmental Plan 2013

Part 2 Land Use Table

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### 2 Permitted without consent

Home occupations

### 3 Permitted with consent

Bulky goods premises; Business identification signs; Business premises; Community facilities; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Kiosks; Landscaping material supplies; Light industries; Markets; Passenger transport facilities; Plant nurseries; Pubs; Roads; Shops; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Water recycling facilities; Any other development not specified in item 2 or 4

### 4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Recreation facilities (major); Residential accommodation; Resource recovery facilities; Restricted premises; Retail premises; Rural industries; Sewage treatment plants; Sex services premises; Signage; Transport depots; Truck depots; Vehicle body repair workshops; Waste disposal facilities; Water recreation structures; Water supply systems

## Zone IN2 Light Industrial

### 1 Objectives of zone

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

### 2 Permitted without consent

Home occupations

**3 Permitted with consent**

Bulky goods premises; Business identification signs; Depots; Garden centres; Hardware and building supplies; Hospitals; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Plant nurseries; Roads; Take away food and drink premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

**4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Amusement centres; Biosolids treatment facilities; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Educational establishments; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Resource recovery facilities; Restricted premises; Retail premises; Rural industries; Sewage treatment plants; Sex services premises; Signage; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Veterinary hospitals; Waste disposal facilities; Water recreation structures; Water supply systems

**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**

Roads

**3 Permitted with consent**

Building identification signs; Business identification signs; Car parks; Child care centres; Community facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care

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Part 2 Land Use Table

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

### 4 Prohibited

Any development not specified in item 2 or 3

## Zone RE1 Public Recreation

### 1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To ensure that development has proper regard to environmental constraints and minimises any adverse impacts on biodiversity, water resources, riparian land and natural landforms.
- To allow land to be used for a limited range of facilities that are compatible with or will complement the specific recreational use for which it is zoned.

### 2 Permitted without consent

Nil

### 3 Permitted with consent

Boat launching ramps; Boat sheds; Building identification signs; Child care centres; Community facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Information and education facilities; Jetties; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Restaurants or cafes; Roads; Water recreation structures; Water recycling facilities; Water storage facilities

### 4 Prohibited

Any development not specified in item 2 or 3

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**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**

Nil

**3 Permitted with consent**

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

**4 Prohibited**

Any development not specified in item 2 or 3

## 2013 No 753

Clause 3.1 Ashfield Local Environmental Plan 2013

Part 3 Exempt and complying development

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### Part 3 Exempt and complying development

#### 3.1 Exempt development

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

The section states that exempt development:

- (a) must be of minimal environmental impact, and
  - (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), and
  - (c) cannot be carried out in a wilderness area (identified under the *Wilderness Act 1987*).
- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
  - (2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.
  - (3) To be exempt development, the development:
    - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia* or, if there are no such relevant provisions, must be structurally adequate, and
    - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
    - (c) must not be designated development, and
    - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.
  - (4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9 is exempt development only if:
    - (a) the building has a current fire safety certificate or fire safety statement, or
    - (b) no fire safety measures are currently implemented, required or proposed for the building.
  - (5) To be exempt development, the development must:
    - (a) be installed in accordance with the manufacturer's specifications, if applicable, and

- (b) not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent.

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

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

### 3.2 Complying development

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

The section states that development cannot be complying development if:

- (a) it is on land that is critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), or
  - (b) it is on land within a wilderness area (identified under the *Wilderness Act 1987*), or
  - (c) the development is designated development, or
  - (d) the development is on land that comprises, or on which there is, an item of environmental heritage (that is listed on the State Heritage Register or in Schedule 5 to this Plan or that is subject to an interim heritage order under the *Heritage Act 1977*), or
  - (e) the development requires concurrence (except a concurrence of the Director-General of the Department of Environment, Climate Change and Water in respect of development that is likely to significantly affect a threatened species, population, or ecological community, or its habitat (identified under the *Threatened Species Conservation Act 1995*)), or
  - (f) the development is on land identified as an environmentally sensitive area.
- (1) The objective of this clause is to identify development as complying development.
  - (2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with:
    - (a) the development standards specified in relation to that development, and
    - (b) the requirements of this Part,
 is complying development.

**Note.** See also clause 5.8 (3) which provides that the conversion of fire alarms is complying development in certain circumstances.

## 2013 No 753

Clause 3.3 Ashfield Local Environmental Plan 2013

Part 3 Exempt and complying development

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

### 3.3 Environmentally sensitive areas excluded

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.
- (2) For the purposes of this clause:  
***environmentally sensitive area for exempt or complying development*** means any of the following:
  - (a) the coastal waters of the State,
  - (b) a coastal lake,
  - (c) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies,
  - (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
  - (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
  - (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
  - (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
  - (h) land reserved under the *National Parks and Wildlife Act 1974* or land acquired under Part 11 of that Act,

- 
- (i) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
  - (j) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

## 2013 No 753

Clause 4.1 Ashfield Local Environmental Plan 2013

Part 4 Principal development standards

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## Part 4 Principal development standards

### 4.1 Minimum subdivision lot size

- (1) The objectives of this clause are as follows:
  - (a) to maintain the existing pattern of subdivision within heritage conservation areas in terms of lot size and lot dimensions,
  - (b) to provide opportunities for infill small lot subdivision in areas close to transport and amenities in a manner that does not adversely impact on the streetscape or amenity of residential areas,
  - (c) to provide for small lot subdivision in certain areas close to public transport as an alternative to redevelopment for the purpose of multi dwelling housing in order to retain the scale and character of the area,
  - (d) to ensure that lot sizes allow development to be sited to protect and enhance riparian land.
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.
- (4A) For the purpose of calculating the size of a battle-axe lot, the area of the access handle is excluded.

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

[Not adopted]

### 4.1A Exceptions to minimum subdivision lot size for certain residential development

- (1) The objective of this clause is to encourage housing diversity without adversely affecting residential amenity.
- (2) Despite clause 4.1 (3), development consent may be granted to the subdivision of land identified as “Area 1” on the Lot Size Map that is not within a heritage conservation area if:
  - (a) each lot resulting from the subdivision will be at least 200 square metres, and
  - (b) a semi-detached dwelling is or will be located on each lot, and

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

**4.2 Rural subdivision**

[Not applicable]

**4.3 Height of buildings**

- (1) The objectives of this clause are as follows:
  - (a) to achieve high quality built form for all buildings,
  - (b) to maintain satisfactory sky exposure and daylight to existing buildings, to the sides and rear of taller buildings and to public areas, including parks, streets and lanes,
  - (c) to provide a transition in built form and land use intensity between different areas having particular regard to the transition between heritage items and other buildings,
  - (d) to maintain satisfactory solar access to existing buildings and public areas.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.
- (2A) If a building is located on land in Zone B4 Mixed Use, any part of the building that is within 3 metres of the height limit set by subclause (2) must not include any area that forms part of the gross floor area of the building and must not be reasonably capable of modification to include such an area.

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

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

## 2013 No 753

Clause 4.3B Ashfield Local Environmental Plan 2013

Part 4 Principal development standards

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

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

- (1) The objective of this clause is to apply a maximum height for primary street frontages on certain land in Ashfield town centre.
- (2) This clause applies to land identified as “Area 1” on the Height of Buildings Map.
- (3) Despite clauses 4.3 (2) and 4.3A (3), the maximum height of that part of a building that has an entrance or lobby on the ground floor facing Liverpool Road, Norton or Hercules Streets or Markham Place, Ashfield (a ***primary street frontage***) is 12 metres for a distance of 12 metres from the primary street frontage away from the road.

### 4.4 Floor space ratio

- (1) The objectives of this clause are as follows:
  - (a) to establish standards for development density and intensity of land use,
  - (b) to provide consistency in the bulk and scale of new development with existing development,
  - (c) to minimise adverse environmental impacts on heritage conservation areas and heritage items,
  - (d) to protect the use or enjoyment of adjoining properties and the public domain,
  - (e) to maintain an appropriate visual relationship between new development and the existing character of areas that are not undergoing, and are not likely to undergo, a substantial transformation.

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

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

##### (1) Objectives

The objectives of this clause are as follows:

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

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

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

##### (3) Site area

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

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

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

##### (4) Exclusions from site area

The following land must be excluded from the site area:

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

## 2013 No 753

Clause 4.5 Ashfield Local Environmental Plan 2013

Part 4 Principal development standards

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(5) **Strata subdivisions**

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

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

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

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

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

(8) **Existing buildings**

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

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

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

(10) **Covenants affect consolidated sites**

If:

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

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity

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of floor space area the covenant prevents being created on the affected land.

(11) **Definition**

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

#### 4.6 Exceptions to development standards

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

## 2013 No 753

Clause 4.6 Ashfield Local Environmental Plan 2013

Part 4 Principal development standards

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- (5) In deciding whether to grant concurrence, the Director-General must consider:
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
  - (b) the public benefit of maintaining the development standard, and
  - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
  - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- Note.** When this Plan was made it did not include all of these zones.
- (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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## Part 5 Miscellaneous provisions

### 5.1 Relevant acquisition authority

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

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

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

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

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

- (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.

## 2013 No 753

Clause 5.2 Ashfield Local Environmental Plan 2013

Part 5 Miscellaneous provisions

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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

[Not adopted]

**5.4 Controls relating to miscellaneous permissible uses****(1) Bed and breakfast accommodation**

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

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

**(2) Home businesses**

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

**(3) Home industries**

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

**(4) Industrial retail outlets**

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

- (a) 40% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
  - (b) 400 square metres,
- whichever is the lesser.

**(5) Farm stay accommodation**

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

**(6) Kiosks**

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

**(7) Neighbourhood shops**

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

**(8) Roadside stalls**

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

## 2013 No 753

Clause 5.5 Ashfield Local Environmental Plan 2013

Part 5 Miscellaneous provisions

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

### 5.5 Development within the coastal zone

[Not applicable]

### 5.6 Architectural roof features

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

### 5.7 Development below mean high water mark

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

**5.8 Conversion of fire alarms**

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

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

**5.9 Preservation of trees or vegetation**

- (1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

## 2013 No 753

Clause 5.9 Ashfield Local Environmental Plan 2013

Part 5 Miscellaneous provisions

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- (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.

- (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) [Not adopted]

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

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

#### **5.10 Heritage conservation**

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

- (1) **Objectives**

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Ashfield,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,

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Clause 5.10 Ashfield Local Environmental Plan 2013

Part 5 Miscellaneous provisions

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- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

### (2) Requirement for consent

Development consent is required for any of the following:

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

### (3) When consent not required

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

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant

in writing before any work is carried out that it is satisfied that the proposed development:

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

**(4) Effect of proposed development on heritage significance**

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

**(5) Heritage assessment**

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

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

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would

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affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) **Heritage conservation management plans**

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

(7) **Archaeological sites**

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

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

(8) **Aboriginal places of heritage significance**

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

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

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

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

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

(10) **Conservation incentives**

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of

heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

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

#### 5.11 Bush fire hazard reduction

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

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

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

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

#### 5.13 Eco-tourist facilities

[Not applicable]

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Clause 6.1 Ashfield Local Environmental Plan 2013

Part 6 Additional local provisions

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## Part 6 Additional local provisions

### 6.1 Earthworks

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

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

### 6.2 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 land at or below the flood planning level.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
- (a) is compatible with the flood hazard of the land, and
  - (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) incorporates appropriate measures to manage risk to life from flood, and
  - (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of the river banks of waterways, and
  - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
- (4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.
- (5) In this clause, ***flood planning level*** means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

### 6.3 Development in areas subject to aircraft noise

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

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Clause 6.4 Ashfield Local Environmental Plan 2013

Part 6 Additional local provisions

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- (2) This clause applies to development that:
  - (a) is on land that:
    - (i) is near the Sydney (Kingsford Smith) Airport, and
    - (ii) is in an ANEF contour of 20 or greater, and
  - (b) the consent authority considers is likely to be adversely affected by aircraft noise.
- (3) Before determining a development application for development to which this clause applies, the consent authority:
  - (a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, 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 (Kingsford Smith) Airport prepared by the Department of the Commonwealth responsible for airports.

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

### 6.4 Converting serviced apartments to residential flat buildings

- (1) The objective of this clause is to prevent substandard residential accommodation occurring through the conversion of serviced apartments to residential flat buildings.
- (2) Development consent must not be granted for the subdivision, under a strata scheme, of a building or a part of a building that is being, or has been, used for serviced apartments into a residential flat building unless the consent authority has considered the following in relation to the residential flat building:
  - (a) the design quality principles set out in Part 2 of *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development*, and
  - (b) the design principles of the *Residential Flat Design Code* (published by the Department of Planning, Infrastructure and Natural Resources, September 2002).

**6.5 Development on land in Haberfield Heritage Conservation Area**

- (1) The objective of this clause is to maintain the single storey appearance of dwellings in the Haberfield Heritage Conservation Area.
- (2) This clause applies to land identified as “C42” on the Heritage Map.
- (3) Development consent must not be granted to development for the purpose of a dwelling house on land to which this clause applies unless the consent authority is satisfied that:
  - (a) if the development involves an existing building:
    - (i) the gross floor area above the existing ground floor level will not exceed the gross floor area of the existing roof space, and
    - (ii) the gross floor area below the existing ground floor level will not exceed 25% of the gross floor area of the existing ground floor, and
  - (b) the development will not involve excavation in excess of 3 metres below ground level (existing), and
  - (c) the development will not involve the installation of dormer or gable windows, and
  - (d) at least 50% of the site will be landscaped area.

**6.6 Location of restricted premises and sex services premises**

- (1) The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between restricted premises, sex services premises, specified land uses and places regularly frequented by children.
- (2) Development consent must not be granted to development for the purposes of restricted premises or sex services premises unless the premises are located:
  - (a) at least 200 metres (measured from the closest boundary of the lot on which the premises are proposed) from any residence or any land in a residential zone, and
  - (b) at least 200 metres (measured from the closest boundary of the lot on which the premises are proposed) from any place of public worship, hospital, school, child care centre, community facility or recreation area, and
  - (c) at least 50 metres (measured from the closest boundary of the lot on which the premises are proposed) from any railway station entrance, bus stop, taxi rank, ferry terminal or the like, and

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Clause 6.6 Ashfield Local Environmental Plan 2013

Part 6 Additional local provisions

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- (d) at least 200 metres (measured from the closest boundary of the lot on which the premises are proposed) from any existing or proposed restricted premises or sex services premises, and
  - (e) on any floor other than the ground floor of a building.
- (3) In deciding whether to grant development consent to development for the purposes of restricted premises or sex services premises, the consent authority must consider the following:
- (a) the impact that the development and its hours of operation would have on any place likely to be regularly frequented by children:
    - (i) that adjoins the development, or
    - (ii) that can be viewed from the development, or
    - (iii) from which a person can view the development,
  - (b) whether the operation of the premises is likely to cause a disturbance in the neighbourhood:
    - (i) because of its size, location, hours of operation or number of employees, or
    - (ii) taking into account the cumulative impact of the premises along with other sex services premises operating in the neighbourhood during similar hours,
  - (c) whether the operation of the premises will be likely to interfere with the amenity of the neighbourhood.

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## Schedule 1 Additional permitted uses

(Clause 2.5)

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

- (1) This clause applies to land at 110 Frederick Street, Ashfield, being Lot A, DP 338677.
- (2) Development for the purpose of business premises is permitted with development consent.

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

- (1) This clause applies to land at 36–38 Holden Street, Ashfield, being Lot 10, DP 820.
- (2) Development for the purpose of business premises is permitted with development consent.

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

- (1) This clause applies to land at 75 Milton Street, Ashfield, being Lot 31, DP 707858.
- (2) Development for the purpose of a residential flat building is permitted with development consent.

### 4 Use of certain land at 69 Milton Street, Croydon

- (1) This clause applies to land at 69 Milton Street, Croydon, being Lot 11, DP 730876.
- (2) Development for the purpose of a residential flat building is permitted with development consent.

### 5 Use of certain land at 582 Parramatta Road, Croydon, 141 Parramatta Road, Haberfield and 314 Canterbury Road, Hurlstone Park

- (1) This clause applies to the following land:
  - (a) land at 582 Parramatta Road, Croydon, being Lot 2, DP 866658,
  - (b) land at 141 Parramatta Road, Haberfield, being Lot 16, DP 520199,
  - (c) land at 314 Canterbury Road, Hurlstone Park, being Lot 1, DP 302900.
- (2) Development for the purpose of food and drink premises is permitted with development consent.

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Schedule 1 Additional permitted uses

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

- (1) This clause applies to land at 22 and 26 Georges River Road, Croydon Park, being Lot 1, DP 566070 and Lot 22, DP 847.
- (2) Development for the purpose of business premises is permitted with development consent.

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

- (1) This clause applies to the land identified as “Area 2” on the Key Sites Map.
- (2) Development for the purpose of shop top housing is permitted with development consent.

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## Schedule 2 Exempt development

(Clause 3.1)

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

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

### Advertisements—general requirements

- (1) Must be non-moving.
- (2) Must be at least 600mm from any public road.
- (3) Must be associated with the lawful use of the building (except for temporary signs).
- (4) Must be within the boundary of the property to which it relates, unless located on land in a business or an industrial zone.
- (5) Must not be on walls that face or adjoin residential premises.
- (6) Must not be an “A” frame sign.
- (7) Must have the consent of the owner of the property on which the sign is located.
- (8) Must not be flashing.

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

(1) **Under awning sign**

Sign attached to the underside of an awning must comply with the general requirements and the following:

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

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Ashfield Local Environmental Plan 2013

Schedule 2 Exempt development

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(2) **Flush wall sign**

Sign attached to the wall of a building (other than the transom of a doorway or display window) must comply with the general requirements and the following:

- (a) must not project more than 150mm beyond the face of the building,
- (b) top end of sign must not be higher than 3m from footpath level on street frontage,
- (c) maximum area—2.5m<sup>2</sup>.

(3) **Top hamper sign**

Sign attached to the transom of a doorway or top end of the display window of a ground floor premises must comply with the general requirements and the following:

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

(4) **Awning fascia sign**

Fascia signs must comply with the general requirements and must not project above or below the fascia or return end of the awning to which it is attached.

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

- (1) Must meet the general requirements for advertisements.
- (2) If located in an industrial complex containing 3 or more industrial units with at least 1 common driveway, must comply with the following:
  - (a) 1 common pole or pylon sign for the complex (including a directory board),
  - (b) 1 additional sign at main entrance of each occupied unit with maximum advertising area of 1.2m<sup>2</sup>,
  - (c) maximum height—5m,
  - (d) maximum advertising area—25m<sup>2</sup>,
  - (e) must be within 5m of any public entry point to the complex,
  - (f) must not obstruct the sight line of vehicular or pedestrian traffic.
- (3) If located in single occupancy industrial premises, must comply with the following:
  - (a) maximum 1 sign,

- 
- (b) maximum area— $50\text{m}^2$  or  $1\text{m}^2$  per 3m of street frontage, whichever is the lesser,
  - (c) must be an advertising panel attached to the facade of the building with no part of the advertising panel projecting above the front wall of the building to which the sign is attached.
- (4) Must not be constructed or installed on or in a heritage item or draft heritage item.

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

Must meet the general requirements for advertisements and comply with the following:

- (a) 1 sign per premises,
- (b) maximum area— $0.75\text{m}^2$ ,
- (c) if located on a pole, must not extend above 2m from natural ground level,
- (d) must not be illuminated,
- (e) must not be constructed or installed on or in a heritage item or draft heritage item.

**Advertisements—real estate signs (advertising premises or land for sale or lease)**

- (1) Must meet the general requirements for advertisements.
- (2) Maximum area:
  - (a) if located on land in a residential zone— $2.5\text{m}^2$ ,
  - (b) if located on land in any other zone— $4.5\text{m}^2$ .
- (3) Must be removed within 7 days after the sale or lease of the premises or land.
- (4) If located on land in any zone other than a residential zone—must be at least 600mm from any public road.

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

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

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Schedule 2 Exempt development

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- (5) Must not be flashing.

### **Maintenance of buildings comprising heritage items**

- (1) Must only involve one or more of the following:
  - (a) painting, plastering, cement rendering or cladding,
  - (b) the repair or replacement of a non-structural wall,
  - (c) any other minor non-structural work.
- (2) Must not affect the means of egress from the building in an emergency.
- (3) Must reproduce the existing materials, finish and design of the building so as not to alter its appearance.
- (4) Must not involve a change in original material type, scale or texture.
- (5) Must not involve the painting of a brick, stone, slate or tile that is not painted.

### **Minor alterations (external) to buildings comprising heritage items or in a heritage conservation area**

Must only involve one or more of the following:

- (a) painting, plastering or cement rendering,
- (b) the repair or replacement of a non-structural wall or roof cladding,
- (c) the replacement or maintenance of downpipes or roof guttering,
- (d) other non-structural alterations involving plumbing, electrical works, attaching fittings, restoration and decorative work.

### **Special events**

- (1) Must take place on land in a special purpose or recreation zone or on unzoned land.
- (2) Must not occupy any road or pathway.
- (3) Must not involve demolition or excavation.
- (4) Must occur during daylight hours on no more than 1 day.

**Note.** The proposed event may involve activities that require approvals under the *Local Government Act 1993*. Such activities include closure of public roads, temporary structures, food stalls, mobile food vendors, activities on community land, certain amusement devices and public entertainment. Consultation with the Council will assist in identifying any requirements before organising such activities.

### **Temporary signs for religious, cultural, social or recreational events**

- (1) Must meet the general requirements for advertisements.

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- (2) Maximum area:
    - (a) if located on land in a residential zone—1.5m<sup>2</sup>,
    - (b) if located on land in any other zone—3.5m<sup>2</sup>.
  - (3) Maximum height:
    - (a) if located on land in a residential zone—2m,
    - (b) if located on land in any other zone—3m.
  - (4) Must not be displayed earlier than 28 days before, or later than 7 days after, the event.
  - (5) Maximum 1 sign per street frontage.
  - (6) Must not include advertising of a commercial nature (other than names of event sponsors).
  - (7) Must relate to one-off events only.

**Temporary structures (other than temporary builders' structures and structures to which State Environmental Planning Policy (Temporary Structures) 2007 applies)**

- (1) Must be on land in Zone B1 Neighbourhood Centre, Zone B2 Local Centre, Zone B4 Mixed Use, Zone B6 Business Park, Zone IN2 Light Industrial, Zone RE2 Private Recreation or Zone SP2 Infrastructure.
- (2) Must not remain erected more than 72 hours.
- (3) Must be at least 6m from any public street.
- (4) Must be installed in accordance with the manufacturer's specifications.
- (5) Must not be used for commercial or industrial purposes.
- (6) Changes or alterations to the surface and surrounding environment, where it is constructed or erected, must be superficial and temporary.

**Note.** Tents, marquees, stages and platforms generally, and booths used for community events, are exempt development under *State Environmental Planning Policy (Temporary Structures) 2007* if such structures meet the requirements of that Policy.

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Ashfield Local Environmental Plan 2013

Schedule 3 Complying development

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### Schedule 3 Complying development

(Clause 3.2)

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

#### Part 1 Types of development

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

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

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

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

**Bed and breakfast accommodation**

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

**Part 2 Complying development certificate conditions**

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

**General conditions**

Any development specified in Part 1 is subject to the same conditions set out in Division 3 of Part 3 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

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Ashfield Local Environmental Plan 2013

Schedule 4 Classification and reclassification of public land

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### Schedule 4 Classification and reclassification of public land

(Clause 5.2)

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

Column 1	Column 2
Locality	Description
Nil	

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#### 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		

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

Column 1	Column 2
Locality	Description
Nil	

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## Schedule 5 Environmental heritage

(Clause 5.10)

### Part 1 Heritage items

Suburb	Item name	Address	Property description	Significance	Item no
Ashbury	House	10 Hanks Street	Lot 6, DP 4170	Local	1
Ashbury	House	38 Hanks Street	Lot 3, DP 949228	Local	2
Ashbury	School	220–252 Holden Street	Lot 100, DP 738051	Local	3
Ashbury	Houses	262–270 Holden Street	Lot 1, DP 953904; Lot 1, DP 953395; Lot 1, DP 956341; Lot 1, 953126; Lot C, DP 977796	Local	4
Ashfield	House	3 A'Beckett Avenue	Lot 2, DP 4815	Local	5
Ashfield	Road reserve	Albert Parade	Road reserve	Local	6
Ashfield	House	7 Albert Parade	Lot A, DP 336269	Local	7
Ashfield	House	9 Albert Parade	Lot 1, DP 905602	Local	8
Ashfield	House	11 Albert Parade	Lot 15, DP 264	Local	9
Ashfield	House	26 Albert Parade	Lot A, DP 334841	Local	10
Ashfield	House	34 Albert Parade	Lot 1, DP 966068	Local	11
Ashfield	House	36 Albert Parade	Lot 1, DP 165741	Local	12
Ashfield	House	38 Albert Parade	Lot C, DP 966069	Local	13
Ashfield	Semi-detached houses	45–47 Albert Parade	Lot 1, DP 900134; Lot 230, DP 130164	Local	14

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Schedule 5 Environmental heritage

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Ashfield	House	2 Alma Street	Lot 1, DP 934937	Local	15
Ashfield	House	5 Alma Street	Lot 2, DP 17789	Local	16
Ashfield	House	26 Alma Street	Lot 12, DP 1293	Local	17
Ashfield	Houses	20–22 Alt Street	Lot 12, Section B, DP 1293	Local	18
Ashfield	House	23 Alt Street	Lot 1, DP 13894	Local	19
Ashfield	House	44 Alt Street	Lots 7–10, DP 2127	Local	20
Ashfield	House	78 Alt Street	Lot 6, DP 264	Local	21
Ashfield	Flats	94 Alt Street	Lot 1, DP 13651	Local	22
Ashfield	Flats	98 Alt Street	Lot 7, DP 13651	Local	23
Ashfield	House	104 Alt Street	Lot 3, DP 946167	Local	24
Ashfield	House	17 Armstrong Street	Lot 5, DP 14786	Local	25
Ashfield	Houses	8–10 Arthur Street	Lot 1, DP 1028976; Lot 2, DP 84669	Local	26
Ashfield	House	27 Arthur Street	Lot 13, DP 1433	Local	27
Ashfield	Semi-detached houses	32–34 Arthur Street	Lots 1 and 2, DP 506554	Local	28
Ashfield	“Thirning Villa”	40 Arthur Street	Lot 7041, DP 93370	Local	29
Ashfield	Public reserve—“Pratten Park”	40–44 Arthur Street	Lot 585, DP 752049; Lot 1, DP 64579; Lot 7041, DP 93370	Local	30
Ashfield	Nursing home	48 Arthur Street	Lot A, DP 412401	Local	31

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Ashfield	Boarding house	4 Blackwood Avenue	Lot 8A, DP 444835	Local	32
Ashfield	Church	1 Bland Street	Lot 11 and part of Lot 10, DP 601374	Local	34
Ashfield	Presbytery	1 Bland Street	Lot 11 and part of Lot 10, DP 601374	Local	33
Ashfield	School	1 Bland Street	Lot 11 and part of Lot 10, DP 601374	Local	35
Ashfield	House	2 Bland Street	Lot 1, DP 102382	Local	36
Ashfield	House	4 Bland Street	Lot 1, DP 960770	Local	37
Ashfield	House	6 Bland Street	Lot 1, DP 960163	Local	38
Ashfield	House	8 Bland Street	Lot 1, DP 959955	Local	39
Ashfield	House	12 Bland Street	Lot A, DP 329379	Local	40
Ashfield	College	18 Bland Street	Lot 17, DP 929	Local	41
Ashfield	Semi-detached houses	25–27 Bland Street	Lot 2, DP 500869	Local	42
Ashfield	Terrace houses	29–31 Bland Street	Lot 1, DP 702017	Local	43
Ashfield	Terrace house	35 Bland Street	Lot 1, DP 202977	Local	44
Ashfield	Church and cemetery, parish hall, school hall, rectory and church grounds	62–74 Bland Street	Lot 1, DP 208481	Local	45
Ashfield	House	75 Bland Street	Lot 4, DP 10099	Local	46
Ashfield	House	79 Bland Street	Lot 2, DP 309798	Local	47

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### Ashfield Local Environmental Plan 2013

#### Schedule 5 Environmental heritage

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Ashfield	House	83 Bland Street	Lot 1, DP 314590	Local	48
Ashfield	House	3 Bruce Street	Lot 1, DP 103971	Local	49
Ashfield	House	11 Bruce Street	Lot 2, DP 901079	Local	50
Ashfield	Public reserve and parade (part)	Brunswick Parade	Public reserve	Local	51
Ashfield	House	3 Carlisle Street	Lot B, DP 319599	Local	52
Ashfield	House	21 Carlisle Street	Lot 11, DP 2777; Lot 112, DP 130416	Local	53
Ashfield	House	12 Cecil Street	Lot 1, SP 17985	Local	65
Ashfield	House	19 Cecil Street	Lot 2, DP 917841	Local	66
Ashfield	House	49 Cecil Street	Lot 1, DP 947571	Local	67
Ashfield	House	23 Chandos Street	Lot 40, DP 439	Local	68
Ashfield	Townhouses	32 Chandos Street	Lots 1–35, SP 10395	Local	69
Ashfield	Nursing home	50–52 Chandos Street	Lots A, B and C, DP 372259	Local	70
Ashfield	House	94 Chandos Street	Lot 2, DP 214209	Local	71
Ashfield	House	96 Chandos Street	Lot 1, DP 120051	Local	72
Ashfield	Shops	1–3 Charlotte Street	Lot 1, DP 1124828; Lot 17, DP 819022	Local	73
Ashfield	Shop	2 Charlotte Street	Lot 1, DP 184020	Local	74

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Ashfield	Shops—three groups	4–8, 10–16, 18–20 Charlotte Street	Lots 1 and 3, DP 629741; Lot 2, DP 610371; Lot 49, DP 1013072; Lot 2, DP 218272	Local	75
Ashfield	Shop with dwelling above	13–15 Charlotte Street	Lot 13, DP 568822	Local	76
Ashfield	Suite of four shops	17–21 Charlotte Street	Lot 1, DP 217304		77
Ashfield	Presbyterian Aged Care	23 Charlotte Street	Lot 1, DP 217304	Local	78
Ashfield	House	45 Charlotte Street	Lot A, DP 320038	Local	79
Ashfield	House	46 Charlotte Street	Lot 1, DP 63600	Local	80
Ashfield	House	71 Charlotte Street	Lot 11, DP 69135	Local	81
Ashfield	House	82 Charlotte Street	Lot B, DP 313303	Local	82
Ashfield	House	86 Charlotte Street	Lot 1, DP 175100	Local	83
Ashfield	House	2 Church Street	Lot A, DP 84704	Local	84
Ashfield	House	2 Clissold Street	Lot X, DP 394410	Local	85
Ashfield	Pressure tunnel and shafts	3A Clissold Street	Lot 2, DP 642128	State	86
Ashfield	Houses	3–5 Clissold Street	Lot 2, DP 787258; Lot C, DP 187711	Local	87
Ashfield	House	23 Clissold Street	Lot 10, DP 804	Local	88
Ashfield	House	12 Eccles Avenue	Lot 21, DP 8690	Local	89
Ashfield	House	25 Eccles Avenue	Lot 3, DP 316461	Local	90

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### Ashfield Local Environmental Plan 2013

#### Schedule 5 Environmental heritage

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Ashfield	House	17 Elizabeth Street	Lot 10, DP 131013	Local	91
Ashfield	House	81 Elizabeth Street	Lot C, DP 329379	Local	92
Ashfield	House	83 Elizabeth Street	Lot 1, DP 194251	Local	93
Ashfield	House	93 Elizabeth Street	Lot C, DP 901340	Local	94
Ashfield	House	95 Elizabeth Street	Lot B, DP 9011340	Local	95
Ashfield	Shop and attached terrace house	96–98 Elizabeth Street	Lots 1 and 2, DP 229273	Local	96
Ashfield	House	5 Farleigh Street	Lot 1, DP 302090	Local	98
Ashfield	House	29 Farleigh Street	Lot 5, DP 10793	Local	99
Ashfield	House	12 Federal Avenue	Lot B, DP 342998	Local	100
Ashfield	Houses—group of two pairs	18–20 and 22–24 Federal Avenue	Lots B, C, D and E, DP 444995	Local	101
Ashfield	Public reserve	Frederick Street (corner of Henry Street)	Lot 1, DP 65178; Lot 39, DP 433; Lot 1, DP 724792; Lots 3A, 4A, 5A and 6A, DP 1455	Local	102
Ashfield	House	45 Frederick Street	Lot 31, DP 264	Local	103
Ashfield	Terrace buildings	91–101 Frederick Street	Lots 2–7, DP 222870	Local	104
Ashfield	House	113 Frederick Street	Lot 1, DP 882052	Local	105
Ashfield	Flats	17 Grainger Avenue	Lot 81, DP 130211	Local	107

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Ashfield	House	12 Hampden Street	Lot B, DP 336290	Local	108
Ashfield	House	14 Hampden Street	Lot 1, DP 856487	Local	109
Ashfield	House	15 Hampden Street	Lot 48, DP 263	Local	110
Ashfield	House	17 Hampden Street	Lot 2, DP 233301	Local	111
Ashfield	House	19 Hampden Street	Lot 1, DP 233301	Local	112
Ashfield	House	16 Henry Street	Lot 3, DP 306216	Local	114
Ashfield	Infants Home Ashfield—original building, the “Emily Trollope” Nursing Ward, “Louise Taplin” Ward, laundry, grounds and lesser buildings	17 Henry Street	Lot 10, DP 129727	Local	115
Ashfield	Monument—“Mei Quong Tart”	Hercules Street	Road reserve	Local	116
Ashfield	Commercial building	11–13 Hercules Street	Lot 1, DP 210155	Local	124
Ashfield	House	8 Hillcrest Avenue	Lot A, DP 330230	Local	130
Ashfield	Flats	10 Hillcrest Avenue	Lot B, DP 330230	Local	131
Ashfield	Flats	12 Hillcrest Avenue	Lot 2 DP 345160	Local	132
Ashfield	Flats	14 Hillcrest Avenue	Lot 1 DP 345160	Local	133
Ashfield	Church and hall	1 Holden Street	Lot 1, DP 333415; Lot 1, DP 76635	Local	134

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Ashfield	House	25 Holden Street	Lot 1, DP 629275	Local	135
Ashfield	Shop	27 Holden Street	Lot 2, DP 629275	Local	136
Ashfield	House	28 Holden Street	Lot 6, Section 1, DP 820	Local	137
Ashfield	House	68 Holden Street	Lot 1, DP 11174	Local	138
Ashfield	House	70 Holden Street	Lot 2, DP 11174	Local	139
Ashfield	House	72 Holden Street	Lot 3, DP 11174	Local	140
Ashfield	House	74 Holden Street	Lot 4, DP 11174	Local	141
Ashfield	Semi-detached house	75 Holden Street	Lot A, DP 958702	Local	142
Ashfield	House	76 Holden Street	Lot 5, DP 11174	Local	143
Ashfield	Semi-detached house	77 Holden Street	Lot B, DP 958702	Local	144
Ashfield	House	78 Holden Street	Lot 6, DP 11174	Local	145
Ashfield	House	85 Holden Street	Lot A, DP 338620	Local	146
Ashfield	House	97 Holden Street	Lot 1, DP 912204	Local	147
Ashfield	Church	126 Holden Street	Lot C, DP 183251	Local	148
Ashfield	House	11 Holwood Avenue	Lot 17, DP 15010	Local	149
Ashfield	House	29 Hugh Street	Lot 20, DP 2911	Local	150
Ashfield	House	1 John Street	Lot C, DP 315933	Local	151
Ashfield	House	10 John Street	Lot A, DP 304877	Local	152

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Ashfield	House	11A John Street	Lot 1, DP 882793	Local	153
Ashfield	House	12 John Street	Lot 3, DP 6741	Local	154
Ashfield	House	15 John Street	Lot 1, DP 88019	Local	155
Ashfield	House	23 John Street	Lot B, DP 334339	Local	156
Ashfield	House	43 John Street	Lot C, DP 418552	Local	157
Ashfield	House	54 John Street	Lot 11, DP 1888	Local	158
Ashfield	Semi-detached house	3 Joseph Street	Lot B, DP 436232	Local	159
Ashfield	Semi-detached house	5 Joseph Street	Lot A, DP 436232	Local	160
Ashfield	House	54 Joseph Street	Lot 1, DP 89769	Local	161
Ashfield	House	8 Julia Street	Lot 12, DP 939270	Local	162
Ashfield	House	18 Julia Street	Lot 1, DP 333728	Local	163
Ashfield	Semi-detached house	22 Julia Street	Lot 1, DP 14413	Local	164
Ashfield	Semi-detached house	26 Julia Street	Lot A, DP 322073	Local	165
Ashfield	House	2A King Street	Lot 15, DP 263	Local	166
Ashfield	House	4 King Street	Lot 14, DP 263	Local	167
Ashfield	House	7-9 King Street	Lot 1, DP 936318	Local	168
Ashfield	House	10 King Street	Lot A, DP 339602	Local	169
Ashfield	House	11 King Street	Lots 0-4, SP 30829	Local	170

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### Ashfield Local Environmental Plan 2013

#### Schedule 5 Environmental heritage

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Ashfield	House	15 King Street	Lot 15, SP 37480; Lots 5–8, SP 38213; Lots 0 and 4, SP 37480	Local	171
Ashfield	House	30 King Street	Lot 42, DP 112361; Lot 3, DP 263	Local	172
Ashfield	Church, institute and manse	1–3 Knox Street	Lot 101, DP 631733	Local	173
Ashfield	Flats	2 Knox Street	Lot A, DP 309173	Local	174
Ashfield	Semi-detached house	2 Lapish Avenue	Lot 22, DP 524908	Local	176
Ashfield	Semi-detached house	4 Lapish Avenue	Lot 21, DP 524908	Local	177
Ashfield	Semi-detached house	6 Lapish Avenue	Lot 32, DP 523761	Local	178
Ashfield	Semi-detached house	8 Lapish Avenue	Lot 31, DP 523761	Local	179
Ashfield	Semi-detached house	10 Lapish Avenue	Lot 1, DP 580896	Local	180
Ashfield	Semi-detached house	12 Lapish Avenue	Lot 2, DP 580896	Local	181
Ashfield	Semi-detached house	14 Lapish Avenue	Lot 50, DP 608053	Local	182
Ashfield	Semi-detached house	16 Lapish Avenue	Lot 15, DP 608053	Local	183
Ashfield	Semi-detached house	18 Lapish Avenue	Lot 1, DP 537247	Local	184
Ashfield	Semi-detached house	20 Lapish Avenue	Lot 2, DP 537247	Local	185
Ashfield	Public reserve	11–23 Liverpool Road	Lot 40, DP 633022; Lot 2, DP 6394	Local	186
Ashfield	Terrace	31 Liverpool Road	Lot B, DP 341204	Local	187

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Ashfield	Terrace	37 Liverpool Road	Lot B, DP 188572	Local	188
Ashfield	House	42 Liverpool Road	Lot 2, DP 12981	Local	189
Ashfield	Hospital and outbuildings	56 Liverpool Road	Lot 1, DP 378; Lot 1, DP 126307; Lot 1, DP 30237; Lot 2, DP 562023	Local	190
Ashfield	House	61 Liverpool Road	Lot 8, DP 439	Local	191
Ashfield	Shop and dwelling	160 Liverpool Road	Lot B, DP 342916	Local	193
Ashfield	School of Arts	162 Liverpool Road	Lot 1, DP 86940	Local	194
Ashfield	Church and hall	180 Liverpool Road	Lot 2, DP 223159	Local	195
Ashfield	Club	182 Liverpool Road	Lot 11, DP 592302	Local	196
Ashfield	Shops with dwellings above	183, 187–191 Liverpool Road	Lot 5, DP 956; Lots 1 and 2, DP 220500; Lot 1, DP 957231	Local	197
Ashfield	Shops and dwellings	188–196 Liverpool Road	Lots B, C, D and E, DP 110389; Lot A, DP 437868	Local	198
Ashfield	Shops and dwellings	198–198A Liverpool Road	Lot B, DP 332622	Local	199
Ashfield	Shops with dwellings above	201–207 Liverpool Road	Lots 1–4, DP 223502	Local	200
Ashfield	Hotel— “Ashfield”	204 Liverpool Road	Lot 100, DP 1069001; Lot A, DP 173296; Lot A, DP 332622	Local	201

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Ashfield	Shop with part of apartment complex above and behind, including walkway	209 Liverpool Road	Lot 1, DP 220776	Local	202
Ashfield	Shops, offices and dwellings	211–217A Liverpool Road	Lots A–E, DP 26714;	Local	203
Ashfield	Shops with dwellings above	214–216 Liverpool Road	Lots 1 and 2, DP 329215	Local	205
Ashfield	Shops with offices above	236–242 Liverpool Road	Lot 106, DP 734466	Local	207
Ashfield	Shops, offices and dwellings	261– 263 Liverpool Road and 27 Hercules Street	Lot 2, DP 450205	Local	208
Ashfield	Hotel	262 Liverpool Road	Lot 2, DP 519591	Local	209
Ashfield	Shop with dwelling above	281 Liverpool Road	Lot 1, DP 80709; Lot 1, DP 302923	Local	212
Ashfield	Shops and dwellings above	298–312 Liverpool Road	Lots 1–8, DP 25166	Local	213
Ashfield	Shops and dwellings above	317 Liverpool Road	Lot 1, DP 10284	Local	214
Ashfield	Flats	338 Liverpool Road	Lot 1, DP 19412	Local	216
Ashfield	Semi-detached houses	10 –12 Loftus Street	Lots 2 and 3, DP 399111	Local	218
Ashfield	Semi-detached houses	11–11a Lucy Street	Lot 22, DP 433;	Local	219
Ashfield	Semi-detached houses	27–29, 31–33 Lucy Street	Lots A and B, DP 346434	Local	220
Ashfield	Houses	30–38 Lucy Street	Lots 2–6, DP 13384	Local	221
Ashfield	House	1 Miller Avenue	Lot 1, DP 130017	Local	222

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Ashfield	House	11 Norton Street	Lot 8, DP 1017	Local	224
Ashfield	House (part of apartment complex)	70 Norton Street	Lot B, DP 418654		226
Ashfield	Semi-detached houses	112–114 Norton Street	Lots A and B, DP 105331	Local	227
Ashfield	House	177 Norton Street	Lot D, DP 435360	Local	228
Ashfield	Former shop and dwelling	179 Norton Street	Lot C, DP 435360	Local	229
Ashfield	Pavement (inlaid) street naming	Ormond Street (corner of Bruce Street)	Road reserve	Local	230
Ashfield	House	4 Ormond Street	Lots 2 and 3, DP 14626	Local	231
Ashfield	Flats	21–27 Ormond Street	Lots 1–35, SP 391; Lots 1–24, SP 1245; Lots 1–33, SP 50	Local	232
Ashfield	House	29 Ormond Street	Lot 24, Section 10, DP 439	Local	233
Ashfield	Flats	35 Ormond Street	Lot 27, Section 10, DP 439	Local	234
Ashfield	House	39 Ormond Street	Lot 1, DP 111266	Local	235
Ashfield	Semi-detached houses	51–53 Ormond Street	Lots 1 and 2, DP 868921	Local	236
Ashfield	Semi-detached houses	55–57 Ormond Street	Lots A and B, DP 445524	Local	237
Ashfield	House	59 Ormond Street	Lot 1, DP 973430	Local	238
Ashfield	Ashfield Bowling Club	Orpington Street	Lot 2, DP 607316	Local	243
Ashfield	House	29 Orpington Street	Lot 12, Section 13, DP 439	Local	240

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Ashfield	Semi-detached houses	36–38 Orpington Street	Lots A and B, DP 437278	Local	241
Ashfield	Semi-detached houses	39–41 Orpington Street	Lots A and B, DP 420434	Local	242
Ashfield	House	43–47 Orpington Street	Lot 16, SP 67958	Local	244
Ashfield	House	50 Orpington Street	Lot 1, DP 531955	Local	245
Ashfield	Flats	80 Orpington Street	Lot B, DP 336695	Local	246
Ashfield	House	82 Orpington Street	Lot 2, DP 308087	Local	247
Ashfield	House	86 Orpington Street	Lot 3, DP 33945	Local	248
Ashfield	Public reserve	Palace Street	Road reserve	Local	250
Ashfield	House	1 Palace Street	Lot 1, DP 227522	Local	251
Ashfield	House	14 Palace Street	Lot 8, Section 2, DP 1013	Local	252
Ashfield	House	28 Palace Street	Lot 6, DP 7011	Local	253
Ashfield	House	54 Palace Street	Lot 1, DP 165734	Local	254
Ashfield	House	60 Palace Street	Lot 60, DP 876820	Local	255
Ashfield	House	79–81 Palace Street	Lot 33, DP 1013	Local	256
Ashfield	Semi-detached houses	18–20 Park Avenue	Lot 72, DP 736409	Local	257
Ashfield	Semi-detached houses	42–44 Park Avenue	Lots 1 and 2, DP 745309	Local	258
Ashfield	House	43 Park Avenue	Lot 63, DP 979252	Local	259
Ashfield	House	61 Park Avenue	Lot 2, DP 76347	Local	260

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Ashfield	Semi-detached house	73 Park Avenue	Lot C, DP 85825	Local	261
Ashfield	Semi-detached house	75 Park Avenue	Lot B, DP 85825	Local	262
Ashfield	Semi-detached house	87 Park Avenue	Lot 2, DP 230728	Local	263
Ashfield	Semi-detached house	89 Park Avenue	Lot 1, DP 230728	Local	264
Ashfield	House	103 Park Avenue	Lot 25, DP 61190	Local	265
Ashfield	House	104 Park Avenue	Lot 18, Section 2, DP 979252	Local	266
Ashfield	House	110 Park Avenue	Lot 15, DP 80519	Local	267
Ashfield	House	115 Park Avenue	Lot 2, DP 65240	Local	268
Ashfield	House	117 Park Avenue	Lot 1, DP 65240	Local	269
Ashfield	House	119 Park Avenue	Lot 1, DP 735703	Local	270
Ashfield	Milestone	Parramatta Road (within Ashfield Park)	Lot 2, DP 607316	Local	271
Ashfield	Ashfield Park (public reserve)	Parramatta Road, Orpington, Pembroke and Ormond Streets	Lot 2, DP 607316	Local	272
Ashfield	Commercial building	476 Parramatta Road	Lot 2, DP 858653	Local	273
Ashfield	Semi-detached houses	22 Pembroke Street	Lot 101, DP 228295	Local	274
Ashfield	Semi-detached houses	38–40 Pembroke Street	Lot 1, DP 570887	Local	275
Ashfield	Semi-detached houses	42–44 Pembroke Street	Lots A and B, DP 60627	Local	276

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Ashfield	House	46 Pembroke Street	Lot 4, DP 2362	Local	277
Ashfield	House	48 Pembroke Street	Lots 2 and 3, DP 2362	Local	278
Ashfield	House	7 Queen Street	Lot 7, DP 1433	Local	279
Ashfield	Houses	11–23 Queen Street	Lots 6–12, DP 5832	Local	280
Ashfield	Former corner store	33 Queen Street	Lot 1, DP 663	Local	281
Ashfield	House	44 Queen Street	Lot 5, DP 6267	Local	282
Ashfield	Flats — group of two blocks	63–65 Queen Street	Lots 1–7, SP 6222; Lots 1–4, SP 47262	Local	283
Ashfield	House	85 Queen Street	Lot 1, SP 58640	Local	284
Ashfield	House	91 Queen Street	Lot A, DP 315044	Local	285
Ashfield	House	160 Queen Street	Lot B, DP 343449	Local	286
Ashfield	House	165 Queen Street	Lot 16, DP 426	Local	287
Ashfield	House	206 Queen Street	Lot 1, DP 802393	Local	288
Ashfield	House	3 Richmond Avenue	Lot 3, DP 14124	Local	289
Ashfield	House	5 Richmond Avenue	Lot 2, DP 14124	Local	290
Ashfield	Houses	12–18 Robert Street	Lot 1, DP 901197; Lot 1, DP 901198; Lot 1, DP 901199; Lot 1, DP 901200	Local	291
Ashfield	Houses	22–26 Robert Street	Lots A, B and C, DP 436295	Local	292
Ashfield	House	15 Rose Street	Lot 16, DP 709762	Local	293

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Ashfield	House	1A Seaview Street	Lot 2, DP 380333	Local	294
Ashfield	House	34 Service Avenue	Lot 10, DP 8470	Local	295
Ashfield	House	1 Shepherd Street	Lot B, DP 337011	Local	300
Ashfield	House	27 Shepherd Street	Lot B, DP 347175	Local	301
Ashfield	House	28 Shepherd Street	Lot A, DP 368272	Local	302
Ashfield	House	1 Taringa Street	Lot 1, DP 663423	Local	303
Ashfield	House	4 Taringa Street	Lot 1, DP 512623	Local	304
Ashfield	House	17 Taringa Street	Lot 3, DP 978029	Local	305
Ashfield	House	2 The Avenue	Lot C, DP 379054	Local	306
Ashfield	House	4 The Avenue	Lot B, DP 379054	Local	307
Ashfield	House	9 The Avenue	Lot A, DP 356984	Local	308
Ashfield	House	9 Tintern Road	Lot 1, DP 1679; Lot B, DP 170647	Local	309
Ashfield	House	20 Tintern Road	Lot 5, DP 1679	Local	310
Ashfield	House	27 Tintern Road	Lot 1, DP 195997	Local	311
Ashfield	House	31 Tintern Road	Lot 15, DP 455831	Local	312
Ashfield	House	33 Tintern Road	Lots 12 and 13, DP 2681	Local	313
Ashfield	House	38 Tintern Road	Lot B, DP 362894	Local	314
Ashfield	House	42 Tintern Road	Lot 1, DP 798771	Local	315

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Ashfield	House	46 Tintern Road	Lot 1, DP 168564	Local	316
Ashfield	Street plantings	Victoria Street (between Norton and Seaview Streets)	Road reserve	Local	319
Ashfield	Rotunda	Victoria Street (Yeo Park)	Public reserve	Local	336
Ashfield	Yeo Park (public reserve)	Victoria Street	Public reserve	Local	335
Ashfield	House	13 Victoria Square	Lot 31, DP 280	Local	317
Ashfield	House	17 Victoria Square	Lot B, DP 339757; Lot 2, DP 25287	Local	318
Ashfield	Police station	12–14 Victoria Street	Lots 1–3, DP 1017	Local	320
Ashfield	Fire station	16 Victoria Street	Lot 4, DP 1017	Local	321
Ashfield	Public reserve	20 Victoria Street	Lot 1, DP 883	Local	322
Ashfield	Sydney Private Hospital	63–85 Victoria Street	Lot 1, DP 115456; Lot 1, DP 901198; Lot 1, DP 901199	Local	323
Ashfield	House	78 Victoria Street	Lot 1, DP 115533	Local	324
Ashfield	House and pavilion	85 Victoria Street	Lot 3, DP 4272	Local	325
Ashfield	House	98 Victoria Street	Lot 1, DP 2681	Local	326
Ashfield	House	102 Victoria Street	Lot 3, DP 2681	Local	327
Ashfield	House	104 Victoria Street	Lot 4, DP 2681	Local	328
Ashfield	House	108 Victoria Street	Lot 5, DP 2681	Local	329

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Ashfield	House	118 Victoria Street	Lot 1, DP 167700	Local	331
Ashfield	House	120 Victoria Street	Lot 1, DP 167402	Local	332
Ashfield	Chapel, Cardinal Freeman Village	137 Victoria Street	Lot 1, DP 1126717; Lot 1, DP 615275; Lot 202, DP 702246	Local	333
Ashfield	House ("Glentworth") and stone and iron palisade boundary fencing, Cardinal Freeman Village	137 Victoria Street	Lot 1, DP 1126717; Lot 1, DP 615275; Lot 202, DP 702246	Local	334
Ashfield	House	141 Victoria Street	Lot 1, DP 123555	Local	337
Ashfield	House	142 Victoria Street	Lots 2 and 3, DP 15765	Local	338
Ashfield	House	153 Victoria Street	Lot A, DP 371454	Local	339
Ashfield	House	175 Victoria Street	Lot 9, DP 1233	Local	340
Ashfield	House	185 Victoria Street	Lot A, DP 333004; Lot 33, DP 863	Local	341
Ashfield	House	229 Victoria Street	Lot 5, DP 4597	Local	342
Ashfield	House	16 Wallace Street	Lot 26, DP 8803	Local	343
Ashfield	House	17 Wallace Street	Lot 9, DP 5399	Local	344
Ashfield	House	18 Wallace Street	Lot 27, DP 8803	Local	345
Ashfield	House	19 Wallace Street	Lot A, DP 345627	Local	346
Ashfield	House	20 Wallace Street	Lot 28, DP 8803	Local	347

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Ashfield	House	27 Wallace Street	Lot 1, DP 115587	Local	348
Ashfield	Pumping station	9 Watson Avenue	Lot 1, DP 812589	Local	349
Ashfield	Pressure tunnel and shafts	9 Watson Avenue	Lot 1, DP 812589	State	349
Ashfield	House	2 Webbs Avenue	Lot 1, DP 951111		350
Ashfield	House	3 Webbs Avenue	Lot C, DP 320636	Local	351
Ashfield	House	22 Webbs Avenue	Lot B, DP 14648	Local	352
Ashfield	House	24 Webbs Avenue	Lot A, DP 14648	Local	353
Ashfield	House	40 William Street	Lot 15, DP 4272	Local	354
Ashfield	Shops—group of five	1 Wood Street	Lot 1, DP 725760	Local	355
Ashfield	House	3 Wood Street	Lot F, DP 3914	Local	356
Ashfield	House	5 Wood Street	Lot E, DP 3914	Local	357
Ashfield	House	7 Wood Street	Lot D, DP 3914	Local	358
Ashfield	House	9 Wood Street	Lot C, DP 3914	Local	359
Ashfield	House	11 Wood Street	Lot B, DP 3914	Local	360
Ashfield	House	13 Wood Street	Lot A, DP 3914	Local	361
Ashfield	House	6 Yeo Avenue	Lot B, DP 12839	Local	362
Croydon	Croydon Railway Station Group	Great Southern and Western Railway	Part Lot 11, DP 873457	State	363
Croydon	House	18 Bay Street	Lot C, DP 418190	Local	364
Croydon	Stone cottage	18A Bay Street	Lot C, DP 418190	Local	365
Croydon	House	38 Bay Street	Lot 1, DP 723935	Local	366

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Croydon	House	44 Bay Street	Lot 2, DP 300770	Local	367
Croydon	House	46 Bay Street	Lot 3, DP 300770	Local	368
Croydon	Part site of Ashfield Park House	3–7 Byron Street	Lot 11, Section 4, DP 4501; Lot 2, DP 937763; Lot 1, DP 938383	Local	369
Croydon	House	93 Church Street	Lot 35, DP 5974	Local	371
Croydon	House	95 Church Street	Lot 12, DP 1005170	Local	372
Croydon	House	15 College Street	Lot B, DP 328234	Local	373
Croydon	House	18 Cromwell Street	Lot 12, DP 730876	Local	374
Croydon	Semi-detached house	21 Cromwell Street	Lot B, DP 445213	Local	375
Croydon	House	22 Cromwell Street	Lot 173, DP 1042256	Local	376
Croydon	Semi-detached house	23 Cromwell Street	Lot A, DP 445213	Local	377
Croydon	House	24 Cromwell Street	Lot 1718, DP 1112709	Local	378
Croydon	Houses—group of eight	6–22 Croydon Road	Lot 117, DP 129953; Lot 1, DP 938164; Lot 1, DP 939614; Lot 18, DP 656121; Lots 19, 20, 22 and 23, Section 3, DP 733; Lot 1, DP 947182; Lot 1, Section 3, DP 1019179	Local	379
Croydon	Terrace houses	47–51 Croydon Road	Lots 1–3, DP 215854	Local	380

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Croydon	House	116 Croydon Road	Lot 41, DP 561899	Local	381
Croydon	House	40 Dalmar Street	Lot B, DP 317898	Local	382
Croydon	House	52 Dalmar Street	Lot 3, DP 315765	Local	383
Croydon	Shops with dwellings above	105, 107, 109 Edwin Street North	Lots A, B and C, DP 449268	Local	384
Croydon	Shop and dwelling	111 Edwin Street North	Lot 1, DP 939698	Local	385
Croydon	Church	112 Edwin Street North	Lot 45, DP 133	Local	386
Croydon	College	114 Edwin Street North	Lot 37, DP 733	Local	387
Croydon	Commercial premises with dwellings above	125–129 Edwin Street North	Lots 1–3, DP 560682	Local	388
Croydon	Houses—group of four	126–132 Edwin Street North	Lots 1 and 3, DP 130108; Lot 1, DP 945217; Lot 1, DP 448157; Lot 1, DP 910410	Local	389
Croydon	Church	1–11 and 13 Edwin Street South (see also 475–479 Liverpool Road)	Lots 33–34, DP 979702	Local	390
Croydon	Semi-detached terrace houses	41–43 Edwin Street South	Lot 1, DP 778893; Lot 21, DP 1096073	Local	391
Croydon	House	135 Elizabeth Street	Lot 1, DP 317340	Local	392
Croydon	House	144 Elizabeth Street	Lot 3, DP 304631	Local	393
Croydon	House	173 Elizabeth Street	Lot B, DP 319196	Local	394

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Croydon	House	177 Elizabeth Street	Lot C, DP 319196	Local	395
Croydon	Terrace houses	185–197 Elizabeth Street	Lots 1–7, DP 224335	Local	396
Croydon	Shop and dwelling (former bakery)	217–219 Elizabeth Street	Lot 1, DP 303366; Lot 1, DP 170359	Local	397
Croydon	House	74 Frederick Street	Lot 3, DP 6978	Local	398
Croydon	House	66 Heighway Avenue	Lot 10, DP 6241	Local	399
Croydon	House	8–10 Highbury Street	Lot 10, DP 979702	Local	401
Croydon	House	15 Highbury Street	Lot 27, DP 3899	Local	402
Croydon	House	22 Holborow Street	Lot 1, DP 938694	Local	403
Croydon	House	26 Holborow Street	Lot 2, Section 1, DP 501	Local	404
Croydon	House	28 Holborow Street	Lot 4, Section 1, DP 501	Local	405
Croydon	House	55 Holborow Street	Lot C, DP 433671	Local	406
Croydon	House	85 Holborow Street	Lot 14, DP 687	Local	407
Croydon	House	11 Kenilworth Street	Lot 15, DP 9968	Local	408
Croydon	Site of Excelsior Brickworks	Lang, Church and Queen Streets	Lots 1 and 2, DP 237006	Local	413

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Croydon	Houses—group of seven and attached corner shop	19–31 Lion Street	Lot 8, DP 168917; Lot 1, DP 168084; Lot 1, DP 103931; Lot 1, DP 168063; Lot 1, DP 168061; Lot 1, DP 168062; Lot 1, DP 168645	Local	414
Croydon	House	471 Liverpool Road	Lot 1, DP 500897	Local	415
Croydon	House	473 Liverpool Road	Lot 4, DP 981220	Local	416
Croydon	House	475–479 Liverpool Road	Lot 7, DP 979702	Local	400
Croydon	Church	475–479 Liverpool Road (see also 1–11 and 13 Edwin Street South)	Lot 4, DP 979702	Local	417
Croydon	Flats	61 Milton Street	Lot A, DP 342080	Local	418
Croydon	Semi-detached houses	63–63A Milton Street	Lots 1 and 2, DP 828890; Lot B, DP 342262	Local	419
Croydon	Semi-detached houses	65–65A Milton Street	Lots 1 and 2, DP 1092783	Local	420
Croydon	Semi-detached houses	67–67A Milton Street	Lot D, DP 342262	Local	421
Croydon	House	69 Milton Street	Lot 11, DP 730876	Local	422
Croydon	House	107 Milton Street	Lot 2, DP 644	Local	423
Croydon	House	109 Milton Street	Lot 2, DP 909134	Local	424
Croydon	Semi-detached houses	227–229 Norton Street	Lots 141 and 142, DP 564525	Local	425
Croydon	Semi-detached houses	231–233 Norton Street	Lots 1 and 2, DP 531677	Local	426

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Croydon	House	30 Page Avenue	Lot 101, DP 868406	Local	427
Croydon	Part site Ashfield Park House	6–10 Scott Street	Lot 1, DP 902220; Lot 1, DP 938801; Lot 1, DP 936508	Local	428
Croydon	House	50 Thomas Street	Lot A, DP 103760	Local	429
Croydon	Terrace houses	52–56 Thomas Street	Lot 1, DP 166950; Lot 11, DP 129982; Lot 1, DP 920543	Local	430
Croydon Park	House	53–55 Carshalton Street	Lot 8, DP 501	Local	431
Croydon Park	House	74 Georges River Road	Lot G, DP 13266	Local	432
Croydon Park	Houses—group of three	1–5 Leopold Street	Lot 1, DP 971887; Lots 9 and 10, DP 847	Local	433
Croydon Park	House and former stables	19 Leopold Street	Lots 18 and 19, DP 847	Local	434
Haberfield	House	38 Dalhousie Street	Lot 178, DP 4774	Local	435
Haberfield	House	40 Dalhousie Street	Lot 10, DP 878231; Lots 176 and 177, DP 4774	Local	436
Haberfield	Church and manse	51–53 Dalhousie Street	Lot 1, DP 130434	State	437
Haberfield	House	16 Deakin Street	Lot 1, DP 924687	State	438
Haberfield	Church	10 Dickson Street	Lot 1, DP 930432; Lot 2, DP 318038	Local	439
Haberfield	House	20 Dudley Street	Lot 29, Section 1, DP 5908	Local	440

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Haberfield	House	37 Dudley Street	Lot 2, Section 4, DP 5908	Local	441
Haberfield	Houses—group of three	74, 76 and 78 Hawthorne Parade	Lots 1–3, DP 216036	Local	442
Haberfield	House	14 Kingston Street	Lot 1, DP 171753	Local	443
Haberfield	House and gardens	185 Parramatta Road	Lot 1, DP 604108	State	444
Haberfield	House	34 Ramsay Street	Lot 2, DP 307691	Local	446
Haberfield	Commercial Building and dwellings	96–100 Ramsay Street	Lot 1, DP 560077; Lots 5 and 8, DP 8246; Lot 1, DP 950665	Local	447
Haberfield	Commercial Building	129–131 Ramsay Street	Lots 101 and 102, DP 227040	Local	448
Haberfield	Commercial Building	133–135 Ramsay Street	Lots 1 and 2, DP 572842	Local	449
Haberfield	Commercial Building and dwelling (former bank)	145 Ramsay Street	Lot 1, DP 318038	Local	450
Haberfield	Houses	146–148 Ramsay Street	Lot 4, DP 228097		451
Haberfield	Houses	150–152 Ramsay Street	Lots 1 and 2, DP 228097	Local	452
Haberfield	Building	147–151 Ramsay Street	Lots A, B and C, DP 381929	Local	453
Haberfield	Buildings	167–177 Ramsay Street	Lots 1–6, DP 201928	Local	454
Haberfield	House	1–5 Rogers Avenue	Lot 13, DP 15083	State	455
Haberfield	Relay Test Centre	11 St David's Road	Lot A, DP 318470; Lot 1, DP 320780	State	456

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Haberfield	House	31 St David's Road	Lot 19, Section B, DP 1772; Lot 1, DP 455592	Local	457
Haberfield	House	18 Stanton Road	Lot 51, DP 4125	Local	458
Haberfield	House	19 Stanton Road	Lot 1, DP 926806	Local	459
Haberfield	House	20 Stanton Road	Lot 1, DP 570744	Local	460
Haberfield	House	27 Turner Avenue	Lot 17, DP 3855	Local	461
Haberfield	House	9 Wattle Street	Lot 49, DP 1756	Local	462
Haberfield/Summer Hill	Battle Bridge	Parramatta Road (at Hawthorne Canal)	Road reserve	Local	445
Hurlstone Park	House	10 Griffith Street	Lot 25, DP 4170	Local	463
Hurlstone Park	Church and hall	12 Griffith Street	Lots 15 and 16, DP 6606	Local	464
Hurlstone Park	House	42 Hardy Street	Lot A, DP 319982	Local	465
Hurlstone Park	House	54 Hardy Street	Lot 12, DP 131218	Local	466
Summer Hill	Flats	2 Allman Avenue	Lots 1-4, SP 56974	Local	467
Summer Hill	Flats	3 Allman Avenue	Lots 1-4, SP 60405	Local	468
Summer Hill	Flats	7 Allman Avenue	Lot 7, DP 19343	Local	469
Summer Hill	Flats	9 Allman Avenue	Lots 1-4, SP 49186	Local	470
Summer Hill	Flats	10 Allman Avenue	Lot 10, DP 19343	Local	471
Summer Hill	House	8 Bartlett Street	Lot B, DP 310221	Local	472

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Summer Hill	House	10 Bartlett Street	Lot A, DP 316505	Local	473
Summer Hill	Houses	3, 5, 7 and 9 Bogan Street	Lots A and B, DP 351077; Lots 1 and 2, DP 204957	Local	474
Summer Hill	House	20 Bogan Street	Lot A, DP 313717	Local	475
Summer Hill	2 station buildings on platform 3	Carlton Crescent (Summer Hill Railway Station between platforms 1 and 2)	Part Lot 45, DP 869476	Local	476
Summer Hill	Railway station booking office	Carlton Crescent (opposite Lackey Street)	Part Lot 45, DP 869476	Local	477
Summer Hill	Lewisham Aqueduct	Intersection of Carlton and Grosvenor Crescents	Lot 028, DP 2	State	478
Summer Hill	Semi-detached house	42–43 Carlton Crescent	Lots D and E, DP 443721	Local	479
Summer Hill	Semi-detached houses	46–47 Carlton Crescent	Lots 46 and 47, DP 633753	Local	480
Summer Hill	House	48 Carlton Crescent	Lot 1, DP 929105	Local	481
Summer Hill	House	99 Carlton Crescent	Lot 22, DP 378	Local	482
Summer Hill	Three houses	112, 113 and 114 Carlton Crescent	Lot 1, DP 908546; Lots 1 and 2, DP 226271	Local	483
Summer Hill	Semi-detached houses	30–30A Carrington Street	Lot 1, DP 948413; Lot 1, DP 98372; Lot 114, DP 1624; Lot 115, DP 130920	Local	484

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Summer Hill	House	41 Carrington Street	Lot 34, DP 1624	Local	485
Summer Hill	House	2 Dover Street	Lot 2, DP 115418	Local	486
Summer Hill	House	4 Dover Street	Lot 21, DP 378	Local	487
Summer Hill	House	10 Dover Street	Lot 1, DP 510545	Local	488
Summer Hill	House	12 Dover Street	Lot 18, Section 5, DP 378	Local	489
Summer Hill	Semi-detached houses	25–27 Dover Street	Lots 1 and 2, DP 224987	Local	490
Summer Hill	Semi-detached houses	29–31 Dover Street	Lots 3 and 4, DP 224987	Local	491
Summer Hill	Semi-detached houses	33–35 Dover Street	Lots 1 and 2, DP 226957	Local	492
Summer Hill	Semi-detached houses	37–39 Dover Street	Lots 11 and 12, DP 531216	Local	493
Summer Hill	Semi-detached houses	41–43 Dover Street	Lots 21 and 22, DP 233883	Local	494
Summer Hill	House	45 Dover Street	Lot 1, DP 935998	Local	495
Summer Hill	Convent building	5 Drynan Street	Lot 9, Section 13, DP 1681	Local	496
Summer Hill	House	9 Drynan Street	Lot 1, DP 950984	Local	497
Summer Hill	Houses—group of three	10, 14 and 16 Drynan Street	Lot 1, DP 981123; Lot 1, DP 915080; Lot 5, Section 1, DP 1681	Local	498
Summer Hill	House	17 Edward Street	Lot 156, DP 1624	Local	499
Summer Hill	Semi-detached houses	13–15 and 17–19 Fleet Street	Lots A–D, DP 436459	Local	500
Summer Hill	Former villa	10 Gower Street	Lot 9, Section 3, DP 1025	Local	501

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Summer Hill	Two houses	14 and 16 Gower Street	Lot 3, DP 33986; Lot 1, DP 956778	Local	502
Summer Hill	Flats	22 Gower Street	Lots 1–4, SP 31192	Local	503
Summer Hill	Flats	24 Gower Street	Lots 1–5, SP 49460	Local	504
Summer Hill	Public reserve	1–4 Grosvenor Crescent	Lot B, DP 323197	Local	505
Summer Hill	House	10 Grosvenor Crescent	Lot 1, SP 491	Local	506
Summer Hill	House	11 Grosvenor Crescent	Lot 1, DP 655602	Local	507
Summer Hill	House	12 Grosvenor Crescent	Lot 1, DP 900014	Local	508
Summer Hill	House	13 Grosvenor Crescent	Lot 1, DP 934317	Local	509
Summer Hill	Nurse accommodation	52 Grosvenor Crescent	Lot 1, DP 378	Local	511
Summer Hill	Lewisham Sewage Aqueduct	Grosvenor Crescent East	Lots 4 and 5, DP 918708	State	512
Summer Hill	House	1 Henson Street	Lot 3, DP 314519	Local	513
Summer Hill	St Andrews Church and hall	2A–2B Henson Street	Lots 1, 2 and 2B, DP 906602	Local	514
Summer Hill	House	6 Henson Street	Lot 1, DP 602801	Local	515
Summer Hill	Houses—group of two	15 and 17 Henson Street	Lot 1, DP 978474; Lot 1, DP 101226	Local	516
Summer Hill	House	30 Henson Street	Lot 20, DP 388	Local	517
Summer Hill	House	45 Henson Street	Lot 51, DP 5430	Local	518
Summer Hill	House	51 Henson Street	Lot 1, DP 953520	Local	519

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Summer Hill	House	59 Henson Street	Lot A, DP 332552	Local	520
Summer Hill	Semi-detached houses	20–22 Herbert Street	Lots A and B, DP 435943	Local	521
Summer Hill	House	3 Hurlstone Avenue	Lot 22, DP 5430	Local	522
Summer Hill	House	6 Hurlstone Avenue	Lot 17, DP 5430	Local	523
Summer Hill	House	16 Hurlstone Avenue	Lot 1, DP 314230	Local	524
Summer Hill	School buildings	Junction Road (between Moonbie and Bartlett Streets)	Lot 1, DP 776528	Local	528
Summer Hill	Flats	1 Junction Road	Lot 1, SP 16738	Local	525
Summer Hill	Building	2A Junction Road	Lot A, DP 31257	Local	526
Summer Hill	Buildings—group	8–18 Junction Road	Lots A and B, DP 104177; Lots A and B, DP 439820; Lots A and B, DP 412537	Local	527
Summer Hill	Semi-detached houses	30–32 Junction Road	Lots 1 and 2, DP 568875	Local	529
Summer Hill	House	57 Junction Road	Lot B, DP 339746	Local	530
Summer Hill	Semi-detached houses	59–61 Junction Road	Lots C and D, DP 436894	Local	531
Summer Hill	Semi-detached houses	63–65 Junction Road	Lots 2 and 3, DP 190649	Local	532
Summer Hill	Semi-detached houses	67–69 Junction Road	Lots A and B, DP 436894	Local	533
Summer Hill	Houses—group of two	2–4 Kensington Road	Lot 1, DP 103961; Lot 1, DP 908108	Local	534

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Summer Hill	Houses—group of nine	13–29 Kensington Road	Lot 1, DP 970223; Lot 1, DP 662949; Lot 1, DP 908544; Lot 2, DP 130879; Lot 1, DP 908817; Lots 1 and 2, DP 915774; Lots 1 and 2, DP 449979	Local	535
Summer Hill	House	28 Kensington Road	Lot 14, DP 571	Local	536
Summer Hill	House	30 Kensington Road	Lot 13, DP 130915	Local	537
Summer Hill	House	30A Kensington Road	Lot A, DP 33629	Local	538
Summer Hill	House	70 Kensington Road	Lot 1, DP 104199	Local	539
Summer Hill	House	80 Kensington Road	Lot B, DP 383001	Local	540
Summer Hill	Semi-detached houses	83–85 and 87–89 Kensington Road	Lot 1, DP 121528; Lot 1, DP 913249; Lots 1 and 2, DP 115591	Local	541
Summer Hill	Hotel	1 Lackey Street	Lot A, DP 399902; Lot 43, DP 378	Local	542
Summer Hill	Shop, dwelling, office	1, 3 and 5 Lackey Street	Lot 43, DP 378; Lots B and C, DP 399902	Local	543
Summer Hill	Commercial building	2–4 Lackey Street	Lots 1–14, SP 69481	Local	544
Summer Hill	Shops with dwellings	16– 20 Lackey Street	Lot 2, DP 1028428	Local	545
Summer Hill	House	1 Lorne Street	Lot 1, DP 912884	Local	546

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Summer Hill	House	3 Lorne Street	Lot 2, DP 912884	Local	547
Summer Hill	Former post office	2 Moonbie Street	Lot 12, DP 476	Local	548
Summer Hill	House	3 Moonbie Street	Lot B, DP 953861	Local	549
Summer Hill	House	5 Moonbie Street	Lot A, DP 953861	Local	550
Summer Hill	Semi-detached houses	15–17 Moonbie Street	Lots B and C, DP 437566	Local	551
Summer Hill	House	19 Moonbie Street	Lot 7, DP 388	Local	552
Summer Hill	House	21 Moonbie Street	Lot 6, DP 388	Local	553
Summer Hill	Community centre	28 Moonbie Street	Lot 1, DP 912270	Local	554
Summer Hill	Houses—group of two	30–32 Moonbie Street	Lot 21, DP 650357; Lot 1, DP 955132	Local	555
Summer Hill	Semi-detached houses	36–38 Moonbie Street	Lots A and B, DP 104289	Local	556
Summer Hill	Houses—group of two	37–39 Moonbie Street	Lots A and B, DP 306489	Local	557
Summer Hill	House	41 Moonbie Street	Lot 7, DP 388	Local	558
Summer Hill	House	58 Moonbie Street	Lot 29, DP 650763	Local	559
Summer Hill	Semi-detached houses	74–76 Moonbie Street	Lot 1, DP 948501; Lot 1, DP 131353	Local	560
Summer Hill	Semi-detached houses	78–80 Moonbie Street	Lots 1 and 2, DP 444784	Local	561
Summer Hill	Semi-detached houses	82–84 Moonbie Street		Local	562
Summer Hill	Semi-detached houses	86–88 Moonbie Street	Lots A and B, DP 442324	Local	563

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Summer Hill	House	90 Moonbie Street	Lot 1, DP 931417	Local	564
Summer Hill	Shop and dwelling	12 Morris Street	Lot A, DP 436832	Local	565
Summer Hill	Shop and dwelling	17 Morris Street	Lot 4, DP 476	Local	566
Summer Hill	Shops and dwellings	23–37 Morris Street	Lots 1–8, DP 248259	Local	567
Summer Hill	Shops and dwellings	24–28 Morris Street	Lot 1, DP 571609; Lots 12 and 13, DP 604734	Local	568
Summer Hill	House	48 Morris Street	Lot E, DP 184790	Local	569
Summer Hill	Houses—matching pair	49–51 Morris Street	Lot 1, DP 983647; Lot 14, DP 130974	Local	570
Summer Hill	House	50 Morris Street	Lot F, DP 184790	Local	571
Summer Hill	House	52 Morris Street	Lot 1, DP 916928	Local	572
Summer Hill	House	54 Morris Street	Lot 27, DP 656200	Local	573
Summer Hill	House	63 Morris Street	Lot 11, DP 368	Local	578
Summer Hill	Houses—group of three	44–48 Nowranie Street	Lots 44–46, DP 1624	Local	579
Summer Hill	House	156 Old Canterbury Road	Lot A, DP 334133; Lots 5 and 7, DP 700	Local	580
Summer Hill	Garage, office and dwelling	192 Old Canterbury Road	Lot 1, DP 700	Local	581
Summer Hill	House	196 Old Canterbury Road	Lot 3, DP 938737	Local	582

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Summer Hill	Semi-detached buildings—former shops with dwellings above	212–214 Old Canterbury Road	Lot 16, DP 758	Local	585
Summer Hill	House	296 Old Canterbury Road	Lot 31, DP 8813357	Local	586
Summer Hill	Former Baby Health Centre	296D Old Canterbury Road	Lot 11, DP 1002099	Local	587
Summer Hill	Service station	48 Parramatta Road	Lot 1, DP 338439	Local	588
Summer Hill	Commercial building	60–70 Parramatta Road	Lot A, DP 404105; Lot 10, DP 779; Lot 9, DP 944023; Lot 1, DP 944024; Lot 1, DP 945252	Local	589
Summer Hill	Church and hall	15–17 Prospect Road	Lot 20, DP 800726	Local	590
Summer Hill	House	27 Prospect Road	Lot 48, DP 883	Local	591
Summer Hill	House	39 Prospect Road	Lot 1, DP 955116	Local	592
Summer Hill	House	41 Prospect Road	Lot 7, DP 658075	Local	593
Summer Hill	House	43 Prospect Road	Lot 8, DP 1679	Local	594
Summer Hill	House	45 Prospect Road	Lot 9, DP 1679	Local	595
Summer Hill	House	51 Prospect Road	Lot 5, DP 5694	Local	596
Summer Hill	House	59 Prospect Road	Lot 2, DP 501961	Local	597
Summer Hill	Houses	65, 67, and 73 Prospect Road	Lot 1, DP 199758; Lot 5, DP 112262; Lot 1, DP 62445	Local	598

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Summer Hill	House	66 Prospect Road	Lot A, DP 901858	Local	599
Summer Hill	House	68 Prospect Road	Lot B, DP 901858	Local	600
Summer Hill	House	70 Prospect Road	Lot C, DP 901858	Local	601
Summer Hill	House	77 Prospect Road	Lot 2, DP 318903	Local	602
Summer Hill	House	79 Prospect Road	Lot 1, DP 318903	Local	603
Summer Hill	House	85 Prospect Road	Lot 3, DP 280	Local	604
Summer Hill	House	97 Prospect Road	Lot 8, DP 280; Lot 1, DP 900653	Local	605
Summer Hill	House	98 Prospect Road	Lot A, DP 330576; Lot 1, DP 956132	Local	606
Summer Hill	School—headmaster's house and chapel	119 Prospect Road	Lot 11, DP 130160; Lot 9, DP 15765; Lot 100, DP 1049869	Local	608
Summer Hill	House	20 Rosemount Avenue	Lot 1, DP 965317	Local	609
Summer Hill	House	26 Seaview Street	Lot 1, DP 220455	Local	611
Summer Hill	Post office pillar box	Sloane Street and Grosvenor Crescent	Road reserve	Local	612
Summer Hill	House	12 Sloane Street	Lot C, DP 417489	Local	613
Summer Hill	Semi-detached houses	14–16 Sloane Street	Lot 0, SP 13900; Lot 23, DP 378	Local	614
Summer Hill	Semi-detached houses	29–31 Sloane Street	Lot 10, DP 749057; Lot 2, DP 858660	Local	615

Suburb	Item name	Address	Property description	Significance	Item no
Summer Hill	House	43 Sloane Street	Lot 1, DP 595	Local	616
Summer Hill	House	44 Sloane Street	Lot 1, DP 918401	Local	617
Summer Hill	House	52 Sloane Street	Lot 1, DP 912942	Local	618
Summer Hill	Former flour mill complex	2-32 Smith Street	Lots A and B, DP 302421; Lots 11 and 15, DP 315; Lot 1, DP 955001; Lot 1, DP 951124; Lot 1, DP 73521; Lot 16, DP 130884; Lot 1, DP 182276; Lot B, DP 172600; Lot B, DP 171931; Lot 1, DP 302585; Lot 1, DP 171676; Lot 100, DP 221222; Lots 1 and 2, DP 131120	Local	619
Summer Hill	House	39 Smith Street	Lot 53, DP 499597	Local	620
Summer Hill	Former house	67 Smith Street	Lot 1, DP 905800	Local	621
Summer Hill	Terrace houses	79-89 Smith Street	Lots 2-7, DP 108397	Local	622
Summer Hill	Flats	105 Smith Street	Lots 1-8, SP 12829	Local	623
Summer Hill	Shop (former) with dwelling above	107-109 Smith Street	Lot 1, DP 305974	Local	624
Summer Hill	Shop and dwelling	111 Smith Street	Lot 7, DP 225763	Local	625

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Summer Hill	Shops—group of three with dwellings above	112,114, 116–122 and 124–128 Smith Street	Lot C, DP 442739; Lot 1, DP 920883; Lots 1–7, DP 236035	Local	626
Summer Hill	Shops and dwellings	113–123 Smith Street	Lots 1–6, DP 225763	Local	627
Summer Hill	Darrel Jackson Gardens (public reserve)	127–131 Smith Street	Lot 32, DP 378; Lot 2, DP 1009898	Local	628
Summer Hill	Flats and shops	132–134 Smith Street	Lot 2, DP 909796	Local	629
Summer Hill	House and former stable block	133 Smith Street	Lot 1, DP 1009898	Local	630
Summer Hill	Flats	139 Smith Street	Lot 4, DP 534746	Local	631
Summer Hill	Houses	154–156 Smith Street	Lot 1, DP 177837; Lot 1, DP 126493	Local	632
Summer Hill	Flats	159 Smith Street	Lot E, DP 409252	Local	633
Summer Hill	Houses—group of two	160–162 Smith Street	Lots A and B, DP 374153	Local	634
Summer Hill	House	164 Smith Street	Lot 1, DP 960103	Local	635
Summer Hill	Flats	168 Smith Street	Lot B, DP 337480	Local	636
Summer Hill	Flats	169 Smith Street	Lots 1–4, SP 16084	Local	637
Summer Hill	Houses—group of five	176, 178, 180, 182 and 184 Smith Street	Lots 14 and 15, Section A, DP 249; Lot A, DP 344430; Lot A, DP404764; Lot A, DP 404518	Local	638
Summer Hill	House	192 Smith Street	Lot B, DP 347318	Local	639

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Summer Hill	House	194 Smith Street	Lot 4, DP 1492	Local	640
Summer Hill	House	196 Smith Street	Lot 3, DP 1492	Local	641
Summer Hill	House	198 Smith Street	Lot 2, DP 1492	Local	642
Summer Hill	House	200 Smith Street	Lot 1, DP 656192	Local	643
Summer Hill	Flats	1 Sunning Place	Lot 3, DP 18093	Local	644
Summer Hill	Flats	3 Sunning Place	Lot A, DP 344760; Lot 5, DP 18093	Local	645
Summer Hill	Flats	5 Sunning Place	Lot 1, SP 43421	Local	646
Summer Hill	Flats	6 Sunning Place	Lot 8, DP 18093	Local	647
Summer Hill	Flats	7 Sunning Place	Lot 9, DP 18093	Local	648
Summer Hill	Houses—group of two	6–8 Teakle Street	Lot 1, DP 916051; Lot 1, DP 538647	Local	649
Summer Hill	House	7 Teakle Street	Lot 1, DP 901474	Local	650
Summer Hill	House	2 Wellesley Street	Lot 4, DP 700	Local	651
Summer Hill	House	4 Wellesley Street	Lot 3, DP 700	Local	652
Summer Hill	House	6 Wellesley Street	Lot 1, DP 115460	Local	653
Summer Hill	House	8 Wellesley Street	Lot 1, DP 130639	Local	654
Summer Hill	House	10 Wellesley Street	Lot 8, Section 4, DP 700	Local	655
Summer Hill	House	12 Wellesley Street	Lot 7, Section 4, DP 700	Local	656
Summer Hill	House	14 Wellesley Street	Lot 6, Section 4, DP 700	Local	657

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Summer Hill	House	16 Wellesley Street	Lot 5, Section 4, DP 700	Local	658
Summer Hill	House	18 Wellesley Street	Lot 4, Section 4, DP 700	Local	659
Summer Hill	House	20 Wellesley Street	Lot 3, Section 4, DP 700	Local	660
Summer Hill	House	22 Wellesley Street	Lot 2, DP 981690	Local	661
Summer Hill	House	24 Wellesley Street	Lot 1, DP 981690	Local	662
Summer Hill	Terrace of three houses	26, 28 and 30 Wellesley Street	Lots A, B and C, DP 439008	Local	663
Summer Hill	Semi-detached houses	32–34 Wellesley Street	Lots C and D, DP 441971	Local	664
Summer Hill	Semi-detached houses	36–38 Wellesley Street	Lots A and B, DP 441971	Local	665
Summer Hill	House	40 Wellesley Street	Lot 1, DP 120034	Local	666
Summer Hill	House	42 Wellesley Street	Lot 1, DP 900487	Local	667
Summer Hill	House	44 Wellesley Street	Lot 1, DP 700	Local	668

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## Part 2 Heritage conservation areas

<b>Description</b>	<b>Identification on heritage map</b>	<b>Significance</b>
Ambleside and Holwood Conservation Area	Shown by red hatching and labelled "C1"	Local
Birriga Road Conservation Area	Shown by red hatching and labelled "C26"	Local
Bridges Avenue Conservation Area	Shown by red hatching and labelled "C27"	Local
Clover Hill Conservation Area	Shown by red hatching and labelled "C43"	Local

<b>Description</b>	<b>Identification on heritage map</b>	<b>Significance</b>
Eccles Estate Conservation Area	Shown by red hatching and labelled "C2"	Local
Edwin Street North Conservation Area	Shown by red hatching and labelled "C28"	Local
Farleigh Estate Conservation Area	Shown by red hatching and labelled "C3"	Local
Federal-Fyle Conservation Area	Shown by red hatching and labelled "C13"	Local
Fleet Street Conservation Area	Shown by red hatching and labelled "C44"	Local
Gads Hill Conservation Area	Shown by red hatching and labelled "C29"	Local
Goodlet Conservation Area	Shown by red hatching and labelled "C39"	Local
Goodwin Avenue Conservation Area	Shown by red hatching and labelled "C4"	Local
Haberfield Conservation Area (nominated area of State significance)	Shown by red hatching and labelled "C42"	Local
Haig Avenue Conservation Area	Shown by red hatching and labelled "C45"	Local
Hammond Park Estate Conservation Area	Shown by red hatching and labelled "C30"	Local
Hampden Street and King Street Conservation Area	Shown by red hatching and labelled "C6"	Local
Harland Estate Conservation Area	Shown by red hatching and labelled "C7"	Local
Hillcot Street Conservation Area	Shown by red hatching and labelled "C5"	Local
Hillside Conservation Area	Shown by red hatching and labelled "C40"	Local
Howe's Estate Conservation Area	Shown by red hatching and labelled "C31"	Local
Ilford Avenue Conservation Area	Shown by red hatching and labelled "C16"	Local
Ivanhoe Estate Conservation Area	Shown by red hatching and labelled "C32"	Local

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<b>Description</b>	<b>Identification on heritage map</b>	<b>Significance</b>
Lang Street Conservation Area	Shown by red hatching and labelled "C33"	Local
Lindsay-Louisa-Short Conservation Area	Shown by red hatching and labelled "C46"	Local
Lucy Street Conservation Area	Shown by red hatching and labelled "C34"	Local
Miller Avenue Conservation Area	Shown by red hatching and labelled "C10"	Local
Mountjoy Estate Conservation Area	Shown by red hatching and labelled "C11"	Local
Murrell Estate Conservation Area	Shown by red hatching and labelled "C12"	Local
North Summer Hill Conservation Area	Shown by red hatching and labelled "C47"	Local
Oaklands Avenue Conservation Area	Shown by red hatching and labelled "C48"	Local
Park Avenue Conservation Area	Shown by red hatching and labelled "C14"	Local
Prospect Hall Conservation Area	Shown by red hatching and labelled "C49"	Local
Prospect Road-Smith Street Conservation Area	Shown by red hatching and labelled "C50"	Local
Quarantine Ground Conservation Area	Shown by red hatching and labelled "C51"	Local
Rathgael Estate Conservation Area	Shown by red hatching and labelled "C35"	Local
Rectory Estate Conservation Area	Shown by red hatching and labelled "C15"	Local
Richmond Avenue Conservation Area	Shown by red hatching and labelled "C16"	Local
Rose Street Conservation Area	Shown by red hatching and labelled "C17"	Local
Service Avenue Conservation Area	Shown by red hatching and labelled "C18"	Local
Somerville Avenue Conservation Area	Shown by red hatching and labelled "C19"	Local
Summer Hill Central Conservation Area	Shown by red hatching and labelled "C52"	Local

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<b>Description</b>	<b>Identification on heritage map</b>	<b>Significance</b>
Taringa Estate Conservation Area	Shown by red hatching and labelled "C20"	Local
Tavistock Estate Conservation Area	Shown by red hatching and labelled "C53"	Local
Teakle Street Conservation Area	Shown by red hatching and labelled "C54"	Local
The Ranch Conservation Area	Shown by red hatching and labelled "C37"	Local
Tintern Road Conservation Area	Shown by red hatching and labelled "C21"	Local
Trafalgar Square Conservation Area	Shown by red hatching and labelled "C55"	Local
Victoria Square Conservation Area	Shown by red hatching and labelled "C23"	Local
Webbs Avenue Conservation Area	Shown by red hatching and labelled "C24"	Local
Wetherill Street Conservation Area	Shown by red hatching and labelled "C38"	Local

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## Dictionary

(Clause 1.4)

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

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

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

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

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

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

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

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

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

**Note.** The term is defined as a structure used or to be used principally for the display of an advertisement.

Advertising structures are a type of **signage**—see the definition of that term in this Dictionary.

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

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

**agricultural produce industry** means a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, flour mills, cotton seed oil plants, cotton gins, feed mills,

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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.

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**boarding house** means a building that:

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

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

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

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

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

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

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

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

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

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

**building height (or height of building)** means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

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

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

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

- (a) a building wall, or
- (b) the outside face of any balcony, deck or the like, or

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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 Ashfield 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.

***draft heritage item*** has the same meaning as in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

***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.

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**earthworks** means excavation or filling.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**estuary** means:

- (a) any part of a river whose level is periodically or intermittently affected by coastal tides, or
- (b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea, or
- (c) anything declared by the regulations (under the *Water Management Act 2000*) to be an estuary,

but does not include anything declared by the regulations (under the *Water Management Act 2000*) not to be an estuary.

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

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

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

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

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock 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

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such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

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

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

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

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

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

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

**feedlot** means a confined or restricted area that is operated on a commercial basis to rear and fatten cattle, sheep or other animals, 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.

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

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

**Definition of “fish”**

- (1) **Fish** means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).
- (2) **Fish** includes:
  - (a) oysters and other aquatic molluscs, and
  - (b) crustaceans, and
  - (c) echinoderms, and
  - (d) beachworms and other aquatic polychaetes.
- (3) **Fish** also includes any part of a fish.
- (4) However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the *Fisheries Management Act 1994*.

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

**floor space ratio**—see clause 4.5.

**Floor Space Ratio Map** means the Ashfield Local Environmental Plan 2013 Floor Space Ratio Map.

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

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

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

**forestry** has the same meaning as **forestry operations** has for the purposes of Part 5A of the *Forestry Act 2012*.

**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) the harvesting of forest products, or
- (c) on-going forest management operations, namely, activities relating to the management of land for timber production such as thinning and other silvicultural activities such as bee-keeping, grazing and bush fire hazard reduction, 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.

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**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
- (e) any basement:
  - (i) storage, and
  - (ii) vehicular access, loading areas, garbage and services, and

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- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
  - (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
  - (h) any space used for the loading or unloading of goods (including access to it), and
  - (i) terraces and balconies with outer walls less than 1.4 metres high, and
  - (j) voids above a floor at the level of a storey or storey above.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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(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 Ashfield Local Environmental Plan 2013 Height of Buildings Map.

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

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

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

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

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

- (a) shown on the Heritage Map as a heritage conservation area, and
- (b) the location and nature of which is described in Schedule 5,

and includes any heritage items situated on or within that area.

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

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***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 Ashfield Local Environmental Plan 2013 Heritage Map.

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

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

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

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

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

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

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

**home-based child care** means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and that satisfies the following conditions:

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

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

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

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

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

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

- (a) the employment of more than 2 persons other than those residents,
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter,

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- (d) the exhibition of any signage (other than a business identification sign),
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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***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),
- (b) feedlots,
- (c) piggeries,
- (d) poultry farms,

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

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

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

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

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

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

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

**Key Sites Map** means the Ashfield Local Environmental Plan 2013 Key Sites Map.

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

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

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

**Land Application Map** means the Ashfield Local Environmental Plan 2013 Land Application Map.

**Land Reservation Acquisition Map** means the Ashfield Local Environmental Plan 2013 Land Reservation Acquisition Map.

**Land Zoning Map** means the Ashfield Local Environmental Plan 2013 Land Zoning Map.

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

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

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

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

- (a) high technology industry,
- (b) home industry.

**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

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districts, and includes abattoirs, knackeries, tanneries, woolscours and rendering plants.

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

**Lot Size Map** means the Ashfield Local Environmental Plan 2013 Lot Size Map.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**moveable dwelling** means:

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

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

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

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

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

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

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

**Meaning of “native vegetation”**

- (1) **Native vegetation** means any of the following types of indigenous vegetation:
  - (a) trees (including any sapling or shrub, or any scrub),
  - (b) understorey plants,
  - (c) groundcover (being any type of herbaceous vegetation),

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- (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

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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.

**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.

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

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

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

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

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

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

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

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

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

**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

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(d) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or

(e) a regional park under the *National Parks and Wildlife Act 1974*.

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

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

(a) railway, road transport, water transport, air transport, wharf or river undertakings,

(b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Government Department, corporation, firm or authority carrying on the undertaking.

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

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

(a) a children's playground, or

(b) an area used for community sporting activities, or

(c) a public park, reserve or garden or the like,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and

- 
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

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

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

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

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

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

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

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

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

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

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

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

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

- (a) bulky goods premises,
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,

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- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (m) timber yards,
- (n) vehicle sales or hire premises,

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

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

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

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

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

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

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

- (a) agricultural produce industries,
- (b) livestock processing industries,
- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (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.

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

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

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

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

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

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

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

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

**Note.** See clause 5.4 for controls relating to the total floor area of secondary dwellings.

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

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

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

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

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

**seniors housing** means a building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),

and that is, or is intended to be, used permanently for:

- (e) seniors or people who have a disability, or

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- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

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

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

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

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

**Note.** Serviced apartments are a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**sewage reticulation system** means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated:

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

**Note.** Sewage reticulation systems are a type of **sewerage system**—see the definition of that term in this Dictionary.

**sewage treatment plant** means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

**Note.** Sewage treatment plants are a type of **sewerage system**—see the definition of that term in this Dictionary.

**sewerage system** means any of the following:

- (a) biosolids treatment facility,

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- (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 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.

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*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.

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**telecommunications network** means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

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

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

**temporary structure** includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

**the Act** means the *Environmental Planning and Assessment Act 1979*.

**timber yard** means a building or place the principal purpose of which is the sale of sawn, dressed or treated timber, wood fibre boards or similar timber products. It may include the cutting of such timber, boards or products to order and the sale of hardware, paint, tools and materials used in conjunction with the use and treatment of timber.

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

**tourist and visitor accommodation** means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) serviced apartments,

but does not include:

- (f) camping grounds, or
- (g) caravan parks, or
- (h) eco-tourist facilities.

**transport depot** means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.

**truck depot** means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

**turf farming** means the commercial cultivation of turf for sale and the removal of turf for that purpose.

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

**underground mining** means:

- (a) mining carried out beneath the earth's surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and

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- (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 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,

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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,
- (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

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artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

**waterbody (natural) or natural waterbody** means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

**watercourse** means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

**waterway** means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).

**wetland** means:

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

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

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

**wholesale supplies** means a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the *A New Tax System (Australian Business Number) Act 1999* of the Commonwealth.