



New South Wales

Canada Bay Local Environmental Plan 2008

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, pursuant to section 33A of the *Environmental Planning and Assessment Act 1979*, adopt the mandatory provisions of the *Standard Instrument (Local Environmental Plans) Order 2006* and prescribe matters required or permitted by that Order so as to make a local environmental plan as follows. (S06/01274/PC)

FRANK SARTOR, M.P.,
Minister for Planning

2008 No 64

Canada Bay Local Environmental Plan 2008

Contents

	Page
Part 1 Preliminary	
1.1 Name of Plan	4
1.2 Aims of Plan	4
1.3 Land to which Plan applies	5
1.4 Definitions	5
1.5 Notes	5
1.6 Consent authority	5
1.7 Maps	5
1.8 Repeal of other local planning instruments applying to land	6
1.8A Savings provision relating to pending development approvals	6
1.9 Application of SEPPs and REPs	6
1.9A Suspension of covenants, agreements and instruments	7
Part 2 Permitted or prohibited development	
2.1 Land use zones	8
2.2 Zoning of land to which Plan applies	8
2.3 Zone objectives and land use table	8
2.4 Unzoned land	9
2.5 Additional permitted uses for particular land	9
2.6 Subdivision—consent requirements	10
2.6A Temporary use of land	10
Land Use Table	11
Part 3 Exempt and complying development	
3.1 Exempt development	20
3.2 Complying development	21
3.3 Environmentally sensitive areas excluded	22
Part 4 Principal development standards	
4.1 Minimum subdivision lot size	24
4.2 Rural subdivision	24
4.3 Height of buildings	24
4.4 Floor space ratio	25
4.4A Drummoyne Commercial Centre floor space ratio	25
4.4B Five Dock Commercial Centre floor space ratio	26
4.4C Majors Bay Road Commercial Centre floor space ratio	26

		Page
4.4D	Mortlake Point floor space ratio	26
4.5	Calculation of floor space ratio and site area	27
4.6	Exceptions to development standards	29
Part 5	Miscellaneous provisions	
5.1	Relevant acquisition authority	31
5.2	Classification and reclassification of public land	32
5.3	Development near zone boundaries	33
5.4	Controls relating to miscellaneous permissible uses	33
5.5	Development within the coastal zone	34
5.6	Architectural roof features	35
5.7	Development below mean high water mark	35
5.8	Conversion of fire alarms	35
5.9	Preservation of trees or vegetation	36
5.10	Heritage conservation	38
5.11	Bush fire hazard reduction	41
5.12	Infrastructure development and use of existing buildings of the Crown	41
Part 6	Additional local provisions	
6.1	Acid sulfate soils	42
6.2	Particular dual occupancy subdivisions must not be approved	44
6.3	Development on land in Zone RE1 Public Recreation	44
6.4	Development on the foreshore must ensure access	44
6.5	Foreshore building line	44
6.6	Restriction on consent for particular sex services premises	45
6.7	Telecommunications facilities	46
6.8	Council infrastructure development	46
6.9	Provisions relating to certain sites requiring specific planning provisions	47
Schedule 1	Additional permitted uses	48
Schedule 2	Exempt development	51
Schedule 3	Complying development	67
Schedule 4	Classification and reclassification of public land	73
Schedule 5	Environmental heritage	74
Schedule 6	Transitional provisions for certain sites	107
Dictionary		116

2008 No 64

Clause 1.1 Canada Bay Local Environmental Plan 2008

Part 1 Preliminary

Canada Bay Local Environmental Plan 2008

under the

Environmental Planning and Assessment Act 1979

Part 1 Preliminary

1.1 Name of Plan

This Plan is *Canada Bay Local Environmental Plan 2008*.

1.2 Aims of Plan

- (1) This Plan aims to make local environmental planning provisions for land in Canada Bay 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 create a land use framework that allows detailed provisions to be made,
 - (b) to maintain and enhance the existing amenity and quality of life of the local community,
 - (c) to protect areas from inappropriate development,
 - (d) to ensure development embraces the principles of:
 - (i) ecological sustainability, and
 - (ii) quality urban design,
 - (e) to identify and conserve those items and localities that contribute to the local, built form, environmental and cultural heritage of Canada Bay,
 - (f) to promote opportunities for social, cultural and community activities,
 - (g) to protect and manage areas of remnant bushland, natural watercourses and threatened species,
 - (h) to provide measures to retain, and where possible to extend, public access to the foreshore areas of Canada Bay and to control development in those areas,
 - (i) to provide effective community participation and consultation for planning and development,

- (j) to provide clarity and certainty for the community and development applicants, while allowing flexibility to respond to changing needs.

1.3 Land to which Plan applies

- (1) This Plan applies to the land identified on the Land Application Map.
- (1A) Despite subclause (1), this Plan does not apply to the land identified on the Land Application Map as “Deferred matter”, being land that is excluded from this Plan under section 68 (5) or 70 (4) of the Act.

1.4 Definitions

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

1.5 Notes

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

1.6 Consent authority

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

1.7 Maps

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

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

2008 No 64

Clause 1.8 Canada Bay Local Environmental Plan 2008

Part 1 Preliminary

1.8 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.
- (2A) Despite their repeal, the following continue to apply to the land marked “Deferred matter” on the Land Application Map:
 - (a) *Concord Planning Scheme Ordinance*,
 - (b) *Concord Local Environmental Plan No 103 (Heritage)*.

1.8A Savings provision relating to pending development approvals

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

1.9 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 (clauses 6 and 10, and Parts 3 and 4)

State Environmental Planning Policy No 9—Group Homes

State Environmental Planning Policy No 60—Exempt and Complying Development

1.9A Suspension of covenants, agreements and instruments

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a development consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply:
 - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
 - (b) to any prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, or
 - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
 - (d) to any trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
 - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
 - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

2008 No 64

Clause 2.1 Canada Bay Local Environmental Plan 2008

Part 2 Permitted or prohibited development

Part 2 Permitted or prohibited development

2.1 Land use zones

The land use zones under this Plan are as follows:

Residential Zones

R1 General Residential

R2 Low Density Residential

R3 Medium Density Residential

Business Zones

B1 Neighbourhood Centre

B3 Commercial Core

B4 Mixed Use

B6 Enterprise Corridor

B7 Business Park

Industrial Zones

IN1 General Industrial

Special Purpose Zones

SP2 Infrastructure

Recreation Zones

RE1 Public Recreation

RE2 Private Recreation

2.2 Zoning of land to which Plan applies

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

2.3 Zone objectives and land use table

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

2.4 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.

2.5 Additional permitted uses for particular land

- (1) Development on particular land that is described or referred to in Schedule 1 may be carried out:
 - (a) with 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.

2008 No 64

Clause 2.6 Canada Bay Local Environmental Plan 2008

Part 2 Permitted or prohibited development

2.6 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) a minor realignment of boundaries that does not create:
 - (i) additional lots or the opportunity for additional dwellings, or
 - (ii) lots that are smaller than the minimum size shown on the Lot Size Map in relation to the land concerned,
 - (c) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
 - (d) rectifying an encroachment on a lot,
 - (e) creating a public reserve,
 - (f) 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 toilets.

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

Also, certain dual occupancies cannot be subdivided, see Part 6.

2.6A Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary purpose for a maximum period of 182 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

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- (c) the temporary use will 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 R1 General Residential

1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Boat repair facilities; Boat sheds; Building identification signs; Business identification signs; Business premises (other than restricted premises and timber and building supplies); Car parks; Child care centres; Community facilities; Demolition; Drainage; Dual occupancies; Dwelling houses; Earthworks; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Group homes; Home businesses; Home industries; Hospitals; Hostels; Hotel or motel accommodation; Information and education facilities; Jetties; Light industries; Marinas; Multi dwelling housing; Neighbourhood shops; Office premises; Places of public worship; Public administration buildings; Public utility undertakings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential care facilities; Residential flat buildings; Retail premises; Roads; Schools; Semi-detached dwellings; Seniors housing; Service stations; Serviced apartments; Shop top housing; Swimming pools; Telecommunications facilities; Vehicle repair stations; Water recycling facilities

2008 No 64

Clause 2.6A Canada Bay Local Environmental Plan 2008

Part 2 Land Use Table

4 Prohibited

Any development not specified in item 2 or 3

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that landscaping is maintained and enhanced as a major element in the residential environment.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Child care centres; Community facilities; Demolition; Drainage; Dual occupancies; Dwelling houses; Earthworks; Exhibition homes; Group homes; Health consulting rooms; Home businesses; Home industries; Jetties; Places of public worship; Public utility undertakings; Recreation areas; Roads; Schools; Semi-detached dwellings; Swimming pools; Telecommunications facilities; Water recycling facilities

4 Prohibited

Any development not specified in item 2 or 3

Zone R3 Medium Density Residential

1 Objectives of zone

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

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Boarding houses; Child care centres; Community facilities; Demolition; Drainage; Dual occupancies; Dwelling houses; Earthworks; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home businesses; Home industries; Jetties; Multi dwelling housing; Neighbourhood shops; Places of public worship; Public utility undertakings; Recreation areas; Residential care facilities; Residential flat buildings; Roads; Schools; Semi-detached dwellings; Seniors housing; Swimming pools; Telecommunications facilities; Water recycling facilities

4 Prohibited

Any development not specified in item 2 or 3

Zone B1 Neighbourhood Centre

1 Objectives of zone

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Building identification signs; Business identification signs; Business premises; Car parks; Child care centres; Community facilities; Demolition; Drainage; Earthworks; Emergency services facilities; Hotel or motel accommodation; Information and education facilities; Light industries; Neighbourhood shops; Office premises; Places of public worship; Public utility undertakings; Retail premises (other than restricted premises); Roads; Service stations; Shop top housing; Telecommunications facilities; Vehicle repair stations; Water recycling facilities

4 Prohibited

Any development not specified in item 2 or 3

2008 No 64

Clause 2.6A Canada Bay Local Environmental Plan 2008

Part 2 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 that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.

2 Permitted without consent

Nil

3 Permitted with consent

Amusement centres; Building identification signs; Bulky goods premises; Business identification signs; Business premises; Car parks; Child care centres; Community facilities; Demolition; Earthworks; Educational establishments; Emergency services facilities; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Nightclubs; Office premises; Passenger transport facilities; Public administration buildings; Public utility undertakings; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Schools; Service stations; Telecommunications facilities; Tourist and visitor accommodation; Vehicle repair stations; Water recycling facilities; Wholesale supplies

4 Prohibited

Any development not 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.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Amusement centres; Backpackers' accommodation; Bed and breakfast accommodation; Boarding houses; Building identification signs; Bulky goods premises; Business identification signs; Business premises; Car parks; Child care centres; Community facilities; Demolition; Drainage; Earthworks; Educational establishments; Emergency services facilities; Entertainment facilities; Function centres; Home businesses; Home industries; Hospitals; Hotel or motel accommodation; Industrial retail outlets; Information and education facilities; Light industries; Marinas; Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Public utility undertakings; Recreation areas; Recreation facilities (indoor); Registered clubs; Residential care facilities; Retail premises; Roads; Schools; Seniors housing; Service stations; Serviced apartments; Sex services premises; Shop top housing; Swimming pools; Telecommunications facilities; Vehicle repair stations; Water recycling facilities; Wholesale supplies

4 Prohibited

Any development not specified in item 2 or 3

Zone B6 Enterprise Corridor**1 Objectives of zone**

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

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Advertisements; Advertising structures; Building identification signs; Bulky goods premises; Business identification signs; Business premises; Car parks; Community facilities; Demolition; Drainage; Earthworks; Emergency services facilities; Hotel or motel accommodation; Information and education facilities; Landscape and garden supplies; Light industries; Medical centres; Neighbourhood shops; Office premises; Passenger transport facilities; Places of public worship; Public utility undertakings; Pubs; Residential flat buildings;

2008 No 64

Clause 2.6A Canada Bay Local Environmental Plan 2008

Part 2 Land Use Table

Retail premises (other than restricted premises); Roads; Schools; Self-storage units; Seniors housing; Service stations; Serviced apartments; Shop top housing; Storage premises; Swimming pools; Telecommunications facilities; Timber and building supplies; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Water recycling facilities; Wholesale supplies

4 Prohibited

Any development not specified in item 2 or 3

Zone B7 Business Park

1 Objectives of zone

- To provide a range of office and light industrial uses.
- To encourage employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To encourage the erection of buildings suited to development requiring large floor areas, and to discourage small scale uses unless they are of an ancillary or service nature.
- To provide for site planning and layout that includes landscaped set backs to major roads and residential areas and modern building forms.
- To enable the grouping of activities and, where practicable, the sharing of facilities.
- For land zoned B7 Business Park bounded by Concord Road, Mary Street, Homebush Bay Drive and the Main Northern Railway, Rhodes, to ensure that any new development is complementary in scale, siting, form, materials, landscaping and height with the buildings on the eastern side of the Main Northern Railway.
- To ensure that land in the zone will only be developed if the consent authority is satisfied that there will be no detriment to the environment and the amenity of surrounding residential areas.
- To facilitate public access throughout the zone.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Child care centres; Demolition; Earthworks; Food and drink premises; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Public utility undertakings; Recreation facilities (indoor); Roads; Telecommunications facilities; Warehouse or distribution centres; Water recycling facilities

4 Prohibited

Any development not specified in item 2 or 3

Zone IN1 General Industrial

1 Objectives of zone

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To recognise the close proximity of this zone to adjoining residential areas and to reduce potential conflict between industrial and residential uses.

2 Permitted without consent

Nil

3 Permitted with consent

Advertisements; Advertising structures; Animal boarding or training establishments; Biosolids treatment facilities; Building identification signs; Business identification signs; Car parks; Community facilities; Demolition; Depots; Earthworks; Emergency services facilities; Freight transport facilities; Horticulture; Industrial retail outlets; Landscape and garden supplies; Light industries; Liquid fuel depots; Materials recycling and recovery centres; Medical centres; Mortuaries; Neighbourhood shops; Passenger transport facilities; Public utility undertakings; Recreation areas; Recreational facilities (indoor); Recreational facilities (outdoor); Resource recovery facilities; Roads; Self-storage units; Service stations; Storage premises; Telecommunications facilities; Timber and building supplies; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste disposal facilities; Waste or resource management facilities; Waste or resource transfer stations; Water recycling facilities; Water treatment facilities; Wholesale supplies

2008 No 64

Clause 2.6A Canada Bay Local Environmental Plan 2008

Part 2 Land Use Table

4 Prohibited

Any development not specified in item 2 or 3

Zone SP2 Infrastructure

1 Objectives of zone

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

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; Biosolids treatment facilities; Child care centres; Community facilities; Demolition; Drainage; Earthworks; Emergency services facilities; Hospitals; Information and education facilities; Public utility undertakings; Roads; Telecommunications facilities; Water recycling facilities

4 Prohibited

Any development not specified in item 2 or 3

Zone RE1 Public Recreation

1 Objectives of zone

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

2 Permitted without consent

Nil

3 Permitted with consent

Biosolids treatment facilities; Boat sheds; Car parks; Child care centres; Community facilities; Demolition; Drainage; Earthworks; Environmental facilities; Environmental protection works; Information and education facilities; Jetties; Kiosks; Marinas; Public utility undertakings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Restaurants; Roads; Take away food or drink premises; Telecommunications facilities; Water recycling facilities

4 Prohibited

Any development not specified in item 2 or 3

Zone RE2 Private Recreation

1 Objectives of zone

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

2 Permitted without consent

Nil

3 Permitted with consent

Biosolids treatment facilities; Boat sheds; Car parks; Community facilities; Demolition; Drainage; Earthworks; Environmental facilities; Environmental protection works; Jetties; Kiosks; Public utility undertakings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Roads; Telecommunications facilities; Water recycling facilities

4 Prohibited

Any development not specified in item 2 or 3

2008 No 64

Clause 3.1 Canada Bay Local Environmental Plan 2008

Part 3 Exempt and complying development

Part 3 Exempt and complying development

3.1 Exempt development

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

The section states that exempt development:

- (a) must be of minimal environmental impact, and
 - (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), and
 - (c) cannot be carried out in a wilderness area (identified under the *Wilderness Act 1987*).
- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
- (2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.
- (3) To be exempt development, the development:
- (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, 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 be carried out in an environmentally sensitive area for exempt or complying development (as defined in clause 3.3).
- (3A) To be exempt development, the development also:
- (a) if it involves the demolition of a building, must only be carried out between 7:00am and 5:00pm, Monday to Friday and not on a public holiday, and
 - (b) must not contravene any condition of a development consent already applying to the land, and
 - (c) must not obstruct drainage of the site on which it is carried out, and
 - (d) must not restrict vehicular or pedestrian access to or from the site, and

- (e) must not require a tree to be removed, and
 - (f) must not be carried out forward of the front alignment of the main building (if any) on the site, if the proposed development is in a heritage conservation area or on land on which there is a heritage item (other than driveways or pathways, paving, flagpoles, public works and scaffolding), and
 - (g) must not involve alterations or additions (including attaching any structure) to a heritage item, and
 - (h) must not be located on the front slope of the roof of a heritage item or be visible from a public place on land on which there is a heritage item or in a heritage conservation area, if the development involves roof ventilators, skylight windows, satellite dishes, television aerials, microwave antennae or water heaters.
- (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.

3.2 Complying development

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

The section states that development cannot be complying development if:

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

2008 No 64

Clause 3.3 Canada Bay Local Environmental Plan 2008

Part 3 Exempt and complying development

- (1) The objective of this clause is to identify development as complying development.
- (2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with:
 - (a) the development standards specified in relation to that development, and
 - (b) the requirements of this Part,is complying development.

Note. See also clause 5.8 (3) which provides that the conversion of fire alarms is complying development in certain circumstances.
- (3) To be complying development, the development must:
 - (a) be permissible, with 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.
- (3A) To be complying development, the development also:
 - (a) must not contravene any condition of a development consent already applying to the land, and
 - (c) must be carried out at least one metre from any easement or sewer, and
 - (d) must not be carried out in the foreshore and waterways area within the meaning of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*.
- (4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out in Part 2 of that Schedule.

3.3 Environmentally sensitive areas excluded

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.
- (2) For the purposes of this clause:

environmentally sensitive area for exempt or complying development means any of the following:

 - (a) the coastal waters of the State,
 - (b) a coastal lake,

-
- (c) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies,
 - (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
 - (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
 - (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
 - (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
 - (h) land reserved as a state conservation area under the *National Parks and Wildlife Act 1974*,
 - (i) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
 - (j) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

2008 No 64

Clause 4.1 Canada Bay Local Environmental Plan 2008

Part 4 Principal development standards

Part 4 Principal development standards

4.1 Minimum subdivision lot size

- (1) The objectives of this clause are as follows:
 - (a) to ensure that subdivision reflects and reinforces the predominant subdivision pattern of the area,
 - (b) to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,
 - (c) to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls,
 - (d) to ensure that lot sizes and dimensions allow dwellings to be sited to protect natural or cultural features including heritage items and retain special features such as trees and views.
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

4.2 Rural subdivision

Not applicable.

4.3 Height of buildings

- (1) The objectives of this clause are as follows:
 - (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,
 - (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,
 - (c) to minimise the adverse impact of development on heritage conservation areas and heritage items,
 - (d) to reduce the visual impact of development when viewed from the Parramatta River as well as other public places such as parks, roads and community facilities.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

4.4 Floor space ratio

- (1) The objectives of this clause are as follows:
 - (a) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,
 - (b) to minimise the adverse impact of development on heritage conservation areas and heritage items,
 - (c) to reduce the visual impact of development when viewed from the Parramatta River as well as other public places such as parks, roads and community facilities.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

4.4A Drummoyne Commercial Centre floor space ratio

- (1) Despite clause 4.4 (2), the floor space ratio for a building on land in Areas 1, 2, 3, 4, 5 and 6 shown on the Floor Space Ratio Map must not exceed the floor space ratio for the area shown in the Table to this clause.
- (2) The maximum floor space ratio in respect of Area 3 applies only if the site concerned fronts Formosa Street.

Area	Site Area	Floor Space Ratio
1	All sites	2.0:1
2	<1000m ²	2.0:1
	1000m ² –1500m ²	2.25:1
	>1500m ² –2000m ²	2.5:1
	>2000m ² –2500m ²	2.75:1
	>2500m ² –3000m ²	3.0:1
	>3000m ² –3500m ²	3.25:1
	>3500m ²	3.5:1
3	<1000m ²	2.0:1
	1000m ² –1250m ²	2.25:1
	>1250m ² –1500m ²	2.5:1
	>1500m ² –2000m ²	2.75:1

2008 No 64

Clause 4.4B Canada Bay Local Environmental Plan 2008

Part 4 Principal development standards

Area	Site Area	Floor Space Ratio
	>2000m ²	3.0:1
4	All sites	1.0:1
5	All sites	2.0:1
6	<1000m ²	2.0:1
	1000m ² –1250m ²	2.25:1
	>1250m ² –1500m ²	2.5:1
	>1500m ² –2000m ²	2.75:1
	>2000m ²	3.0:1

4.4B Five Dock Commercial Centre floor space ratio

- (1) Despite clause 4.4 (2), if the residential component of a building on land in Area 7 shown on the Floor Space Ratio Map is less than 30% of the gross floor area, the floor space ratio for the building must not exceed 2.0:1.
- (2) Despite clause 4.4 (2), if the residential component of a building on land in Area 7 shown on the Floor Space Ratio Map is 30% or more of the gross floor area, the floor space ratio for the building must not exceed 2.5:1.

4.4C Majors Bay Road Commercial Centre floor space ratio

- (1) Despite clause 4.4 (2), if the residential component of a building on land in Area 8 shown on the Floor Space Ratio Map is less than 30% of the gross floor area, the floor space ratio for the building must not exceed 1.5:1.
- (2) Despite clause 4.4 (2), if the residential component of a building on land in Area 8 shown on the Floor Space Ratio Map is 30% or more of the gross floor area, the floor space ratio for the building must not exceed 1.8:1.

4.4D Mortlake Point floor space ratio

- (1) Despite clause 4.4 (2), the floor space ratio for a building on land in Area 9 shown on the Floor Space Ratio Map must not exceed the floor space ratio for the area shown in the Table to this clause.
- (2) For the purposes of the Table:
residential development means development for the purpose of a dwelling house, residential flat building or swimming pool, and

includes development that is ancillary (with or without consent) to those purposes, or permitted to be carried out in relation to development for those purposes.

non-residential development means development for a purpose other than residential development.

mixed use development means development for 2 or more purposes that are not prohibited.

Development	Floor Space Ratio
Residential development	0.75:1
Non-residential development	1.0:1
Mixed use development	0.75:1

4.5 Calculation of floor space ratio and site area

(1) Objectives

The objectives of this clause are as follows:

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

(2) Definition of “floor space ratio”

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

(3) Site area

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

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

2008 No 64

Clause 4.5 Canada Bay Local Environmental Plan 2008

Part 4 Principal development standards

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

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

(4) **Exclusions from site area**

The following land must be excluded from the site area:

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

(5) **Strata subdivisions**

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

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

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

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

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

(8) **Existing buildings**

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

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

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

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

(10) **Covenants affect consolidated sites**

If:

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

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

(11) **Definition**

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

4.6 Exceptions to development standards

- (1) The objectives of this clause are:
 - (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.
- (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:

2008 No 64

Clause 4.6 Canada Bay Local Environmental Plan 2008

Part 4 Principal development standards

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
- (b) the concurrence of the Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General must consider:
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (6) Consent must not be granted under this clause for a subdivision of land in Zone RU1, RU2, RU3, RU4, RU6, R5, E2, E3 or E4 if:
 - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow consent to be granted for development that would contravene any of the following:
 - (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,
 - (c) clause 5.4.

Part 5 Miscellaneous provisions

5.1 Relevant acquisition authority

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

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

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

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

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

2008 No 64

Clause 5.2 Canada Bay Local Environmental Plan 2008

Part 5 Miscellaneous provisions

5.2 Classification and reclassification of public land

- (1) The objective of this clause is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.

Note. Under the *Local Government Act 1993*, “public land” is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.

- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4:
- (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
- (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
 - (b) any reservations that except land out of the Crown grant relating to the land, and
 - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).

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

5.3 Development near zone boundaries

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

5.4 Controls relating to miscellaneous permissible uses

- (1) **Bed and breakfast accommodation**

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

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

2008 No 64

Clause 5.5 Canada Bay Local Environmental Plan 2008

Part 5 Miscellaneous provisions

(3) **Home industries**

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

(4) **Industrial retail outlets**

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

- (a) 30% of the combined gross floor area of the industrial retail outlet and the building or place on which the relevant industry is carried out, or
- (b) 400 square metres, whichever is the lesser.

(5) **Farm stay accommodation**

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

(6) **Kiosks**

If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 30 square metres.

(7) **Neighbourhood shops**

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

(8) **Roadside stalls**

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

(9) **Secondary dwellings**

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

- (a) 60 square metres,
- (b) 40% of the total floor area of both the self-contained dwelling and the principal dwelling.

5.5 Development within the coastal zone

Not applicable.

5.6 Architectural roof features

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

5.7 Development below mean high water mark

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

5.8 Conversion of fire alarms

- (1) This clause applies to a fire alarm system that can be monitored by New South Wales Fire Brigades or by a private service provider.
- (2) The following development may be carried out, but only with consent:
 - (a) converting a fire alarm system from connection with the alarm monitoring system of New South Wales Fire Brigades to connection with the alarm monitoring system of a private service provider,

2008 No 64

Clause 5.9 Canada Bay Local Environmental Plan 2008

Part 5 Miscellaneous provisions

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

5.9 Preservation of trees or vegetation

- (1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.
- (2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.
- Note.** A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.
- (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:
- (a) development consent, or
 - (b) a permit granted by the Council.

-
- (4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.
- (5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.
- (6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.
- (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 5.10 will be applicable to any such consent.

- (8) This clause does not apply to or in respect of:
- (a) the clearing of native vegetation 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*.

2008 No 64

Clause 5.10 Canada Bay Local Environmental Plan 2008

Part 5 Miscellaneous provisions

5.10 Heritage conservation

Note. Heritage items, heritage conservation areas and archaeological sites (if any) are shown on the Heritage Map. The location and nature of any such item, area or site is also described in Schedule 5.

(1) Objectives

The objectives of this clause are:

- (a) to conserve the environmental heritage of Canada Bay, and
- (b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and
- (c) to conserve archaeological sites, 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 structural changes to 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) **Effect on heritage significance**
- The consent authority must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned. This subclause applies regardless of whether a heritage impact statement is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).
- (5) **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.
- (6) **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.

2008 No 64

Clause 5.10 Canada Bay Local Environmental Plan 2008

Part 5 Miscellaneous provisions

(7) **Archaeological sites**

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

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

(8) **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.

(9) **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 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 from the Heritage Council within 28 days after the notice is sent.

(10) **Conservation incentives**

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

5.11 Bush fire hazard reduction

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

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

5.12 Infrastructure development and use of existing buildings of the Crown

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

2008 No 64

Clause 6.1 Canada Bay Local Environmental Plan 2008

Part 6 Additional local provisions

Part 6 Additional local provisions

6.1 Acid sulfate soils

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

Class of land	Works
1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

- (3) Development consent must not be granted under this clause for the carrying out of works unless:
 - (a) an acid sulfate soils management plan has been prepared for the proposed works in accordance with the *Acid Sulfate Soils Manual* and has been provided to the consent authority, and

- (b) a copy of the plan and a copy of the development application have been provided to the Director-General of the Department of Environment and Climate Change and the consent authority has considered any comments of the Director-General made within 21 days after those copies were provided to the Director-General.
- (4) Development consent is not required under this clause for the carrying out of works if:
 - (a) a preliminary assessment of the proposed works prepared in accordance with the *Acid Sulfate Soils Manual* indicates that an acid sulfate soils management plan 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) Also, development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):
 - (a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,
 - (b) routine management work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),
 - (c) minor work, being work that costs less than \$20,000 (other than drainage work).
- (6) Development consent is not required under this clause to carry out any works unless:
 - (a) the works involve the disturbance of more than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations or flood mitigation works, or
 - (b) the works are likely to lower the watertable.

2008 No 64

Clause 6.2 Canada Bay Local Environmental Plan 2008

Part 6 Additional local provisions

6.2 Particular dual occupancy subdivisions must not be approved

- (1) Development consent must not be granted for a subdivision that would create separate titles for each of the two dwellings resulting from a dual occupancy development.
- (2) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

6.3 Development on land in Zone RE1 Public Recreation

In deciding whether to grant consent to development on land in Zone RE1 Public Recreation owned or controlled by the Council, the consent authority must take into account:

- (a) the need for the proposed development on the land, and
- (b) the impact of the proposed development on the existing or likely future use of the land, and
- (c) the need to retain the land for its existing or likely future use.

6.4 Development on the foreshore must ensure access

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

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

6.5 Foreshore building line

- (1) The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.
- (2) Subject to subclause (3), development on the foreshore area is prohibited.
- (3) Development consent may be granted for the following:
 - (a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, if the consent authority is satisfied the extension, alteration or rebuilding will not have an

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

6.6 Restriction on consent for particular sex services premises

- (1) Development consent must not be granted for development for the purposes of sex services premises if the premises will be located on land that adjoins, or that is separated only by a road from, land:
- (a) in Zone R1 General Residential, Zone R2 Low Density Residential or Zone R3 Medium Density Residential, or
 - (b) used for community, school or church uses, or
 - (c) in Zone RE1 Public Recreation.

2008 No 64

Clause 6.7 Canada Bay Local Environmental Plan 2008

Part 6 Additional local provisions

- (2) In deciding whether to grant consent to any such development, the consent authority must take into account the impact that the proposed development would have on children who use the land.

6.7 Telecommunications facilities

- (1) The objective of this clause is to minimise the impact of telecommunications facilities on streetscape amenity.
- (2) Development consent is required to carry out development for the purposes of a telecommunications facility if it 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 development consent to carry out development for the purpose of a telecommunications facility:
 - (a) potential to install the facility underground,
 - (b) potential to co-locate the facility with existing facilities or other structures,
 - (c) impact of the facility on visual amenity,
 - (d) impact of the facility on the heritage significance of the area,
 - (e) impact of the facility on vegetation and street infrastructure.
- (4) This clause does not apply to the following:
 - (a) installation of low impact facilities (as listed in the *Telecommunications (Low Impact Facilities) Determination 1997* of the Commonwealth) and subscriber cabling, including cabling across streets,
 - (b) installation of defence facilities,
 - (c) installation of facilities authorised by a facility installation permit issued by the Australian Communications and Media Authority,
 - (d) inspection of land, including making surveys, sinking bores, digging pits and examining soil,
 - (e) 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.

6.8 Council infrastructure development

Development may be carried out by or on behalf of the Council without development consent on any land, except land in 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) construction or maintenance of roads, footpaths, cycle ways, parking areas, fire trails, walking tracks and other public pedestrian areas, roads, including tree planting and repaving, street surfacing, reconstruction of kerbs, gutters and the like,
- (c) 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,
- (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 (other than ovals or tennis courts or 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 (other than grandstands, dressing sheds and other similar structures),
- (f) bush regeneration, landscaping, gardening, tree planting, tree maintenance and tree removal.

6.9 Provisions relating to certain sites requiring specific planning provisions

Schedule 6 has effect.

2008 No 64

Canada Bay Local Environmental Plan 2008

Schedule 1 Additional permitted uses

Schedule 1 Additional permitted uses

(Clause 2.5)

1 Use of certain land at 235 Parramatta Rd, Five Dock

- (1) This clause applies to land at 235 Parramatta Rd, Five Dock, being Lot 4, DP 826686.
- (2) Development for the purpose of selling bulk food and beverage items is permitted with consent if the activity is carried out in connection with the primary activity of bulky goods retailing of office equipment and furniture.

2 Use of certain land at Bevin Avenue, Five Dock

- (1) This clause applies to land at Bevin Avenue, Five Dock, being Lot 1, DP 860469 (the Western Suburbs Soccer Sports and Community Club Ltd (known as Canada Bay Club) car park).
- (2) Development for the following purposes is permitted with consent if the use is only in conjunction with the adjoining Canada Bay Club:
 - (a) car parking,
 - (b) serviced apartments.

3 Use of certain land at 49–51 Queens Road, Five Dock

- (1) This clause applies to land at 49–51 Queens Road, Five Dock, being Lot 1, DP 607226 and Lot 1, DP 738950.
- (2) Development for the purpose of office premises is permitted with consent.

4 Use of certain land at 104 William Street, Five Dock

- (1) This clause applies to land at 104 William Street, Five Dock, being SP 73162 and SP 73163.
- (2) Development for the following purposes is permitted with consent:
 - (a) office premises and associated car parking,
 - (b) business premises and associated car parking,
 - (c) retail premises and associated car parking,
 - (d) light industry.

5 Use of certain land at 21–23 Regatta Road and 25–27 Regatta Road, Five Dock

- (1) This clause applies to land at 21–23 Regatta Road and 25–27 Regatta Road, Five Dock, being Lots 1–3, DP 1034085.

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- (2) Development for the purpose of vehicle sales or hire premises is permitted with consent.

6 Use of certain land at 443 Concord Road, Rhodes

- (1) This clause applies to land at 443 Concord Road, Rhodes, (Brays Bay Reserve) being Lot 1, DP 583588 and Lot 51, DP 771682.
- (2) Development for the purpose of temporary markets (being markets carried out on the site for the retail sale of goods from temporary structures and that operate not more than 1 day per week) is permitted with consent.

7 Use of certain land at 249–251 Queen Street and 22 Victoria Avenue, Concord West

- (1) This clause applies to the following land:
- (a) 249–251 Queen Street, Concord West being SP 54105,
 - (b) 22 Victoria Avenue, Concord West being SP 53258.
- (2) Development for the purpose of mixed use development carried out in a way that is not detrimental to the amenity of the neighbourhood is permitted with consent if the proportion of the floor space to be used for non-residential purposes in the development does not exceed 25%.

8 Use of certain land at 211 Parramatta Road, North Strathfield

- (1) This clause applies to land at 211 Parramatta Road, North Strathfield, being Lots 1 and 2, DP 1023863.
- (2) Development for the purpose of an advertising structure is permitted with consent.

9 Use of certain land at Phillips Street, Cabarita

- (1) This clause applies to land at Phillips Street, Cabarita, (Private Reserve) being Lots 5 and 6, DP 876734.
- (2) Development for the following purposes is permitted with consent:
- (a) containment of contaminated soil,
 - (b) public roadways,
 - (c) landscaping,
 - (d) drainage,
 - (e) driveways,
 - (f) services.

2008 No 64

Canada Bay Local Environmental Plan 2008

Schedule 1 Additional permitted uses

10 Use of certain land at 1C and 1H Hospital Road, Concord West

- (1) This clause applies to land at 1C and 1H Hospital Road, Concord West, (Concord Repatriation and General Hospital) being Lot 2, DP 89877.
- (2) Development for the purpose of storing and providing medical goods and services to other medical establishments is permitted with consent if those establishments remain ancillary to the predominant use of the site for hospital purposes only.

11 Use of certain land at specific site in zone RE1

- (1) This clause applies to land at a specific site in zone RE1 being Lot 27, DP 719909.
- (2) Development for the purpose of an advertising structure is permitted with consent.

12 Use of certain land at 378 and 380 Great North Road, Abbotsford and 2 Abbotsford House, Abbotsford Cove Drive

- (1) This clause applies to land at 378 and 380 Great North Road, Abbotsford and 2 Abbotsford House, Abbotsford Cove Drive (the "Nestlé site", in particular, Abbotsford House, Chatham House and the Clubhouse pavilion) being Lot 22, DP 270127, Lot 1, DP 862198 and Lot 19, DP 270127.
- (2) Development for the following purposes is permitted with consent if the use is consistent with the conservation and preservation of the buildings and the amenity of the immediate residents:
 - (a) office premises,
 - (b) restaurants.

Schedule 2 Exempt development

(Clause 3.1)

Access ramps

- (1) Maximum height—1m above ground level (existing).
- (2) Must be behind the building line to any street frontage and at least 900mm from the side boundary.
- (3) Maximum grade—1:14 (vertical: horizontal).
- (4) Must comply with AS 1428.1—2001, *Design for access and mobility—General requirements for access—New building work*.

Air-conditioning units (dwellings)

- (1) Must be attached to an external wall or mounted on the ground.
- (2) Noise level must not exceed 5dBA above ambient background noise level measured at the property boundary.
- (3) Must be at least 3m from any property boundary and behind required street setback to any street frontage.
- (4) Building work must not reduce the structural integrity of the section of the building affected by the installation of the unit.
- (5) Any opening created by the installation must be adequately weather-proofed and the required fire-rating must not be reduced.

Awnings, canopies and storm blinds (dwellings)

- (1) Maximum area—10m².
- (2) Must be at least 900mm from any property boundary.
- (3) Must be behind the building line to any street frontage.
- (4) Installed to manufacturer's specifications.

Barbecues (fixed)

- (1) Must be at least 900mm from any property boundary.
- (2) Maximum height—1.8m above ground level (existing).
- (3) Must be behind the building line to any street frontage.
- (4) Maximum area of base—3m².
- (5) Only one per site.
- (6) Must be at least 1m from any easement or sewer main.

2008 No 64

Canada Bay Local Environmental Plan 2008

Schedule 2 Exempt development

Business use of public footpaths

Must comply with Council's Business Use of Public Footpaths Policy.

Change of use

- (1) Involves any of the following:
 - (a) change of use from one type of retail premises to another type of retail premises,
 - (b) change of use from retail premises to business premises,
 - (c) change of use from business premises to retail premises,
 - (d) change of use from one type of business premises to another type of business premises.
- (2) The proposed use must not be for any of the following:
 - (a) a funeral chapel,
 - (b) food and drink premises,
 - (c) restricted premises,
 - (d) a use that involves skin penetration or hairdressing,
 - (e) premises with a gross floor area of more than 200m².
- (3) The proposed use:
 - (a) must be consistent with the classification of the building under the Building Code of Australia, and
 - (b) must replace a use being carried out in accordance with a development consent (if required), and
 - (c) must comply with the conditions of any existing consent for the use of the building, and
 - (d) must not require any additional floor area, and
 - (e) must not attract additional car parking requirements, and
 - (f) must not operate outside the hours for which the existing use operates.

Children's play equipment in a fixed and permanent location (excluding cubby-houses)

- (1) Maximum area—20m².
- (2) Maximum height—2.4m.
- (3) Must be at least 900mm from all property boundaries.
- (4) Must be at least 1m from any easement or sewer main.

Clothes lines (hoists)

Must be behind the building line to any street frontage.

Decks (dwellings)

- (1) Maximum area of deck—10m².
- (2) Must be behind the building line to any street frontage.
- (3) Must be at least 3m from each property boundary.
- (4) Deck must not be roofed.
- (5) Maximum height—500mm above ground level to top of deck with balustrade height not exceeding 1.2m above top of deck.
- (6) Must not be erected over public land.
- (7) Must be at least 1m from any easement or sewer main.

Demolition of a building

- (1) Building was erected as exempt development.
- (2) Carried out in accordance with AS 2601—2001, *Demolition of structures*.
- (3) Maximum area—25m².
- (4) All work involving asbestos cement, lead contaminated paint and building parts likely to have been treated with pesticides:
 - (a) must comply with WorkCover Authority's *Your Guide to Working with Asbestos* and
 - (b) must comply with the *Waste Reduction Guidelines for the Construction & Demolition Industry* (ISBN 0 642 54684 3) published by the Commonwealth Department of the Environment and Heritage in 2000, and
 - (c) must not cause soil or air contamination.
- (5) Building waste must be stored on site in an orderly way and disposed of in accordance with Council guidelines.

Driveways and pathways

- (1) Must be structurally sound, of stable construction and adequately reinforced.
- (2) Must not be elevated or suspended above ground level (existing).
- (3) Must not redirect rainwater onto adjoining property.

2008 No 64

Canada Bay Local Environmental Plan 2008

Schedule 2 Exempt development

- (4) An appropriate fall and grated drain must be provided to prevent the entry of stormwater onto the footpath or any dwelling or garage.
- (5) Maximum area—20m².
- (6) Must not be on public land.

Earthworks (cut/fill)

- (1) Maximum excavation or filling—600mm above or below ground level (existing).
- (2) Excavation or filling must not prevent the natural flow of stormwater and must have adequate subsoil drainage.

Fences

- (1) Must not contain barbed wire.
- (2) Maximum height—1.8m above ground level (existing), if behind the street setback area.
- (3) Maximum height—1.2m above ground level (existing), if within the street setback area (front fence).
- (4) Must comply with:
 - (a) AS 3700—2001, *Masonry structures*, or
 - (b) AS/NZS 1170.1:2002, *Structural design actions—Permanent, imposed and other actions*, or
 - (c) AS/NZS 1170.2:2002, *Structural design actions—Wind actions*, or
 - (d) AS/NZS 1170.4:2007, *Structural design actions—Earthquake actions in Australia*.

Filming

- (1) May only be carried out:
 - (a) on private land, or
 - (b) in the Sydney Olympic Park within the meaning of the *Sydney Olympic Park Authority Act 2001*, or
 - (c) on part of the foreshore area within the meaning of the *Sydney Harbour Foreshore Authority Act 1998*, or
 - (d) on Crown land.
- (2) May only be carried out on land:
 - (a) on which there is a heritage item, or
 - (b) within a heritage conservation area, or

-
- (c) identified in clause 3.3 as an environmentally sensitive area for exempt development,
- if the filming does not involve or result in any of the following:
- (d) any changes or additions that are not merely superficial and temporary to any part of a heritage item, a heritage conservation area or an environmentally sensitive area,
 - (e) the mounting or fixing of any object or article on any part of such an item or area (including any building or structure),
 - (f) the movement, parking or standing of any vehicle or equipment on or over any part of such an item or area that is not specifically designed for the movement, parking or standing of a vehicle or equipment on or over it,
 - (g) any changes to the vegetation on, or level of, such an item or area or any changes to any other natural or physical feature of the item or area.
- (3) Must not create significant interference with the neighbourhood.
- (4) The person carrying out the filming must obtain a policy of insurance that adequately covers the public liability of the person in respect of the filming for an amount of not less than \$10,000,000.
- (5) If the filming is carried out on private land, the filming must not be carried out for more than 30 days within a 12-month period at the particular location.
- (6) A filming management plan must be prepared and lodged with the consent authority for the location at least 5 days before the commencement of filming at the location. The plan must contain the following information and be accompanied by the following documents (without limiting the information or documents that may be submitted):
- (a) the name, address and telephone number of the person carrying out the filming (such as a production company) and of the producer for the filming,
 - (b) a brief description of the filming to be carried out (for example, a television commercial, a television series, a feature film or a documentary),
 - (c) the proposed location of the filming,
 - (d) the proposed commencement and completion dates for the filming at the location,
 - (e) the proposed daily length of filming at the location,
 - (f) the number of persons to be involved in the filming,
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2008 No 64

Canada Bay Local Environmental Plan 2008

Schedule 2 Exempt development

- (g) details of any temporary structures (for example, tents or marquees) to be erected at the location for the purposes of the filming,
- (h) the type of filming equipment to be used in the filming (such as a hand-held or mounted camera),
- (i) proposed arrangements for parking vehicles associated with the filming during the filming,
- (j) whether there will be any disruption to the location of the filming or the surrounding area and the amenity of the neighbourhood (for example, by the discharge of firearms or explosives, the production of offensive noise, vibrations, disruption to traffic flow or the release of smells, fumes, vapour, steam, soot, ash, dust, waste water, grit or oil),
- (k) whether the filming will involve the use of outdoor lighting or any other special effects equipment,
- (l) a copy of the public liability insurance policy that covers the filming at the location,
- (m) a copy of any approval given by a public or local authority to carry out an activity associated with the proposed filming at the location, such as the following:
 - (i) an approval by the Roads and Traffic Authority for the closure of a road,
 - (ii) an approval by the Council for the erection of a temporary structure, closure of a road or a public footpath, or a restriction in pedestrian access,
 - (iii) an approval by the Environment Protection Authority for an open fire,
 - (iv) an approval by the NSW Police Force for the discharge of firearms,
 - (v) an approval by the Department of Lands for the use of Crown land.
- (7) The person carrying out the filming must, at least 5 days before the commencement of filming at the particular location, give notice in writing (by way of a letter-box drop) of the filming to residents within a 50m radius of the location. The notice must contain the following information:
 - (a) the name and telephone number of the person carrying out the filming (such as a production company) and of a contact representative of that person,

- (b) a brief description of the filming to be carried out at the location, and any proposed disruptions to the location or the surrounding area or the amenity of the neighbourhood,
- (c) the proposed commencement and completion dates for the filming at the location,
- (d) the proposed daily length of filming at the location.

Flag poles

- (1) Maximum height—6m above ground level (existing).
- (2) Must be at least 7m from each boundary.
- (3) Only one per site.
- (4) Structurally adequate and installed to manufacturer's specifications.

Hoardings

- (1) Must not encroach onto public footway or thoroughfare.
- (2) Must be in accordance with AS 1319—1994, *Safety signs for the occupational environment*.
- (3) Must be structurally adequate.
- (4) Must be of a temporary nature and for less than 12 months.

Home occupation

Must not be bed and breakfast accommodation.

Letterboxes

- (1) Must be structurally stable with adequate footings.
- (2) Maximum height—1.2m above ground level.
- (3) Only one per unit or dwelling.
- (4) Must be clearly numbered.

Minor internal alterations to domestic dwellings

- (1) Must be non-structural alterations to the interior of a building, including, for example, painting, plastering, cement rendering, cladding, attaching fittings and decorative work, replacement of doors, walls, ceiling or floor linings or deteriorated frame members, and renovations of bathrooms, kitchens, inclusion of built-in fixtures such as vanities, cupboards and wardrobes.
- (2) Must be renovations or alterations to previously completed buildings.

2008 No 64

Canada Bay Local Environmental Plan 2008

Schedule 2 Exempt development

- (3) Must not change room configurations, reduce window arrangements for light or ventilation needs, reduce doorways for egress or enclose open areas.
- (4) Must not be of masonry construction.
- (5) Must not involve the making of, or an alteration to the size of, any opening in a wall or roof of a building, such as a doorway, window or skylight.
- (6) All work involving asbestos cement, lead contaminated paint and building parts likely to have been treated with pesticides:
 - (a) must comply with WorkCover Authority's *Your Guide to Working with Asbestos*, and
 - (b) must comply with the *Waste Reduction Guidelines for the Construction & Demolition Industry* (ISBN 0 642 54684 3) published by the Commonwealth Department of the Environment and Heritage in 2000, and
 - (c) must not cause soil or air contamination.
- (7) Must not affect the load-bearing capacity of any component of the building.

Outbuildings

Used exclusively for garden shed, cubby-house, greenhouse, bird aviary, gazebo and cabana:

- (a) Must be detached from main dwelling.
- (b) Maximum height—2.1m.
- (c) Maximum gross floor area—10m².
- (d) Must be behind the building line to any street frontage.
- (e) Must be at least 900mm from any property boundary.
- (f) Only one of each type per lot.
- (g) Safety glazing to any glass doors must comply with AS/NZS 2208:1996, *Safety glazing materials in buildings*.
- (h) Must not be of masonry construction.
- (i) Must be at least 1m from any easement or sewer main.

Paving

- (1) Must be at ground level (existing).
- (2) Maximum area—20m².
- (3) Must not redirect rainwater onto adjoining property.

- (4) Must have sufficient step down to prevent the entry of water into the dwelling.

Pergolas

- (1) Maximum area—20m².
- (2) Maximum height—2.4m above ground level (existing).
- (3) Must be attached to a dwelling.
- (4) Must be behind the front setback line to any street frontage.
- (5) Must be at least 900mm from any property boundary.
- (6) Must not be enclosed or roofed.

Portable classrooms and school buildings

- (1) Must be structurally adequate.
- (2) Minimum front setback of 1.5m to any street.
- (3) Must be only in school grounds and must not contravene any other approval.
- (4) Must discharge all stormwater to the Council's street gutter through the existing drainage system.
- (5) Must not exceed 1 storey in height.
- (6) Must be of a temporary nature and installed for a maximum of 5 years.
- (7) Must be at least 1m from any easement or sewer main.

Rainwater tanks

- (1) Must not be installed or erected on land:
 - (a) that is within a heritage conservation area or within the curtilage of a heritage item, or
 - (b) that is within 40m of a perennial watercourse identified by a 1:50,000 topographic map held by the Department of Lands, or
 - (c) the surface of which has a slope greater than 18 degrees from the horizontal, or
 - (d) that is a lot within the meaning of the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986*.
- (2) Must be located:
 - (a) behind the front alignment to the street of the building to which the tank is connected (or in the case of a building on a corner

2008 No 64

Canada Bay Local Environmental Plan 2008

Schedule 2 Exempt development

- block, behind both the street front and the street side alignments of the building), and
- (b) at least 450mm from any property boundary.
- (3) Must not be installed or erected:
- (a) over or immediately adjacent to a water main or sewer main unless it is installed in accordance with any requirements of the public authority that has responsibility for the main, or
 - (b) over any structure or fitting used by a public authority to maintain a water main or sewer main, or
 - (c) on a footing of any building or other structure, including a retaining wall.
- (4) The installation or erection of the rainwater tank must not:
- (a) require a tree to be removed, or
 - (b) involve the excavation of more than 1m from the existing ground level, or the filling of more than 1m above the existing ground level.
- (5) Subject to this clause, the capacity of the rainwater tank, or the combined capacity of the tanks, on a lot must not exceed 10,000L (or in the case of a tank or tanks used for an educational establishment, 25,000L).
- (6) The rainwater tank must:
- (a) be designed to capture and store roof water from gutters or downpipes on a building, and
 - (b) be fitted with a first-flush device, being a device that causes the initial run-off of any rain to bypass the tank to reduce pollutants entering the tank, and
 - (c) be structurally sound, and
 - (d) be prefabricated, or be constructed from prefabricated elements that were designed and manufactured for the purpose of the construction of a rainwater tank, and
 - (e) be assembled and installed in accordance with the manufacturer's or tank designer's specifications, and
 - (f) be installed and maintained (including any stand for the tank) in accordance with any requirements of the public authority that has responsibility for the supply of water to the premises on which the tank is installed, and
 - (g) be enclosed, and any inlet to the tank must be screened or filtered, to prevent the entry of foreign matter or creatures, and

-
- (h) be maintained at all times so as not to cause a nuisance with respect to mosquito breeding or overland flow of water, and
 - (i) have a sign affixed to it clearly stating that the water in the tank is rainwater.
- (7) The rainwater tank must not:
 - (a) collect water from a source other than gutters or downpipes on a building or a water supply service pipe, or
 - (b) exceed 3m in height above ground level, including any stand for the tank.
 - (8) Any overflow from the rainwater tank must be directed into an existing stormwater system.
 - (9) Any plumbing work undertaken on or for the rainwater tank that affects a water supply service pipe or a water main must be undertaken:
 - (a) with the consent of the public authority that has responsibility for the water supply service pipe or water main, and
 - (b) in accordance with any requirements by the public authority for the plumbing work, and
 - (c) by a licensed plumber in accordance with the *New South Wales Code of Practice for Plumbing and Drainage* produced by the Committee on Uniformity of Plumbing and Drainage Regulations in NSW.
 - (10) Any motorised or electric pump used to draw water from the rainwater tank or to transfer water between rainwater tanks:
 - (a) must not create an offensive noise, and
 - (b) in the case of a permanent electric pump, must be installed by a licensed electrician.

Replacement or repair of existing roof and walls to dwellings, carports or garages

- (1) Must not alter existing window or door openings or their location and size.
- (2) Must use materials other than masonry with a low reflectivity index and of equivalent or improved quality.
- (3) Must not involve structural alterations.
- (4) Must not change roof height, pitch or profile.
- (5) Must direct all stormwater to the Council's street gutter through the existing drainage system.

2008 No 64

Canada Bay Local Environmental Plan 2008

Schedule 2 Exempt development

- (6) All work involving asbestos cement must comply with WorkCover Authority's *Your Guide to Working with Asbestos*.

Retaining walls

- (1) Maximum height—900mm above or below ground level (existing).
- (2) Must be at least 900mm from any property boundary.
- (3) Must not prevent the natural flow of stormwater and must have adequate subsoil drainage behind the wall.
- (4) Must be structurally adequate for the intended purpose and comply with:
 - (a) AS 3700—2001, *Masonry structures*, or
 - (b) AS 3600—2001, *Concrete structures*, or
 - (c) AS/NZS 1170.1:2002, *Structural design actions—Permanent, imposed and other actions*, or
 - (d) AS/NZS 1170.2:2002, *Structural design actions—Wind actions*, or
 - (e) AS 1170.4—2007, *Structural design actions—Earthquake actions in Australia*, or
 - (f) AS 1720.1—1997, *Timber structures—Design methods*, or
 - (g) AS 1720.2—2006, *Timber structures—Timber properties*, or
 - (h) AS 1720.4—2006, *Timber structures—Fire resistance for structural adequacy of timber members*.
- (5) Must be at least 1m from any easement or sewer main.

Roof ventilators and skylight roof windows

- (1) Maximum area—1m².
- (2) Must be at least 900mm from all property boundaries or 900mm from a separating wall between 2 dwellings.
- (3) Building work must not reduce the structural integrity of the building or involve structural alterations, and must be structurally adequate.
- (4) Installed to manufacturer's specifications.
- (5) Any opening created by the installation must be adequately weatherproofed and the required fire rating must not be reduced.

Satellite TV dishes

- (1) Must not be installed or erected:
 - (a) on land within a heritage conservation area or within the curtilage of a heritage item, or

- (b) less than 1m from any easement or sewer main.
- (2) Must be installed or erected wholly within the boundaries of a property.
- (3) If roof mounted, must have a diameter not exceeding 90cm (excluding any projecting feed element) and its height at any point must not exceed the highest point of the roof (if the roof is peaked) or 1.2m above the roof (if the roof is flat).
- (4) If ground mounted, must have a diameter not exceeding 90cm (excluding any projecting feed element) and its height must not exceed 1.2m above the highest point of the roof of the dwelling on which, or adjacent to which, it is erected.
- (5) If installed or erected on land within a Business or Industrial zone, must comply with the following:
 - (a) if roof mounted, must have a diameter not exceeding 1.8m (excluding any projecting feed element) and its height at any point must not exceed 1.8m above the highest point of the roof structure,
 - (b) if ground mounted, must have a diameter not exceeding 1.8m (excluding any projecting feed element) and its height must not exceed 1.8m above the highest point of the roof of any building on which, or adjacent to which, it is erected.
- (6) Must be installed in accordance with the manufacturer's specifications and any relevant standard specified by Standards Australia.
- (7) Must not affect the structural integrity of any building on which it is erected.

Scaffolding

- (1) Must not encroach onto a footpath or public thoroughfare.
- (2) Must comply with:
 - (a) AS/NZS 1576.1:1995, *Scaffolding—General requirements*, or
 - (b) AS 1576.2—1991, *Scaffolding—Couplers and accessories*, or
 - (c) AS/NZS 1576.3:1995, *Scaffolding—Prefabricated and tube-and-coupler scaffolding*, or
 - (d) AS 1576.4—1991, *Scaffolding—Suspended scaffolding*, or
 - (e) AS/NZS 1576.5:1995, *Scaffolding—Prefabricated splitheads and trestles*.

2008 No 64

Canada Bay Local Environmental Plan 2008

Schedule 2 Exempt development

Signs

- (1) Identification, interpretative, directional and advance traffic warning signs—constructed by or for the Council or the Roads and Traffic Authority.
- (2) Internal signs or signs attached to a shop window:
 - (a) Maximum window area—25% at the level occupied by the advertisement or like advertisements.
 - (b) Must relate to the use and occupation of the land.
- (3) Replacement of existing approved signs—not larger than existing sign.
- (4) Home occupation sign:
 - (a) Only one per site.
 - (b) Maximum area—600mm².
 - (c) Must be attached to the ground floor facade of dwelling unless the land is on a main road, in which case the sign may be attached to a front fence.
- (5) Real estate signs (sale or lease of property):
 - (a) Must relate to the sale of the property only.
 - (b) Only one per site.
 - (c) Maximum area—2.5m².
- (6) Under awning sign:
 - (a) Only one per site.
 - (b) Minimum 2.7m above ground level (existing).
 - (c) Must not extend beyond the width of the awning.
 - (d) Minimum distance from any other under awning sign—3m.
 - (e) Maximum area—2.5m x 0.3m.
- (7) Signs on motor vehicles—vehicle must be used principally for carrying passengers or goods.
- (8) Temporary sign for a religious, educational, cultural, political, social or recreational event:
 - (a) Must not include advertising of a commercial nature except for the name of the event sponsor.
 - (b) Must have the consent of the owner of the place or building on which it is displayed.
 - (c) Must not be displayed more than 28 days before the event.
 - (d) Must be removed within 14 days after the event ends.

Television aerial or microwave antennae

- (1) Only one per site.
- (2) Must be for domestic use only.
- (3) Maximum height 6m above the highest point of the roof.
- (4) Constructed in accordance with manufacturer's specification and must not reduce the structural integrity of the building or require structural alterations.

Temporary structures and temporary buildings (eg builders' sheds, port-a-loos, marquees and mini-stages)

- (1) Must be structurally adequate.
- (2) Maximum area—12m².
- (3) Must be behind the building line to any street frontage.
- (4) Must be at least 900mm from all property boundaries.
- (5) Must be removed on completion of structure or event for which it was required.
- (6) Must not be used for habitation.

Tents or marquees used solely for filming purposes

- (1) May only be used in connection with filming that is exempt development.
- (2) Total floor area of all tents or marquees on location at the same time must not exceed 200m².
- (3) Must be located within at least 3m from any boundary adjoining a public road and at least 1m from any other boundary.
- (4) Must have the following number of exits arranged so as to afford a ready means of egress from all parts of the tent or marquee to open space or a road:
 - (a) 1 exit if the floor area of the tent or marquee does not exceed 25m²,
 - (b) 2 exits in any other case.
- (5) Width of each exit must be at least:
 - (a) 800mm if the floor area of the tent or marquee is less than 150m²,
or
 - (b) 1m in any other case.

2008 No 64

Canada Bay Local Environmental Plan 2008

Schedule 2 Exempt development

- (6) Height of the walls must not exceed:
 - (a) 4m if erected on private land, or
 - (b) 5m in any other case.
- (7) Height as measured from the surface on which the tent or marquee is erected to the highest point of the tent or marquee must not exceed 6m.
- (8) Must resist loads determined in accordance with the following Australian and New Zealand Standards entitled:
 - (a) AS/NZS 1170.0:2002, *Structural design actions—General principles*,
 - (b) AS/NZS 1170.1:2002, *Structural design actions—Permanent, imposed and other actions*,
 - (c) AS/NZS 1170.2:2002, *Structural design actions—Wind actions*.
- (9) Must not remain at the location more than 2 days after the completion of the filming at the location.

Water heaters (including solar systems)

- (1) Must not reduce the structural integrity of the building or involve structural alterations.
- (2) Must not interfere with views from surrounding properties.
- (3) Installed to manufacturer's specifications by a licensed person.
- (4) Must be behind the building line to any street frontage and not visible from the street.
- (5) Openings created by the installation must be adequately water-proofed.

Windows, glazed and external doors

- (1) Must not reduce the area provided for light and ventilation.
- (2) Structural support members must not be removed.
- (3) Materials must comply with:
 - (a) AS 1288—2006, *Glass in buildings—Selection and installation*, and
 - (b) AS/NZS 2208:1996, *Safety glazing materials in buildings*.
- (4) Replacement must not increase size or relocate item.

Schedule 3 Complying development

(Clause 3.2)

Part 1 Types of development

Bed and breakfast accommodation (in existing approved detached dwelling with permanent residents)

- (1) Maximum of 3 guest bedrooms and 6 guests at any time.
- (2) Minimum bathrooms—2.
- (3) Only one external sign.
- (4) Maximum size of sign—0.6m².
- (5) Must have a fire extinguisher and fire blanket in the kitchen.
- (6) If the dwelling is subject to the *Strata Management Act 1996* or the *Community Land Management Act 1989*, must have the approval of the owner's corporation, or the community, precinct or neighbourhood association.

Demolition

- (1) Structure to be demolished must be complying development under this Plan and have a maximum floor area of 30m².
- (2) Must be carried out in accordance with AS 2601—2001, *Demolition of structures*.
- (3) Waste management plan must be submitted to the principal certifying authority.

Internal and external alterations (business and retail premises)

- (1) Existing use must be operating in accordance with development consent.
- (2) Must not:
 - (a) alter the size or shape of the building envelope, or
 - (b) cumulatively increase or decrease the area of openings by more than 10%, or
 - (c) increase the total floor area of the building, or
 - (d) contravene any conditions that apply in respect of the current development consent for the use of the building or change the use in part of the building, or

2008 No 64

Canada Bay Local Environmental Plan 2008

Schedule 3 Complying development

- (e) reduce the provision for the loading or unloading of goods or vehicles in respect of the building, or
 - (f) alter any public services or utilities without the approval of the relevant authority.
- (3) Food premises—In the case of a building being used for the purpose of preparing food for sale or the consumption of food, the development must comply with the *National Code for the Construction and Fitout of Food Premises*.
 - (4) Services—If the new development involves a change in the type or volume of trade wastes from the premises, or an increase in water or wastewater usage and a certificate under section 73 of the *Sydney Water Act 1994* is required for the change or increase, a copy of the certificate must be given to the certifying authority before the works commence.
 - (5) Waste management—A waste management plan must be prepared in accordance with Council's requirements and submitted to the certifying authority.
 - (6) Materials and components—New materials must be consistent with the existing materials.
 - (7) Fire safety—A fire safety schedule must be prepared specifying the fire safety measures (both current and proposed) to be implemented.

Internal and external alterations (to a building used for the purpose of an industry or a warehouse)

- (1) Must not:
 - (a) alter the size or shape of the building envelope, or
 - (b) increase the total floor area of the building, or
 - (c) contravene any conditions that apply in respect of the current development consent for the use of the building or change the use of any part of the building, or
 - (d) reduce the provision for the loading or unloading of goods or vehicles in respect of the building.
- (2) Food premises:
 - (a) In the case of a building being used for the purpose of preparing food for sale or the consumption of food, the development must comply with the *National Code for the Construction and Fitout of Food Premises*.
 - (b) New materials used externally are to be consistent with existing materials.

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- (3) Fire safety—A fire safety schedule must be prepared specifying the fire safety measures (both current and proposed) to be implemented.

Carports and garages associated with detached dwellings (lot area over 450m²)

- (1) Streetscape—Must be behind the front building line except in heritage conservation areas where garages and carports must be behind the rear building line.
- (2) Bulk and scale:
- (a) If structure has a pitched roof, the pitch must match the pitch of the existing dwelling.
 - (b) Closest external wall of structure must be at least 900mm from a side or rear boundary.
 - (c) Ground floor level, at any point, must not more than 500mm above ground level (existing).
 - (d) Maximum distance between floor level and underside of eaves 2.7m.
 - (e) The roof openings are flush with the roof pitch.
- (3) Open space and landscaping:
- (a) At least 20% of the site must be soft landscaped, that is, not hard surfaces.
 - (b) No more than one-third of the front setback area is paved or sealed.

Single-storey alterations and additions to detached single-storey dwellings, development ancillary or incidental to detached single-storey dwellings

- (1) Generally—Must not:
- (a) be carried out to the primary street frontage elevation between the property boundary and the side of the building with a street frontage, except for a rear laneway, and
 - (b) involve works more than 3.6m above ground level (existing).
- (2) Legal land constraints—Must not:
- (a) be built within 1m of an easement, or
 - (b) breach any covenant to which the Council is a party, or
 - (c) be in a zone of influence of a sewer main, or
 - (d) be in a zone of influence of a public stormwater drainage pipe, without the written approval of the relevant person or authority benefiting from the easement or covenant or occupation.

2008 No 64

Canada Bay Local Environmental Plan 2008

Schedule 3 Complying development

- (3) Services—Must connect to Sydney Water’s reticulated sewerage disposal system.
- (4) Site coverage—Maximum site coverage of buildings on the property—65%.
- (5) Floor space—Maximum additional floor space for all cumulative complying development on a property—30m².
- (6) Height:
 - (a) Maximum wall height—3m.
 - (b) Maximum ridge height—3.6m.
 - (c) Finished floor level must not exceed 500mm above ground level (existing).
- (7) Open space—At least 20% of the site must be usable open space with a minimum dimension of 3m.
- (8) Privacy—Windows in habitable rooms having an outlook to a window of a habitable room in an adjoining dwelling and that are within 6m of that dwelling must:
 - (a) be offset by a distance of 500mm from the window of the adjoining dwelling, or
 - (b) have sill heights of 1.7m above floor level, or
 - (c) have fixed obscured glazing in any part of the window less than 1.7m above floor level.
- (9) Setbacks—Minimum 900mm to side boundaries and 6m to the rear boundary.

Swimming pools and spas

- (1) Generally—Must:
 - (a) be on land comprising an existing dwelling house only, and
 - (b) be for private domestic use only, and
 - (c) be on a lot with a minimum area of 450m².
- (2) Legal land constraints—Must not:
 - (a) be built within 1m of an easement, and
 - (b) breach any covenant to which the Council is a party, and
 - (c) be in a zone of influence of a sewer main, and
 - (d) be in a zone of influence of a public drainage pipe,without the written approval of the relevant person or authority benefiting from the easement or covenant or occupation.

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- (3) Streetscape—Must not be between the dwelling and the street boundary.
 - (4) Bulk and scale—Coping or decking around pool must be no more than 200mm above the ground level (existing).
 - (5) Setbacks—Must be at least 1.5m from the side and rear boundaries.
 - (6) Privacy—The noise level of any filtration equipment or pumps must not exceed 5dBA above the ambient background level measured at the property boundary.
 - (7) Open space and landscaping—At least 20% of the site must be soft landscaped, that is, not hard surfaces.
 - (8) Safety—Installation and construction must comply, where relevant, with:
 - (a) AS/NZS 1838:1994, *Swimming Pools—Premoulded fibre-reinforced plastics—Design and fabrication*, and AS/NZS 1839:1994, *Swimming Pools—Premoulded fibre-reinforced plastics—Installation*, or
 - (b) AS 2783–1992, *Use of reinforced concrete for small swimming pools*.
 - (9) Pool and surrounding structures—Must comply with AS 1926 Set—2007 *Swimming pool safety Standards Set*.

Part 2 Complying development certificate conditions

Note. Information relevant to this Part is also contained in the Act, the *Environmental Planning and Assessment Regulation 2000*, the *Protection of the Environment Operations Act 1997* and the *Roads Act 1993*.

Approved plans

Except as provided by this Part, the development must be carried out in accordance with the plans approved and appropriately certified by the consent authority.

Materials and finishes

The colour, texture and substance of all external materials must be as shown in the application.

Sydney Water approval

The approved plans must be appropriately certified by Sydney Water before the commencement of building works.

2008 No 64

Canada Bay Local Environmental Plan 2008

Schedule 3 Complying development

Construction hours

- (1) The applicant must ensure that construction or demolition work that is audible in adjoining premises is carried out only between the following hours:
 - (a) Monday–Friday—7.00am and 5.00pm,
 - (b) Saturday—8.00am and 1.00pm,and that no such work is carried out at any time on a Sunday or a public holiday.
- (2) Work involving the use of jackhammers, rock breakers or other heavy machinery may only occur between 7.00am and 5.00pm Monday to Friday.

Certified plans and specifications on site

Certified plans, specifications and the consent must be available on site at all times during construction.

Schedule 4 Classification and reclassification of public land

(Clause 5.2)

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

Column 1	Column 2
Locality	Description
Nil	

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

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

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
Nil	

2008 No 64

Canada Bay Local Environmental Plan 2008

Schedule 5 Environmental heritage

Schedule 5 Environmental heritage

(Clause 5.10)

Part 1 Heritage items

Suburb	Item name	Address	Property description	Significance	Item No
Abbotsford	Abbotsford House	2 Abbotsford Cove Drive	Lot 19, DP 270127	Local	1
Abbotsford	Battersea Park	Battersea Street	Lots 7016, 7017 and 7018, DP 1074188; Lot 1071, DP 1074188; Lots 20 and 21, DP 57637; Lot 17, DP 77464; Lots 11, 12 and 22, DP 939734; Lots 14 and 16, DP 3790; Lot 15, DP 57112; Lot 13, DP 58560; Lot 20, DP 182467	Local	16
Abbotsford	House	25 Battersea Street	Lot 76, DP 3790	Local	17
Abbotsford	AWI Office Building	54A Blackwall Point Road	Lot 1, DP 1071918	Local	23
Abbotsford	Former Animal Quarantine Station	Checkley and Spring Streets	Lot 1, DP 957603; Lot 7052, DP 93782	Local	80
Abbotsford	Tram Lines	Great North Road		Local	218
Abbotsford	Tram Shelter Shed	Great North Road		Local	219
Abbotsford	Electric Street Lights	Great North Road		Local	220
Abbotsford	Abbotsford Point Boatshed	Great North Road	Part Lot 1, DP 52972	Local	221
Abbotsford	Sandstone Kerbing	Great North Road		Local	222
Abbotsford	Abbotsford Public School	348 Great North Road	Lot 102, DP 808766	Local	231

Suburb	Item name	Address	Property description	Significance	Item No
Abbotsford	Abbotsford Community Centre	350 Great North Road	Lot 101, DP 808766	Local	232
Abbotsford	House "Mona"	373 Great North Road	Lot B, DP 358000	Local	233
Abbotsford	Clubhouse Pavilion and its curtilage	378 Great North Road	Lot 22, DP 270127	Local	234
Abbotsford	Chatham House and its curtilage	380 Great North Road	Lot 1, DP 862198	Local	235
Abbotsford	House "Coniston"	396 Great North Road	Lots X and Y, DP 377880	Local	236
Abbotsford	House	432 Great North Road	Lot 9, Sec B, DP 4669	Local	237
Abbotsford	Tippett Memorial Presbyterian Church and Hall	443-447 Great North Road	Lot 1, DP 4238; Lot 1, DP 128555; Lots 51 and 52, DP 13548	Local	238
Abbotsford	Sydney Rowing Club—Boatshed	613 Great North Road	Lot 100, DP 1049800	Local	239
Abbotsford	House	1 Poolman Street	Lot B, DP 320921	Local	385
Abbotsford	House	3 Poolman Street	Lot A, DP 320921	Local	386
Abbotsford	House "Gloaming"	14 Raynor Avenue	Lot 30, DP 14102	Local	406
Abbotsford	MWS and DB Pumping Station	73 St Albans Street	Lot 1, DP 717220	Local	414
Abbotsford	Werrell Park	2P Teviot Street	Lot 19, DP 244240; Lots 1 and 2, DP 667083; Lot 20, DP 244240; Lot 484, DP 39653; Lot 7019, DP 93709	Local	443
Abbotsford	Stone Steps	Walton Crescent corner of Marmion Road, in front of 43 Walton Crescent		Local	480
Abbotsford	House	40 Walton Crescent	Lot 12, Sec A, DP 4669	Local	481

2008 No 64

Canada Bay Local Environmental Plan 2008

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item No
Abbotsford	House	55 Walton Crescent	Lot 19, Sec B, DP 4669	Local	482
Abbotsford	Port Jackson Fig Trees (4)	Wymston Parade		Local	518
Abbotsford	MWS and DB Pumping Station	32 Wymston Parade (corner Hill Street)	Lots 95 and 96, DP 6743	Local	519
Breakfast Point	Former AGL Power House	97–99 Peninsula Drive	Lot 47, DP 270347	Local	383
Breakfast Point	Former AGL Blacksmiths' Shop	123 Peninsula Drive	Lot 46, DP 270347	Local	382
Breakfast Point	Former AGL Fence to Tennyson Road, entrance gates and entry pavilion	Tennyson Road (east side) between Peninsula Drive and Emily Street, Magnolia Drive		Local	437
Breakfast Point	Former AGL Office No 1	19–21 Tennyson Road	Lot 1, DP 270347	Local	438
Breakfast Point	Former AGL Main Meter Readers' Office	19–21 Tennyson Road	Lot 64, DP 270347	Local	439
Cabarita	House "Correys"—located on former Dulux site at 145 Cabarita Road	1 Bayside Terrace	Lot 1, DP 270282	Local	18
Cabarita	Cabarita Park—landscape, rotunda and swimming pool	Cabarita Road	Lot 7081, DP 93923; Crown Lot 1, DP 126394; Lot 291, DP 752023	Local	58
Cabarita	Kendall Reserve—landscape	Cabarita Road	Lot 64, DP 752023	Local	59
Cabarita	Houses. Pair of Inter-War California Bungalows.	116–118 Cabarita Road	Lots 42 and 43, DP 5167	Local	60
Cabarita	House	18 Collingwood Avenue	Lot 15, DP 14206	Local	94
Cabarita	House "Correy's House"	1 Edgewood Crescent	Lot 1, DP 270282	Local	179

Canada Bay Local Environmental Plan 2008

Environmental heritage

Schedule 5

Suburb	Item name	Address	Property description	Significance	Item No
Cabarita	House	10 Kendall Street	Lot 2, Sec 2, DP 6536	Local	271
Cabarita	House	31 Phillips Street	Lot 280, DP 499696; Lot 1, DP 564192	Local	384
Cabarita	House "Strathroy" located on former Dulux site at 145 Cabarita Road	1 Strathroy Close	Lot 63, DP 270282	Local	423
Canada Bay	Hill's Fig Trees (12)	Bevin Street		Local	22
Canada Bay	House	1 Renown Street	Lot 12, DP 2165	Local	407
Canada Bay	House	18 Walker Street	Lot 13, DP 736853	Local	479
Chiswick	Shop and residence	92 Blackwall Point Road	Lot 2, DP 859664	Local	24
Chiswick	Chiswick Steps and retaining wall	Chiswick Street		Local	81
Chiswick	Entry gates	16A Chiswick Street	Lot C, DP 363811	Local	82
Chiswick	House	18 Chiswick Street	Lot A, DP 363811	Local	83
Chiswick	House	2 Fortescue Street	Lot 3, DP 28476	Local	204
Concord	Street tree—landscape	Corner Ada and Coles Streets		Local	7
Concord	House "Marathon"	3 Ada Street	Lot C, DP 326687	Local	2
Concord	Federation House	4 Ada Street	Lot B, DP 927042	Local	3
Concord	House and garden	6 Ada Street	Lot C, DP 927042	Local	4
Concord	House	7 Ada Street	Lot 2, DP 114957	Local	5
Concord	Landscape	23 Ada Street	Lot B, DP 317298	Local	6
Concord	House	28 Addison Avenue	Lot 14, DP 6827	Local	8
Concord	House	2 Alton Avenue	Lot A, DP 414636	Local	9
Concord	Mortlake Public School—school, grounds	15 Archer Street	Lot 1, DP 782153; Lot 1, DP 729864; Lots 180–191, DP 7564	Local	10

2008 No 64

Canada Bay Local Environmental Plan 2008

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item No
Concord	Sub-station	1A Arthur Street	Lot 2, DP 100697	Local	11
Concord	Pair of Inter-War Bungalows	17–19 Arthur Street	Lots 17 and 18, DP 13702	Local	12
Concord	House	5 Bayview Street	Lot 15, DP 16276	Local	14
Concord	House	12 Bent Street	Lot 21, Sec 1, DP 1875	Local	20
Concord	House	24 Bent Street	Lot 15, Sec 1, DP 1875	Local	21
Concord	House	1 Braddon Street	Lot B, DP 308928	Local	30
Concord	House	13 Brays Road	Lot 21, Sec B, DP 4371	Local	31
Concord	House	14 Brays Road	Lot A, DP 354933	Local	32
Concord	Sub-station	40A Brays Road	Lot 1, DP 321453	Local	33
Concord	St Mary's Anglican Church—church and grounds	54 Brays Road	Lots 1 and 2, DP 1964; Lot 1, DP 113024	Local	34
Concord	Queen Elizabeth Park—landscape	Broughton Street	Part Lot 1, DP 117862	Local	35
Concord	House	32 Broughton Street	Lot 9, DP 7625	Local	36
Concord	House	36 Broughton Street	Lot B, DP 405683	Local	37
Concord	House “Tamar”	20 Burke Street	Lot 8, DP 7440	Local	38
Concord	St Luke's Anglican Church—church and grounds	19 Burton Street	Lots 2 and 4, DP 538607	Local	40
Concord	House “Lansdowne”	25 Burton Street	Lot 3, Sec 1, DP 8045	Local	41
Concord	Houses “Melaleuca” and “Clewier”; Pair of terrace houses, fences and garden	31–33 Burton Street	Lots E and D, DP 405877	Local	42
Concord	House “Loretto”	46 Burton Street	Lot 19, Sec 2, DP 939757	Local	43

Suburb	Item name	Address	Property description	Significance	Item No
Concord	St Mary's Church—church, convent, school, presbytery	56–60 Burton Street	Lots 1, 2 and 4, DP 455681; Lots 1–3, DP 130919	Local	44
Concord	Street trees—landscape	Burwood Road (between Crane Street and Duke Avenue)		Local	56
Concord	Former Post Office building	22 Burwood Road	Lot 1, DP 85034	Local	45
Concord	Sandstone kerbing (west side, adjacent)—landscape	22–26 Burwood Road		Local	55
Concord	Former Anglican Rectory building	24 Burwood Road	Lot Y, DP 163687	Local	46
Concord	House	33 Burwood Road	Lots 6 and 7, DP 2931	Local	47
Concord	House	35 Burwood Road	Lot 5, DP 2931	Local	48
Concord	Concord Primary School—school, grounds	66 Burwood Road	Lot 1, DP 194308; Lot 2, Sec 12, DP 758623; Lots 9–14, Sec 1, DP 975955	Local	49
Concord	House	104 Burwood Road	Lot 43, DP 6790	Local	50
Concord	House	106 Burwood Road	Lot A, DP 301443	Local	51
Concord	House	108 Burwood Road	Lot 41, DP 6790	Local	52
Concord	House	110 Burwood Road	Lot 3, DP 6790	Local	53
Concord	Bayview Park—landscape	166P Burwood Road	Lot 16, DP 2063	Local	54
Concord	House and shop	13 Cabarita Road	Lot 4, DP 5531	Local	61
Concord	House “Allenby”	36 Cabarita Road	Lot 2, DP 9414	Local	62
Concord	Street trees—landscape	Castlereagh Street		Local	74

2008 No 64

Canada Bay Local Environmental Plan 2008

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item No
Concord	“Linden” and “Swinford”. Pair of Inter-War bungalows.	2–4 Clermont Avenue	Lots 63 and 64, DP 8972	Local	84
Concord	Inter-War Bungalows	7–11 Clermont Avenue	Lot 57, DP 12418; Lots 25 and 26, DP 8972	Local	85
Concord	House	8 Clermont Avenue	Lot 66, DP 8972	Local	86
Concord	House “Ardill”	31 Clermont Avenue	Lots 13–15, DP 8972; Lot A, DP 977893	Local	88
Concord	House	28 Clermont Avenue	Lot 34, DP 8972	Local	87
Concord	House	36 Clermont Avenue	Lot 38, DP 8972	Local	89
Concord	Wesley Uniting Church—church and hall	81 Concord Road	Lot 1, DP 310934; Lot 3, DP 130820; Lot A, DP 900413	Local	99
Concord	House	99 Concord Road	Lot 4, DP 34203	Local	100
Concord	House	11 Corby Avenue	Lot 13, DP 130490	Local	122
Concord	House	12 Corby Avenue	Lot 23, DP 9583	Local	123
Concord	House	13 Corby Avenue	Lot 12, DP 9583	Local	124
Concord	Presbyterian Church	14 Cormiston Avenue	Lots 10 and 11, DP 16147	Local	125
Concord	House	23 Cormiston Avenue	Lot A, DP 955442	Local	126
Concord	House “Trierieffe”	42 Cormiston Avenue	Lot 8, Sec A, DP 6538	Local	127
Concord	House	51 Cormiston Avenue	Lot 11, Sec B, DP 6538	Local	128
Concord	House	10 Correys Avenue	Lot 10, DP 13820	Local	129
Concord	House	16 Correys Avenue	Lot 7, DP 13820	Local	130
Concord	House	22 Correys Avenue	Lot 4, DP 13820	Local	131
Concord	House	24 Correys Avenue	Lot 3, DP 13820	Local	132

Suburb	Item name	Address	Property description	Significance	Item No
Concord	House "Berhilma"	103 Correys Avenue	Lot 63, DP 9221	Local	133
Concord	House	109 Correys Avenue	Lot 66, DP 9221	Local	134
Concord	House	111 Correys Avenue	Lot 67, DP 9221	Local	135
Concord	Shop and residence	28 Crane Street	Lot 1, DP 324177	Local	136
Concord	Shops	42-46 Crane Street	Lots 1-3, DP 13862	Local	137
Concord	House	1 Creewood Street	Lot 4, DP 13884	Local	138
Concord	House	2 Creewood Street	Lot C, DP 316685	Local	139
Concord	House	3 Creewood Street	Lot 5, DP 13884	Local	140
Concord	House	4 Creewood Street	Lot B, DP 316685	Local	141
Concord	House	5 Creewood Street	Lot 6, DP 13884	Local	142
Concord	House	6 Creewood Street	Lot A, DP 316685	Local	143
Concord	House	7 Creewood Street	Lot 7, DP 13884	Local	144
Concord	House	8 Creewood Street	Lot 11, DP 13884	Local	145
Concord	House	9 Creewood Street	Lot 1, DP 183407	Local	146
Concord	House	10 Creewood Street	Lot 12, DP 13884	Local	147
Concord	House	11 Creewood Street	Lot 1, DP 15085	Local	148
Concord	House	12 Creewood Street	Lot 13, DP 13884	Local	149
Concord	House	13 Creewood Street	Lot 2, DP 15085	Local	150
Concord	House	14 Creewood Street	Lot 14, DP 13884	Local	151
Concord	House	15 Creewood Street	Lot 3, DP 15085	Local	152
Concord	House	17 Creewood Street	Lot 4, DP 15085	Local	153
Concord	House	19 Creewood Street	Lot 5, DP 15085	Local	154
Concord	House	21 Creewood Street	Lot 6, DP 15085	Local	155
Concord	House	8 Daly Avenue	Lot 16, DP 12739	Local	165
Concord	House	89 Davidson Avenue	Lot 47, DP 16249	Local	166
Concord	House	3 Denison Street	Lot 26, DP 18879	Local	174

2008 No 64

Canada Bay Local Environmental Plan 2008

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item No
Concord	Street trees— landscape	Edward Street		Local	182
Concord	House “Kelvin”	1A Edward Street	Lot C, DP 311446	Local	180
Concord	House	16 Edward Street	Lot 1, DP 943601	Local	181
Concord	House	3 Empire Avenue	Lots 9 and 10, DP 7503	Local	183
Concord	House	44 Empire Avenue	Lot 2, DP 14810	Local	184
Concord	House	48 Empire Avenue	Lot 4, DP 14810	Local	185
Concord	House	52 Empire Avenue	Lot 6, DP 14810	Local	186
Concord	House “Marsham”	56 Empire Avenue	Lot 8, DP 14810	Local	187
Concord	House	12 Excelsior Street	Lot D, DP 302750	Local	189
Concord	House	19 Excelsior Street	Lot B, DP 311832	Local	190
Concord	House	22 Excelsior Street	Lot 2, DP 311776	Local	191
Concord	House	18 Fairview Street	Lot 1, Sec 3, DP 749	Local	192
Concord	Henley Park— landscape	Flavelle Street	Lots 6281 and 6282, DP 3000; Crown Lots 201–210 and 278–284, DP 752023	Local	199
Concord	Adventist Church— church	7 Flavelle Street	Lot 40, DP 6827	Local	196
Concord	House	24 Flavelle Street	Lot 12, DP 501281	Local	197
Concord	House	52 Flavelle Street	Lot 13, DP 5777	Local	198
Concord	House	1 Forster Street	Lot 1, DP 512663	Local	203
Concord	Street trees— landscape	Franklyn Street		Local	207
Concord	House	6 Franklyn Street	Lot 14, DP 12301	Local	205
Concord	House “Wangi”	21 Franklyn Street	Lot 6, DP 12739	Local	206
Concord	House	3 Frederick Street	Lot A, DP 392351	Local	208

Suburb	Item name	Address	Property description	Significance	Item No
Concord	St Patrick's Church—church, Presbytery and grounds	33 Gale Street	Lots 62–75, DP 2302	Local	209
Concord	Victorian House	37 Gale Street	Lots 60 and 61, DP 2302	Local	210
Concord	Goddard Park—landscape	52P Gipps Street	Part Lot 1, DP 117862	Local	214
Concord	House—Myraville	74 Gipps Street	Lot 61, DP 7594	Local	215
Concord	Pair of Inter-War Moderne Houses	12–14 Gloucester Street	Lots 117 and 118, DP 7564	Local	216
Concord	House	22 Gloucester Street	Lot 1, DP 948504	Local	217
Concord	House	2 Homedale Avenue	Lot 80, DP 7353	Local	255
Concord	Edwards Park—landscape	Ian Parade (known as 1P Wellbank Street)	Lot 120, DP 752023; Lot 289, DP 752023 plus 2 un-numbered lots	Local	258
Concord	Massey Park Golf Course (grounds only) and Sanders Reserve—landscape	1 Ian Parade (also known as 1C and 1P Ian Parade)	Lot B, DP 392351; Part Lot 22, DP 56134; Lot 18, DP 5531; Lot 21060, DP 3000	Local	259
Concord	House	8 Jellicoe Street	Lot 58, DP 8278	Local	270
Concord	House “Unalea”	14 Keppel Avenue	Lot 28, DP 7594	Local	272
Concord	House “Ypres”	14 La Mascotte Avenue	Lot 34, DP 6790	Local	278
Concord	House	24 La Mascotte Avenue	Lot 29, DP 6790	Local	279
Concord	House	16 Lancelot Street	Lot 241, DP 7564	Local	281
Concord	Street trees—landscape	Lansdowne Street		Local	282
Concord	House	1 Lindfield Avenue	Lot 4, DP 15402	Local	286
Concord	House	2 Lindfield Avenue	Lot 1, DP 15402	Local	287
Concord	House	3 Lindfield Avenue	Lot 5, DP 15402	Local	288

2008 No 64

Canada Bay Local Environmental Plan 2008

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item No
Concord	House “Norwich”	4 Lindfield Avenue	Lot 2, DP 15402	Local	289
Concord	House	5 Lindfield Avenue	Lot 6, DP 15402	Local	290
Concord	House	11 Lindfield Avenue	Lot 9, DP 322322	Local	291
Concord	Street trees— landscape	Links Avenue		Local	300
Concord	House	64 Links Avenue	Lot 97, DP 9221	Local	292
Concord	House	65 Links Avenue	Lot 34, DP 521048	Local	293
Concord	House	66 Links Avenue	Lot 96, DP 9221	Local	294
Concord	House	67 Links Avenue	Lot 2, DP 319226	Local	295
Concord	House	99 Links Avenue	Lot 17, DP 9221	Local	296
Concord	House	103 Links Avenue	Lot 15, DP 9221	Local	297
Concord	House “Tarrant”	107 Links Avenue	Lot 13, DP 9221	Local	298
Concord	House “Janibar”	129 Links Avenue	Lot 2, DP 9221	Local	299
Concord	House	24 Lloyd George Avenue	Lot B, DP 307951	Local	307
Concord	St Luke’s Park entrance— gateway/entrance. Gates and trees only—landscape	Loftus Street	Lot 7077, DP 752023	Local	308
Concord	Pair of Inter-War Moderne houses	45–47 Macnamara Avenue	Lots 19–20, DP 15739	Local	328
Concord	House	62 Macnamara Avenue	Lot 6, DP 15502	Local	329
Concord	Concord Golf Course (grounds only)—landscape	Majors Bay Road	Lot 147, DP 752023; Lots 10–16, DP 132751	Local	332
Concord	Rothwell Park— landscape	Majors Bay Road	Lot 81A, DP 752023; Lot 262, DP 752023	Local	333
Concord	Street trees in median strip— landscape	Majors Bay Road		Local	334

Suburb	Item name	Address	Property description	Significance	Item No
Concord	Post Office—building	48 Majors Bay Road	Lot 2, DP 1001791	Local	330
Concord	Concord Memorial Hall—hall	138 Majors Bay Road	Lots 59–62, DP 13820	Local	331
Concord	House	8 Melbourne Street	Lot 3, DP 8664	Local	345
Concord	House	34 Melbourne Street	Lot 16, DP 8664	Local	346
Concord	House	33 Noble Street	Lot 160, DP 7564	Local	364
Concord	House “Netherby” and garden	2 Park Avenue	Lot A, DP 326934	Local	368
Concord	House	8 Park Avenue	Lot 1, DP 567218	Local	369
Concord	House	14 Park Avenue	Lot 1, DP 15297	Local	370
Concord	House	2 Patterson Street	Lot 22, DP 6827	Local	374
Concord	Group of Inter-War Bungalows	13–17 Patterson Street	Lots 2 and 3, DP 16147; Lot 20, DP 16147	Local	375
Concord	House	21 Patterson Street	Lots 21 and 22, DP 16147	Local	376
Concord	House	32 Patterson Street	Lot 46, DP 7594	Local	377
Concord	House	44 Patterson Street	Lot 26, DP 7594	Local	378
Concord	House	59 Patterson Street	Lot 223, DP 752023	Local	379
Concord	House	95 Patterson Street	Lot B, DP 333649	Local	380
Concord	House	123 Patterson Street	Lot 6, DP 34203	Local	381
Concord	House	34 Salt Street	Lot 35, DP 9194	Local	410
Concord	House	36 Salt Street	Lot B, DP 320535	Local	411
Concord	Concord High School grounds—landscape	Stanley Street	Lot B, DP 414465; Lot 15, DP 8687; Lot 1, DP 60167; Part Lot 1, DP 59489; Lot 285, DP 752023	Local	421
Concord	Street trees—landscape	Stanley Street		Local	422
Concord	House “Tabratong”	19 Stanley Street	Lot 2, DP 975955	Local	420

2008 No 64

Canada Bay Local Environmental Plan 2008

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item No
Concord	Street trees—landscape	Sydney Street		Local	431
Concord	Traffic island garden—landscape	Sydney Street		Local	432
Concord	House “Serendipity”	1 Sydney Street	Lot 3, DP 311226	Local	429
Concord	Sub-station	22A Sydney Street	Lot 1, DP 179878	Local	430
Concord	Commercial Building	10–12 Tennyson Road	Lots A and B, DP 107947	Local	436
Concord	House and garden	10 Thornleigh Avenue	Lots 8–11, DP 7594	Local	461
Concord	House “Glenora”	11 Thornleigh Avenue	Lot 21, DP 7594	Local	462
Concord	House	8 Tripod Street	Lot 1, DP 960851	Local	464
Concord	House	29 Warbrick Street	Lot 85, DP 8278	Local	484
Concord	Central Park—landscape	Wellbank Street, corner of Clermont Avenue	Part 106A, DP 752023	Local	492
Concord	Concord Council Chambers—grounds only—landscape	Wellbank Street, corner of Flavelle Street	Lot 5, DP 35624	Local	493
Concord	Street trees—landscape	Wellbank Street between Clermont Avenue and Concord Road		Local	494
Concord	Sub-station	2A Wellbank Street	Lot 1, DP 112384	Local	487
Concord	Greenlees Park—landscape. Note: One of 3 former Arnott’s administration cottages originally located at 22–26 George Street North Strathfield is now located in this park.	2B Wellbank Street	Crown land: Lots 405 and 482, DP 752023; Lots 1 and 2, DP 607236	Local	488
Concord	House	42 Wellbank Street	Lot 2, DP 656083	Local	489
Concord	Baby Health Centre—building	57A Wellbank Street	Lot 297, DP 752023	Local	490

Suburb	Item name	Address	Property description	Significance	Item No
Concord	House	108 Wellbank Street	Lot 95, DP 7353	Local	491
Concord	House	22 Zoeller Street	Lot 1, DP 104067	Local	523
Concord	House	46 Zoeller Street	Lot 3, DP 10041	Local	524
Concord	House	55 Zoeller Street	Lot 13, DP 14810	Local	525
Concord West	House	10 Bangalla Road	Lot 65, DP 8733	Local	13
Concord West	Street trees— landscape	Boronia Street		Local	28
Concord West	House	11 Castlestead Street	Lot 36, DP 8976	Local	75
Concord West	House	264 Concord Road	Lot 16, Sec 1, DP 6949	Local	101
Concord West	Holy Trinity Anglican church— church and grounds	270–272 Concord Road	Lot 2, DP 854835	Local	102
Concord West	House	277 Concord Road	Lot 12, DP 6950	Local	103
Concord West	House	279 Concord Road	Lot 11, DP 6950	Local	104
Concord West	Uniting Church— church	310 Concord Road	Lots 73 and 74, DP 8733	Local	105
Concord West	Masonic Hall— building	315 Concord Road	Lot 1, Sec C, DP 10188; Lots 87 and 88, Sec C, DP 11996	Local	106

2008 No 64

Canada Bay Local Environmental Plan 2008

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Signifi- cance	Item No
Concord West	Concord West Public School—school	378 Concord Road	Lots 4–9 and 31–34, DP 9353; Lot 1, DP 397135; Lot 1, DP 403986; Lot 1, DP 415541; Lot 1, DP 413949; Lot 1, DP 415864; Lot 1, DP 415538; Lot 2, DP 395296; Lot 1, DP 441539; Lot 1, DP 391492; Lot 1, DP 385981	Local	107
Concord West	House	14 Consett Street	Lot 8, Sec F, DP 6487	Local	120
Concord West	House	63 Consett Street	Lot 28, Sec 2, DP 6949	Local	121
Concord West	Street trees—landscape	Cumming Avenue		Local	163
Concord West	House	16 Cumming Avenue	Lot 32, DP 6950	Local	159
Concord West	House	18 Cumming Avenue	Lot 33, DP 6950	Local	160
Concord West	House and garden	22 Cumming Avenue	Lot 35, DP 6950	Local	161
Concord West	House	26 Cumming Avenue	Lot 37, DP 6950	Local	162
Concord West	ThomWalker Hospital Group—main building, former children's hospital, former stables, former cottage, The Watergate, store, garage, grounds, entry gate and cottage	1A Hospital Road	Lot 1, DP 725129; DP 57372; Part Lot 1, DP 166721	State	257

Suburb	Item name	Address	Property description	Significance	Item No
Concord West	Concord Repatriation Hospital—original main building, grounds and layout	1C and 1H Hospital Road	Lot 2, DP 89877	Local	256
Concord West	House	4 Iandra Street	Lot 34, Sec F, DP10188	Local	260
Concord West	House	7 Iandra Street	Lot 36, Sec G, DP 10188	Local	261
Concord West	House	10 Iandra Street	Lot 31, Sec F, DP 10188	Local	262
Concord West	House	11 Iandra Street	Lots 38 and 68, Sec G, DP 10188	Local	263
Concord West	House	13 Iandra Street	Lot 39, Sec G, DP 10188	Local	264
Concord West	House and garden	42 Iandra Street	Lot 15, Sec F, DP 10188	Local	265
Concord West	House and garden	44 Iandra Street	Lot 14, Sec F, DP 10188	Local	266
Concord West	House and garden	46 Iandra Street	Lot 13, Sec F, DP 10188	Local	267
Concord West	House	52 Iandra Street	Lot 10, Sec F, DP 10188	Local	268
Concord West	House	54 Iandra Street	Lot 9, Sec F, DP 10188	Local	269
Concord West	Rhodes Park Kokoda Trail Memorial—landscape	Killoola Street	Lot 7062, DP 93918; Crown Lot 4, DP 20270; Lot 1, DP 85560; Lots 9–25, DP 20309; Lot 1, DP 535257	Local	273
Concord West	House	1 Mackenzie Street	Lot 16A, DP 12602	Local	324
Concord West	House	54 Mackenzie Street	Lot 5, Sec C, DP 6487	Local	325
Concord West	House “Camellia”	56 Mackenzie Street	Lot 4, Sec C, DP 6487	Local	326

2008 No 64

Canada Bay Local Environmental Plan 2008

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item No
Concord West	Pair of Inter-War Bungalows	74–76 Mackenzie Street	Lots 6 and 7, Sec 2, DP 6949	Local	327
Concord West	House	59 Mepunga Street	Lot 76, Sec B, DP 11996	Local	347
Concord West	Street trees—landscape	Myall Street		Local	356
Concord West	House “Halcyon” and garden	76 Myall Street	Lot 17, Sec D, DP 10188	Local	355
Concord West	Pair of Inter-War Modern houses	15–17 Nirranda Street	Lots 53 and 54, Sec C, DP 11996	Local	361
Concord West	House	35 Nirranda Street	Lot 63, Sec C, DP 11996	Local	362
Concord West	House	79 Nirranda Street	Lot 1, DP 14318	Local	363
Concord West	Arthur Walker Reserve—landscape. Note: One of 3 former Arnott’s administration cottages originally located at 22–26 George Street, North Strathfield is now located in this Reserve.	Nullawarra Avenue	Lot 6, DP 606747	Local	366
Concord West	Street trees—landscape	Nullawarra Avenue		Local	367
Concord West	Dame Eadith Walker Hospital Group—Dairy, Gatehouse, Coach House, “Boronia” cottage, timber garages, “Woodbine” cottage, Stables, Prince of Wales Squash Courts, “Yaralla House”, “Jonquil” cottage, garages, “Magnolia” cottage, hospital grounds	11 Nullawarra Avenue	Lots 1 and 2, DP 231732	State	444

Suburb	Item name	Address	Property description	Significance	Item No
Concord West	Concord West Railway Station—train station	Queen Street	Lot 101, DP 1002884	Local	394
Concord West	Concord West Railway Station park—landscape	Queen Street	Lot 101, DP 1002884	Local	395
Concord West	House	52 Queen Street	Lot 10, DP 6487	Local	389
Concord West	House	173 Queen Street	Lot 20, Sec E, DP 6487	Local	390
Concord West	House	177 Queen Street	Lot 22, Sec E, DP 6487	Local	391
Concord West	St Ambrose School—school	227 Queen Street	Lot 14, Sec 3, DP 6949	Local	392
Concord West	House	361 Queen Street	Lot 23, DP 9353	Local	393
Concord West	Street trees—landscape	The Drive		Local	451
Concord West	House	8 The Drive	Lot 32, Sec E, DP 10188	Local	445
Concord West	House and garden	28 The Drive	Lot 22, Sec E, DP 10188	Local	446
Concord West	House	39 The Drive	Lot 55, Sec E, DP 10188	Local	447
Concord West	House and garden	40 The Drive	Lot 16, Sec E, DP 10188	Local	448
Concord West	House	58 The Drive	Lot 7, Sec E, DP 10188	Local	449
Concord West	House “The Lodge”	67 The Drive	Lot 68, Sec F, DP 10188	Local	450
Concord West	House	12 Victoria Avenue	Lot 19, DP 6145	Local	465
Concord West	Shop	29 Victoria Avenue	Lot 46, DP 654453	Local	466
Concord West	Powell’s Creek Reserve—landscape	64–66 Victoria Avenue	Lot 5, DP 778667; Lot 2, DP 218758	Local	467

2008 No 64

Canada Bay Local Environmental Plan 2008

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item No
Concord West	Post Box— Federation Post Box	Wilga Street and corner of Concord Road		Local	503
Concord West	House	11 Wilga Street	Lot 60, Sec D, DP 10188	Local	497
Concord West	House	12 Wilga Street	Lot 40, Sec C, DP 10188	Local	498
Concord West	House	13 Wilga Street	Lot 61, Sec D, DP 10188	Local	499
Concord West	House “Edgecote”	52 Wilga Street	Lot 20, Sec C, DP 10188	Local	500
Concord West	House	56 Wilga Street	Lot 18, Sec C, DP 10188	Local	501
Concord West	House	77 Wilga Street	Lot 93, Sec D, DP 10188	Local	502
Concord West	Street trees— landscape	Wunda Road		Local	517
Concord West	House	6 Wunda Road	Lot 2, DP 510784	Local	515
Concord West	House “Curzon”	9 Wunda Road	Lot 2, DP 14878	Local	516
Concord West	Street trees— landscape	Yaralla Street		Local	521
Concord West	Warbrick Park— landscape	87P Yaralla Street	Lots 1–6 and 29–32, Sec 1, DP 6949	Local	520
Drummoyne	Pair of semi-detached houses	7–9 Bayswater Street	Lots D and E, DP 108487	Local	19
Drummoyne	Drummoyne Baptist Church	Corner Bowman and Tranmere Streets	Lot 1, DP 974933	Local	29
Drummoyne	House	13 Burnell Street	Lot 39, DP 11814	Local	39
Drummoyne	House “Carthona”	14 Cambridge Road	Part Lot B, DP 310000	Local	63
Drummoyne	House	70 Cary Street (also known 70 Roseby Street)	Lot 5, Sec 11, DP 862	Local	72

Suburb	Item name	Address	Property description	Significance	Item No
Drummoyne	House	72 Cary Street (also known 72 Roseby Street)	Lot 4, Sec 11, DP 862	Local	73
Drummoyne	St Bede's Anglican Church	14 College Street	Lot 1, DP 176004	Local	90
Drummoyne	St Bede's Anglican Church Rectory and Hall (former church)	21 College Street	Lots 39 and 41, Sec 2, DP 967; Lot B, DP 311845	Local	91
Drummoyne	Uniting Church and Hall	33 College Street	Lot 27, Sec 2, DP 967	Local	92
Drummoyne	The Manse	63 College Street	Lot 1, DP 974090	Local	93
Drummoyne	Group of four Victorian Italianate houses	5-11 Collingwood Street	Lots 21-24, Sec 3, DP 964	Local	95
Drummoyne	House "Glendalough"	23 Collingwood Street	Lot 30, DP 964; Lot 1, DP 961267	Local	96
Drummoyne	House	26 Collingwood Street (also known 123 St Georges Crescent)	Lot 1, DP 127369	Local	97
Drummoyne	House	28 Collingwood Street (also known 125 St Georges Crescent)	Lot 27, Sec 5, DP 964; Lot 1, DP 912029	Local	98
Drummoyne	Scout Hall, Former Residence	11 Denning Street	Lots 99 and Part 100, DP 980; Lot 98, DP 661923; Lot 1, DP 982611	Local	167
Drummoyne	House "Emstone House"	13 Denning Street	Lot 97, DP 980	Local	168
Drummoyne	House "Dorothy"	22 Denning Street	Lot 12, DP 4514	Local	169
Drummoyne	House	24 Denning Street	Lot 13, DP 4514	Local	170
Drummoyne	House	25 Denning Street	Lot 91, DP 980	Local	171
Drummoyne	House	26 Denning Street	Lot 14, DP 4514	Local	172
Drummoyne	House	54 Denning Street	Lot 1, DP 1015696	Local	173
Drummoyne	House "Clovelly"	1 Drummoyne Avenue	Lot 1, DP 856715	Local	175

2008 No 64

Canada Bay Local Environmental Plan 2008

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item No
Drummoyne	Marist Brothers' House	14 Drummoyne Avenue	Lots 37 and 38, DP 3076; Lot 1, DP 949058; Lot 1, DP 575845	Local	176
Drummoyne	House "Shalimar"—private garden, fence and gate	16 Drummoyne Avenue	Lot 1, DP 850331	Local	177
Drummoyne	House "Tobique"	44 Drummoyne Avenue	Lot 1, DP 927266	Local	178
Drummoyne	House	18 Formosa Street	Lot 1, DP 798690	Local	200
Drummoyne	Pair of semi-detached houses	20–22 Formosa Street	Lots 1 and 2, DP 203823; Lots 6 and 7, DP 776214	Local	201
Drummoyne	House	32 Formosa Street	Lot 1, DP 655199	Local	202
Drummoyne	House	19 Hampden Road	Lot A, DP 372155	Local	240
Drummoyne	House	21 Hampden Road	Lot B, DP 372155	Local	241
Drummoyne	Natural Foreshore between Ullathorne Street and Drummoyne Swimming Pool	Henley Marine Drive		Local	242
Drummoyne	Iron Cove Bridge Abutment (1882)	Henley Marine Drive between the bridge and the swimming pool		Local	243
Drummoyne	MWS and DB Sewerage Pumping Station	Corner Henley Marine Drive and Ullathorne Street (119W Henley Marine Drive)	Lot 1, DP 437891; Lot 2, DP 437891	Local	246
Drummoyne	Palms, Camphor Laurels, Brush Box and Hill's Figs	Lyons Road		Local	310
Drummoyne	Hotel	13 Lyons Road	Lot 1, DP 182751	Local	311
Drummoyne	Drummoyne Fire Station	29 Lyons Road	Lot 1, DP 931672	Local	312

Suburb	Item name	Address	Property description	Significance	Item No
Drummoyne	Drummoyne Presbyterian Church and Sir ThomHenley Memorial Sunday School and Hall	31 Lyons Road	Lot 1, Sec 3, DP 967	Local	313
Drummoyne	Sutton Place Shops	38–50 Lyons Road	Lots 1–22, DP 38722	Local	314
Drummoyne	House “Kinvara”	54 Lyons Road	Lot 2, DP 657666	Local	315
Drummoyne	Sydney Electricity Sub-station	60 Lyons Road	Lot 70, DP 668981	Local	316
Drummoyne	House	68 Lyons Road	Lot 3, DP 5980	Local	317
Drummoyne	House	153 Lyons Road	Lots 2 and 3, DP 4462	Local	318
Drummoyne	War Memorial Monument (on grounds of Council Chambers)	1A Marlborough Street	Lots 1 and 2, DP 1091309; Lot 1, DP 724469	Local	343
Drummoyne	House “Rosebank—Waratah”	35 Marlborough Street	Lots 1–26, SP 39227	Local	344
Drummoyne	House	10 Park Avenue	Lots 30 and 31, Sec 8, DP 862	Local	372
Drummoyne	House	39 Park Avenue	Lot 18, Sec 9, DP 862	Local	373
Drummoyne	House	24 Moore Street	Lot 60, DP 980	Local	351
Drummoyne	House	31 Moore Street	Lot 28, DP 972982	Local	352
Drummoyne	House	40 Moore Street	Lots 52 and 53, DP 980	Local	353
Drummoyne	Reservoir	Rawson Avenue	Lots 13–16, DP 455626	State	404
Drummoyne	Drummoyne Public School	Rawson Avenue	Lot 1, DP 122899	Local	405
Drummoyne	Birkenhead Point, Former Dunlop Factory Buildings	19A Roseby Street	Lot 110, DP 1019787	Local	409
Drummoyne	House	7 South Street	Lot 2, DP 966506	Local	413

2008 No 64

Canada Bay Local Environmental Plan 2008

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item No
Drummoyne	House	41 St George's Crescent	Lot 48, DP 3771	Local	415
Drummoyne	House	52-52A St George's Crescent	Lots 1 and 2, DP 1002598/2	Local	416
Drummoyne	House	123 St George's Crescent (also known 26 Collingwood Street)	Lot 1, DP 127369	Local	417
Drummoyne	House	125 St George's Crescent (known 28 Collingwood Street)	Lot 27, Sec 5, DP 964	Local	418
Drummoyne	House	129 St George's Crescent (known 129 Lower St George's Crescent)	Lot 1, DP 965863	Local	419
Drummoyne	House	1 Stuart Crescent	Lots 1 and 2, DP 19788	Local	424
Drummoyne	Bourketown Square	Thompson and Plunkett Streets		Local	452
Drummoyne	Electric Street Light	Thompson Street		Local	453
Drummoyne	Shop and Residence	50 Thompson Street	Lot A, DP 108310	Local	454
Drummoyne	House "The Laurels"	53 Thompson Street	Lot 19, DP 3225	Local	455
Drummoyne	Shop and Residence	54 Thompson Street	Lot 1, DP 666150	Local	456
Drummoyne	House "Glendenning"	55 Thompson Street	Lot 20, DP 3225	Local	457
Drummoyne	House "Wyncroft"	57 Thompson Street	Lot 21, DP 3225	Local	458
Drummoyne	House "Rhodesia"	62A Thompson Street	Lot 6, DP 3045	Local	459
Drummoyne	House "Alma"	66 Thompson Street	Lot 5, DP 330587	Local	460

Suburb	Item name	Address	Property description	Significance	Item No
Drummoyne	St Mark's Catholic Church and grounds	35 Tranmere Street	Lot 21, DP 662855; Lots 19 and 20, Sec 1, DP 967; Lot 18, DP 667068	Local	463
Drummoyne	House	308 Victoria Place	Lot 5, DP 659465; Lot 1, DP 616899	Local	468
Drummoyne	House	339 Victoria Place	Lot 3, DP 377400	Local	469
Drummoyne	House	341 Victoria Place	Lot 2, DP 377400	Local	470
Drummoyne	House	343 Victoria Place	Lot 1, DP 377400	Local	471
Drummoyne	Boatshed	348 Victoria Place	Lot 13, DP 1514	Local	472
Drummoyne	House	352 Victoria Place	Lot 100, DP 1012238	Local	473
Drummoyne	Howley Park, Five Dock Point	361P Victoria Place	Lots 7057 and 7058, DP 94083; Lot 1, DP 930001	Local	475
Drummoyne	Abutments Gladesville Bridge, Five Dock Point	End Victoria Place		Local	474
Drummoyne	Shop and Residence	64 Victoria Road	Lot 6, DP 862	Local	476
Drummoyne	Westpac Bank	191 Victoria Road	Lot 8, Sec 1, DP 862	Local	477
Drummoyne	Reorganised Church of Jesus Christ of Latter Day Saints	234 Victoria Road	Lot 1, DP 777456	Local	478
Drummoyne	MWS and DB Pump House	24 Westbourne Street	Lot B, DP 396119	Local	495
Drummoyne	House	46 Westbourne Street	Lot 1, DP 11002119	Local	496
Drummoyne	House	1 Wolseley Street	Lot 1, DP 1091262	Local	504
Drummoyne	House	3 Wolseley Street	Lot 37, Sec 5, DP 964	Local	505
Drummoyne	House	4 Wolseley Street	Lot 17, DP 964	Local	506
Drummoyne	House	9 Wolseley Street	Lot 101, DP 1070278	Local	507

2008 No 64

Canada Bay Local Environmental Plan 2008

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item No
Drummoyne	House "Yawatta"	11 Wolseley Street	Lot 1, DP 943442	Local	508
Drummoyne	Brush Box Street Planting	Wrights Road		Local	510
Drummoyne	House	2 Wrights Road	Lot A, DP 421080	Local	511
Drummoyne	Stone Abutments	4P Wrights Road	Lot 498, DP 752023	Local	509
Drummoyne	House "Dunaverty" and garden	8 Wrights Road	Lots 5 and 6, DP 964; Lot 1, DP 779912	Local	512
Drummoyne	Canary Island Palms (2)	28 Wrights Road	Lot 5, Sec 4, DP 964	Local	513
Drummoyne	House "Omrah"	45 Wrights Road	Lot A, DP 18979	Local	514
Drummoyne and Five Dock	Iron Cove Foreshore Drive	Henley Marine Drive and Timbrell Drive		Local	244
Five Dock	Five Dock Oval and Park	Barnstaple Road, Ingham Avenue and Park Road	Lot 3, DP 717249	Local	15
Five Dock	House	30 Connecticut Avenue	Lot 30, Sec B, DP 5738	Local	119
Five Dock	House "Erina"	18 Erina Avenue	Lots 1 and 2, DP 529228	Local	188
Five Dock	House	93 First Avenue	Lot 143, DP 7510	Local	193
Five Dock	Domremy Convent Group	121 First Avenue	Lot 1, DP 128043; Lot 5, DP 224319	Local	194
Five Dock	Five Dock Masonic Hall	177 First Avenue	Lots 24 and 25, DP 7401	Local	195
Five Dock	Police Station	14 Garfield Street	Lot 1, DP 799459	Local	211
Five Dock	Five Dock Hotel	74 Great North Road	Lot 1, DP 125908; Lot A, DP 324414	Local	223
Five Dock	Former CBC of Sydney Bank	94 Great North Road	Lot 1, DP 236750	Local	224
Five Dock	Attached shops	133–135 Great North Road	Lots 8 and 9, DP 220545	Local	225

Canada Bay Local Environmental Plan 2008

Environmental heritage

Schedule 5

Suburb	Item name	Address	Property description	Significance	Item No
Five Dock	St Alban's Anglican Church	171-173 Great North Road	Lot D, DP 158552; Lot 8, DP 17324	Local	226
Five Dock	St Alban's Anglican Church Rectory	175 Great North Road	Lot 7, DP 17324	Local	227
Five Dock	St Alban's Anglican Church Hall and Shops	177-179 Great North Road	Part Lot 6, DP 17324	Local	228
Five Dock	Post Office	187 Great North Road	Lot 1, DP 210406	Local	229
Five Dock	Terrace of three shops	189-193 Great North Road	Lots 1-3, DP 11313	Local	230
Five Dock	House	28 Henry Street	Lot 2, DP 215955	Local	248
Five Dock	Five Dock Public School and Garden	33E Henry Street	Lot 1, DP 1074723	Local	247
Five Dock	House	58 Henry Street	Lot 1, DP 13590	Local	249
Five Dock	House	60 Henry Street	Lot 2, DP 13590	Local	250
Five Dock	House	62 Henry Street	Lot 3, DP 13590	Local	251
Five Dock	House	64 Henry Street	Lot 4, DP 13590	Local	252
Five Dock	House	44 Kings Road	Lot 1, DP 656132	Local	274
Five Dock	House	46 Kings Road	Part Lot 2, DP 2609	Local	275
Five Dock	House	48 Kings Road	Lot 3, DP 656134	Local	276
Five Dock	House	20 Kirrang Street	Lot 38, DP 9883	Local	277
Five Dock	Corner Shop and Residence	30 Lavender Street	Lot 18, DP 84536	Local	283
Five Dock	Hills Figs	Lyons Road between Great North Road and 418 Lyons Road		Local	322
Five Dock	Palms, Camphor Laurels and Brush Box	Lyons Road between Gipps and Denning Streets		Local	323
Five Dock	House	410 Lyons Road	Lot B, DP 317595	Local	320
Five Dock	Brush Box Street Planting	Lyons Road West		Local	321

2008 No 64

Canada Bay Local Environmental Plan 2008

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item No
Five Dock	House "Allowrie"	38 Minnesota Avenue	Lot 33, Sec A, DP 5738	Local	348
Five Dock	House	43 Minnesota Avenue	Lot 9, Sec B, DP 5738	Local	349
Five Dock	House "Murralong"	42 Murralong Avenue	Lot B, DP 312650	Local	354
Five Dock	House "Lazy Acres"	1 Norman Street	Lot 2, DP 449877	Local	365
Five Dock	Rosebank College	121 Parramatta Road	Lot 10, DP 718237	Local	371
Five Dock	House	16 Queens Road	Lot 10, DP 1090805	Local	398
Five Dock	House	18 Queens Road	Lot B, DP 320559	Local	399
Five Dock	House "Riverview"	44 Queens Road	Lot 1, DP 320508	Local	400
Five Dock	One of a pair of Terrace Houses	140 Queens Road	Lot 101, DP 826625	Local	401
Five Dock	One of a pair of Terrace Houses	142 Queens Road	Lot 100, DP 826625	Local	402
Five Dock	Pair of Shops	82-84 Ramsay Road	Lot 1, DP 1000063	Local	403
Five Dock	House	6 Rodd Road	Lot 27, DP 4855	Local	408
Five Dock	House	32 Wareemba Street	Lot 51, Sec C, DP 5521	Local	485
Five Dock	House	39 Waterview Street	Lot 11, DP 869673	Local	486
Five Dock	Pair of semi-detached houses	1A-5 York Avenue	Lot A, DP 321125; Lot 1, DP 984101	Local	522
Mortlake	Wangal Centenary Bushland Reserve—landscape	Hilly Street	Lot 41, DP 736614; Lot 1, DP 738239; Lots 10 and 11, DP 241277	Local	254
Mortlake	Mortlake Punt—ramp, slipway, setting	33W Hilly Street	Part Lot 1, DP 1064906	Local	253
Mortlake	Palace Hotel	62 Tennyson Road	Lot 4, DP 415523	Local	440

Suburb	Item name	Address	Property description	Significance	Item No
Mortlake	Shop	64 Tennyson Road	Lots 15 and 16, DP 1937	Local	441
Mortlake	Shop	70 Tennyson Road	Lot 3, DP 854618	Local	442
North Strathfield	House	2 Carrington Street	Lots 66 and 67, Sec 4, DP 1835	Local	64
North Strathfield	Concord Baptist Church—church	3 Carrington Street	Lots 33 and 34, Sec 3, DP 1835	Local	65
North Strathfield	House	4 Carrington Street	Lots 68 and 69, Sec 4, DP 1835	Local	66
North Strathfield	House	7 Carrington Street	Lots 29 and 30, Sec 3, DP 1835	Local	67
North Strathfield	House	13 Carrington Street	Lot 26, Sec 3, DP 1835	Local	68
North Strathfield	House	14 Carrington Street	Lot 1, DP 918828	Local	69
North Strathfield	House	17 Carrington Street	Lot 24, Sec 3, DP 1835	Local	70
North Strathfield	House	19 Carrington Street	Lots 22 and 23, Sec 3, DP 1835	Local	71
North Strathfield	House	64 Concord Road	Lots 2 and 3, DP 703453	Local	108
North Strathfield	Yaralla Cottages—houses and grounds	156–166 Concord Road	Lot 1, DP 115900	Local	109
North Strathfield	House and garden	176 Concord Road	Lot 15, DP 11808	Local	110
North Strathfield	St Stephen's Presbyterian Church—plantings	182 Concord Road	Lots 14 and 15, Sec B, DP 6487	Local	111
North Strathfield	Commonwealth Bank Building	191 Concord Road	Lot 31, DP 223623	Local	112
North Strathfield	Strathfield North Public School—school and grounds	249 Concord Road	Lot 1, DP 117820; Lots 25–30, DP 6950	Local	113
North Strathfield	Street trees—landscape	Cumming Avenue		Local	164
North Strathfield	Shops	16–18 George Street	Lot 1, DP 1002876	Local	212

2008 No 64

Canada Bay Local Environmental Plan 2008

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item No
North Strathfield	Sub-station	40A George Street	Lot 1, DP 1629	Local	213
North Strathfield	Street trees—landscape	Napier Street		Local	357
North Strathfield	House	8 Nelson Road	Lot 41, Sec 2, DP 4668	Local	358
North Strathfield	House	13 Nelson Road	Lot 11, Sec 3, DP 4668	Local	359
North Strathfield	House	24 Nelson Road	Lot A, DP 411176	Local	360
North Strathfield	House “Sunnyside”	14 Princess Avenue	Lot 1, DP 937811	Local	387
North Strathfield	House	26 Princess Avenue	Lot 63, DP 1835	Local	388
North Strathfield	Street trees (adjacent to North Strathfield Railway Station)—landscape	Queen Street	Lot 101, DP 1002884	Local	397
North Strathfield	House	15 Queen Street	Lots 1 and 2, Sec 4, DP 1835	Local	396
North Strathfield	House	4 Shipley Avenue	Lot 5, Sec A, DP 5360	Local	412
North Strathfield	House	11 Sydney Street	Lots 45–47, DP 1835	Local	433
North Strathfield	House	23 Sydney Street	Lots 35–38, DP 1835	Local	434
North Strathfield	Pair of Victorian Gothic Villas	33–35 Sydney Street	Lots 25 and 26, DP 1835; Lot 3, DP 711388	Local	435
North Strathfield	House	10 Waratah Street	Lot 31, DP 5360	Local	483
Rhodes	Rhodes Railway Station—Platforms 2 and 3	Blaxland Road		State	25
Rhodes	House and garden	59 Blaxland Road	Lot 24, DP 5923	Local	26
Rhodes	Rhodes Public School	63 Blaxland Road	Lot 21, DP 5923; Lot 22, DP 5923	Local	27

Canada Bay Local Environmental Plan 2008

Environmental heritage

Schedule 5

Suburb	Item name	Address	Property description	Significance	Item No
Rhodes	Street trees—landscape	Cavell Avenue		Local	79
Rhodes	Concord Community Hostel—grounds only—landscape	4A Cavell Avenue	Lots 40 and 41, DP 5923	Local	76
Rhodes	Warehouse	14 Cavell Avenue	Lot 50, DP 747036	Local	77
Rhodes	House	35 Cavell Avenue	Lot 135, DP 6401	Local	78
Rhodes	King George V Park—landscape	Concord Road	Lots 14–17 and 25–28, DP 739491	Local	114
Rhodes	Ryde Bridge street trees (Ryde Bridge approach)—landscape	Concord Road		Local	116
Rhodes	Uhr's Point Reserve—landscape	Concord Road	Lot 7051, DP 1059395	Local	117
Rhodes	Mellwaine Park—landscape	Concord Road (corner Blaxland Road and Mary Street)	Lot 502, DP 752023; Crown Lots 17–21 and 23, DP 792101; Lot 61, DP 668894; Lot 1, DP 724123; PTB, DP 399950; Lot 18, DP 527623; Lot 2, DP 530418	Local	115
Rhodes	Rhodes Industrial Park—grounds	410 Concord Road	Lot 12, DP 875656	Local	118
Rhodes	Street trees—landscape	Cropley Street		Local	158
Rhodes	House	6 Cropley Street	Lot B, DP 401497	Local	156
Rhodes	House "Cressbrooke"	19 Cropley Street	Lot 104, DP 6401	Local	157
Rhodes	Street trees—landscape	Llewellyn Street		Local	306
Rhodes	House	20 Llewellyn Street	Lot 79, DP 6401	Local	301

2008 No 64

Canada Bay Local Environmental Plan 2008

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item No
Rhodes	House “Kilcreggan”	23 Llewellyn Street	Lot 13, DP 522452	Local	302
Rhodes	House	37 Llewellyn Street	Lot 15, DP 6401	Local	303
Rhodes	House	71 Llewellyn Street	Lot 32, DP 6401	Local	304
Rhodes	House “Monaro” and garden	73 Llewellyn Street	Lot 33, DP 6401	Local	305
Rodd Point	Rodd Park and Family Vault	Henley Marine Drive	Lot 15068, DP 1603 (Crown); Part Lot 130, DP 61412	Local	245
Russell Lea	MWS and DB Pump House No 65	33B Byrne Avenue	Lots 17 and 18, DP 8867; Lot 101, DP 774790	Local	57
Russell Lea	House “Glenwood”	21 Lamrock Avenue	Lot 21, DP 14487	Local	280
Russell Lea	House	7 Luc Avenue	Lot 2, DP 509362	Local	309
Russell Lea	Service Station	313 Lyons Road	Lot 4, DP 14487	Local	319
Russell Lea	House	11 Mooculta Avenue	Lot 12, Sec F, DP 7156	Local	350
Strathfield	House	5 Leicester Avenue	Lot 1, DP 930791	Local	284
Strathfield	House	7 Leicester Avenue	Lot A, DP 320760	Local	285
Strathfield	Street trees—landscape	Manson Road		Local	342
Strathfield	House	10 Manson Road	Lot 10, DP 4386	Local	335
Strathfield	House	14 Manson Road	Lot 2, DP 323553	Local	336
Strathfield	House	16 Manson Road	Lot 1, DP 188326	Local	337
Strathfield	House and garden	18 Manson Road	Lot 2, DP 321309	Local	338
Strathfield	House	20 Manson Road	Lot 1, DP 321309	Local	339
Strathfield	House	22–24 Manson Road	Lots A and B, DP 406120	Local	340
Strathfield	House	30 Manson Road	Lot 25, DP 703454	Local	341
Strathfield	House	19 Swan Avenue	Lot 10, DP 5336	Local	426
Strathfield	House	20 Swan Avenue	Lot 39, DP 5336	Local	427

Suburb	Item name	Address	Property description	Significance	Item No
Strathfield	St Andrew's Church—church	37 Swan Avenue	Lots 20–23, DP 5336; Lot 1, DP 1091154	Local	425
Strathfield	Milling Place—mature deodar, cedar trees (known Swan Avenue Reserve)	42P Swan Avenue	Lot 2, DP 868755	Local	428

Part 2 Heritage conservation areas

Description	Identification on heritage map	Significance
Bourketown Conservation Area	Shown by a heavy black broken line and marked Bourketown Conservation Area	Local
Parklands Estate Conservation Area	Shown by a heavy black broken line and marked Parklands Estate Conservation Area	Local
Drummoyne Park Conservation Area	Shown by a heavy black broken line and marked Drummoyne Park Conservation Area	Local
Drummoyne Avenue East Conservation Area	Shown by a heavy black broken line and marked Drummoyne Avenue East Conservation Area	Local
Drummoyne Avenue West Conservation Area	Shown by a heavy black broken line and marked Drummoyne Avenue West Conservation Area	Local
Victoria Road Retail Conservation Area	Shown by a heavy black broken line and marked Victoria Road Retail Conservation Area	Local
Gears Avenue Conservation Area	Shown by a heavy black broken line and marked Gears Avenue Conservation Area	Local
Hampden Road Conservation Area	Shown by a heavy black broken line and marked Hampden Road Conservation Area	Local
Thompson Street Conservation Area	Shown by a heavy black broken line and marked Thompson Street Conservation Area	Local
Gipps Street Conservation Area	Shown by a heavy black broken line and marked Gipps Street Conservation Area	Local

2008 No 64

Canada Bay Local Environmental Plan 2008

Schedule 5 Environmental heritage

Description	Identification on heritage map	Significance
Marlborough and Tavistock Streets Conservation Area	Shown by a heavy black broken line and marked Marlborough and Tavistock Streets Conservation Area	Local
Birkenhead and Dawson Estates Conservation Area	Shown by a heavy black broken line and marked Birkenhead and Dawson Estates Conservation Area	Local
Mons Street and Boronia Avenue Conservation Area	Shown by a heavy black broken line and marked Mons Street and Boronia Avenue Conservation Area	Local
Moore Street Conservation Area	Shown by a heavy black broken line and marked Moore Street Conservation Area	Local
Yaralla Estate Conservation Area	Shown by a heavy black broken line and marked Yaralla Estate Conservation Area	Local
Park Avenue Conservation Area	Shown by a heavy black broken line and marked Park Avenue Conservation Area	Local
Lindfield Avenue Conservation Area	Shown by a heavy black broken line and marked Lindfield Avenue Conservation Area	Local
Creewood Street Conservation Area	Shown by a heavy black broken line and marked Creewood Street Conservation Area	Local
Powell's Estate Conservation Area	Shown by a heavy black broken line and marked Powell's Estate Conservation Area	Local
Majors Bay Road Conservation Area	Shown by a heavy black broken line and marked Majors Bay Road Conservation Area	Local

Schedule 6 Transitional provisions for certain sites

(Clause 6.9)

Part 1 Development of certain land at Breakfast Point

1 Land to which this Part applies

This Part applies to the land that is former Lot 1, DP 716536, as shown on Sheet 4 of the Special Transitional Sites Map and identified as “B1”, “B2”, “B3” and “B4”.

2 Planning and development objectives for Breakfast Point

The objectives relating to the planning and development of the land to which this Part applies are as follows:

(a) **Access, traffic management and parking**

- (i) to provide a hierarchy of roads and landscape elements to distinguish access points and different types of circulation through Breakfast Point, and
- (ii) to provide access to and through Breakfast Point that is safe and convenient for all users (for example, public transport, private vehicles, cyclists and pedestrians) and minimises adverse environmental amenity impacts, and
- (iii) to ensure public pedestrian and cycle access along the foreshore and between the foreshore and adjoining public areas such as Cabarita Park, and
- (iv) to provide convenient access for people with disabilities, and
- (v) to encourage the establishment of a suitable ferry wharf, and
- (vi) to encourage integrated public transport systems to service Breakfast Point and adjoining neighbourhoods, and
- (vii) to provide adequate vehicle and bicycle parking, in terms of demand and design, for employees, residents and visitors,

(b) **Built form and integration with adjoining development**

- (i) to provide a variety of housing types and forms having regard to the needs of the community, and
- (ii) to encourage buildings that physically address the public domain and particularly the street, and
- (iii) to promote the integration of heritage buildings and items with new buildings and open space, and

2008 No 64

Canada Bay Local Environmental Plan 2008

Schedule 6 Transitional provisions for certain sites

- (iv) to position low-rise buildings next to existing residential areas and provide a gradation of higher buildings towards the centre of Breakfast Point so that impacts of higher buildings on existing residential areas are contained, and
- (v) to ensure the creation, retention and enhancement of significant vistas to and from Breakfast Point and, in particular, to and from the Parramatta River, and
- (vi) to provide development that responds to the topography of Breakfast Point and incorporates the natural and man-made landscape features, and
- (vii) to use appropriate separation between buildings as a means of providing acoustic and visual privacy, and
- (viii) to recognise the unique characteristics and development objectives of the different precincts into which Breakfast Point is divided.

In general, these precincts and their respective characteristics and development objectives are as follows:

Precinct B1 generally comprises the southern part of Breakfast Point, adjoining existing residential areas in Brays Road and Bishop and Medora Streets. Its objective is to provide low-rise residential development that is of a scale, style and character sympathetic to existing residential development in the locality, without imitating that development.

Precinct B2 generally comprises the northern part of Breakfast Point fronting the Parramatta River. Its objectives are:

- to integrate future development with heritage items remaining in this precinct, and
- to encourage development that takes advantage of views and view corridors to and from the Parramatta River, and
- to provide supporting land uses around any ferry wharf, and
- to integrate other development with the public access and landscaped open space provided along the foreshore.

Precinct B3 generally comprises the central part of Breakfast Point. Its objectives are:

- to encourage taller forms of development where adverse impacts on existing adjoining residential areas are less likely to occur and where views of the Parramatta River and beyond can be achieved, and
- to integrate new development with heritage items.

Precinct B4 generally comprises the western part of Breakfast Point, adjoining Tennyson Road and Emily Street. Its objectives are:

- to integrate future development with heritage items remaining in this precinct, and
- to encourage the location of non-residential uses in this precinct as well as residential uses.

(c) **Ecologically sustainable development**

to ensure ecologically sustainable development as a means of meeting the needs of the present without compromising the ability of future generations to meet their own needs,

(d) **Environmental amenity issues**

to provide development that addresses environmental amenity issues (both on the land to which this Part applies and in surrounding residential areas) such as noise levels, traffic generation, overshadowing, privacy, visual amenity and ecological sustainability,

(e) **Heritage**

- (i) to conserve and enhance the environmental heritage of the local government area of the City of Canada Bay, and
- (ii) to integrate heritage items with new development on Breakfast Point, and
- (iii) to incorporate in the pattern of uses of Breakfast Point a recognition of the former history of Breakfast Point by encouraging the adaptive re-use of heritage items through adaptation and modification, and the incorporation, if appropriate, of industrial artefacts,

(f) **Land use and density**

- (i) to promote a mix of land uses in a coordinated way combining business and employment opportunities in the area and opportunities for people to live and work in an urban village environment, and
- (ii) to provide development on Breakfast Point for primarily residential uses, including a proportion of housing

2008 No 64

Canada Bay Local Environmental Plan 2008

Schedule 6 Transitional provisions for certain sites

designed for the aged, persons with disabilities and those on a low income, and

- (iii) to limit the scale and adverse impacts of non-residential uses and minimise their adverse impacts on residential areas, and
- (iv) to encourage retailing and community uses that serve the local community,

(g) **Landscaping**

- (i) to use landscaping as a means of enhancing the quality of the built environment and the perception of public accessibility of streetscapes and public spaces, and
- (ii) to apply ecologically sustainable development principles as a part of the landscape design, and the on-going maintenance of landscaped areas, and
- (iii) to include native flora species in landscaping for its scenic and habitat values, such plantings being of suitable maturity and species, and
- (iv) to use landscaping as a means of providing acoustic and visual privacy by encouraging such devices as appropriate walls, screen planting and level changes,

(h) **Planning and development**

to ensure a holistic planning approach for the whole of Breakfast Point,

(i) **Public domain and open space**

- (i) to provide development that enhances and complements an attractive and functional public domain, and
- (ii) to provide development of open space for passive and active recreational use by residents, employees and the public, and
- (iii) to provide public open space and ensure public access along the foreshore and linking to Cabarita Park and provide open space linkages throughout the site.
- (iv) to provide view opportunities to and from the Parramatta River by means of the open space design, and
- (v) to provide a hierarchy of open space areas of different sizes and functions that are interspersed throughout Breakfast Point.

3 Restrictions on development

- (1) The consent authority must not grant consent for development of the land to which this Part applies unless it is satisfied that a minimum of

2 primary vehicular access points to the land to which this Part applies will be or have been provided, one of which must be on the southern side of the land to which this Part applies and one of which must be on the western side of that land.

- (2) The consent authority must not grant consent to a development application relating to the land to which this Part applies unless it is satisfied that the proposed development is designed to have regard to such of the objectives relating to that land as are relevant to the proposed development.
- (3) The consent authority may, for the purpose of complying with subclause (2), consider the location of the boundaries between precincts to be approximate, but not to the extent that one or more precincts are extinguished and not to the extent that the objectives for each precinct cannot be met.
- (4) Despite Part 2 of this Plan, a person may, with the consent of consent authority, on the part of the land to which this Part applies that is defined as foreshore public open space, carry out development for the purpose of boatsheds, seawalls, slipways, jetties, wharves, waterway access stairs or swimming pools, or for the purpose of open space, landscaping, picnic facilities, cycleways or walking trails, accessible by the public, or carry out development that is, in the opinion of the consent authority, required by and ancillary to development elsewhere.
- (5) The consent authority must not grant consent to a development application relating to either:
 - (a) any part of the land to which this Part applies which adjoins that part of the land to which this Part applies that is defined as foreshore public open space, or
 - (b) the foreshore public open space,unless the consent authority is satisfied that the proposed development is so designed as to have regard to the function of the foreshore public open space, and adequate access to and from the foreshore public open space and other public space (if any) on the remainder of the land to which this Part applies will be or has been provided.
- (6) The consent authority may only grant consent to development of the land to which this Part applies for the purpose of:
 - (a) landscaping, or
 - (b) remediation, or
 - (c) demolition of buildings other than heritage items, or
 - (d) development that is, in the opinion of the consent authority, of a minor nature, if it has had regard to a plan identifying

2008 No 64

Canada Bay Local Environmental Plan 2008

Schedule 6 Transitional provisions for certain sites

numerically and graphically the Containment Cell Area or Areas that are to be constructed on the land to which this Part applies.

4 Carrying out works

A person must not, on the land to which this Part applies:

- (a) disturb or excavate any land for any purpose, or
 - (b) carry out any land filling, or
 - (c) clear trees or other vegetation from the land to which this Part applies, or
 - (d) alter the landscape or carry out any landscaping,
- without the consent of the consent authority, otherwise than in cases of emergency, or for the purpose of repairing, maintaining or carrying out minor alterations to existing buildings, works or landscaping.

5 Development standards

- (1) Despite any other provision of this Plan (but subject to compliance with the Floor Space Ratio Map), a person may, with the consent of the consent authority, carry out development for the purpose of non-residential land uses on the land to which this Part applies, but only if:
 - (a) the total gross floor area of all buildings comprising the development does not exceed 15% of the total floor area permissible under the Floor Space Ratio Map for the land to which this Part applies, and
 - (b) the location of the development is considered suitable by the consent authority, having regard to the existing and likely future surrounding residential amenity and existing and likely future road and public transport access, and
 - (c) not more than 10,000m² of gross floor area will be used on the land to which this Part applies for the purpose of business premises and retail premises (whether or not in the same building).
- (2) The maximum number of dwellings that may be erected on the land to which this Part applies is 40 dwellings per hectare.
- (3) The consent authority must not grant consent for development for the purpose of non-residential buildings or land uses unless it is satisfied the traffic impacts on the road network will be equivalent to or less than the traffic impacts on the road network that would be generated by the maximum number of dwellings allowed by subclause (2) in the absence of any additional development.

- (4) In this clause:

road network means the road network external to the land to which this Part applies.

6 Definitions

In this Part:

Containment Cell Area means the part of the land to which this Part applies in which there is, or is required by a condition of development consent to be, constructed a containment cell for contaminated fill.

foreshore public open space means that part of the land to which this Part applies shown on Sheets 2 and 4 of the Special Transitional Sites Map and identified as “B5”, and that has a width of 15m, measured from the top of the sea wall fronting Parramatta River after remediation of that part of the land to which this Part applies has been completed.

Precinct means a part of the land to which this Part applies that is shown on Sheets 2 and 4 of the Special Transitional Sites Map and identified as “B1”, “B2”, “B3” and “B4”.

Part 2 Development on certain land in North Strathfield

7 Land to which this Part applies

This Part applies to land in North Strathfield as shown on Sheet 3 of the Special Transitional Sites Map and identified as “A”.

8 Consent for development on the land may only be granted in certain circumstances

The consent authority must not grant consent to development on land to which this Part applies unless it is satisfied that:

- (a) the proposed development is consistent with, and enables achievement of, an overall integrated design for the land in relation to the following:
- (i) building height, siting, arrangements and finishes,
 - (ii) landscaping,
 - (iii) open space,
 - (iv) pedestrian movement,
 - (v) car parking,
 - (vi) road access,
 - (vii) public transport access,
 - (viii) local and subregional traffic management,

2008 No 64

Canada Bay Local Environmental Plan 2008

Schedule 6 Transitional provisions for certain sites

- (ix) drainage,
 - (x) environmental sustainability,
 - (xi) arrangement of land uses, and
- (b) the proposed development will not have any significant adverse effect on the amenity of the site and the operation of the adjacent Main Northern Railway Line during the construction of any buildings or works or their operation.

9 Restriction on granting consent for large floor areas

The consent authority must not grant consent to development on Lot 1, DP 829703 and Part Lot 1, DP 1002876, George Street, North Strathfield if granting the consent would result in:

- (a) more than 6,000m² of gross floor area being used for the purposes of retail premises (excluding restaurants), or
- (b) more than 3,500m² of gross floor area being used for the purposes of a supermarket.

Part 3 Development of the former Sydney Wire Mill site

10 Land to which this Part applies

This Part applies to the land comprising the property known as the Sydney Wire Mill site, Blackwall Point Road, Chiswick, as shown on Sheet 4 of the Special Transitional Sites Map and identified as "C".

11 Sizes applying to certain development on the site

Despite any other provision of this Plan, development may be carried out on land to which this Part applies, with the consent of the consent authority, for the purpose of neighbourhood shops, food and drink premises and office premises, but only if:

- (a) the total floor space occupied by those uses does not exceed 1,200m², and
- (b) no single use occupies more than 300m² or, in the case of office premises, 400m².

Part 4 Development of land at 27 George Street, North Strathfield

12 Land to which this Part applies

This Part applies to Lot 1, DP 942153 and Lot 1, DP 936751, being No 27 George Street, North Strathfield.

13 Minimum gross floor area for business or retail premises

A minimum of 10% of the gross floor area of the land to which this Part applies must be used for either business premises or retail premises (other than function centres, pubs, registered clubs, service stations, sex service premises, timber and building supplies and vehicle sales or hire premises).

14 Minimum residential floor space for certain housing

A minimum of 10% of the residential floor space of the land to which this Part applies must be developed for seniors housing.

Part 5 Development of land in Zone B6 Enterprise Corridor

15 Land to which this Part applies

This Part applies to land in Zone B6 Enterprise Corridor.

16 Objectives of this Part

The objectives of this Part are as follows:

- (a) to ensure a high level of acoustic privacy is given to residents who live in the vicinity of Parramatta Road,
- (b) to ensure that apartments with a frontage to Parramatta Road are designed to give direct access to natural ventilation,
- (c) to improve the amenity of developments through the retention or planting of large and medium size trees.

17 Setback from Parramatta Road

The consent authority must not grant consent to residential accommodation on land to which this Part applies unless it is set back a minimum of 20m from the boundary of the land next to Parramatta Road.

Dictionary

(Clause 1.4)

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

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

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

Acid Sulfate Soils Map means the Canada Bay Local Environmental Plan 2008 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 an 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 any of the following:

- (a) animal boarding or training establishments,
- (b) aquaculture,
- (c) extensive agriculture,
- (d) farm forestry,
- (e) intensive livestock agriculture,
- (f) intensive plant agriculture.

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

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

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

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

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

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

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

Note. 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*).

This Dictionary also contains definitions of **natural water-based aquaculture**, **pond-based aquaculture** and **tank-based aquaculture**.

archaeological site means an area of land:

- (a) shown on the Heritage Map as an archaeological site, and
- (b) the location and nature of which is described in Schedule 5, and
- (c) that contains one or more relics.

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

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land (not being an individual lot in a strata plan or community title scheme), and
- (c) none of the dwellings is located above any part of another dwelling.

2008 No 64

Canada Bay Local Environmental Plan 2008

Dictionary

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

backpackers' accommodation means 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 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.

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

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* (EPA 1997) and *Addendum to Environmental Guidelines: Use and Disposal of Biosolids Products* (EPA 2000a).

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

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 group home, a serviced apartment, seniors housing or hotel or motel 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 that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.

brothel has the same meaning as in the Act.

building has the same meaning as in the Act.

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

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

building identification sign means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol, but 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) bulky goods, being goods that are of such size or weight as to require:

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

2008 No 64

Canada Bay Local Environmental Plan 2008

Dictionary

- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

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

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

business identification sign means a sign:

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

but that does not 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 or on which:

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

and may include, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, medical centres, betting agencies and the like, but does not include sex services premises.

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 their ashes.

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

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

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

but does not include:

- (c) a building or place used for home-based child care, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the 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

2008 No 64

Canada Bay Local Environmental Plan 2008

Dictionary

- (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.

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

Note. The term is defined as follows:

classified road means any of the following:

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

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

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

Note. The term is defined as follows:

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

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

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

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

coastal lake means a body of water specified in Schedule 1 to the *State Environmental Planning Policy No 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.

community facility means a building or place:

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

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

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

correctional centre means:

- (a) any premises declared to be a correctional centre by a proclamation in force under section 225 of the *Crimes (Administration of Sentences) Act 1999*, including any juvenile correctional centre or periodic detention centre, and
- (b) any premises declared to be a detention centre by an order in force under section 5 (1) of the *Children (Detention Centres) Act 1987*,

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

Council means the Canada Bay 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

2008 No 64

Canada Bay Local Environmental Plan 2008

Dictionary

(c) lands within the meaning of the *Trustees of Schools of Arts Enabling Act 1902*, but does not include land that forms any part of a reserve under Part 5 of the *Crown Lands Act 1989* provided for accommodation.

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

dairy (pasture-based) means a dairy 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 (that 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 (not being an individual lot in a strata plan or community title scheme), but does not include a secondary dwelling.

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 establishment, that provides formal education and is constituted by or under an Act.

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

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

emergency services organisation means any of the following:

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

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

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

environmental protection works means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like.

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

Note. The term is defined as follows:

estuary means:

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

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

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

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

2008 No 64

Canada Bay Local Environmental Plan 2008

Dictionary

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

extensive agriculture means:

- (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) animal boarding or training establishments,
- (e) aquaculture,
- (f) farm forestry,
- (g) intensive livestock agriculture,
- (h) intensive plant agriculture.

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.

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

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

farm stay accommodation means tourist and visitor accommodation provided to paying guests on a working farm as a secondary business to primary production.

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

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 not significantly alter the shape, natural form or drainage of the land, or
- (b) the use of land as a waste disposal facility.

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

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

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

Note. The term is defined as follows:

Definition of “fish”

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

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

floor space ratio—see clause 4.5.

Floor Space Ratio Map means the Canada Bay Local Environmental Plan 2008 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 and drink premises, milk bars and pubs.

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

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

Foreshore Building Line Map means the Canada Bay Local Environmental Plan 2008 Foreshore Building Line Map.

2008 No 64

Canada Bay Local Environmental Plan 2008

Dictionary

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 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.

funeral home means 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 floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:

- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and

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

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

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

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

group home means a dwelling that is a permanent group home or a transitional group home.

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

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

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

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

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

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

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

2008 No 64

Canada Bay Local Environmental Plan 2008

Dictionary

(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 a medical centre that comprises 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.

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

(a) day surgeries and medical centres,

(b) community health service facilities,

(c) health consulting rooms,

(d) facilities for the transport of patients, including helipads and ambulance facilities,

(e) hospitals.

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 Canada Bay Local Environmental Plan 2008 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 an area of land:

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

heritage conservation management plan means a document prepared in accordance with guidelines prepared by the 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.

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, tree, place or Aboriginal object:

- (a) shown on the Heritage Map as a heritage item, and
- (b) the location and nature of which is described in Schedule 5, and
- (c) specified in an inventory of heritage items that is available at the office of the Council.

Heritage Map means the Canada Bay Local Environmental Plan 2008 Heritage Map.

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

highway service centre means a building or place used as a facility to provide refreshments and vehicle services to highway users, and which may include any one or more of the following:

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

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

- (a) the service is appropriately licensed within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*,

2008 No 64

Canada Bay Local Environmental Plan 2008

Dictionary

- (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) 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,

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

Note. See clause 5.4 for controls relating to the floor area used to carry on the business.

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,

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

Note. See clause 5.4 for controls relating to the floor area used to carry on the light industry.

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

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- (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, a brothel or home occupation (sex services).

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

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

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

horticulture means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include 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,

2008 No 64

Canada Bay Local Environmental Plan 2008

Dictionary

- (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 or motel accommodation means tourist and visitor accommodation (whether or not licensed premises under the *Liquor Act 1982*):

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

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

industrial retail outlet means a building or place that:

- (a) is used in conjunction with an industry (including a light industry) but not in conjunction with a warehouse or distribution centre, and
- (b) is situated on the land on which the industry is carried out, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry is carried out.

Note. See clause 5.4 for controls relating to the retail floor area.

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, for commercial purposes, of cattle, poultry, goats, horses or other livestock, that are fed wholly or substantially on externally-sourced feed, and includes the 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.

intensive plant agriculture means any of the following carried out for commercial purposes:

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

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

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

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

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

Land Application Map means the Canada Bay Local Environmental Plan 2008 Land Application Map.

Land Reservation Acquisition Map means the Canada Bay Local Environmental Plan 2008 Land Reservation Acquisition Map.

Land Zoning Map means the Canada Bay Local Environmental Plan 2008 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 site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

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 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 storage premises that are 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 an 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, knackereries, tanneries, woollscours and rendering plants.

Lot Size Map means the Canada Bay Local Environmental Plan 2008 Lot Size Map.

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.

2008 No 64

Canada Bay Local Environmental Plan 2008

Dictionary

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.

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.

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 (not being an individual lot in a strata plan or community title scheme) each with access at ground level, but does not include a residential flat building.

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

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

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

Note. The term is defined as follows:

Meaning of “native vegetation”

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

natural 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, lines 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 purposes of selling small daily convenience goods such as foodstuffs, personal care products, newspapers and

2008 No 64

Canada Bay Local Environmental Plan 2008

Dictionary

the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.

Note. See clause 5.4 for controls relating to the retail floor area.

nightclub means premises specified in a nightclub licence under the *Liquor Act 1982*.

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

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

offensive industry means 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.

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 entertainment has the same meaning as in the Act.

Note. The term is defined as follows:

place of public entertainment means:

- (a) any theatre or cinema (including a drive-in or open-air theatre or cinema) that is used or intended to be used for the purpose of providing public entertainment, or
- (b) any premises the subject of a licence under the *Liquor Act 1982* or a certificate of registration under the *Registered Clubs Act 1976*, that are used or intended to be used for the purpose of providing entertainment, including public entertainment, but not including amusement provided by means of an approved gaming machine within the meaning of the *Gaming Machines Act 2001*, or
- (c) any public hall that is used or intended to be used for the purpose of providing public entertainment.

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.

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 natural water-based aquaculture.

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

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

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

2008 No 64

Canada Bay Local Environmental Plan 2008

Dictionary

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 or motel 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, and includes a courthouse or a police station.

public authority has the same meaning as in the Act.

public entertainment has the same meaning as in the Act.

Note. The term is defined as follows:

public entertainment means entertainment to which admission may ordinarily be gained by members of the public on payment of money or other consideration:

- (a) whether or not some (but not all) persons are admitted free of charge, and
- (b) whether or not the money or other consideration is demanded:
 - (i) as a charge for a meal or other refreshment before admission is granted, or
 - (ii) as a charge for the entertainment after admission is granted.

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

Note. The term is defined as follows:

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

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

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

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

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

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

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

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

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

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

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

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

recreation facility (major) means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes 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 Canada Bay, not being Aboriginal settlement, and
- (b) that is more than 50 years old, and

2008 No 64

Canada Bay Local Environmental Plan 2008

Dictionary

(c) that is a fixture or is wholly or partly within the ground.

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

residential accommodation means a building or place used predominantly as a place of residence, 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, but does not include an attached dwelling or multi dwelling housing.

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

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 or motel 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).

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

roadside stall means a place or temporary structure used for 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.

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

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

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*.

secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

Note. See clause 5.4 for controls relating to the total floor area.

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

2008 No 64

Canada Bay Local Environmental Plan 2008

Dictionary

semi-detached dwelling means a dwelling that is on its own lot of land (not being an individual lot in a strata plan or community title scheme) and is attached to only one other dwelling.

seniors housing means residential accommodation that consists of:

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

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

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

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

sewerage system means a biosolids treatment facility, sewage reticulation system, sewage treatment plant, water recycling facility, or any combination of these.

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

sex services premises means a brothel, but does not include home occupation (sex services).

shop means retail premises that sell groceries, personal care products, clothing, music, homewares, stationery, electrical goods or other items of general merchandise, and may include a neighbourhood shop, but does not include food and drink premises or restricted premises.

shop top housing means 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, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

Note. The effect of this definition is varied by clause 4.5 for the purpose of the determination of permitted floor space area for proposed development.

site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

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

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

Special Transitional Sites Map means the Canada Bay Local Environmental Plan 2008 Special Transitional Sites Map.

2008 No 64

Canada Bay Local Environmental Plan 2008

Dictionary

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.

storage premises means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any business premises or retail premises on the same parcel of land.

storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

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

Note. The term is defined as follows:

swimming pool means an excavation, structure or vessel:

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the *Swimming Pools Act 1992* not to be a swimming pool for the purposes of that Act.

take away food and drink premises means food and drink premises that are predominantly used for the preparation and sale of food or drink (or both) 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 Act.

Note. The term is defined as follows:

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

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

timber and building supplies means a building or place used for the display, sale (whether by retail or wholesale) or hire of goods or materials that are used in the construction and maintenance of buildings.

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

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.

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 sales or hire premises means a building or place used for the display, sale (whether by retail or wholesale) or hire 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.

viticulture means the cultivation of grapes for commercial purposes for use in the production of fresh or dried fruit or wine.

warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

waste disposal facility means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

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, recycling, recovering, use or reuse of material from that waste, and whether or not

2008 No 64

Canada Bay Local Environmental Plan 2008

Dictionary

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.

waste or resource management facility means a waste or resource transfer station, a resource recovery facility or a waste disposal facility.

waste or resource transfer station means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

water recreation structure means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

water recycling facility means a building or place used for the treatment of sewage effluent, stormwater or waste water for use as an alternative supply to mains water, groundwater or river water (including, in particular, sewer mining works), whether the facility stands alone or is associated with other development, and includes associated:

- (a) retention structures, and
- (b) treatment works, and
- (c) irrigation schemes.

water reticulation system means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure, dosing facilities and water supply reservoirs.

water storage facility means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

water supply system means a water reticulation system, water storage facility, water treatment facility, or any combination of these.

water treatment facility means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

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

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

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

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

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

wetland means:

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

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