

2007 No 650



New South Wales

Parramatta City Centre Local Environmental Plan 2007

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S06/01037/PC)

FRANK SARTOR, M.P.,
Minister for Planning

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Parramatta City Centre Local Environmental Plan 2007

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Clause 1 Parramatta City Centre Local Environmental Plan 2007

Part 1 Preliminary

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Part 1 Preliminary

Note. The *Standard Instrument (Local Environmental Plans) Order 2006* sets out matters to be included in standard local environmental plans. While this Plan is not a standard local environmental plan, standard clauses have been included in this Plan and the clause numbering from that Order has been retained. This means that the numbering in this Plan may contain some gaps. Additional provisions have been inserted and are numbered accordingly.

1 Name of Plan

This Plan is *Parramatta City Centre Local Environmental Plan 2007*.

2 Aims of Plan

- (1) This Plan aims to make local environmental planning provisions for land in the Parramatta city centre that are generally 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 economic revitalisation of the Parramatta city centre,
 - (b) to provide a planning framework for Parramatta to fulfil its role as a primary centre in the Sydney Metropolitan Region,
 - (c) to protect and enhance the vitality, identity and diversity of the Parramatta city centre and promote it as a pre-eminent centre in the Greater Metropolitan Region,
 - (d) to promote employment, residential, recreational, arts, social, cultural and tourism opportunities within the Parramatta city centre,
 - (e) to facilitate the development of building design excellence appropriate to a regional city and to improve the quality of urban design and ensure the public domain is safe and attractive,
 - (f) to enhance access to Parramatta, particularly by public transport, walking and cycling,

- (g) to encourage responsible management, development and conservation of natural and man-made resources and to ensure that the Parramatta city centre achieves sustainable social, economic and environmental outcomes,
- (h) to protect and enhance the environmentally sensitive areas and natural and cultural heritage of the Parramatta city centre for the benefit of present and future generations,
- (i) to emphasise and interpret the role of the Parramatta River and its foreshore as an important natural focus and link through the Parramatta city centre,
- (j) to respect, enhance and interpret the role and place of Parramatta Park and its historic views and setting as an important cultural and natural focus and link to all parts of the Parramatta city centre.

3 Land to which Plan applies

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

4 Definitions

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

5 Notes

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

6 Consent authority

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

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 from time to time by maps declared by environmental planning instruments to amend 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.

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Part 1 Preliminary

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

Note. The maps adopted by this Plan are the Acid Sulfate Soils Map, Flood Prone Land Map, Floor Space Ratio Map, Height of Buildings Map, Heritage Map, Key Sites Map, Land Application Map, Land Reservation Acquisition Map and Land Zoning Map.

8 Repeal of other local 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.
- (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.
- (3) 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 is to be determined as if this Plan had been exhibited but had not commenced.

8A Suspension of covenants, agreements and instruments

- (1) For the purpose of enabling development on land within 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*.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Pursuant to section 28 of the Act, before the making of this clause, the Governor approved of subclauses (1)–(3).

9 Application of SEPPs and REPs

- (1) This Plan is subject to the provisions of any State environmental planning policy and any regional environmental plan that prevail over this Plan as provided by section 36 of the Act.

Note. Section 36 of the Act generally provides that SEPPs prevail over REPs and LEPs and that REPs prevail over LEPs. However, a LEP may (by an additional provision included in the Plan) displace or amend a SEPP or REP to deal specifically with the relationship between this Plan and the SEPP or REP.

- (2) The following State environmental planning policies and regional environmental plans (or provisions) do not apply to the land to which this Plan applies:

State Environmental Planning Policy No 1—Development Standards

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

State Environmental Planning Policy No 9—Group Homes

State Environmental Planning Policy No 60—Exempt and Complying Development

Sydney Regional Environmental Plan No 28—Parramatta

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Clause 10 Parramatta City Centre Local Environmental Plan 2007

Part 2 Permitted or prohibited development

Part 2 Permitted or prohibited development

10 Land use zones

The land use zones under this Plan are as follows:

Business Zones

B3 Commercial Core

B4 Mixed Use

B5 Business Development

Special Purpose Zones

SP2 Infrastructure

Recreation Zones

RE1 Public Recreation

RE2 Private Recreation

11 Zoning of land to which Plan applies

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

12 Zone objectives and land use table

- (1) The 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 consent, and
 - (c) development that may be carried out only with consent, and
 - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.
- (3) In the 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 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 15 requires consent for subdivision of land.
 - 5 Part 5 contains other provisions which require consent for particular development.

13 Unzoned land

- (1) Development may be carried out on unzoned land only with consent.
- (2) Before granting 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.

14 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 consent, or
 - (b) if the Schedule so provides—without 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.

15 Subdivision—consent requirements

- (1) Land to which this Plan applies may be subdivided, but only with consent.
- (2) However, consent is not required for a subdivision for the purpose only of any one or more of the following:
 - (a) widening a public road,
 - (b) making an adjustment to a boundary between lots, being an adjustment that does not involve the creation of a greater number of lots,
 - (c) a minor realignment of boundaries that does not create additional lots or the opportunity for additional dwellings,

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Part 2 Permitted or prohibited development

- (d) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
- (e) rectifying an encroachment on a lot,
- (f) creating a public reserve,
- (g) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public conveniences.

Note. If a subdivision is exempt development, the Act enables the subdivision to be carried out without consent.

15A 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 any temporary purpose for a maximum period of 12 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 is necessary and reasonable for the economic use of the land pending its subsequent development in accordance with this Plan and other relevant environmental planning instruments, and
 - (b) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any such other instrument, and
 - (c) the temporary use does not adversely impact on any adjoining land or the amenity of the neighbourhood, and
 - (d) 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
 - (e) at the end of the temporary use period, the use and any associated structures will be removed and the site appropriately restored.

Land Use Table

Zone B3 Commercial Core

1 Objectives of zone

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses which serve the needs of the local and wider community, including:
 - commercial and retail development,
 - cultural and entertainment facilities that cater for a range of arts and cultural activity, including events, festivals, markets and outdoor dining,
 - tourism, leisure and recreation facilities,
 - social, education and health services.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To strengthen the role of the Parramatta city centre as the regional business, retail and cultural centre, and as a primary retail centre in the Greater Metropolitan Region.
- To create opportunities to improve the public domain and pedestrian links throughout the Parramatta city centre.
- To provide for the retention and creation of view corridors.
- To protect and enhance the unique qualities and character of special areas and heritage values within the Parramatta city centre.
- To protect and encourage accessible city blocks by providing active frontages to streets, and a network of pedestrian-friendly streets, lanes and arcades.

2 Permitted without consent

Nil

3 Permitted with consent

Advertisements; Business premises; Car parks (but only as required by this Plan or public car parking provided by or on behalf of the Council); Child care centres; Community facilities; Educational establishments; Entertainment facilities; Food and drink premises; Function centres; Hospitals; Hotel accommodation; Information and education facilities; Kiosks; Markets; Medical centres; Medical research and development

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Part 2 Land Use Table

facilities; Mixed use developments (not including residential accommodation); Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Public halls; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Serviced apartments; Sex services premises; Tourist and visitor accommodation

4 Prohibited

Any other development not otherwise specified in item 2 or 3

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 create opportunities to improve the public domain and pedestrian links within the Mixed Use Zone.
- To support the higher order Commercial Core Zone while providing for the daily commercial needs of the locality, including:
 - commercial and retail development,
 - cultural and entertainment facilities that cater for a range of arts and cultural activity, including events, festivals, markets and outdoor dining,
 - tourism, leisure and recreation facilities,
 - social, education and health services,
 - high density residential development.
- To protect and enhance the unique qualities and character of special areas within the Parramatta city centre.

2 Permitted without consent

Nil

3 Permitted with consent

Any other development not otherwise specified in item 2 or 4

4 Prohibited

Car parks (except those required by this Plan or public car parking provided by or on behalf of the Council); Caravan parks; Dual

occupancies; Dwelling houses; Extractive industries; Home occupation (sex services); Industries; Light industrial retail outlets; Mines; Vehicle body repair workshops; Warehouse or distribution centres

Zone B5 Business Development

1 Objectives of zone

- To enable a mix of office, retail and warehouse uses in locations which are close to, and which support the viability of, centres.
- To maintain the economic strength of centres by limiting the retailing of food and clothing.
- To provide for automotive businesses, trades and services to reinforce the existing functions of land within the zone,
- To ensure that development is arranged and carried out in a way that does not intrude on the amenity of adjoining residential areas or detract from the function of commercial development in the commercial core.

2 Permitted without consent

Nil

3 Permitted with consent

Bulky goods premises; Business premises; Car parks (but only as required by this Plan or public car parking provided by or on behalf of the Council); Child care centres; Community facilities; Educational establishments; Hotel accommodation; Landscape and garden supplies; Light industrial retail outlets; Light industries; Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Retail premises; Roads; Sex services premises; Timber and building supplies; Vehicle repair stations; Vehicle showrooms; Warehouse or distribution centres

4 Prohibited

Any other development not otherwise specified in item 2 or 3

Zone SP2 Infrastructure

1 Objectives of zone

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

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Part 2 Land Use Table

2 Permitted without consent

Nil

3 Permitted with consent

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

4 Prohibited

Any other development not otherwise 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 conserve, enhance and promote the natural assets and cultural heritage significance of Parramatta Park.
- To recognise and increase Parramatta Park's role as a community and recreational resource for the people of Parramatta and Western Sydney.
- To improve public access to Parramatta Park and the Parramatta River and to ensure the Park forms an extension to the civic and public spaces of the city centre.
- To achieve environmental management best practice that promotes the natural assets of Parramatta Park.
- To protect the ecological, scenic and historical values along the Parramatta River.
- To allow for water-based recreation and related uses.
- To create a riverfront recreational opportunity that provides for a high quality relationship between the built and natural environment.

2 Permitted without consent

Environmental facilities; Environmental protection works

3 Permitted with consent

Boat sheds; Car parks (but only as required by this Plan or public car parking provided by or on behalf of the Council); Child care centres; Community facilities; Cycle ways; Fences; Information and education facilities; Jetties; Kiosks; Markets; Picnic facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Restaurants; Roads; Sea walls; Slipways; Walking trails; Water recreation structures; Waterway access stairs; Wharves

4 Prohibited

Any other development not otherwise specified in item 2 or 3

Zone RE2 Private Recreation

1 Objectives of zone

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To conserve the heritage significance and values of Parramatta Park and its setting, including significant views.

2 Permitted without consent

Environmental facilities; Environmental protection works

3 Permitted with consent

Car parks (but only as required by this Plan or public car parking provided by or on behalf of the Council); Child care centres; community facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Restaurants; Roads

4 Prohibited

Any other development not otherwise specified in item 2 or 3

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Clause 16 Parramatta City Centre Local Environmental Plan 2007

Part 3 Exempt and complying development

Part 3 Exempt and complying development

16 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*, 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*, and
 - (e) must not create interference with the neighbourhood because it is noisy, causes vibrations, creates smells, fumes, smoke, vapour, steam, soot, ash, dust, waste water, grit or oil.
 - (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.

17 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 and Climate Change 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*).
- (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.
 - (3) To be complying development, the development must:
 - (a) be permissible, with 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 Division 1 of Part 1 of Schedule 3 is subject to the conditions (if any) set out in Division 2 of that Part.

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Clause 18 Parramatta City Centre Local Environmental Plan 2007

Part 3 Exempt and complying development

18 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:
 - (a) a sensitive coastal location, or
 - (b) coastal waters of the State, or
 - (c) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies, or
 - (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*, or
 - (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, or
 - (f) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance, or
 - (g) land reserved as a state conservation area under the *National Parks and Wildlife Act 1974*, or
 - (h) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes, or
 - (i) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

Part 4 Principal development standards and related provisions

21 Height of buildings

- (1) The objectives of this Plan for the control of the height of buildings are as follows:
 - (a) to allow sunlight access to key areas of the public domain by ensuring that further overshadowing of parks, the river and community places is avoided or limited during nominated times,
 - (b) to provide high quality urban form for all buildings,
 - (c) to maintain satisfactory sky exposure and daylight to existing buildings, to the sides and rear of tower forms and to public areas, including parks, streets and lanes,
 - (d) to ensure that taller development occurs on sites capable of providing appropriate urban form and amenity,
 - (e) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,
 - (f) to require the height of future buildings to have regard to heritage sites, and their settings, their views and their visual interconnections,
 - (g) to ensure the preservation of historic views shown in the City Centre Development Control Plan.
- (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.

21A Architectural roof features

- (1) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 21 may be carried out, but only with consent.
- (2) 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

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Clause 22 Parramatta City Centre Local Environmental Plan 2007

Part 4 Principal development standards and related provisions

- (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.

22 Floor space ratio

- (1) The objectives of this Plan for the control of floor space ratios are as follows:
 - (a) to ensure a degree of equity in relation to development potential for sites of different sizes and for sites located in different parts of the Parramatta city centre,
 - (b) to ensure that proposals for new buildings are assessed with due regard to the design excellence and built form provisions of this Plan,
 - (c) to provide sufficient floor space for high quality development for the foreseeable future,
 - (d) to regulate density of development and generation of vehicular and pedestrian traffic,
 - (e) to encourage increased building height and site amalgamation at key locations.
- (2) Except as provided by subclause (3) and clause 22B, the floor space ratio of a building on any land is not to exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map.
- (3) The maximum floor space ratio for buildings on land for which the maximum floor space ratio shown on the Floor Space Ratio Map is specified in Column 1 of the Table, is the amount specified opposite that floor space ratio in:
 - (a) Column 2 of the Table, if the site area for the development is less than or equal to 1,000m², or
 - (b) Column 3 of the Table, if the site area for the development is greater than 1,000m² but less than 2,500m², or
 - (c) Column 4 of the Table, if the site area for the development is equal to or greater than 2,500m².

TABLE – FLOOR SPACE RATIO

Column 1	Column 2	Column 3	Column 4
6:1	4:1	(4 + 2X):1	6:1
8:1	5:1	(5 + 3X):1	8:1
10:1	6:1	(6 + 4X):1	10:1

- (4) For the purposes of Column 3 of the Table to subclause (3):
 $X = (\text{the site area in square metres} - 1000)/1500$
- (5) Despite any other provision of this Plan, the following are not to be considered in the calculation of floor space ratios for the purposes of this Plan:
- (a) land owned by the Council that is used for public access purposes, roads or laneways,
 - (b) any part of a building used as a public right of way at ground floor level if that use is required by the consent authority as a condition of development consent,
 - (c) any part of a building used for public information facilities at ground floor level, if the facility is required by the Council as a condition of development consent.

22A Minimum building street frontage

- (1) The objectives of this clause are as follows:
- (a) to ensure that, visually, buildings have an appropriate overall horizontal proportion compared to their vertical proportions,
 - (b) to ensure that vehicular access is reasonably spaced and separated along roads and lanes,
 - (c) to provide appropriate dimensions for the design of car parking levels,
 - (d) to encourage larger development of commercial office, business, residential and mixed use buildings provided for under this Plan.
- (2) Development consent must not be granted to the erection of a building that does not have at least one street frontage of 20m or more on land zoned B3 Commercial Core, B4 Mixed Use or B5 Business Development.
- (3) Despite subclause (1), the consent authority may grant consent to the erection of a building on land referred to in that subclause if:
- (a) it is satisfied that due to the physical constraints of the site or adjoining sites it is not possible for the building to be erected with at least one street frontage of 20m or more, and
 - (b) has take into account the objectives of this clause.

22B Design excellence

- (1) This clause applies to development involving the construction of a new building or external alterations to an existing building.

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- (2) Consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.
- (3) In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:
 - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,
 - (c) whether the proposed development detrimentally impacts on view corridors,
 - (d) whether the proposed development detrimentally impacts on land protected by a sun access plane control established for that land in the City Centre Development Control Plan,
 - (e) how the proposed development addresses the following matters:
 - (i) the suitability of the land for development,
 - (ii) existing and proposed uses and use mix,
 - (iii) heritage and archaeological issues and streetscape constraints,
 - (iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
 - (v) bulk, massing and modulation of buildings,
 - (vi) street frontage heights,
 - (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
 - (viii) the principles of ecologically sustainable development,
 - (ix) pedestrian, cycle, vehicular and service access, circulation and pedestrian permeability,
 - (x) the impact on, and any proposed improvements to, the public domain,
 - (xi) any relevant special character area statement in the City Centre Development Control Plan.

- (4) Consent must not be granted to the following development to which this Plan applies unless an architectural design competition, that is consistent with the City Centre Development Control Plan has been held in relation to the proposed development:
- (a) development for which an architectural design competition is required as part of a concept plan approved by the Minister under Division 3 of Part 3A of the Act,
 - (b) development in respect of a building that is, or will be, greater than 55m or 13 storeys (or both) in height,
 - (c) development having a capital value of more than \$1,000,000 on a key site, being a site shown edged heavy black and distinctively coloured on the Key Sites Map,
 - (d) development for which the applicant has chosen to have such a competition.
- (5) Subclause (4) does not apply if the Director-General certifies in writing that the development is one for which an architectural design competition is not required.
- (6) The consent authority may grant consent to the erection or alteration of a building to which this clause applies that has a floor space ratio of up to 10 per cent greater than that allowed by clause 22 or a height of up to 10 per cent greater than that allowed by clause 21, but only if:
- (a) the design of the building or alteration is the result of an architectural design competition, and
 - (b) the concurrence of the Director-General has been obtained to the development application.
- (7) In determining whether to provide his or her concurrence to the development application, the Director-General is to take into account the result of the architectural design competition (if any).
- (8) In this clause:
- architectural design competition*** means a competitive process conducted in accordance with procedures approved by the Director-General from time to time.

22C Car parking

- (1) Consent must not be granted for any new building, or an alteration to an existing building that increases the gross floor area of the building, that is to be used for a purpose set out in Column 1 to the Table to this clause unless the consent authority is satisfied that car parking will be provided in accordance with the requirements set out opposite that purpose in Column 2 to the Table.

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- (2) For the purposes of this clause, the following are to be included as part of a building's gross floor area:
 - (a) any area of the building that is used for car parking and is at or above existing ground level,
 - (b) any area of the building that is used for car parking below existing ground level, except where the car parking is provided as required by this clause.
- (3) Car parking that is required to be provided under subclause (1) in relation to commercial activities must be provided on site unless the consent authority is satisfied that car parking will be adequately provided for elsewhere.
- (4) Council owned public car parking is not to be included as part of a building's gross floor area.

Table

Column 1	Column 2
Proposed use of building	Number of parking spaces required
Child care centres	1 parking space to be provided for every 4 child care places
Commercial	1 parking space to be provided for every 100m ² of gross floor area
Drive-in take-away food and drink premises with seating	1 parking space to be provided for every 10m ² of gross floor area or 1 parking space to be provided for every 6 seats (whichever is the lesser)
Health consulting rooms	1 parking space to be provided for every 300m ² of gross floor area
Hostels and nursing homes	1 parking space to be provided for every 10 beds plus 1 parking space to be provided for every 2 employees plus 1 parking space to be provided that is suitable for an ambulance
Hotel accommodation	1 parking space to be provided for every 5 hotel units plus 1 parking space to be provided for every 3 employees
Motels	1 parking space to be provided for every 2 motel units plus 1 parking space to be provided for every 3 employees
Multi dwelling housing: 1, 2 and 3 bedrooms	1 parking space to be provided for every dwelling plus 1 parking space to be provided for every 5 dwellings for visitors

Column 1	Column 2
Proposed use of building	Number of parking spaces required
Restaurants	1 parking space to be provided for every 10m ² of gross floor area or 1 parking space to be provided for every 4 seats (whichever is the lesser)
Seniors housing	1 parking space to be provided for every 10 dwellings plus 1 parking space to be provided for every 10 dwellings for visitors
Shops	1 parking space to be provided for every 30m ² of gross floor area
Warehouses or distribution centres	1 parking space to be provided for every 300m ² of gross floor area

22D Building separation

Buildings on land to which this Plan applies must be erected so that the separation distance:

- (a) from neighbouring buildings, and
- (b) between separate towers or other separate raised parts of the same building,

is not less than that provided for in the City Centre Development Control Plan.

22E Ecologically sustainable development

Before granting consent for development for the purposes of a building, the consent authority must have regard to the principles of ecologically sustainable development as they relate to the proposed development based on a “whole of building” approach, by considering each of the following:

- (a) greenhouse gas reduction,
- (b) embodied energy in materials and building processes,
- (c) building design and orientation,
- (d) passive solar design and day lighting,
- (e) natural ventilation,
- (f) energy efficiency and energy conservation,
- (g) water conservation and water reuse,
- (h) waste minimisation and recycling,

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- (i) reduction of car dependence,
- (j) potential for adaptive reuse.

22F Serviced apartments

- (1) Development consent must not be granted to development on land zoned B3 Commercial Core for the purpose of the strata subdivision of a building or part of a building that is or has been used for serviced apartments.
- (2) Development consent must not be granted to development on land zoned B4 Mixed Use for the purpose of the strata subdivision of a building or part of a building that is or has been used for serviced apartments, unless the consent authority is satisfied that the following design principles are achieved for the development as if it were a residential flat development:
 - (a) the design quality principles set out in Part 2 of *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development*,
 - (b) the design principles of the *Residential Flat Design Code* (a publication of the Department of Planning, September 2002).

22G Objectives for development within Parramatta city centre Special Areas

- (1) The objectives of this clause are as follows:
 - (a) to ensure development in and around Special Areas is compatible with the particular character and significance of each Special Area,
 - (b) to reinforce the specific attributes and qualities of the built form of each Special Area.
- (2) The consent authority, in considering a development application for land in or adjoining a Special Area identified in the City Centre Development Control Plan, must have regard to the objectives for the Special Area set out in that Plan.

22H Civic Place

- (1) The objectives of this clause are to ensure that certain development on land at Civic Place:
 - (a) provides for at least 6,000m² of public open space, and
 - (b) contains an appropriate mix of uses by having no more than 40% of the gross floor area of the development used for the purposes of residential accommodation and at least 40% of that gross floor area used for the purposes of office premises.

-
- (2) This clause applies to land shown edged heavy black and marked “Civic Place” on the Land Zoning Map.
 - (3) Before granting development consent for development for the purposes of a new building, or extension of an existing building, on land to which this clause applies, the consent authority must take into account:
 - (a) the objectives of this clause, and
 - (d) the *Civic Place Master Plan* as adopted by the Council in June 2003.

24 Exceptions to development standards

- (1) The objectives of this clause are:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) 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 or of *State Environmental Planning Policy No 1—Development Standards*.
- (3) 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) 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

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- (b) the concurrence of the Director-General has been obtained.
- (4A) In addition to the matters set out in subclause (4), consent must not be granted for development that contravenes a development standard on land on which there is a heritage item unless the consent authority is satisfied of each of the matters set out in clause 35 (9) (a)–(e).
- (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) 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).
- (7) This clause does not allow consent to be granted for development that would contravene any of the following:
 - (a) a development standard for complying development,
 - (b) a development standard for development in the coastal zone.

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25 Land acquisition within certain zones

- (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 by section 8 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Roads and Traffic Authority
Zone SP2 Infrastructure and marked "Local road"	Council
Zone SP2 Infrastructure and marked "Public transport corridor (SREP 18)"	The corporation constituted by section 8 of the Act

- (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.

26 Development on proposed classified road

- (1) Consent for development on land reserved for the purposes of a classified road may, before the land becomes a classified road, be granted only if:

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- (a) the development is carried out with the concurrence of the Roads and Traffic Authority (*the RTA*), and
 - (b) the development is of a kind, or is compatible with development of a kind, that may be carried out on land in an adjoining zone.
- (2) In deciding whether to grant concurrence to proposed development under this clause, the RTA must take the following matters into consideration:
- (a) the need to carry out development on the land for the purposes of a classified road or a proposed classified road,
 - (b) the imminence of acquisition of the land by the RTA,
 - (c) the likely additional cost to the RTA resulting from the carrying out of the proposed development.

27 Classification and reclassification of public land

- (1) The objective of this clause is to enable the Council, by means of this Plan, 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 on the commencement of the relevant classification Plan and, by the operation

of that Plan, 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*).
- (6) In this clause, the ***relevant classification Plan***, in relation to land described in Part 2 of Schedule 4, means this Plan or, if the description of the land is inserted into that Part by another environmental planning instrument, that instrument.
- (7) Before the relevant classification Plan inserted a description of land into Part 2 of Schedule 4, the Governor approved of subclause (5) applying to the land.

29 Community use of educational establishments

- (1) The objective of this clause is to allow the use of educational establishments, including their site and facilities, for other community purposes.
- (2) An educational establishment (including the site and facilities) may, with development consent, be used for any other community purpose, whether or not any such use is a commercial use of the land.
- (3) Nothing in this clause requires consent to carry out development on any land if that development could, but for this clause, be carried out on that land without consent.

29A Outdoor advertising and signage

- (1) A person must not, without development consent, carry out development for the purpose of an advertisement (other than development that is exempt development).
- (2) Despite subclause (1), development for the purpose of any one or more of the following is prohibited:
 - (a) an advertisement on land that is within a heritage conservation area or on which there is a heritage item,
 - (b) an advertisement on land zoned RE1 Public Recreation or RE2 Private Recreation,
 - (c) an advertisement on land zoned B3 Commercial Core or B4 Mixed Use, unless the development is exempt development,

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- (d) pole or pylon advertising signs (being an advertisement erected on a pole or pylon and independent of any building or other structure),
 - (e) moveable and freestanding “A” frame signs on public land.
- (3) Before granting development consent for development that involves the erection or display of signage, the consent authority must be satisfied that the signage:
- (a) is compatible with the desired amenity and visual character of the area, and
 - (b) provides effective communication in suitable locations, and
 - (c) is of high quality design and finish.

29B Restricted premises and sex services premises

- (1) Development consent may be granted to the carrying out of development for the purpose of restricted premises only if the consent authority is satisfied that:
- (a) no part of the restricted premises, other than an access corridor, will be located within 1.5m (measured vertically) from any adjoining footpath, roadway, arcade or other public thoroughfare, and
 - (b) no part of the restricted premises or building in which the premises will be situated will be used as a dwelling unless separate access will be available to the dwelling, and
 - (c) any signage related to the premises will be of a size, shape and content that does not interfere with the amenity of the locality, and
 - (d) no other objects, products or goods related to the restricted premises will be visible from outside the premises.
- (2) In determining an application to carry out development for the purpose of sex services premises, the consent authority must consider the following:
- (a) whether the operation of the sex services premises will be likely to cause a disturbance in the neighbourhood because of its size, location, hours of operation or clients or the number of employees and other people working in it,
 - (b) whether the operation of the sex services premises will be likely to interfere with the amenity of the neighbourhood,

- (c) whether the operation of the sex services premises will be likely to cause a disturbance in the neighbourhood when taking into account other sex services premises operating in the neighbourhood involving similar hours of operation.
- (3) Development consent must not be granted to development for the purposes of sex services premises in a building that contains a dwelling if all or part of the access to the sex services premises is shared with the dwelling.

29C Telecommunications facilities

- (1) The objective of this clause is to minimise the impacts of telecommunications facilities and retain streetscape amenity.
- (2) Development consent is required to carry out development for the purpose of a telecommunications facility if the development includes:
 - (a) the erection of a structure or facility, or
 - (b) the carrying out of work for the purpose of a telecommunications facility.
- (3) The consent authority must consider the following before determining an application for any such consent:
 - (a) any potential to install the facility underground,
 - (b) any potential to co-locate the facility with existing facilities or other structures,
 - (c) any impact of the facility on visual amenity,
 - (d) any impact of the facility on the heritage significance of the area,
 - (e) any impact of the facility on vegetation and street infrastructure.
- (4) This clause does not apply to the following:
 - (a) the installation of low impact facilities (as listed in the *Telecommunications (Low-impact Facilities) Determination 1997* of the Commonwealth) or subscriber cabling, including cabling across streets,
 - (b) the installation of defence facilities,
 - (c) the installation of facilities authorised by a facility installation permit within the meaning of Part 1 of Schedule 3 to the *Telecommunications Act 1997* of the Commonwealth,
 - (d) the inspection of land, including making surveys, sinking bores, digging pits and examining soil,
 - (e) the maintenance of telecommunications facilities, including the alteration, removal, repair or replacement of the whole or part of the facility, and the cutting down or lopping of vegetation.

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29D Ground floor development on land zoned B3 Commercial Core

- (1) The ground floor of any development that is a building on land zoned B3 Commercial Core is to have active street frontages and is to be used for any one or more of the following purposes:
business premises; educational establishments; entertainment facilities; function centres; hotel accommodation; medical centres; office premises; registered clubs; retail premises or other similar active uses.
- (2) Despite subclause (1), an active street frontage is not required in respect of any part of a building:
 - (a) that faces a service lane that, in the opinion of the consent authority, does not require active street frontages, or
 - (b) that is used for any of the following purposes:
 - (i) lobbies for any commercial, residential, serviced apartment or hotel component of the development,
 - (ii) access for fire services,
 - (iii) vehicle access.

29E Sun access

- (1) The objective of this clause is to protect public open space in the vicinity of the Civic Place site, the Lancer Barracks site and Jubilee Park from overshadowing.
- (2) Despite any provision of Part 4, development is prohibited on land to which this Plan applies if the development results in any part of a building projecting above the sun access plane controls established for that land by the City Centre Development Control Plan.

30 Classified roads

- (1) The objectives of this clause are:
 - (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads (within the meaning of the *Roads Act 1993*), and
 - (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.
- (2) Consent must not be granted to the development of land that has a frontage to a classified road unless the consent authority is satisfied that:
 - (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and
 - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the proposed development as a result of:

- (i) the design of the vehicular access to the land, or
 - (ii) the emission of smoke or dust from the proposed development, or
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the proposed development.

31 Development in proximity to a rail corridor

- (1) The objective of this clause is to ensure that development for the purpose of residential accommodation, places of public worship, hospitals, educational establishments or other noise sensitive buildings in the proximity of operating or proposed railways is not adversely affected by rail noise or vibration.
- (2) This clause applies to land comprising, or within 60m of, an operating railway line or land reserved for the construction of a railway line (referred in this clause as a *rail corridor*).
- (3) Development consent must not be granted to development:
 - (a) that is within a rail corridor, and
 - (b) that the consent authority considers is, or is likely to be, adversely affected by rail noise or vibration,unless the consent authority is satisfied that the proposed development incorporates all practical mitigation measures for rail noise or vibration recommended by Rail Corporation New South Wales for development of that kind.

33 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).

33A Development on flood prone land

- (1) The objectives of this clause are:
 - (a) to maintain the existing flood regime and flow conveyance capacity, and
 - (b) to enable safe occupation of flood prone land, and

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- (c) to avoid significant adverse impacts upon flood behaviour, and
 - (d) to avoid significant adverse effects on the floodplain environment that would cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of the river bank or watercourse, and
 - (e) to limit uses to those compatible with flow conveyance function and flood hazard.
- (2) Before determining an application for consent to carry out development on flood prone land, the consent authority must consider:
- (a) the impact of that development on:
 - (i) flood behaviour, including the flood peak at any point upstream or downstream of the site of the development, and
 - (ii) the flow of floodwater on adjoining lands, and
 - (iii) the flood hazard or risk of flood damage to property and persons, and
 - (iv) erosion, siltation or destruction of riparian vegetation in the area, and
 - (v) the water table on any adjoining land, and
 - (vi) riverbank stability, and
 - (vii) the safety in time of flood of the site of the development and of any buildings or works intended to be erected or carried out, and
 - (viii) the hydraulic capacity of flood prone land in the locality, and
 - (ix) the provision of emergency equipment, personnel, welfare facilities or other resources that might be needed for an evacuation resulting from flooding, and
 - (x) the risk to life and personal safety of any emergency service and rescue personnel who might be involved in any such evacuation, and
 - (xi) the cumulative impact of further development on flooding, and
 - (xii) the potential for pollution during flooding, and
 - (b) the impact that flooding will have on the proposed development, including the flood liability of access to the site of the proposed development, and
 - (c) the provisions of any floodplain management plan adopted by the Council that applies to the land.

33B Acid sulfate soils

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

Class of land shown on the Acid Sulfate Soils Map	Works
1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works beyond 1m below the natural ground surface. Works by which the watertable is likely to be lowered beyond 1m below the natural ground surface.
4	Works beyond 2m below the natural ground surface. Works by which the watertable is likely to be lowered beyond 2m below the natural ground surface.
5	Works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m Australian Height Datum by which the watertable is likely to be lowered below 1m Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

- (3) Consent is not to be granted under this clause unless:
 - (a) an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Guidelines and has been provided to the consent authority, and
 - (b) a copy of the plan and a copy of the development application have been provided to the Department of Environment and Climate Change and the consent authority has considered any comments of the Director-General of that Department made within 21 days after those copies were provided to that Department.

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- (4) Consent is not required under this clause for the carrying out of works if:
- (a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Guidelines indicates that an acid sulfate soils management plan need not be carried out for the works, and
 - (b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.
- (5) This clause requires consent for the carrying out of works by a public authority. However, consent is not required for the carrying out of any of the following work by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):
- (a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the work has been damaged, ceased to function or poses a risk to the environment or to public health and safety,
 - (b) routine management work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that would result in the disturbance of more than 1 tonne of soil),
 - (c) minor work, being work that costs less than \$20,000 (other than drainage work).
- (6) This clause does not require consent to carry out any works unless:
- (a) the works involve the disturbance of more than one tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations, or flood mitigation works, or
 - (b) the works are likely to lower the water table.

34 Preservation of trees or vegetation

- (1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.
- (2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

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- (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:
- (a) 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
 - (b) that is within a heritage conservation area.
- Note.** As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 35 will be applicable to any such consent.
- (8) This clause does not apply to or in respect of:
- (a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003* or 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 Act 2002*, or
 - (e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

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Clause 35 Parramatta City Centre Local Environmental Plan 2007

Part 5 Miscellaneous provisions

35 Heritage conservation

(1) Objectives

The objectives of this clause are:

- (a) to conserve the environmental heritage of Parramatta city centre, and
- (b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, layout, settings and views, and
- (c) to conserve archaeological sites and relics, and
- (d) to conserve places of Aboriginal heritage significance.

(2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior,
- (c) altering a heritage item that is a building, by making changes to significant elements of its interior,
- (d) 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,
- (e) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance,
- (f) erecting a building on land on which a heritage item is located or that is within a heritage conservation area,
- (g) subdividing land on which a heritage item is located or that is within a heritage conservation area.

(3) When consent not required

However, 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, archaeological site, or a building, work, relic, tree or place within a heritage conservation area, and
- (ii) would not adversely affect the significance of the heritage item, 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 a place of Aboriginal 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) Heritage impact assessment

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

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

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

(5) Heritage conservation management plans

The consent authority may require, after considering the 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.

(6) 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 applies):

- (a) notify the Heritage Council of its intention to grant consent, and

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Clause 35 Parramatta City Centre Local Environmental Plan 2007

Part 5 Miscellaneous provisions

- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

Note. Section 139 (1) of the *Heritage Act 1977* provides that a person must not disturb or excavate any land 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 unless the disturbance or excavation is carried out in accordance with an excavation permit. If an excavation permit is necessary, it should be obtained before submitting a development application, as this can avoid the need to withdraw or amend the development application if the Heritage Council refuses to issue the excavation permit.

The Council's Parramatta Historical Archaeological Landscape Management Study may be consulted to determine whether land is an archeological site.

(7) **Places of Aboriginal heritage significance**

The consent authority must, before granting consent under this clause to the carrying out of development in a place of Aboriginal 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, and
- (b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.

Note. The Council maintains an Aboriginal heritage sensitivity database to provide information to assist in determining whether a place is of Aboriginal heritage significance.

Note. Development that impacts on an Aboriginal object may require a permit under the *National Parks and Wildlife Act 1974*.

(8) **Demolition of item of State significance**

The consent authority must, before granting consent for the demolition of a heritage item identified in Schedule 5 as being of State heritage significance (other than an item listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

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

(9) **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, 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 is facilitated by the granting of consent, and
 - (a1) if the development is to contravene a development standard, the additional value that contravention of the development standard will add to the development is consistent with the value of conserving the heritage item, and
 - (b) the proposed development is in accordance with a heritage conservation management plan 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 conservation management plan is carried out, and
 - (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, and
 - (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.
- (9A) **Notification to Heritage Council if development standard contravened**
- The consent authority must, before granting consent for development that contravenes a development standard on land on which there is a heritage item:
- (a) notify the Heritage Council of its intention to grant consent, and
 - (b) take into consideration any response received within 28 days after the notice is sent.

35A Historic view corridors

The consent authority must not grant consent to development on land identified in the City Centre Development Control Plan as being within a historic view corridor unless it has taken into account the impact that the development may have on any such historic view corridor.

36 Bush fire hazard reduction

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

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

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Clause 37 Parramatta City Centre Local Environmental Plan 2007

Part 5 Miscellaneous provisions

37 Development for group homes

- (1) The objective of this clause is to facilitate the establishment of:
 - (a) permanent group homes in which disabled persons or socially disadvantaged persons may live in an ordinary residential household environment instead of an institutional environment, and
 - (b) transitional group homes which provide temporary accommodation for disabled persons or socially disadvantaged persons in an ordinary residential household environment instead of an institutional environment for such purposes as alcohol or drug rehabilitation and half-way rehabilitation for persons formerly living in institutions and refuges for men, women or young persons.
- (2) If development for the purpose of a dwelling house or a dwelling in a residential flat building may lawfully be carried out in accordance with this Plan, development for the purposes of a group home may, subject to this clause, be carried out.
- (3) Consent is required to carry out development for the purposes of a transitional group home.
- (4) Consent is required to carry out development for the purposes of a permanent group home that contains more than 5 bedrooms.
- (5) Consent is required to carry out development for the purposes of a permanent group home that contains 5 or less bedrooms and that is occupied by more residents (including any resident staff) than the number equal to the number calculated by multiplying the number of bedrooms in that home by 2.
- (6) Consent may not be refused under this clause unless an assessment has been made of the need for the group home concerned.
- (7) Nothing in this clause requires consent to be obtained by the Department of Housing (or by a person acting jointly with the Department of Housing) to carry out development for the purposes of a transitional group home.

38 Crown development and public utilities

- (1) Nothing in this Plan is to be construed as restricting or prohibiting or enabling the consent authority to restrict or prohibit:
 - (a) the carrying out of development of any description specified in subclauses (2)–(12), or
 - (b) the use of existing buildings of the Crown by the Crown.

- (2) The carrying out by persons carrying on railway undertakings on land comprised in their undertakings of:
- (a) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant, and
 - (b) the erection within the limits of a railway station of buildings for any purpose,
- but excluding:
- (c) the construction of new railways, railway stations and bridges over roads, and
 - (d) the erection, reconstruction and alteration of buildings for purposes other than railway undertaking purposes outside the limits of a railway station and the reconstruction or alteration, so as materially to affect their design, of railway stations or bridges, and
 - (e) the formation or alteration of any means of access to a road, and
 - (f) the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings have direct access to a public place.
- (3) The carrying out by persons carrying on public utility undertakings, being water, sewerage, drainage, electricity or gas undertakings, of any of the following development, being development required for the purpose of their undertakings:
- (a) development of any description at or below the surface of the ground,
 - (b) the installation of any plant inside a building or the installation or erection within the premises of a generating station or substation established before the commencement of this Plan of any plant or other structures or erections required in connection with the station or substation,
 - (c) the installation or erection of any plant or other structures or erections by way of addition to or replacement or extension of plant or structures or erections already installed or erected, including the installation in an electrical transmission line of substations, feeder-pillars or transformer housing, but not including the erection of overhead lines for the supply of electricity or pipes above the surface of the ground for the supply of water, or the installation of substations, feeder-pillars or transformer housing of stone, concrete or brickworks,
 - (d) the provision of overhead service lines in pursuance of any statutory power to provide a supply of electricity,

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Clause 38 Parramatta City Centre Local Environmental Plan 2007

Part 5 Miscellaneous provisions

- (e) the erection of service reservoirs on land acquired or in the process of being acquired for that purpose before the commencement of this Plan, provided reasonable notice of the proposed erection is given to the consent authority,
- (f) any other development, except:
 - (i) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
 - (ii) the formation or alteration of any means of access to a road.
- (4) The carrying out by persons carrying on public utility undertakings, being water transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by water, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:
 - (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
 - (b) the formation or alteration of any means of access to a road.
- (5) The carrying out by persons carrying on public utility undertakings, being wharf or river undertakings, on land comprised in their undertakings, of any development required for the purposes of shipping or in connection with the embarking, loading, discharging or transport of passengers, livestock or goods at a wharf or the movement of traffic by a railway forming part of the undertaking, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant for those purposes, except:
 - (a) the construction of bridges, the erection of any other buildings, and the reconstruction or alteration of bridges or of buildings so as materially to affect their design or external appearance, or
 - (b) the formation or alteration of any means of access to a road.
- (6) The carrying out by persons carrying on public utility undertakings, being air transport undertakings, on land comprised in their undertakings within the boundaries of any aerodrome, of any development required in connection with the movement of traffic by air, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:

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- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
 - (b) the formation or alteration of any means of access to a road.
 - (7) The carrying out by persons carrying on public utility undertakings, being road transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by road, including the construction, reconstruction, alteration, maintenance and repair of buildings, works and plant required for that purpose, except:
 - (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
 - (b) the formation or alteration of any means of access to a road.
 - (8) The carrying out by the owner or lessee of a mine (other than a mineral sands mine), on the mine, of any development required for the purposes of a mine, except:
 - (a) the erection of buildings (not being plant or other structures or erections required for the mining, working, treatment or disposal of minerals) and the reconstruction, alteration or extension of buildings, so as materially to affect their design or external appearance, or
 - (b) the formation or alteration of any means of access to a road.
 - (9) The carrying out of any development required in connection with the construction, reconstruction, improvement, maintenance or repair of any road, except the widening, realignment or relocation of such road.
 - (10) The carrying out of any forestry work by the Forestry Commission or Community Forest Authorities empowered under relevant Acts to undertake afforestation, the construction of roads, protection, cutting and marketing of timber and other forestry purposes under such Acts or upon any Crown land temporarily reserved from sale as a timber reserve under the *Forestry Act 1916*.
 - (11) The carrying out by a rural lands protection board of any development required for the improvement and maintenance of travelling stock and water reserves, except:
 - (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or purposes, and
 - (b) any development designed to change the use or purpose of any such reserve.
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Clause 38A Parramatta City Centre Local Environmental Plan 2007

Part 5 Miscellaneous provisions

- (12) The carrying out or causing to be carried out by the consent authority, where engaged in flood mitigation works, or by a government department, of any work for the purposes of soil conservation, irrigation, afforestation, reforestation, flood mitigation, water conservation or river improvement in pursuance of the provisions of the *Water Act 1912*, the *Water Management Act 2000*, the *Farm Water Supplies Act 1946* or the *Rivers and Foreshores Improvement Act 1948*, except:
- (a) the erection of buildings, and installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, and
 - (b) the formation or alteration of any means of access to a road.

38A Council development

Development may be carried out by or on behalf of the Council without development consent on any land, except land within a heritage conservation area, or containing a heritage item, for any one or more of the following purposes:

- (a) construction or maintenance of stormwater drainage, water quality treatment devices, water tanks, flood mitigation structures, recreation areas, public amenities or temporary storage facilities,
- (b) installation or maintenance of street furniture, such as seats, Council information signs, street signs, street lights, bus shelters, garbage and recycling containers and bins, bollards, flagpoles, telephone kiosks and the like, but not fixed outdoor vending machines,
- (c) construction or maintenance of roads, footpaths, cycle ways, parking areas, fire trails, walking tracks and other public pedestrian areas, including tree planting and repaving, street surfacing, reconstruction of kerbs, gutters and the like,
- (d) installation or maintenance of park furniture, including seats, picnic tables, barbecue units and shelters, awnings and shade structures, gazebos and pergolas, bollards, playground equipment, flagpoles, bridges, staircases, boardwalks, lighting (excluding ovals, tennis courts and the like) and Council information signs,
- (e) installation or maintenance of goal posts, sight screens, fencing and similar ancillary sporting structures on sporting or playing fields for use in the playing or performance of sporting events (excluding grandstands, dressing sheds and other structures),

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- (f) bush regeneration, landscaping and maintenance of trees and shrubs,
 - (g) other works or activities approved by the Council as part of a plan of management adopted under either the *Local Government Act 1993* or the *Crown Lands Act 1989* for public land (but not the erection of buildings or activities excluded by paragraphs (a)–(f)).

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Schedule 1 Additional permitted uses

Schedule 1 Additional permitted uses

(Clause 14)

1 Parramatta Park

- (1) This clause applies to principal trust lands within the meaning of the *Parramatta Park Trust Act 2001*.
- (2) Development provided for under the *Parramatta Park Trust Act 2001* (including any development ordinarily incidental or ancillary to any such development) may be carried out on land to which this clause applies without development consent.

2 Parramatta Stadium

- (1) This clause applies to Lots 951–965, DP 42643.
- (2) Development for the following purposes may be carried out on land to which this clause applies without development consent:
 - (a) gardening,
 - (b) landscaping (including tree planting, repaving and replacement of street furniture),
 - (c) maintenance works.
- (3) Development for the following purposes may be carried out on land to which this clause applies with development consent:
 - (a) educational, cultural or community activities,
 - (b) exhibitions,
 - (c) public entertainment,
 - (d) recreation areas,
 - (e) stadiums.

3 Use of certain land for residential flat building

- (1) This clause applies to Pt Lot 102, DP 1083102 (shown as proposed Lots 204 and 206 in the development application to the Council numbered DA06-0104-B).
- (2) Development for the purposes of a residential flat building may, with development consent, be carried out on land to which this clause applies, but only if:
 - (a) no more than 40% of the gross floor area of the building is used for the purposes of residential accommodation, and
 - (b) at least 40% of the gross floor area of the building is used for the purposes of retail premises and business premises.

Schedule 2 Exempt development

(Clause 16)

Access ramps (other than for vehicles)

- (1) Maximum height—600mm.
- (2) Maximum grade—1:14.
- (3) Maximum length—9m.
- (4) Maximum width—1.2m.
- (5) Must be at least 500mm from any property boundary.

Advertisements—general requirements

- (1) Must not be illuminated if in a residential zone.
- (2) Any associated advertising structure must be structurally adequate.

Advertisements—behind the glass line of a shop window

Must meet the general requirements for advertisements.

Advertisements—in bus shelters

Must meet the general requirements for advertisements.

Advertisements—messages relating to premises in commercial zones

- (1) Must meet the general requirements for advertisements.
- (2) Must relate to the premises on which it is situated.
- (3) Maximum area—50% of the front elevation of a building on which it is displayed.
- (4) Maximum height—4.6m or the height of a first floor window sill (whichever is the lesser).
- (5) Must be at least 2.6m above any public road.

Advertisements—public notices displayed by a public authority giving information or direction about the services provided

Must meet the general requirements for advertisements.

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

- (1) Must meet the general requirements for advertisements.
- (2) Must relate to the premises on which it is situated.

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Schedule 2 Exempt development

- (3) Maximum area—2.5m² in residential or rural zones and 4.5m² in commercial or industrial zones.
- (4) Must not interfere with or obstruct any public road, footpath or other public place.
- (5) Must not be illuminated between the hours of 11pm and 6am.
- (6) Must not remain erected for any more than 4 months in any 6 month period.
- (7) Must not remain erected during any time for which the premises are not for sale or lease.

Advertisements—replacement advertisements

- (1) Must meet the general requirements for advertisements.
- (2) Must be an equivalent replacement for one lawfully displayed on the same structure.

Advertisements—temporary signs for social, cultural or recreational events

- (1) Must meet the general requirements for advertisements.
- (2) Must not be displayed earlier than 28 days before, or later than 14 days after, the event.

Advertisements—within a site, but not visible from outside of that site

Must meet the general requirements for advertisements.

Aerials and antennae (other than satellite dishes or microwave antennas)

- (1) Must not be used for transmission purposes.
- (2) 1 per dwelling house or multi dwelling complex.
- (3) Maximum height—3m above the ridge line of the building.
- (4) Must be for television reception only.

Barbecues

- (1) Maximum area—2m².
- (2) Maximum chimney height—2m.
- (3) Must be in rear yard area or, behind a courtyard wall, with no greater than 200mm of the chimney above the wall.
- (4) Must be structurally adequate.
- (5) Must be at least 1200mm from any pool safety fence.

- (6) Must be at least 450mm from any property boundary.
- (7) Must not create a nuisance to any adjoining property.

Boundary adjustments

Must not create any additional allotments.

Note. Boundary adjustments resulting from subdivisions allowed by this clause require a subdivision certificate under the Act in order to be registered at the Land Titles Office.

Building alterations

- (1) Must not alter the size of any opening (such as a doorway, window or skylight) in a wall or roof of a building.
- (2) Must not involve structural alterations to the exterior of a building.
- (3) Must not affect the load-bearing capacity of any load-bearing component of the building.
- (4) Must not increase the floor area of the building.

Change of use of a building

- (1) Current use must be lawful.
- (2) New use change, and must be consistent with, the classification of the building under the *Building Code of Australia*.
- (3) New use must not be hazardous industry or offensive industry.
- (4) New use must not involve the preparation of food for sale or consumption.
- (5) New use must not be prohibited by any provision of this Plan.
- (6) Must not involve building alterations unless those are permitted elsewhere in this Schedule.
- (7) If the new use results from a change of building use from an office or a shop to an office or a shop, maximum area of changed use—200m².

Demolition

- (1) Must be carried out in accordance with Australian Standard AS 2601–2001, *Demolition of structures*.
- (2) Must be demolition of a structure, the erection of which would be exempt development under this Plan, or of a temporary building the erection of which would be complying development under this Plan.
- (3) Maximum floor area of structure to be demolished—25m².

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Schedule 2 Exempt development

Fences (other than fences covered by the Swimming Pools Act 1992)

- (1) Must be constructed so that they do not prevent the natural flow of stormwater drainage or runoff.
- (2) Must be structurally adequate.
- (3) Maximum height if constructed, in whole or in part, of masonry—1m.
- (4) Maximum height if constructed of timber, metal or lightweight materials and in the front setback—1.2m or if elsewhere—1.8m or 1.5m if on a retaining wall.

Flagpoles

- (1) Maximum height—6m.
- (2) Must be structurally adequate.
- (3) Maximum—1 per site.

Hoardings

- (1) Maximum height—2.1m.
- (2) Must not encroach on any footpath, public thoroughfare or adjoining property.
- (3) Must be dismantled on completion of all construction works.
- (4) Must be structurally adequate.

Home occupations

Note. All home occupations are exempt development and no standards have been prescribed at the commencement of this Plan.

Letter boxes

- (1) Maximum height—1m.
- (2) Must be erected in accordance with any relevant guidelines for letter box construction issued by Australia Post.
- (3) Must be within the property boundary.
- (4) Must be structurally adequate.
- (5) 1 per dwelling house and a maximum of 2 per property.

Playground equipment for domestic use

- (1) Maximum height—2.4m.
- (2) Maximum area—10m².

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- (3) Maximum floor height for cubby houses and similar structures—600mm.
 - (4) Must not be in a swimming pool area or less than 1200mm from a pool safety fence.
 - (5) Must not be in the front setback, unless behind a Council approved fence that is at least 1.8m high.
 - (6) Must be structurally adequate.

Privacy screens

- (1) Maximum height above ground level (existing)—2.1m.
- (2) Maximum length—10m.
- (3) Must not be in the front setback.
- (4) Must be constructed of timber or lattice.
- (5) Screening material must be at least 30% transparent if over 1.8m above ground level (existing).
- (6) Must be structurally adequate.
- (7) Must not be attached to any boundary fence.

Public meetings

Must be in a class 9b building under the *Building Code of Australia*.

Re-cladding of roofs and walls

- (1) Must only involve replacing existing materials with similar materials that are compatible with the existing building and finishes.
- (2) Must not involve structural alterations or change to the external configuration of a building.
- (3) Must be constructed with non-reflective finishes.

Retaining walls

- (1) Must be structurally adequate.
- (2) The footing, wall and associated drainage must be within the property boundary.
- (3) Must provide a drain connected to a stormwater disposal system along the wall.
- (4) If not associated with the construction of a dwelling, maximum height—300mm in residential, commercial and industrial zones and 600mm in rural zones.

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Parramatta City Centre Local Environmental Plan 2007

Schedule 2 Exempt development

Scaffolding

- (1) Must not encroach on any public road or footpath or public thoroughfare.
- (2) Must be structurally adequate.

Solar water systems

- (1) Must be installed to the manufacturer's specifications.
- (2) Associated building work must not reduce the structural integrity of the building.
- (3) Must adequately weatherproof any opening created.
- (4) If roof mounted, the base must be flush with the roofline.

Temporary buildings (other than temporary work sheds)

- (1) Must not be erected for more than 72 hours.
- (2) Must be within the property boundary.
- (3) Must be at least 6m from any public street.
- (4) Must not be used for commercial or industrial purposes.
- (5) Must be structurally adequate.
- (6) Must not be used for a recurring use or a use that would otherwise require development consent.
- (7) Must not be used for the storage or handling of flammable or hazardous materials.

Temporary work sheds

- (1) Must be a temporary structure erected for the purposes of storing building materials that are used in association with the construction of another structure.
- (2) Must not obstruct the line of sight of traffic.
- (3) Must be removed on completion of the construction works.
- (4) Must not be erected in residential zones for more than 12 months if the structure is visible from any street.
- (5) Must not cause a nuisance to any other property.
- (6) Must not be used for residential purposes or for the storage or handling of flammable or hazardous materials.

- (7) Must be within the property boundary.
- (8) Must be structurally adequate.

Water heaters (excluding solar water systems)

Associated work must not reduce the structural integrity of the building.

Water tanks

- (1) Maximum combined volume of all tanks on a property—10,000L.
- (2) Maximum height (including any stand)—2m or if installed on a rural property with an allotment size of at least 2 hectares—2.4m.
- (3) Maximum height of stand—450mm.
- (4) Must not be in the front setback, unless behind a Council approved fence that is at least 1.8m high.
- (5) Must be structurally sound.
- (6) Must be installed to the manufacturer's specifications.
- (7) Must be a commercially manufactured tank designed for the use of water supply.
- (8) Must ensure that overflow from tanks is connected to an approved stormwater disposal system.
- (9) Must ensure that any pumps do not cause a noise nuisance.
- (10) Must be constructed with non-reflective finishes.
- (11) Must have finishes compatible with the associated dwelling.
- (12) Must not be installed over or immediately adjacent to a water main.
- (13) Must be at least 450mm from any property boundary.

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Schedule 3 Complying development

Schedule 3 Complying development

(Clauses 17 and 17A)

Part 1 Complying development subject to conditions

Division 1 Types of development

Erection of dwelling house and ancillary structures—general requirements

- (1) Maximum height of floor on ground level—500mm.
- (2) Minimum distance between the floor level and the underside of the eaves—2.7m for a single-storey dwelling and 5.5m for a two-storey dwelling.
- (3) Roof openings must be flush with the roof pitch.
- (4) Must comply with any relevant building line fixed by the City Centre Development Control Plan.

Erection of dwelling house and ancillary structures on lots over 450m² but less than 2,500m²

- (1) Must meet the general requirements for the erection of dwelling house and ancillary structures.
- (2) Must be detached single-storey dwelling (or not more than two-storey if on a lot of 1,000m² or more) or be an extension of such a dwelling or be development that is ordinarily ancillary or incidental to any such dwelling.
- (3) Must be at least 900mm from any side or rear property boundary.
- (4) If on a lot of less than 1,000m², must not cause more than a third of the front setback area to be paved or sealed.
- (5) Must be at least 4m from the front property boundary or the average of the minimum setbacks of any like structures on land each side of the subject property, whichever is the greater.
- (6) Maximum width of carports and garages facing a public street or access way—6m or 50 per cent of the frontage, whichever is the lesser.
- (7) Must not cause overshadowing of the main area of private open space or any habitable rooms on neighbouring properties between 10 am and 3 pm on 21 June.
- (8) If windows in any habitable room are within 9m of, and allow an outlook to, a window of a habitable room in another house:
 - (a) Minimum distance between any such windows—0.5m.

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- (b) Minimum sill height above floor—1.7m or must have fixed obscure glazing in any part of the window below that height.
 - (9) Minimum area of the site that must be landscaped (other than with hard surfaces)—20%.

Erection of dwelling house and ancillary structures on lots of 2,500m² or more

- (1) Must meet the general requirements for the erection of dwelling house and ancillary structures.
- (2) Must be detached single-storey or two-storey dwelling or be an extension of such a dwelling or be development that is ordinarily ancillary or incidental to any such dwelling.
- (3) Must be at least 20m from the front property boundary or the average of the minimum setbacks of any like structures on land on each side of the subject property, whichever is the greater.
- (4) Must be at least 20m from any side or rear property boundary.
- (5) Minimum area of the site that must be landscaped (other than with hard surfaces)—50%.
- (6) All structures must be within building envelope.
- (7) Maximum area of building envelopes—500m².

Erection of industrial and warehouse buildings

- (1) Must be consistent with the classification of the building under the *Building Code of Australia*.
- (2) Must not be for hazardous industry or offensive industry.
- (3) Must be at least 5m from any road boundary.
- (4) Maximum floor space ratio—1:1.
- (5) Maximum wall height (excluding any parapet)—7.2m.
- (6) Maximum height of parapet—1.2m above the intersection of the wall and the roof.
- (7) Maximum roof pitch—10 degrees.
- (8) Maximum cut and maximum fill on a building platform—500mm.
- (9) All roof and surface water must be drained to the street and discharged into the Council's nearest stormwater drainage system in the street.
- (10) Drainage system must be designed for a 1 in 10 year storm event, and excess water must flow overland to the street.

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Schedule 3 Complying development

- (11) Must provide adequate garbage and storage areas on site and behind the building line.
- (12) Minimum landscaped strip on each street frontage—3m.
- (13) Landscaped strips must be planted with trees and shrubs.
- (14) Maximum driveway width—7m.
- (15) Must provide car parking spaces to be calculated in accordance with this Plan.
- (16) Must be space for loading and unloading of vehicles within the site.

Swimming pools

- (1) Minimum area of lot—450m².
- (2) Must be for private use only.
- (3) Must not be in the front setback.
- (4) Maximum height of any coping surrounding pool—500mm.
- (5) Must be at least 1.5m from side and rear property boundaries.
- (6) Maximum noise level of any filtration equipment or pumps at property boundary—5dBA above ambient background level.
- (7) Must not result in less than 20% of the site being landscaped (other than with hard surfaces).
- (8) Pools, pool fencing and ancillary items must, where relevant, comply with the following:
 - (a) AS/NZS 1838:1994, *Swimming pools—Premoulded fibre-reinforced plastics—Design and fabrication*,
 - (b) AS/NZS 1839:1994, *Swimming pools—Premoulded fibre-reinforced plastics—Installation*,
 - (c) AS 2783-1992, *Use of reinforced concrete for small swimming pools*.
 - (d) AS 1926.2—2007, *Swimming pool safety—Location of safety barriers for swimming pools*.

Note. The *Swimming Pools Act 1992* and any regulations under that Act must also be complied with.

Temporary buildings (other than temporary buildings that are exempt development)

- (1) Must not be used for more than 5 years or the period specified in the application for a complying development certificate, whichever is the lesser.

-
- (2) Must not be used for residential purposes.
 - (3) Must not be used for the storage or handling of flammable or hazardous materials.
 - (4) Maximum height—1 storey.
 - (5) Must be at least 3m from any property boundary.

Division 2 Conditions for development listed in this Part

Note. Conditions are also prescribed by the *Environmental Planning and Assessment Regulation 2000*.

1 Conditions that apply before work begins

The person having the benefit of the complying development certificate must:

- (a) give any occupier of adjoining premises at least 2 days notice before work begins, and
- (b) provide a temporary on-site toilet or access to an existing toilet on site, and
- (c) protect and support any neighbouring buildings that might be affected by the proposed development, and
- (d) protect any public place from obstruction or inconvenience caused by the carrying out of the proposed development, and
- (e) set up barriers sufficient to prevent any substance from the site falling onto a public place.

Note. See also section 86 of the Act, which requires certain steps to be taken before building work begins. These include appointing a principal certifying authority and the principal certifying authority notifying the Council of his or her appointment.

2 Hours of work

Construction or demolition work that is audible in adjoining premises must be carried out only between the following hours:

- (a) Monday–Friday—7.00am and 6.00pm,
- (b) Saturday—8.00am and 1.00pm,

and no such work must be carried out at any time on a Sunday or a public holiday.

3 Survey certificate

In order to ensure compliance with approved plans, a survey certificate, to Australian Height Datum, must be prepared by a registered surveyor, as follows:

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Schedule 3 Complying development

- (a) on completion of floor slab framework before concrete is poured, detailing the location of the structure to the boundaries, and
- (b) at completion of the lowest floor, confirming that levels are in accordance with the certificate. (Levels must relate to the datum on the certificate.)

4 Site management

- (1) Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, by:
 - (a) diverting uncontaminated run-off around cleared or disturbed areas, and
 - (b) erecting a silt fence to prevent debris escaping into drainage systems or waterways, and
 - (c) preventing tracking of sediment by vehicles onto roads, and
 - (d) stockpiling top soil, excavated material, construction and landscaping supplies and debris within the site.
- (2) The removal or disturbance of vegetation and top soil must be confined to within 3m of any proposed building.

5 Drainage

- (1) The land surrounding any structure must be graded to divert surface water to the street, and must be clear of existing and proposed structures and adjoining premises.
- (2) If water falls to the rear of the property, it must be collected and drained via a gravity system to a Council stormwater line or otherwise disposed of in a manner approved of by the Council.

6 Site access

- (1) If kerbing and guttering is provided, driveways must be at least 500mm from all drainage structures on the kerb and gutter and must not interfere with the existing public utility infrastructure, including Council drainage structures, unless prior approval is obtained from the relevant authority.
- (2) If kerbing and guttering is not provided, a gravel vehicular entrance incorporating a 375mm diameter stormwater pipe and concrete headwalls or a 6m by 6m concrete slab dish drain must be constructed to provide access to the lot.
- (3) Any driveway must be at least of 6m from any road intersection.

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- (4) Driveways must be constructed in accordance with any relevant requirements of AS/NZS 2890.1:2004, *Parking facilities—Off-street car parking*, with appropriate transition zones.

7 Removal of temporary building

Any building erected for use for a specified period of not more than 5 years pursuant to Part 1 of this Schedule must be completely demolished or removed from the site no later than 60 days after the specified period ends.

Part 2 Other complying development

Bed and breakfast accommodation

- (1) Must be the use of an existing lawful dwelling.
- (2) Maximum number of guest bedrooms—3.
- (3) Minimum number of bathrooms—2.
- (4) Must have a smoke detection system that complies with AS 3786-1993, *Smoke alarms* and AS/NZS 3000:2000, *Electrical installations*.
- (5) Must have a fire extinguisher and fire blanket in any kitchen area.

Note. If the building is subject to the *Strata Schemes Management Act 1996* or the *Community Land Management Act 1989*, approval may be required from the owners' corporation.

Change of use—shop or office to shop or office

- (1) Current use must be lawful.
- (2) New use must be consistent with the classification of the building under the *Building Code of Australia*.
- (3) Must not involve the preparation of food for sale or consumption.
- (4) Must not be prohibited by any provision of this Plan,
- (5) Must not involve building alterations unless those are permitted elsewhere in this Schedule.
- (6) Area of changed use must be more than 200m² and less than 2,000m².

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Schedule 4 Classification and reclassification of public land

Schedule 4 Classification and reclassification of public land

(Clause 27)

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

Column 1	Column 2
Locality	Description

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

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

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description

Schedule 5 Environmental heritage

(Clause 35 and Dictionary)

Address	Item name	Property description	Significance
1, 1A and 3 Barrack Lane, 174 Church Street, 71, 81, 83, 85, 89, 110 and 126-130 George Street, 72, 74, 100, 119 and 119A Macquarie Street, 70, 72B, 74, 76 and 80A Phillip Street and 18 and 25 Smith Street	Convict drain	Lots 101 and 102, DP 1110883, Lots 10 and 12, DP 856102, Lot 1, DP 791300, Lot 100, DP 607789, Lot 1, DP 628004, SP 19718, SP 74416, Lot 1, DP 505486, Lot 101, DP 789839, Lot 12, DP 1095329, Lot 3, DP 218510, Lot H, DP 405846, Lot 65, Sec 17, DP 939368, Lot 1, DP 628809, Lot 1, DP 626765, SP 18038, Lot 2, DP 877035, Lot 1, Sec 26, DP 758829, Lot 2, DP 621858, SP 75329, Lot 226, DP 1103494, Lot 1, DP 1098507	Local
1 Barrack Lane (rear of 100 Macquarie Street)	Convict barracks wall 4	Lot 1, DP 8078	State
1 Barrack Lane (rear of 100 Macquarie Street)	Cottages	Lot 1, DP 80784	State
39 Campbell Street	David Lennox's house	Lot 1, DP 83294	State
47 Campbell Street	Masonic centre	Lot 7, DP 67534	State
138 Church Street	Shop (former Fire Station)	Lot 409, DP 729616	Local
182 Church Street	Bicentennial Square and adjoining buildings	Pt Lot 1, DP 791300	State
182 Church Street	Parramatta Town Hall and potential archaeological site	Pt Lot 1, DP 791300	State
188 Church Street (South East corner)	Murrays' Building and potential archaeological site	Pt Lot 23, DP 55292	State

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Schedule 5 Environmental heritage

Address	Item name	Property description	Significance
195 Church Street	St John's Pro-Cathedral	DP 88548	State
195 Church Street (rear of 47 Hunter Street)	Warden's cottage (verger's cottage)	DP 88548	State
opposite 196 Church Street Bicentennial Square	Centennial memorial clock		State
197 Church Street	Shop and potential archaeological site	Lot 1, DP 710335	State
198, 200, 202, 204, 206, 208, 210, 212, 214 and 216 Church Street and 40–46 Macquarie Street	Horse Parapet Facade and potential archaeological site	Lot 1, DP 89790, Lot 1, DP 89558, Lot 1, DP 72798, Lot 1, DP 650150, Lots A and B, DP 404724 and Lots 1 and 2, DP 627838	State
213 Church Street (93–93a Marsden Street)	Telstra House (former Post Office) and potential archaeological site	Lots 1 and 2, DP 578322	State
215 Church Street	HMV (former Commonwealth Bank) and potential archaeological site	Lot E, DP 15013	State
235 and 237 Church Street	Former Court House wall and sandstone cellblock and potential archaeological site	Lots 1 and 2, DP 205570	State
243, 245 and 247 Church Street	Parramatta House and potential archaeological site	Lot 1, DP 74622	Local
253 Church Street	Shop	Lot B, DP 380265	Local
255 Church Street	Shop	Lot 1, DP 587804	Local
257, 259 and 261 Church Street	Shop and potential archaeological site	Lots 5 and 8, DP 239534 and Lot 2, DP 527452	Local
263 Church Street	Shops and offices	Lot 1, DP 136333	State
264 Church Street (corner of George Street)	Westpac bank	Lot 1, DP 952497	State
267 Church Street	Shop and potential archaeological site	Lots 1 and 2, DP 400078	Local

Address	Item name	Property description	Significance
269 Church Street	Shop and potential archaeological site	Lot C, DP 185864	Local
273 Church Street	Shop and potential archaeological site	Lot B, DP 324965	Local
275 and 277 Church Street	Shops and potential archaeological site	Lot 2, DP 709743, Lot 2, DP 331350 and Lot E, DP 340000	Local
279 Church Street	Shop, office and potential archaeological site	Lot 10, DP 733123	Local
281 Church Street	Shop	Lot 3, DP 610555	Local
286 (rear), 288 and 290 Church Street	Sandstone and brick wall	Lot 1, DP 210616, Lot 1, DP 128501, Lot 5, DP 516126, Lot 2, DP 216665	State
287 Church Street	Shop	Lot 5, DP 25055	Local
289 Church Street	Shop	Lot 4, DP 25055	Local
291 Church Street	Shop	Lot 3, Section 24, DP 25055	Local
293 Church Street	Shop	Lot 2, DP 25055	Local
300 Church Street	Shop and potential archaeological site	Lot 1, DP 211499	Local
306 Church Street (corner of Phillip Street)	Former ANZ bank and potential archaeological site	Lot 10, DP 65743	State
311–315 Church Street	Shop	Part Lot 2 (c), Sec 24, DP 161817 and Lot 1, DP 739012	Local
317 Church Street	Shop	Lot 1, DP 87514	Local
321 Church Street	Shop	Lot 10, DP 541902	Local
323 Church Street	Archaeological/terrestrial	Lot 4, DP 525338 and Lot 4, DP 520361	Local
325 and 327 Church Street	Shop	Lot 1, DP 784451 and Lot 6, DP 539787	Local
329 Church Street	Archaeological, terrestrial.	Lot 1, DP 569483	Local

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Schedule 5 Environmental heritage

Address	Item name	Property description	Significance
330 Church Street	Former David Jones department store	Lots 2 and 3, DP 788637 and Lot 101, DP 1031459	Local
331 Church Street	Archaeological/terrestrial	Lot 2, DP 535192	Local
331A Church Street	Archaeological/terrestrial	Lot 2, DP 791693	Local
333 Church Street	Shop	Lot 3, DP 825045	Local
339 Church Street	Shop	Lot A, DP 333263	Local
349 (adjacent to) and 351 Church Street	Lennox Bridge		State
Adjacent to 353a Church Street	Horse trough		Local
353c Church Street	Alfred Square and potential archaeological site	Lot 1, DP 724837	State
356 Church Street	St Peter's Uniting Church and potential archaeological site	Lot B, DP 154618	State
366 and 368 Church Street	Anthony Malouf and Co	Lot A, DP 90292	State
387 Church Street	Royal Oak Hotel and stables and potential archaeological site	DP 85794	State
448 Church Street	Commercial building	Lot 1, DP 70506	State
476 Church Street	Former bakery and potential archaeological site	Lot 3, DP 741890	State
446 Church Street	Shop	Lot 1, DP 204902	Local
458 Church Street	Bicycle shop	Lot 711, DP 1085446	Local
1 Cowper Street	Llonells	Lot 1, DP 935059	State
3 Cowper Street	Jeshyron	Lot 1, DP 935060	State
9 Cowper Street	Cowper Cottage	Lot 61, DP 633712	Local
3 Darcy Street (also Argyle Street)	Parramatta station	Lot 9, DP 733457	State
31 Fennell Street (423 Church Street)	Stable and potential archaeological site	Lot 101, DP 612005	State

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Environmental heritage

Schedule 5

Address	Item name	Property description	Significance
4 George Street	Parramatta hospital archaeological site	Lots 1 and 2, DP 1080235	State
10 George Street (corner of Marsden Street)	Brislington property, Moreton Bay fig tree and potential archaeological site	Lot 2, DP 827963	State
12 George Street	Court house tower	Sec 20 TOWNMAP	State
16 George Street	Former Rural Bank	Lot 1, DP 68450	State
17 George Street	Marsdens Building and potential archaeological site	Lot 1, DP 598663	State
19 George Street	Woolpack Hotel and potential archaeological site	Lot 1, DP 74937	State
45 George Street	Shops and potential archaeological site	Lot 1, DP 701456 and Lot L, DP 400566	State
48 George Street	Civic Arcade (former theatre) and potential archaeological site	Lots 1–79, SP 159	Local
52 George Street	DR Pringle's cottage	Lot 1, DP 702154	Local
69 George Street	Roxy Cinema	Lots 1 and 2, DP 76080	State
85 George Street	Perth House property, Moreton Bay fig tree and potential archaeological site	CP SP74416	State
90 George Street	Shop and office and potential archaeological site	Lot 10, DP 860245	State
182 George Street	Harrisford and potential archaeological site	Lot 1, DP 59495	State
32 Grose Street	Single-storey residence	Pt Lot 12 and Lot 13, Sec 17 TOWNMAP	Local
2a Hassall Street (corner of Station Street East)	Commercial Hotel	Lot 23, DP 746354	State
23 and 25 Hassall Street	Semi-detached cottages	Lots 1 and 2, DP 218476	Local
30 Hassall Street	Timber cottage	Lot 22, Sec 1, DP 241	Local

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Schedule 5 Environmental heritage

Address	Item name	Property description	Significance
42 High Street	Two-storey residence	Lot 1, DP 1003369 Lot 1, DP 81523 and Lot 1, DP 81603	Local
49 and 51 High Street	Attached houses	Lot 2, DP 530845 and Lot B, DP 388388	Local
65 High Street	Single-storey residence	Lot 48, Sec 1, DP 976 and Lot 1, DP 576223	Local
67 High Street	Single-storey residence	Lot B, DP 421597	Local
2 Horwood Place (48–50 George Street)	Redcoats' Mess House and potential archaeological site	Lot 2, DP 702154	State
40 Hunter Street (195 Church Street)	St John's parish hall	DP 88548	Local
41 Hunter Street	Two-storey residence	Lot 1, DP 27310	Local
41 and 43 Lansdowne Street	Semi-detached cottages	Pt Lot 21, DP 12623	Local
49 Lansdowne Street	Semi-detached cottages	Lot 19, DP 12623	Local
100 Macquarie Street (rear) (1 Barrack Lane)	Convict barracks wall and potential archaeological site	Lot 1, DP 80784	State
100 Macquarie Street (rear)	Cottages and potential archaeological site	Lot 1, DP 80784	State
64 Macquarie Street	Kia Ora and potential archaeological site	Lot AY, DP 400258	Local
78 Macquarie Street	Apartment block	Part Lot 1, DP 232067	Local
119 Macquarie Street	Leigh Memorial Uniting Church	Lot 1, DP 628809	State
175 Macquarie Street	Arthur Phillip High School and potential archaeological site	Lots 1–3, DP 115296, Lot 414, DP 820542 and Lot 23, DP 7809	State
9 Marion Street	House/Industrial	Lot 1, DP 794747	Local
11 Marion Street	Single-storey residence	Lot 1, DP 574174	Local
13 Marion Street	Residence—Mona	Lot 1, DP 528361	Local
17 Marion Street	Attached house and office	Lot 1, DP 600258	Local
20 Marion Street	Single-storey residence	Lot 2, DP 524232	Local

Address	Item name	Property description	Significance
23 Marion Street	Attached house and office	Lot 5, Sec 1, DP 976	Local
26 Marion Street	Single-storey residence	Lot 2, DP 909383	Local
28 Marion Street	Single-storey residence	Lot 1, DP 966322	Local
29 Marion Street	Single-storey residence	Lot 8, Sec 1, DP 976 and Lot 1, DP 345868	Local
31 Marion Street	Single-storey residence	Lot 9, DP 128787	Local
37 Marion Street	Single-storey residence	Lot 12, Sec 1, DP 976	Local
38 Marion Street	Two-storey residence	Lot 9, DP 906071	Local
1 Marist Place	St Patrick's Cathedral, Presbytery and precinct and potential archaeological site	Lot 1, DP 1034092	State
Marsden Street	Parramatta Dam archaeological site weir		State
1 O'Connell Street	St John's Cemetery	Sec 5, Town of Parramatta St John's Cemetery Lot 5, DP 1023282	State
14 O'Connell Street (16 Hunter Street)	Travellers' Rest Inn Group and potential archaeological site	Lot 14, DP 861082	State
24 O'Connell Street (Marist Place)	Marsden Rehabilitation Centre and potential archaeological site	Lot 1, DP 60568 and Lot 1, DP 126895, Lots 5, 7, 8 and 12, Sec 1, DP 758788	State
O'Connell Street	Parramatta Regional Park	C6982 C9290 MS 80SY	State
2 Palmer Street	Studio Theatre and potential archaeological site	Lot 1, DP 609963	State
2 Phillip Street (corner of Marsden Street)	Former St Andrew's Uniting Church, hall and potential archaeological site	Lots 1 and 2, DP 986344	State
34 Phillip Street	Willow Grove and potential archaeological site	Lot 1, DP 569139	State

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Schedule 5 Environmental heritage

Address	Item name	Property description	Significance
44 and 46 Phillip Street	St George's Terrace and potential archaeological site	Lot 1, DP 742271, Lot 1, DP 770901 and Lot 1, DP 85028	State
66 and 68 Phillip Street	Barnaby's Restaurant and potential archaeological site	Lots 1 and 2, DP 128452	State
70 and 74 Phillip Street	Office and potential archaeological site	Lots 1 and 2, DP 621858 and Pt Lot 36, Sec 26, DP 758829	State
11c Ross Street	Electricity Substation and potential archaeological site	Lot 2, DP 234466	State
14 Ross Street	Single-storey residence	Lot B, DP 439568	Local
16 Ross Street	Wine bar bistro	Lot 1, DP 834630	Local
2 Smith Street	Lancer Barracks group	Lot 396, DP 39627	State
1 Station Street West	Two-storey residence	Lot 34, Sec 1, DP 976	Local
7 Station Street West	Single-storey residence	Lot 31, Sec 1, DP 976	Local
11 Victoria Road (corner of Sorrell Street)	Rose and Crown Hotel and potential archaeological site	Lot 1, DP 67120	State
Victoria Road (adjacent to 353a Church Street)	Horse trough		Local
21 Wentworth Street	Attached houses	Lot 5, DP 555797 and Lot 7, DP 531926	Local
113 and 115 Wigram Street	Attached Houses	Lot Y, DP 403345 and Lot X, DP 403345	Local
Parramatta River	Charles Street Weir		Local
Parramatta River	Cumberland Hospital Weir	MGA Zone 56, 314794.22°E, 6257794.38°N	Local

Dictionary

(Clause 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.

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 Guidelines means guidelines by that name approved for the purposes of this definition by the Director-General and made publicly available.

Acid Sulfate Soils Map means the Parramatta City Centre Local Environmental Plan 2007 Acid Sulfate Soils Map.

advertisement has the same meaning as in the Act.

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

advertising structure has the same meaning as in the Act.

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

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 rural industry involving the handling, treating, processing or packing of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.

agriculture means extensive agriculture, cotton and rice cultivation, intensive livestock agriculture, horticulture, viticulture, turf farming, animal boarding or training establishments, aquaculture or farm forestry.

airport means a place used for the landing, taking-off or parking of aeroplanes (including terminals, buildings for the parking or maintenance of aeroplanes, associated installations and movement areas), and includes heliports.

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 hotel or pub) used principally for playing:

- (a) billiards, pool or other like games, or

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Dictionary

- (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 clinic.

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

Note. The term is defined as follows:

aquaculture means:

- (a) cultivating fish or marine vegetation for the purposes of harvesting the fish or marine vegetation or their progeny with a view to sale, or
- (b) keeping fish or marine vegetation in a confined area for a commercial purpose (such as a fish-out pond),

but does not include:

- (c) keeping anything in a pet shop for sale or in an aquarium for exhibition (including an aquarium operated commercially), or
- (d) anything done for the purposes of maintaining a collection of fish or marine vegetation otherwise than for a commercial purpose, or
- (e) any other thing prescribed by the regulations (made under the *Fisheries Management Act 1994*).

archaeological site means the site (as shown on the Heritage Map or listed in Schedule 5) of one or more relics or land shown on the Heritage Map as an archeological site.

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 tourist and visitor accommodation:

- (a) that has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (b) that will generally provide accommodation on a bed basis (rather than by room).

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 tourist and visitor accommodation comprising a dwelling (and any ancillary buildings and parking) where the accommodation is provided by the permanent residents of the dwelling for a maximum of 8 guests and:

- (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.

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.

biosolid waste application means the application of sludge or other semi-solid products of human sewage treatment plants to land for the purpose of improving land productivity, that is undertaken in accordance with the NSW Environment Protection Authority's guidelines titled *Environmental Guidelines: Use and Disposal of Biosolids Products* dated October 1997 and *Addendum to Environmental Guidelines: Use and Disposal of Biosolids Products* (EPA 2000).

boarding house means a building:

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

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

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

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

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) or a temporary structure within the meaning of the *Local Government Act 1993*.

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

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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 that does not include general advertising of products, goods or services.

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

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

whichever distance is the shortest.

bulky goods premises means a building or place used primarily for the sale by retail, wholesale or auction of (or for the hire or display of) goods that are of such size or weight as to require:

- (a) a large area for handling, display or storage, or
- (b) direct vehicular access to the site of the building or place by members of the public, for the purpose of loading and unloading the items into their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale of bulky goods.

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 *Environmental Planning and Assessment Act 1979*.

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

business premises means a building or place at which 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.

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 retail premises that sell wine by retail and that are situated on land on which there is a commercial vineyard, where all of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

cemetery means a building or place for the interment of deceased persons or pets or their ashes, and includes a funeral chapel or crematorium.

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.

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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 family day care home or home-based child care home, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the NSW Office of 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 section 200 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.

City Centre Development Control Plan means the *Parramatta City Centre Development Control Plan*, as in force on the commencement of this Plan.

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,

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- (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 lake means a body of water specified in Schedule 1 to the *State Environmental Planning Policy 71—Coastal Protection*.

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

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

Note. The term is defined as follows:

coastal zone means:

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

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

commercial port facility means a facility (including any building or other structure) used in connection with the carrying of goods or persons by water from one port to another for business or commercial purposes, being a facility having a direct structural connection between the foreshore and the waterway.

community facility means a building or place owned or controlled by a public authority and used for the physical, social, cultural or intellectual development or welfare of the community.

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

correctional centre means a correctional centre under the *Crimes (Administration of Sentences) Act 1999* or a detention centre under the *Children (Detention Centres) Act 1987*.

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Council means the Parramatta City Council.

crematorium means a building in which deceased persons or pets are cremated, and includes a funeral chapel.

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) land 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, which contributes to its heritage significance.

dairy (pasture based) means a dairy where the only restriction facilities present are the 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).

demolish, in relation to a heritage item, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item or the 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 (which support the operations of an existing undertaking) when not required for use.

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 2 dwellings (whether attached or detached) on one lot of land.

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.

earthworks means excavation or filling.

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

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 college, 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.

entertainment facility means a theatre, cinema, music hall, concert hall, dance hall, amusement centre and the like.

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.

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.

extensive agriculture means:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops), or
- (b) the grazing of livestock, or
- (c) bee keeping,

for commercial purposes, but does not include any of the following:

- (d) cotton and rice cultivation,
- (e) intensive livestock agriculture,
- (f) aquaculture,
- (g) turf farming,
- (h) animal boarding or training establishments,
- (i) farm forestry,
- (j) horticulture or viticulture.

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

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

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

feedlot means a confined or restricted area used to rear and fatten cattle, sheep or other animals for the purpose of meat production, fed (wholly or substantially) on prepared and manufactured feed, but does not include a poultry farm, dairy or piggery.

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 significantly alter the shape, natural form or drainage of the land, or
- (b) a waste disposal land fill operation.

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

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

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

Note. The term is defined as follows:

Definition of “fish”

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

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

flood prone land means land shown as flood prone land on the Flood Prone Land Map.

Flood Prone Land Map means the Parramatta City Centre Local Environmental Plan 2007 Flood Prone Land Map.

floor space ratio means the ratio of the gross floor area of all buildings on a site to the site area.

Floor Space Ratio Map means the Parramatta City Centre Local Environmental Plan 2007 Floor Space Ratio Map.

food and drink premises means retail premises used for the preparation and retail sale of food or drink for immediate consumption on or off the premises, and includes restaurants, cafes, take away food or drink premises, milk bars and pubs.

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

Note. The term is defined as follows:

forestry operations means:

- (a) logging operations, namely, the cutting and removal of timber from land for the purpose of timber production, or
- (b) forest products operations, namely, the harvesting of products of trees, shrubs and other vegetation (other than timber) that are of economic value, or
- (c) on-going forest management operations, namely, activities relating to the management of land for timber production such as thinning, bush fire hazard reduction, bee-keeping, grazing and other silvicultural activities, or
- (d) ancillary road construction, namely, the provision of roads and fire trails, and the maintenance of existing railways, to enable or assist in the above operations.

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

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

funeral chapel means business premises used to arrange, conduct and cater for funerals and memorial services, and includes facilities for the short-term storage, dressing and viewing of bodies of deceased persons, but does not include premises with mortuary facilities.

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funeral home means business premises used to arrange and conduct funerals and memorial services, and includes facilities for the short-term storage, dressing and viewing of bodies of deceased persons and premises with mortuary facilities.

gross floor area means the sum of the floor area of each storey 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 within the storey, and
- (b) habitable rooms in a basement, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:

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

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

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

hazardous industry means development for the purpose of an industry that, when the development is 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 development from existing or likely future development on other land in the locality), would pose a significant risk in the locality:

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

hazardous storage establishment means any establishment where goods, materials or products are stored that, 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 establishment from existing or likely future development on other land in the locality), would pose a significant risk in the locality:

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

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 one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals who practise in partnership (if there is more than one such professional) who provide professional health care services to members of the public.

heavy industry means an industry that requires separation from other land uses because of the nature of the processes involved, or the materials used, stored or produced. It may consist of or include a hazardous or offensive industry or involve the use of a hazardous or offensive storage establishment.

Height of Buildings Map means the Parramatta City Centre Local Environmental Plan 2007 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 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.

heritage conservation area means:

- (a) an area of land that is shown as a heritage conservation area on the Heritage Map (including any heritage items situated on or within that conservation area), or
- (b) a place of Aboriginal heritage significance shown on the Heritage Map.

heritage conservation management plan means a document prepared in accordance with guidelines prepared by the Department of Planning 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, archaeological site, place of Aboriginal heritage significance or other 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, archaeological site, relic, tree, place or Aboriginal object specified in an inventory of heritage items that is available at the office of the Council and the site and nature of which is described in Schedule 5.

Heritage Map means the Parramatta City Centre Local Environmental Plan 2007 Heritage Map.

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

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

- (a) the service is appropriately 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 carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling 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) involve the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the business carried on in the dwelling), 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, or
- (f) the use of more than 50 square metres of floor area to carry on the business, but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

home industry means a light industry carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling 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 notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the light industry carried on in the dwelling), 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, or
- (f) the use of more than 25 square metres of floor area to carry on the light industry,

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

home occupation means an occupation carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling 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 notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the occupation carried on in the dwelling), 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 or home occupation (sex services).

home occupation (sex services) means the provision of sex services in a dwelling, or in a building ancillary to 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 notice, advertisement or sign, or

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- (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 retail sales or viticulture.

hospital means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:

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

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.

hotel accommodation means a building (whether or not a hotel within the meaning of the *Liquor Act 1982*) that provides tourist and visitor accommodation consisting of rooms or self-contained suites, but does not include backpackers' accommodation, a boarding house or bed and breakfast accommodation.

industry means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing or adapting, or the research and development of any goods, chemical substances, food, agricultural or beverage products, or articles for commercial purposes, but does not include extractive industry or a mine.

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 of cattle, poultry, goats, horses or other livestock, that are fed wholly or substantially on externally-sourced feed, and includes operation of feed lots, piggeries, poultry farms or restricted dairies, but does not include the operation of facilities for drought or similar emergency relief or extensive agriculture or aquaculture.

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 Parramatta City Centre Local Environmental Plan 2007 Key Sites Map.

kiosk means retail premises with a gross floor area not exceeding 15 square metres and that provides food, light refreshments and other small convenience items such as newspapers, films and the like.

Land Application Map means the Parramatta City Centre Local Environmental Plan 2007 Land Application Map.

Land Reservation Acquisition Map means the Parramatta City Centre Local Environmental Plan 2007 Land Reservation Acquisition Map.

Land Zoning Map means the Parramatta City Centre Local Environmental Plan 2007 Land Zoning Map.

landscape and garden supplies means a building or place where trees, shrubs, plants, bulbs, seeds and propagating material are offered for sale (whether by retail or wholesale), and may include the sale of landscape supplies (including earth products or other landscape and horticulture products) and the carrying out of horticulture.

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

light industrial retail outlet means a shop:

- (a) that is used in conjunction with a light industry other than a warehouse, and
- (b) that is situated on the land on which the light industry is located, and
- (c) that has a retail area the gross floor area of which does not exceed the lesser of:
 - (i) 40 per cent of the gross floor area occupied by the shop and the light industry in conjunction with which the shop is used, or
 - (ii) 250 square metres, and
- (d) in which are sold only goods that have been assembled or manufactured on the land on which the shop is situated.

light industry means an industry, not being a hazardous or offensive industry or involving use of a hazardous or offensive storage establishment, in which the processes carried on, the transportation involved or the machinery or materials used

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do 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.

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

livestock processing industry means a rural industry that involves the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals, derived principally from surrounding districts, and includes such activities as abattoirs, knackeries, tanneries, woolscours and rendering plants.

local heritage significance, in relation to a place, building, work, archaeological site, tree or precinct, means its heritage significance to an area.

maintenance, in relation to a heritage item or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care. It 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 the waterway or partly on land and partly on the waterway) together with any associated facilities, including:

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

market means retail premises comprising an open-air area or an existing building 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.

materials recycling or recovery centre means a building or place used for the recycling or recovery of resource materials (excluding sludge-like material) from waste materials, and that involves separating and sorting, processing (such as baling, crushing, shredding and composting), transferring and the sale of recycled or recovered material, but that does not involve the re-manufacture, chemical manufacture or incineration of the material.

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 business premises 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, and may include the ancillary provision of other health services.

medical research and development facility means a building or place used for the purpose of carrying out medical research or the development of medical treatments or products.

mezzanine means an intermediate floor within a room.

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

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

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

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

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.

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.

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.

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

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

Note. The term is defined as follows:

Meaning of “native vegetation”

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

natural water-based aquaculture means aquaculture undertaken in natural waterbodies (including any part of the aquaculture undertaken in tanks, ponds or other facilities such as during hatchery or depuration phases).

Note. Typical natural water-based aquaculture is fin fish culture in cages and oyster, mussel or scallop culture on or in racks, strings or cages.

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 retail premises used for the purpose of selling foodstuffs, personal care products, and other small daily convenience goods 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, newsagency or dry cleaning.

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

offensive industry means any development for the purpose of an industry that would, when the development is 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 development 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 the existing or likely future development on other land in the locality.

offensive storage establishment means any establishment where goods, materials or products are stored 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 establishment 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 the existing or likely future development on other land in the locality.

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.

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.

permanent group home means a dwelling:

- (a) used to provide a household environment for disabled persons or socially disadvantaged persons, whether those persons are related or not, and
- (b) occupied by the persons referred to in paragraph (a) as a single household, with or without paid or unpaid supervision or care and either with or without payment for board and lodging being required,

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

place of Aboriginal heritage significance means an area of land 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 can (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.

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.

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pond based aquaculture means aquaculture undertaken in structures that are constructed by excavating and reshaping earth, which may be earthen or lined, and includes any part of the aquaculture undertaken in tanks, such as during the hatchery or pre-market conditioning phases, but does not include aquaculture in a natural waterbody.

Note. Typical pond based aquaculture is the pond culture of prawns, yabbies or silver perch.

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 1982* the principal purpose of which is the sale of liquor for consumption on the premises, whether or not the premises include hotel accommodation and whether or not food is sold on the premises.

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.

public authority has the same meaning as in the Act.

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

Note. The term is defined as follows:

public entertainment:

- (a) means entertainment to which admission may ordinarily be gained by members of the public on payment of money, or other consideration, as the price or condition of admission and an entertainment does not cease to be a public entertainment merely because:
 - (i) some (but not all) persons may be admitted to the entertainment otherwise than on payment of money, or other consideration, as the price or condition of admission, or
 - (ii) such payment, or other consideration, is demanded as the charge for a meal or other refreshment, or for any other service or thing, before admission to the entertainment is granted or as the charge for the entertainment after admission to the entertainment has been granted, and
- (b) includes a public meeting.

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

Note. The term is defined as follows:

public hall means any building or part of a building that is used or intended to be used for the purpose of providing public entertainment or conducting public meetings.

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

Note. The term is defined as follows:

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

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

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

Note. The term is defined as follows:

public meeting means an assembly held for a public purpose to which admission may ordinarily be gained by members of the public (whether or not on payment of money, or other consideration, as the price or condition of admission), but does not include an assembly held for the purpose of religious worship only.

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.

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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 sports stadiums, showgrounds, racecourses and motor racing tracks.

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

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

registered club means a club in respect of which a certificate of registration under the *Registered Clubs Act 1976* is in force.

relic means any deposit, object or other material evidence of human habitation:

- (a) that relates to the settlement of the area of Parramatta, not being Aboriginal settlement, and
- (b) that is more than 50 years old, and
- (c) that is a fixture or is wholly or partly within the ground.

residential accommodation means a building or place used predominantly as a place of residence, but does not include tourist and visitor accommodation.

residential care facility means accommodation for seniors (people aged 55 years or more) 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,

not being a dwelling, hospital or psychiatric facility.

residential flat building means a building containing 3 or more dwellings.

restaurant means a building or place the principal purpose of which is the provision of food or beverages to people for consumption on the premises and that may also provide takeaway meals and beverages.

restricted dairy means a dairy (other than a dairy (pasture-based)) where restriction facilities are present in addition to milking sheds and holding yards, and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during periods of drought or similar emergency relief). A restricted dairy may comprise the whole or part of a restriction facility.

restricted premises means business premises or retail 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 hotel accommodation, a pub, 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 for hiring or displaying items for the purpose of selling them by retail or hiring them out, whether the items are goods or materials (or whether also sold by wholesale).

roadside stall means a place or temporary structure with a gross floor area not exceeding 20 square metres used for retail selling of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

rural industry means an industry that involves the handling, treating, production, processing or packing of animal or plant agricultural products, and includes:

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

undertaken for commercial purposes.

rural worker's dwelling means a dwelling, ancillary to a dwelling house on the same landholding, used as the principal place of residence by persons employed for the purpose of agriculture or a rural industry on that land.

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.

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

seniors housing means residential accommodation that consists of:

- (a) a residential care facility, or
- (b) a hostel, or

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- (c) a group of self-contained dwellings, or
 - (d) a combination of these,
- and that is, or is intended to be, used permanently for:
- (e) seniors or people who have a disability, or
 - (f) people who live in the same household with seniors or people who have a disability, or
 - (g) staff employed to assist in the administration of the residential accommodation or in the provision of services to persons living in the accommodation,
- but does not include a hospital.

sensitive coastal location means land in the coastal zone that is any of the following:

- (a) land within 100 metres above mean high water mark of the sea, a bay or an estuary,
- (b) a coastal lake,
- (c) a declared Ramsar wetland within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth,
- (d) a declared World Heritage property within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth,
- (e) land declared as an aquatic reserve under the *Fisheries Management Act 1994*,
- (f) land declared as a marine park under the *Marine Parks Act 1997*,
- (g) land within 100 metres of any of the following:
 - (i) the water's edge of a coastal lake,
 - (ii) land to which paragraph (b), (c), (d) or (e) applies,
 - (iii) land reserved under the *National Parks and Wildlife Act 1974*,
 - (iv) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* applies,
- (h) residential land (within the meaning of *State Environmental Planning Policy No 26—Littoral Rainforests*) that is within a distance of 100 metres from the outer edge of the heavy black line on the series of maps held in the Department of Planning and marked "State Environmental Planning Policy No 26—Littoral Rainforests (Amendment No 2)".

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 tourist and visitor accommodation 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.

sewage treatment works means works or land used for the collection, treatment and disposal of sewage by or for a public authority.

sex services means sexual acts or sexual services in exchange for payment.

sex services premises means premises used primarily for the provision of sex services, but does not include home occupation (sex services).

shop top housing means mixed use development comprising one or more dwellings located above (or otherwise attached to) ground floor retail premises or business premises.

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:

- (a) building identification signs, and
- (b) business identification signs, and
- (c) advertisements,

but does not include traffic signs 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.

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 decks, pergolas and the like.

spa pool has the same meaning as in the *Swimming Pools Act 1992*.

Note. The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

stock and sale yard means a building or place used on a commercial basis for the purpose of offering livestock or poultry for sale and may be used for the short-term storage and watering of stock.

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:

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- (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 this Act.

take away food or drink premises means food or drink premises that are predominantly used for the preparation and sale of food or drink for immediate consumption away from the premises.

tank-based aquaculture means aquaculture utilising structures that are constructed from materials such as fibreglass, plastics, concrete, glass or metals, are usually situated either wholly or partly above ground, and may be contained within a purpose built farm or industrial style sheds or plastic covered hothouse to assist in controlling environmental factors.

telecommunications facility means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, equipment, apparatus, tower, mast, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or to be used, in or in connection with a telecommunications network.

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

temporary structure has the same meaning as in the *Local Government Act 1993*.

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 and building supplies means a building or place used for the display and sale (whether by retail or wholesale, or both) of goods or materials used in the construction and maintenance of buildings, where those goods or materials are of such size or weight as to require customers to have direct vehicular access to the building or place in order to load or unload those goods or materials.

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes hotel accommodation, serviced apartments, bed and breakfast accommodation and backpackers' accommodation.

transitional group home means a dwelling:

- (a) used to provide temporary accommodation, for the purposes of relief or rehabilitation, for disabled persons or socially disadvantaged persons, whether those persons are related or not, and
- (b) occupied by the persons referred to in paragraph (a) as a single household, either with or without paid or unpaid supervision or care and either with or without payment for board and lodging being required,

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

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 passenger transport undertaking, business, industry or shop.

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.

utility installation means a building, work or place used by a public utility undertaking, but does not include a building designed wholly or principally as administrative or business premises or as a showroom.

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 or the selling of, and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop.

vehicle showroom means a building or place used for the display or sale of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

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.

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 land fill operation means use of land for the purpose of disposing of industrial, trade or domestic waste on that land.

waste management facility means a facility used for the storage, treatment, purifying or disposal of waste, whether or not it is also used for the sorting, processing,

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recycling, recovering, use or reuse of material from that waste, and whether or not any such operations are carried out on a commercial basis. It may include but is not limited to:

- (a) an extractive industry ancillary to, required for or associated with the preparation or remediation of the site for such storage, treatment, purifying or disposal, and
- (b) eco-generating works ancillary to or associated with such storage, treatment, purifying or disposal.

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.

waterbody means a waterbody (artificial) or waterbody (natural).

waterbody (artificial) means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

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

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

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

wetland means:

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

BY AUTHORITY
