



New South Wales

# **Ku-ring-gai Local Environmental Plan (Town Centres) 2010**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S09/01110/PC-1)

TONY KELLY, MLC  
Minister for Planning

## 2010 No 203

Ku-ring-gai Local Environmental Plan (Town Centres) 2010

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## 2010 No 203

Clause 1.1 Ku-ring-gai Local Environmental Plan (Town Centres) 2010

Part 1 Preliminary

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# Ku-ring-gai Local Environmental Plan (Town Centres) 2010

under the

Environmental Planning and Assessment Act 1979

## Part 1 Preliminary

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

### 1.1 Name of Plan

This Plan is *Ku-ring-gai Local Environmental Plan (Town Centres) 2010*.

### 1.1AA Commencement

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

### 1.2 Aims of Plan

- (1) This Plan aims to make local environmental planning provisions for land in Ku-ring-gai Town Centres that are generally in accordance with the relevant standard environmental planning instrument under section 33A of the Act.
- (2) The particular aims of this Plan are as follows:
  - (a) to establish a hierarchy of centres for Ku-ring-gai,
  - (b) to facilitate the development of the centres to enhance Ku-ring-gai's economic role and cater to the retail and commercial needs of the local community,
  - (c) to provide a variety of housing choice within and adjacent to the centres,
  - (d) to protect, enhance and manage land having special aesthetic, ecological, social, cultural or conservation values for the benefit of present and future generations.

**1.3 Land to which Plan applies**

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

**1.4 Definitions**

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

**1.5 Notes**

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

**1.6 Consent authority**

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

**1.7 Maps**

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

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

**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.

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- (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other land cease to apply to the land to which this Plan applies.

### 1.8A Savings provision relating to development applications

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

### 1.9 Application of SEPPs

- (1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 36 of the Act.
- (2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies:

*State Environmental Planning Policy No 1—Development Standards*

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

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

*State Environmental Planning Policy No 53—Metropolitan Residential Development*

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## Part 2 Permitted or prohibited development

### 2.1 Land use zones

The land use zones under this Plan are as follows:

**Residential Zones**

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

**Business Zones**

- B2 Local Centre
- B4 Mixed Use
- B5 Business Development
- B7 Business Park

**Special Purpose Zones**

- SP1 Special Activities
- SP2 Infrastructure

**Recreation Zones**

- RE1 Public Recreation

**Environment Protection Zones**

- E2 Environmental Conservation
- E4 Environmental Living

### 2.2 Zoning of land to which Plan applies

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

### 2.3 Zone Objectives and Land Use Table

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

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Part 2 Permitted or prohibited development

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

**Notes.**

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

### 2.4 Unzoned land

- (1) Development may be carried out on unzoned land only with 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.



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**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.

**2.6AA Demolition requires consent**

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

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

**2.6BB Temporary use of land**

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.

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Clause 2.6BB Ku-ring-gai Local Environmental Plan (Town Centres) 2010

Part 2 Land Use Table

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- (3) Development consent must not be granted unless the consent authority is satisfied that:
- (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
  - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
  - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
  - (d) at the end of the temporary use period the site will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

### Land Use Table

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

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

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

*State Environmental Planning Policy (Infrastructure) 2007* (relating to public facilities such as those for air transport, correction, education, electricity generation, health services, ports, railways, roads, waste management and water supply systems)

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

*State Environmental Planning Policy (Rural Lands) 2008*

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

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

*State Environmental Planning Policy No 62—Sustainable Aquaculture*

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

### Zone R2 Low Density Residential

#### 1 Objectives of zone

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

- 
- To provide housing that is compatible with the existing environmental character of Ku-ring-gai.

**2 Permitted without consent**

Home-based child care; Home occupations

**3 Permitted with consent**

Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dwelling houses; Earthworks; Educational establishments; Environmental protection works; Group homes; Health consulting rooms; Home businesses; Home industries; Hospitals; Neighbourhood shops; Places of public worship; Recreation areas; Roads; Secondary dwellings; Seniors housing

**4 Prohibited**

Any development not specified in item 2 or 3

**Zone R3 Medium Density Residential**

**1 Objectives of zone**

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

**2 Permitted without consent**

Home-based child care; Home occupations

**3 Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dwelling houses; Earthworks; Educational establishments; Environmental protection works; Group homes; Home businesses; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Roads; Seniors housing; Shop top housing

**4 Prohibited**

Any development not specified in item 2 or 3

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Clause 2.6BB Ku-ring-gai Local Environmental Plan (Town Centres) 2010

Part 2 Land Use Table

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### Zone R4 High Density Residential

#### 1 Objectives of zone

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

#### 2 Permitted without consent

Home occupations

#### 3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dwelling houses; Earthworks; Educational establishments; Environmental protection works; Home businesses; Home industries; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Residential flat buildings; Roads; Seniors housing; Shop top housing

#### 4 Prohibited

Any development not specified in item 2 or 3

### Zone B2 Local Centre

#### 1 Objectives of zone

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

#### 2 Permitted without consent

Home-based child care; Home occupations

#### 3 Permitted with consent

Boarding houses; Business premises; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Office premises;

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Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

**4 Prohibited**

Agriculture; Air transport facilities; Attached dwellings; Biosolids treatment facilities; Bulky goods premises; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Dual occupancies; Dwelling houses; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Group homes; Industrial retail outlets; Industries; Landscape and garden supplies; Mortuaries; Multi dwelling housing; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential flat buildings; Restricted premises; Rural supplies; Secondary dwellings; Semi-detached dwellings; Sewage treatment plants; Storage premises; Timber and building supplies; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Waste or resource management facilities; Wholesale supplies

**Zone B4 Mixed Use****1 Objectives of zone**

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To support the integrity and viability of adjoining local centres by providing for a range of “out-of-centre” retail uses such as bulky goods premises and compatible business activities.

**2 Permitted without consent**

Home-based child care; Home occupations

**3 Permitted with consent**

Boarding houses; Business premises; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Light industries; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

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Clause 2.6BB Ku-ring-gai Local Environmental Plan (Town Centres) 2010

Part 2 Land Use Table

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### 4 Prohibited

Agriculture; Air transport facilities; Attached dwellings; Biosolids treatment facilities; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Dual occupancies; Dwelling houses; Exhibition homes; Exhibition villages; Extractive industries; Farm stay accommodation; Forestry; Freight transport facilities; Hazardous storage establishments; Industrial retail outlets; Industries; Landscape and garden supplies; Liquid fuel depots; Mortuaries; Multi dwelling housing; Offensive storage establishments; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Restricted premises; Rural supplies; Secondary dwellings; Self-storage units; Semi-detached dwellings; Sewage treatment plants; Timber and building supplies; Transport depots; Waste or resource management facilities; Wholesale supplies

### Zone B5 Business Development

#### 1 Objectives of zone

- To enable a mix of business and warehouse uses, and specialised retail uses that require a large floor area, in locations that are close to, and that support the viability of, centres.

#### 2 Permitted without consent

Nil

#### 3 Permitted with consent

Child care centres; Hotel or motel accommodation; Light industries; Passenger transport facilities; Roads; Warehouse or distribution centres; Any other development not specified in item 2 or 4

#### 4 Prohibited

Agriculture; Air transport facilities; Amusement centres; Biosolids treatment facilities; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Hazardous storage establishments; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industrial retail outlets; Industries; Landscape and garden supplies; Liquid fuel depots; Mortuaries; Offensive storage establishments; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Roadside stalls; Rural supplies; Self-storage units; Sewage treatment plants; Timber and building supplies; Tourist and visitor accommodation; Transport depots; Vehicle

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sales or hire premises; Waste or resource management facilities;  
Wholesale supplies

**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.

**2 Permitted without consent**

Nil

**3 Permitted with consent**

Child care centres; Hotel or motel accommodation; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Roads; Truck depots; Warehouse or distribution centres; Any other development not specified in item 2 or 4

**4 Prohibited**

Agriculture; Air transport facilities; Amusement centres; Biosolids treatment facilities; Bulky goods premises; Caravan parks; Cellar door premises; Cemeteries; Correctional centres; Crematoria; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Hazardous storage establishments; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industrial retail outlets; Industries; Landscape and garden supplies; Liquid fuel depots; Markets; Mortuaries; Offensive storage establishments; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Restricted premises; Roadside stalls; Rural supplies; Sewage treatment plants; Shops; Tourist and visitor accommodation; Vehicle sales or hire premises; Waste or resource management facilities; Wholesale supplies

**Zone SP1 Special Activities****1 Objectives of zone**

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.

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Clause 2.6BB Ku-ring-gai Local Environmental Plan (Town Centres) 2010

Part 2 Land Use Table

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- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

### 2 Permitted without consent

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.

### 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; Earthworks; Roads

### 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.



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**2 Permitted without consent**

Environmental protection works

**3 Permitted with consent**

Car parks; Caravan parks; Community facilities; Earthworks; Environmental facilities; Food and drink premises; Kiosks; Recreation areas; Recreational facilities (indoor); Recreational facilities (major); Recreational facilities (outdoor); Roads; Signage

**4 Prohibited**

Any development not specified in item 2 or 3

**Zone E2 Environmental Conservation**

**1 Objectives of zone**

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

**2 Permitted without consent**

Environmental protection works

**3 Permitted with consent**

Earthworks; Environmental facilities; Roads

**4 Prohibited**

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

**Zone E4 Environmental Living**

**1 Objectives of zone**

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To permit residents to work at home where there is no significant adverse effect on those values or on the amenity of the locality.

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Clause 2.6BB Ku-ring-gai Local Environmental Plan (Town Centres) 2010

Part 2 Land Use Table

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- To prevent further fragmentation of ecological communities, biodiversity corridors or other significant vegetation.

### **2 Permitted without consent**

Environmental protection works; Home-based child care; Home occupations

### **3 Permitted with consent**

Bed and breakfast accommodation; Dwelling houses; Group homes; Home businesses; Home industries; Recreation areas; Roads; Secondary dwellings

### **4 Prohibited**

Industries; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

## Part 3 Exempt and complying development

### 3.1 Exempt development

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

The section states that exempt development:

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

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Part 3 Exempt and complying development

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

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

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

### 3.2 Complying development

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

The section states that development cannot be complying development if:

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

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

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

### 3.3 Environmentally sensitive areas excluded

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

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Clause 3.3 Ku-ring-gai Local Environmental Plan (Town Centres) 2010

Part 3 Exempt and complying development

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

## Part 4 Principal development standards

### 4.1 Minimum subdivision lot size

- (1) The objectives of this clause are as follows:
  - (a) to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls,
  - (b) to ensure that lot sizes and dimensions allow development to be sited to protect natural or cultural features including heritage items, remnant vegetation, habitat and waterways,
  - (c) to ensure that subdivision of low density residential and environmental living sites reflects and reinforces the predominant subdivision pattern of the area,
  - (d) to ensure that lot sizes and dimensions of medium and high density residential sites allow for generous landscaped areas and front setbacks to support the desired future character of these areas.
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (3A) In addition to subclause (3), development consent must not be granted for the subdivision of land to create a lot on which the erection of a dwelling house is permissible if the subdivision would result in a lot that is less than 18 metres wide at 12 metres from the street frontage of the lot.
- (3B) Despite subclauses (3) and (3A), development consent may be granted for the subdivision of land to create a lot on which the erection of a dwelling house is permissible if the subdivision would result in the creation of a battle-axe lot that has a minimum size of:
  - (a) if the minimum size of any non-battle-axe lot resulting from the subdivision and shown on the Lot Size Map is the size specified in Column 1 of the Table to this subclause—the size specified opposite that in Column 2 of the Table, or
  - (b) if the land is in Zone E4 Environmental Living and the minimum size of any non-battle-axe lot resulting from the subdivision and shown on the Lot Size Map is the size specified in Column 1 of the Table—the size specified opposite that in Column 3 of the Table.

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The area specified in Column 2 and Column 3 is exclusive of the area of any access corridor that forms part of the lot.

**Table**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
790m <sup>2</sup>	1,100m <sup>2</sup>	1,850m <sup>2</sup>
840m <sup>2</sup>	1,170m <sup>2</sup>	1,850m <sup>2</sup>
930m <sup>2</sup>	1,300m <sup>2</sup>	1,850m <sup>2</sup>

- (3C) If under Schedule 1 the erection of a dual occupancy (detached) is permissible on a lot, development consent may, despite subclauses (3) and (3A), be granted for the subdivision of that lot if a dual occupancy (detached) has been erected on that lot and the lot has an area of not less than 550m<sup>2</sup>.
- (3D) Despite subclauses (3) and (3A), development consent must not be granted for the subdivision of land to create a lot on which the erection of multi dwelling housing or a residential flat building is permissible unless the subdivision would result in the creation of a lot for that purpose with at least one street frontage of not less than 23 metres.
- (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

### 4.3 Height of buildings

- (1) The objectives of this clause are as follows:
- to ensure that height of development is appropriate for the scale of the different centres within the hierarchy of Ku-ring-gai town centres,
  - to establish an interface between the centres and the adjoining lower density residential and open space zones,
  - to enable development with a built form that is compatible with the size of the land to be developed.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.
- (2A) Despite subclause (2), the maximum height of a building on land in Zone R4 High Density Residential with a site area within the specified range in Column 1 of the Table to this subclause must not exceed the maximum height specified in Column 2 of the Table.



**Table**

<b>Column 1</b>	<b>Column 2</b>
Less than 1,800m <sup>2</sup>	11.5 metres
1,800m <sup>2</sup> or more but less than 2,400m <sup>2</sup>	14.5 metres

**4.4 Floor space ratio**

- (1) The objectives of this clause are as follows:
- (a) to ensure that development density is appropriate for the scale of the different centres within the hierarchy of Ku-ring-gai town centres,
  - (b) to enable development with a built form that is compatible with the size of the land to be developed,
  - (c) to provide an appropriate correlation between the extent of any residential development and the environmental constraints of a site,
  - (d) to ensure that development density provides a balanced mix of uses in buildings in the business zones.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.
- (2A) Despite subclause (2), the maximum floor space ratio for development on land in Zone R2 Low Density Residential with a site area within the specified range in Column 1 of the Table to this subclause must not exceed the ratio specified in Column 2 of the Table.

**Table**

<b>Column 1</b>	<b>Column 2</b>
Over 1,700m <sup>2</sup>	0.3:1
More than 1,000m <sup>2</sup> –1,700m <sup>2</sup>	$((170 + (0.2 \times \text{site area}) / \text{site area}):1$
More than 800m <sup>2</sup> –1,000m <sup>2</sup>	$((120 + (0.25 \times \text{site area}) / \text{site area}):1$
800m <sup>2</sup> or less	0.4:1

- (2B) Despite subclause (2), the maximum floor space ratio for development on land in Zone R4 High Density Residential with a site area within the specified range in Column 1 of the Table to this subclause must not exceed the ratio specified in Column 2 of the Table.

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Clause 4.4 Ku-ring-gai Local Environmental Plan (Town Centres) 2010

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**Table**

<b>Column 1</b>	<b>Column 2</b>
Less than 1,800m <sup>2</sup>	0.8:1
1,800m <sup>2</sup> or more but less than 2,400m <sup>2</sup>	1.0:1

- (2C) Despite subclause (2), the maximum floor space ratio for development on land in Zone E4 Environmental Living with a site area within the specified range in Column 1 of the Table to this subclause must not exceed the ratio specified in Column 2 of the Table.

**Table**

<b>Column 1</b>	<b>Column 2</b>
Over 1,500m <sup>2</sup>	$((250 + (0.15 \times \text{site area}) / \text{site area}):1$
More than 1,000m <sup>2</sup> –1,500m <sup>2</sup>	$((170 + (0.20 \times \text{site area}) / \text{site area}):1$
More than 800m <sup>2</sup> –1,000m <sup>2</sup>	$((120 + (0.25 \times \text{site area}) / \text{site area}):1$
800m <sup>2</sup> or less	0.4:1

- (2D) Despite subclauses (2) and (2A), if a dual occupancy (detached) is permissible on land under Schedule 1, the maximum floor space ratio for the dual occupancy (detached) must not exceed 0.4:1.
- (2E) Despite subclause (2), the floor space ratio for development specified in Column 2 of the Table to this subclause in an area specified opposite in Column 1 of the Table (shown on the Floor Space Ratio Map and edged blue) must not exceed the ratio for that development specified opposite in Column 3 of the Table.

**Table**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Area</b>	<b>Development</b>	<b>Floor space ratio</b>
Area 1	Business premises or office premises	Maximum 1.0:1
Area 2	Retail premises	Maximum 1.0:1
Area 3	Retail premises	Maximum 2.0:1
Area 4	Business premises, office premises or retail premises	Maximum 1.0:1

Column 1	Column 2	Column 3
Area	Development	Floor space ratio
Area 5	Business premises, office premises or retail premises	Maximum 1.2:1
Area 6	Business premises, office premises or retail premises	Maximum 1.3:1
Area 7	Business premises, office premises or retail premises	Maximum 1.6:1

- (2F) Despite subclauses (2) and (2E), the floor space ratio in Area 1, shown on the Floor Space Ratio Map and edged blue, for business premises and for office premises must not be less than 0.5:1.

#### 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

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

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

(4) **Exclusions from site area**

The following land must be excluded from the site area:

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

(5) **Strata subdivisions**

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

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

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

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

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

(8) **Existing buildings**

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

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

When 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

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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.

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Clause 4.6 Ku-ring-gai Local Environmental Plan (Town Centres) 2010

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- (4) Consent must not be granted for development that contravenes a development standard unless:
  - (a) the consent authority is satisfied that:
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
    - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
  - (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 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Rural Small Holdings, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:
  - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
  - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (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,

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- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,
  - (c) clause 5.4.

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Clause 5.1 Ku-ring-gai Local Environmental Plan (Town Centres) 2010

Part 5 Miscellaneous provisions

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## Part 5 Miscellaneous provisions

### 5.1 Relevant acquisition authority

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

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

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

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

**Note.** If land, other than land specified in the Table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning is required to take action to enable the designation of the acquiring authority under this clause. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning (see section 21 of the *Land Acquisition (Just Terms Compensation) Act 1991*).



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

## 5.2 Classification and reclassification of public land

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

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

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

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

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Clause 5.3 Ku-ring-gai Local Environmental Plan (Town Centres) 2010

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### 5.3 Development near zone boundaries

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 15 metres from any zone boundary shared with Zone SP1 Special Activities or SP2 Infrastructure.
- (3) This clause does not apply to:
  - (a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or
  - (ab) land zoned R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, B2 Local Centre, B4 Mixed Use, B5 Business Development or B7 Business Park, 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.

(3) **Home industries**

If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 70 square metres of floor area.

(4) **Industrial retail outlets**

Not applicable

(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 2 bedrooms.

(6) **Kiosks**

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

(7) **Neighbourhood shops**

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

(8) **Roadside stalls**

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

(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) 25% of the total floor area of both the self-contained dwelling and the principal dwelling.

**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.

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Clause 5.9 Ku-ring-gai Local Environmental Plan (Town Centres) 2010

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

***private service provider*** means a person or body that has entered into an agreement that is in force with 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.

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- (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:
- (a) development consent, or
  - (b) a permit granted by the Council.
- (4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.
- (5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.
- (6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.
- (7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:
- (a) that is or forms part of a heritage item, or
  - (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*.

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Clause 5.10 Ku-ring-gai Local Environmental Plan (Town Centres) 2010

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### 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 Ku-ring-gai, 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

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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.

## 2010 No 203

Clause 5.10 Ku-ring-gai Local Environmental Plan (Town Centres) 2010

Part 5 Miscellaneous provisions

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(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.

(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 with or without consent, or that is exempt development, 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.

## 2010 No 203

Clause 6.1 Ku-ring-gai Local Environmental Plan (Town Centres) 2010

Part 6 Additional local provisions

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### Part 6 Additional local provisions

#### 6.1 Particular site requirements for multi dwelling housing and residential flat buildings

- (1) The objective of this clause is to provide site requirements for development for the purposes of multi dwelling housing and residential flat buildings so as to provide for the orderly and economic development of residential land while maintaining the local character.
- (2) Despite any other provision of this Plan, development consent must not be granted for the erection of multi dwelling housing or a residential flat building on a lot in a residential zone unless the lot has one street frontage of at least:
  - (a) if the area of the land is less than 1,800 square metres—23 metres, or
  - (b) if the area of the land is 1,800 square metres or more—30 metres.
- (3) Despite subclause (2), development consent must not be granted for the erection of multi dwelling housing or a residential flat building on a following lot unless the lot has an area of 5,000 square metres or more:
  - (a) lots known as 1440, 1444, 1444A, 1444B, 1446, 1446A, 1448, 1450, 1452, 1454, 1456, 1456A and 1458 Pacific Highway, Turramurra,
  - (b) lots known as 1, 3, 5, 7, 9, 11 and 15 Lamond Drive, Turramurra.
- (4) Despite subclause (2), development consent may be granted for the erection of multi dwelling housing or a residential flat building on a battle-axe lot in a residential zone even if the lot does not satisfy those street frontage requirements.

#### 6.2 Ground floor development in business zones

- (1) The objective of this clause is to ensure active uses are provided at the street level in business zones to encourage the presence and movement of people.
- (2) This clause applies to land in the following zones:
  - (a) Zone B2 Local Centre,
  - (b) Zone B4 Mixed Use,
  - (c) Zone B5 Business Development.

- 
- (3) Despite any other provision of this Plan, development consent must not be granted for development for the purposes of a building on land to which this clause applies unless the consent authority is satisfied that the ground floor of the building:
- (a) will not be used for the purposes of residential accommodation, and
  - (b) will provide uses and building design elements that encourage interaction between the inside of a building and the external public areas adjoining the building.
- (4) Subclause (3) (b) does not apply to any part of a building that:
- (a) faces a service lane that does not require active street frontages, or
  - (b) is used for a following purpose:
    - (i) a lobby for a commercial, residential, serviced apartment or hotel component of the building,
    - (ii) access for fire services,
    - (iii) vehicle access.

### **6.3 Minimum building street frontage in business zones**

- (1) The objective of this clause is to control building frontages to streets for the following purposes:
- (a) to ensure that, visually, buildings have an appropriate overall horizontal proportion compared to their vertical proportions,
  - (b) to ensure that vehicular access is reasonably spaced and separated along roads and lanes,
  - (c) to provide appropriate dimensions for the design of car parking levels.
- (2) Despite any other provision of this Plan, development consent must not be granted for the erection of a building on land in Zone B2 Local Centre, Zone B4 Mixed Use or Zone B5 Business Development if the land does not have a primary street frontage of at least 20 metres.
- (3) Despite subclause (2), the consent authority may grant consent to the erection of a building on land referred to in that subclause if the consent authority is of the opinion that:
- (a) due to the physical constraints of the site or an adjoining site or sites, it is not possible for the building to be erected with at least one street frontage of at least 20 metres, and
  - (b) the development is consistent with the aims and objectives of this Plan.

## 2010 No 203

Clause 6.4 Ku-ring-gai Local Environmental Plan (Town Centres) 2010

Part 6 Additional local provisions

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### 6.4 Urban design excellence for Key Sites

- (1) The objectives of this clause are as follows:
  - (a) to deliver the highest standard of urban and architectural design outcomes for Key Sites in the Ku-ring-gai town centres,
  - (b) to encourage the amalgamation of sites to provide opportunities for the expansion of, or improvements to, the public domain.
- (2) This clause applies to land that is a Key Site.
- (3) A development proposal for the erection of a new building on land that is a Key Site may be eligible for additional height and floor space ratio in accordance with subclause (5) if the land:
  - (a) has an area of 2,000 square metres or more, or
  - (b) has a primary street frontage of 36 metres or more.
- (4) In deciding whether a development proposal is eligible for additional height and floor space ratio, the Urban Design Excellence Panel must be satisfied that:
  - (a) the proposal demonstrates urban design excellence, and
  - (b) the site planning, building form and external appearance of the proposed development will improve the quality and amenity of the public domain on and surrounding the site, and
  - (c) a very high standard of architectural design, materials and detailing, appropriate to the building type and location, will be achieved, and
  - (d) the proposal addresses the following matters:
    - (i) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
    - (ii) the achievement of the principles of ecologically sustainable development,
    - (iii) pedestrian, cycle, vehicular and service access and circulation requirements, and
  - (e) the proposal allows the development of adjoining sites in a way that is consistent with this Plan.
- (5) If the Urban Design Excellence Panel is satisfied the proposal meets the requirements of subclause (4), the consent authority may grant development consent in accordance with the following:
  - (a) despite clause 4.3, if the maximum height (the **standard height**) for the building as specified for the land on the Height of Buildings Map is not more than a standard height specified in Column 1 of the Table to this paragraph, the maximum height

(the *new height*) of the building may be up to the new height specified in Column 2 of the Table opposite the standard height,

**Table**

<b>Column 1</b>	<b>Column 2</b>
<b>Standard height</b>	<b>New height</b>
17.5 metres	20.5 metres
20.5 metres	23.5 metres
23.5 metres	26.5 metres
26.5 metres	29.5 metres
29.5 metres	32.5 metres

- (b) despite clause 4.4, if the maximum floor space ratio (the *standard ratio*) for the building as specified for the land on the Floor Space Ratio Map is not more than a standard ratio specified in Column 1 of the Table to this paragraph, the maximum floor space ratio (the *new ratio*) for the building may be up to the new ratio specified in Column 2 of the Table opposite the standard ratio.

**Table**

<b>Column 1</b>	<b>Column 2</b>
<b>Standard ratio</b>	<b>New ratio</b>
2.0:1	2.3:1
2.5:1	3.0:1
3.0:1	3.5:1
3.5:1	4.0:1

- (5) In this clause:

**Key Site** means land identified as a Key Site on the Key Sites Map.

**urban design excellence** means providing urban design features that will benefit the broader community as part of the design of development on a site.

**Urban Design Excellence Panel** means a panel of at least 3 planning and design experts appointed by the Council.

**urban design features** includes building forecourts and court yards, view corridors, building setbacks, pedestrian arcades and walk ways through a site, and improved traffic and cycle access through a site.

## 2010 No 203

Clause 6.5      Ku-ring-gai Local Environmental Plan (Town Centres) 2010

Part 6            Additional local provisions

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### 6.5 Natural resources sensitivity—biodiversity

- (1) The objective of this clause is to protect, maintain and improve the diversity and condition of native vegetation and habitat, including:
  - (a) protecting biological diversity of native flora and fauna, and
  - (b) protecting the ecological processes necessary for their continued existence, and
  - (c) encouraging the recovery of threatened species, communities, populations and their habitats, and
  - (d) protecting, restoring and enhancing biodiversity corridors.
- (2) This clause applies to development on land that is identified as “Areas of Biodiversity Significance” on the Natural Resources Sensitivity—Biodiversity Map.
- (3) Before granting development consent for development on land to which this clause applies, the consent authority must consider:
  - (a) the impact of the proposed development on the following:
    - (i) any native vegetation community,
    - (ii) the habitat of any threatened species, population or ecological community,
    - (iii) any regionally significant species of plant, animal or habitat,
    - (iv) any biodiversity corridor,
    - (v) any wetland,
    - (vi) the biodiversity values within any reserve,
    - (vii) the stability of the land, and
  - (b) any proposed measure to be undertaken to ameliorate any potential adverse environmental impact, and
  - (c) any opportunity to restore or enhance remnant vegetation, habitat and biodiversity corridors.
- (4) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development:
  - (a) is consistent with the objectives of this clause, and
  - (b) is designed, and will be sited and managed, to avoid any potential adverse environmental impact or, if a potential adverse environmental impact cannot be avoided:
    - (i) the development minimises disturbance and adverse impacts on remnant vegetation communities, habitat and threatened species and populations, and

- (ii) measures have been considered to maintain native vegetation and habitat in parcels of a size, condition and configuration that will facilitate biodiversity protection and native flora and fauna movement through biodiversity corridors, and
  - (iii) the development avoids clearing steep slopes and facilitates the stability of the land, and
  - (iv) measures have been considered to achieve no net loss of significant vegetation or habitat.
- (5) In this clause:  
***biodiversity corridor*** means an area to facilitate the connection and maintenance of native flora and fauna habitats. Within the urban landscape, biodiversity corridors may be broken by roads and other urban elements and may include remnant trees and associated native and exotic vegetation.

#### **6.6 Natural resources sensitivity—riparian lands**

- (1) The objectives of this clause are:
- (a) to protect or improve:
    - (i) water quality in waterways, and
    - (ii) stability of the bed and banks of waterways, and
    - (iii) aquatic and riparian habitats, and
    - (iv) ecological processes in waterways and riparian areas, and
    - (v) threatened aquatic species, communities, populations and their habitats, and
    - (vi) scenic and cultural heritage values of waterways and riparian areas, and
  - (b) where practicable, to provide for the rehabilitation of existing piped or channelised waterways to a near natural state.
- (2) This clause applies to development on land that is identified on the Natural Resources Sensitivity—Riparian Lands Map as:
- (a) Category 2, or
  - (b) Category 3, or
  - (c) Category 3a.
- (3) Before granting development consent for development on land to which this clause applies, the consent authority must consider the impact of the proposed development on the following:
- (a) water quality in the waterway, and the natural hydrological regime,

## 2010 No 203

Clause 6.7 Ku-ring-gai Local Environmental Plan (Town Centres) 2010

Part 6 Additional local provisions

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- (b) aquatic and riparian habitats and ecosystems,
  - (c) stability of the bed, shore and banks of the waterway,
  - (d) the movement of aquatic and terrestrial native species,
  - (e) habitat of any threatened species, population or ecological community,
  - (f) public access to, and use of, any public waterway and its foreshores,
  - (g) any opportunities for maintenance, rehabilitation or re-creation of watercourses, aquatic and riparian vegetation and habitat.
- (4) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development:
- (a) is consistent with the objectives of this clause, and
  - (b) is designed, and will be sited and managed, to avoid any potential adverse environmental impact or, if a potential adverse environmental impact cannot be avoided, the development:
    - (i) is designed and sited so as to have minimum adverse impacts, and
    - (ii) incorporates effective measures so as to have minimal adverse environmental impact, and
    - (iii) mitigates any adverse environmental impact through the rehabilitation or remediation of any existing disturbed or artificially modified riparian area on the site.

### 6.7 Restrictions on consent for particular sex services premises

- (1) Despite any other provision of this Plan, 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, other than a classified road, from land:
- (a) in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential or Zone E4 Environmental Living, or
  - (b) used for community facilities, schools or places of public worship, or
  - (c) in Zone RE1 Public Recreation.
- (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 land referred to in subclause (1) that adjoins, or that is separated only by a road, other than a classified road, from land where the development is proposed.



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## Schedule 1 Additional permitted uses

(Clause 2.5)

### 1 Use of certain land at 7 Burgoyne Street, Gordon

- (1) This clause applies to land at 7 Burgoyne Street, Gordon, being Lot 1, DP 81938.
- (2) Development for the purpose of a dual occupancy (detached) is permitted with consent.

### 2 Use of certain land at 30–36 Henry Street, Gordon

- (1) This clause applies to land at 30–36 Henry Street, Gordon, being Lot B, DP 945897, Lot 1, DP 940309, Lot 1, DP 178704 and Lot 8, DP 15724.
- (2) Development for the purposes of business premises or office premises, or both, to a maximum floor space ratio of 0.5:1, is permitted with consent.

### 3 Use of certain land at 2 Forsyth Street, Killara

- (1) This clause applies to land at 2 Forsyth Street, Killara, being Lot B, DP 398529.
- (2) Development for the purpose of a dual occupancy (detached) is permitted with consent.

### 4 Use of certain land at 3 and 3A Beaconsfield Parade and 2–16 and 1–7 Bent Street, Lindfield

- (1) This clause applies to land at 3 and 3A Beaconsfield Parade and 2–16 and 1–7 Bent Street, Lindfield, being Lots 1, 2 and 3, DP 318518, Part Lot 9, DP 3498, Part Lot 9, DP 1090427, Lot 10, DP 3498, Lot 3, DP 667420, Lot 1, DP 724823, Lot 1, 980108, Lot 5, DP 666521, Lot 1, DP 960015, Lot 1, DP 935936, Lot 1, DP 960014, Lot 10, DP 305356 and Lots 2, 3 and 4, DP 10126.
- (2) Development for the purposes of office premises, to a maximum floor space ratio of 0.3:1, is permitted with consent.

### 5 Use of certain land at 15 Highfield Road, Lindfield

- (1) This clause applies to land at 15 Highfield Road, Lindfield, being Lot 5, DP 241714.
- (2) Development for the purpose of a dual occupancy (detached) is permitted with consent.

## 2010 No 203

Ku-ring-gai Local Environmental Plan (Town Centres) 2010

Schedule 1 Additional permitted uses

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### **6 Use of certain land at 2 Highgate Road, Lindfield**

- (1) This clause applies to land at 2 Highgate Road, Lindfield, being Lot 103, DP 6608.
- (2) Development for the purpose of a dual occupancy (detached) is permitted with consent.

### **7 Use of certain land at 2–2A and 4 Milray Street, Lindfield**

- (1) This clause applies to land at 2–2A and 4 Milray Street, Lindfield, being Part Lot 100, DP 1099570.
- (2) Development for the purposes of business premises or office premises, or both, to a maximum floor space ratio of 0.3:1, is permitted with consent.

### **8 Use of certain land at 8 Provincial Road, Lindfield**

- (1) This clause applies to land at 8 Provincial Road, Lindfield, being Lot A, DP 325229.
- (2) Development for the purpose of a dual occupancy (detached) is permitted with consent.

### **9 Use of certain land at 1 Russell Avenue, Lindfield**

- (1) This clause applies to land at 1 Russell Avenue, Lindfield, being Lot B, DP 412764.
- (2) Development for the purpose of a residential flat building is permitted with consent.

### **10 Use of certain land at 21 and 51 Treatts Road, Lindfield**

- (1) This clause applies to land at 21 and 51 Treatts Road, Lindfield, being Lot 1, DP 113085 and Lot 151, DP 6608.
- (2) Development for the purpose of a dual occupancy (detached) is permitted with consent.

### **11 Use of certain land at 1 Alma Street, Pymble**

- (1) This clause applies to land at 1 Alma Street, Pymble, being Lot 4, DP 307623 and Lot 19, DP 5528.
- (2) Development for the purpose of a car park is permitted with consent.

### **12 Use of certain land at 2 King Street, Pymble**

- (1) This clause applies to land at 2 King Street, Pymble, being Lot 6, Sec B, DP 2511, Lot 7, Sec B, DP 2511 and Lot 8, Sec B, DP 2511.

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- (2) Development for the purpose of dual occupancy (detached) is permitted with consent.

**13 Use of certain land at 14 Orinoco Street, Pymble**

- (1) This clause applies to land at 14 Orinoco Street, Pymble, being Lot 71, DP 539990.
- (2) Development for the purpose of a dual occupancy (detached) is permitted with consent.

**14 Use of certain land at 1047 Pacific Highway, Pymble**

- (1) This clause applies to land at 1047 Pacific Highway, Pymble, being Lot 3, DP 655549.
- (2) Development for the purposes of office premises or restaurants, or both, to a maximum floor space ratio of 1:1, is permitted with consent.

**15 Use of certain land at 1051 and 1083 Pacific Highway, Pymble**

- (1) This clause applies to land at 1051 and 1083 Pacific Highway, Pymble, being Lot 12, DP 706021, SP 22387, Lot A, DP 101723 and Lot C, DP 101724, SP 11535.
- (2) Development for the purposes of business premises or retail premises, or both, to a maximum floor space ratio of 1:1, is permitted with consent.

**16 Use of certain land at 1116 Pacific Highway, Pymble**

- (1) This clause applies to land at 1116 Pacific Highway, Pymble, being Part Lot 1, DP 3085.
- (2) Development for the purposes of business premises, to a maximum floor space ratio of 1:1, is permitted with consent.

**17 Use of certain land at 1186 Pacific Highway, Pymble**

- (1) This clause applies to land at 1186 Pacific Highway, Pymble, being Lot 1, DP 86583.
- (2) Development for the purposes of business premises, entertainment facilities, function centres, office premises or retail premises, or any 2 or more of those purposes, is permitted with consent.

**18 Use of certain land at 29 Telegraph Road, Pymble**

- (1) This clause applies to land at 29 Telegraph Road, Pymble, being Lot 1, DP 303397.

## 2010 No 203

Ku-ring-gai Local Environmental Plan (Town Centres) 2010

Schedule 1 Additional permitted uses

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- (2) Development for the purpose of a dual occupancy (detached) is permitted with consent.

### **19 Use of certain land at 65 Hill Street, Roseville**

- (1) This clause applies to land at 65 Hill Street, Roseville, being Lot B, DP 333949.
- (2) Development for the purposes of business premises, to a maximum floor space ratio of 1:1, is permitted with consent.

### **20 Use of certain land at 124–130 Pacific Highway, Roseville**

- (1) This clause applies to land at 124–130 Pacific Highway, Roseville, being Lot 2, DP 206204.
- (2) Development for the purposes of business premises or restaurants, or both, to a maximum floor space ratio of 1:1, is permitted with consent.

### **21 Use of certain land at 132 Pacific Highway, Roseville**

- (1) This clause applies to land at 132 Pacific Highway, Roseville, being Lot 1, DP 206204.
- (2) Development for the purposes of business premises, to a maximum floor space ratio of 1:1, is permitted with consent.

### **22 Use of certain land at 2 Collins Road, St Ives**

- (1) This clause applies to land at 2 Collins Road, St Ives, being Lot 3, DP 1073719, SP 74104.
- (2) Development for the purpose of a dual occupancy (detached) is permitted with consent.

### **23 Use of certain land at 149 Mona Vale Road, St Ives**

- (1) This clause applies to land at 149 Mona Vale Road, St Ives, being Lot 20, DP 576805.
- (2) Development for the purpose of a dual occupancy (detached) is permitted with consent.

### **24 Use of certain land at 167, 169, 169A and 171 Mona Vale Road, St Ives**

- (1) This clause applies to land at 167, 169, 169A and 171 Mona Vale Road, St Ives, being Part Lot C, DP 401301, Lots 1 and 2, DP 856121 and Lot 1, DP 578867.
- (2) Development for the purposes of business premises, office premises or restaurants, or any 2 or more of those purposes, is permitted with consent.

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- 25 Use of certain land at 173, 177, 183, 183A and 185 Mona Vale Road, St Ives**
- (1) This clause applies to land at 173, 177, 183, 183A and 185 Mona Vale Road, St Ives, being Lot 1, DP 653503, Lot 1, DP 126732, Lot 5, DP 12504, Lots 10 and 11, DP 829668, Part Lot A, DP 344776 and Part Lot 1, DP 1084135.
  - (2) Development for the purposes of business premises and office premises is permitted with consent.
- 26 Use of certain land at 208 and 210 Mona Vale Road, St Ives and 3, 5, 5A, 7, 9, 11, 13, 15 and 15A Memorial Avenue, St Ives**
- (1) This clause applies to land at 208 and 210 Mona Vale Road, St Ives and 3, 5, 5A, 7, 9, 11, 13, 15 and 15A Memorial Avenue, St Ives, being Part Lot 3, DP 17413, Part Lots 1, 11 and 12, DP 29167, Lots 2, 3, 4, 5, 6 and 7, DP 29167, Lot 1, DP 512730 and Lots 9 and 10, DP 29167.
  - (2) Development for the purposes of office premises, to a maximum floor space ratio of 0.3:1, is permitted with consent.
- 27 Use of certain land at 1–20, 22 and 24 Stanley Close, St Ives**
- (1) This clause applies to land at 1–20, 22 and 24 Stanley Close, St Ives, being Lots 2–23, DP 285276.
  - (2) Development for the purposes of business premises or retail premises, or both, to a maximum floor space ratio of 0.5:1, is permitted with consent.
- 28 Use of certain land at 20 Brentwood Avenue, Turramurra**
- (1) This clause applies to land at 20 Brentwood Avenue, Turramurra, being Lot A, DP 341822.
  - (2) Development for the purpose of a dual occupancy (detached) is permitted with consent.
- 29 Use of certain land at 2 Denman Road, Turramurra**
- (1) This clause applies to land at 2 Denman Road, Turramurra, being Lot 3, DP 23804.
  - (2) Development for the purpose of a dual occupancy (detached) is permitted with consent.
- 30 Use of certain land at 34 Eastern Road, Turramurra**
- (1) This clause applies to land at 34 Eastern Road, Turramurra, being Lot 1, Sec C, DP 2511.
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Ku-ring-gai Local Environmental Plan (Town Centres) 2010

Schedule 1 Additional permitted uses

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- (2) Development for the purpose of a dual occupancy (detached) is permitted with consent.

### **31 Use of certain land at 1 and 4 Laurel Avenue, Turramurra**

- (1) This clause applies to land at 1 and 4 Laurel Avenue, Turramurra, being Lot 3, DP 303928 and Lot 2, DP 303928.
- (2) Development for the purpose of a dual occupancy (detached) is permitted with consent.

### **32 Use of certain land at 1334 and 1340 Pacific Highway, Turramurra**

- (1) This clause applies to land at 1334 and 1340 Pacific Highway, Turramurra, being Lot 7, DP 214733 and Lot 6, DP 26828.
- (2) Development for the purposes of business premises, office premises or restaurants, or any 2 or more of those purposes, to a maximum floor space ratio of 0.3:1, is permitted with consent.

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## Schedule 2 Exempt development

(Clause 3.1)

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

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

### Advertisements—general requirements

- (1) Must be non-moving, non-flashing and non-inflatable.
- (2) If illuminated:
  - (a) must be connected to an automatic timer, and
  - (b) must be illuminated only between the hours of 6 am and 10.30 pm, and
  - (c) illumination must be concealed in, or integral to, the sign, and
  - (d) cabling to signs must be concealed, and
  - (e) must use LEP diode technology or a lighting source of equivalent efficiency, and
  - (f) must not use red, amber and green if within 60m of a signalised intersection.
- (3) Must be attached to front fence or within the boundary of the land to which it applies unless in a business or an industrial zone.
- (4) No illumination of signs located above awning level.
- (5) Must be at least 600mm from any public road.
- (6) If located above a public footpath, the underside of the sign must be at least 2.6m above the footpath.
- (7) Must relate to the lawful use of the building (except for temporary signs).
- (8) Must reflect the character and style of the building on which the sign is located.
- (9) Must not be an A-frame sign.
- (10) Must have the consent of the owner of the property or building on which the sign is located.
- (11) The use of banner signs must not be for commercial purposes.

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### **Advertisements—building identification signs generally**

- (1) Must be erected on gateways, fences or building facades only.
- (2) Must measure not more than 2.5m<sup>2</sup> unless erected on a multi dwelling housing development, residential flat building or mixed use building, where it must not measure more than 4.5m<sup>2</sup>.
- (3) Must have a maximum height not greater than 3m as measured from ground level (existing).
- (4) Only 1 sign per premises.

### **Advertisements—business identification signs for businesses other than sex services premises in business zones**

(1) **Under awning sign**

Sign attached to the underside of an awning other than a fascia or return end:

- (a) must meet the general requirements for advertisements, and
- (b) only 1 sign per ground floor premises with street frontage, and
- (c) maximum length—2.5m, and
- (d) maximum height—0.3m.

(2) **Flush wall sign**

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

- (a) must meet the general requirements for advertisements, and
- (b) maximum area—2.5m<sup>2</sup>, and
- (c) only 1 sign per premises or 1 per street frontage, and
- (d) must not be higher than 3m above ground level (existing).

(3) **Top hamper sign**

Sign attached to the transom of a doorway or of a display window of a building:

- (a) must meet the general requirements for advertisements, and
- (b) maximum area—2.5m<sup>2</sup>, and
- (c) only 1 sign per premises or 1 per street frontage.

(4) **Fascia signs**

Sign attached to the fascia or return of the awning:

- (a) must meet the general requirements for advertisements, and



- (b) 1 sign per premises or 1 per street frontage, and
- (c) must not project above, below or beyond the fascia or return end of the awning to which it is attached.

**Advertisements—business identification signs in residential and environmental living zones**

- (1) Must meet the general requirements for advertisements.
- (2) Only 1 sign per premises.
- (3) Maximum area—0.24m<sup>2</sup>.
- (4) If a pole or pylon sign, maximum height—2m.
- (5) Must not be higher than 3m above ground level (existing).
- (6) Must not be illuminated.
- (7) Must be located wholly within the property boundaries of the land to which the sign relates, or flush mounted to the front fence or front wall of a building provided the sign does not protrude beyond the physical limits of that fence or building.

**Advertisements—changes to wording or content of approved signs**

- (1) The existing sign must have been lawfully erected.
- (2) Must not result in any additional signage or increase in signage area, unless permitted otherwise in this Schedule.

**Advertisements—construction signs (temporary)**

- (1) Must not be illuminated or flashing at any time.
- (2) Must be located wholly within property boundaries of the land to which the sign relates, or be flush mounted to the front fence or front wall.
- (3) Only 1 sign per property.
- (4) Must not exceed 2.5m<sup>2</sup>.
- (5) Must not be higher than 3m above ground level (existing).
- (6) Must include all information required in the relevant condition of development consent or the complying development certificate.
- (7) Must be removed within 14 days of the completion of all construction work.

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### **Advertisements—real estate and property promotion signs (advertising premises or land for sale or lease) in business zones**

- (1) Must meet the general requirements for advertisements.
- (2) Maximum area—3.5m<sup>2</sup>.
- (3) Must be within the boundary of the property to be sold or leased or currently under construction, unless located on either the awning of the building or on the front fence or wall of the building.
- (4) Only 1 sign per premises, except:
  - (a) on inspection day, when directional signs not more than 0.8m<sup>2</sup> in area may be erected within the property during the advertised hours of inspection, and
  - (b) on the day of sale by auction, when bunting may be erected fully within the property, provided that it is removed promptly after the auction.
- (5) Must be removed within 14 days of the completion of the sale or granting of the lease, or 1 year after erection, whichever is the sooner.

### **Advertisements—real estate and property promotion signs (advertising premises or land for sale or lease) in residential and environmental living zones**

- (1) Must meet the general requirements for advertisements.
- (2) Maximum area—2.5m<sup>2</sup>.
- (3) Must not be illuminated.
- (4) Only 1 sign per premises, except:
  - (a) on inspection day, when directional signs not more than 0.8m<sup>2</sup> in area may be erected within the property during the advertised hours of inspection, and
  - (b) on the day of sale by auction, when bunting may be erected fully within the property, provided that it is removed promptly after the sale by auction.
- (5) Must be removed within 14 days of the completion of the sale or granting of the lease, or 1 year after erection, whichever is the sooner.

### **Advertisements—signs behind the glass line of a shop window in business zones (other than sex services premises)**

- (1) Must meet the general requirements for advertisements.
- (2) Maximum area—2.5m<sup>2</sup>.
- (3) Must not occupy more than 20% of the area of the window.

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**Advertisements—temporary signs for religious, cultural, social or recreational events**

- (1) Must meet the general requirements for advertisements.
- (2) Only 1 per street frontage.
- (3) Must be located entirely within the property at which the event is taking place, unless the sign is a banner located at a Council-approved banner location.
- (4) If the sign is a banner as described in item (3):
  - (a) maximum size—2.8m × 1.0m, and
  - (b) must be securely attached to poles.
- (5) If the sign is not a banner as described in item (3):
  - (a) maximum area—1.5m<sup>2</sup>, and
  - (b) maximum height above ground level (existing)—3m.
- (6) Must not include commercial advertising apart from name of the event sponsor.
- (7) Must not be displayed earlier than 14 days before, or later than 2 days after, the event.
- (8) Must not be illuminated or flashing.

**Basketball hoops and stands**

- (1) If located on a residential property in a residential or environmental living zone, must not be higher than 2.5m above ground level (existing).
- (2) If affixed to a building, backboards and posts must be securely affixed so as to prevent vibration and noise.

**Clothing bins**

- (1) Must be run and collected by a registered charity.
- (2) Must be maintained in a presentable state.
- (3) Maximum of 2 bins on any site.

**Filming**

- (1) **Note.** Provision repealed under the *Standard Instrument (Local Environmental Plans) Order 2006*.
- (2) May only be carried out on land:
  - (a) on which there is a heritage item, or
  - (b) within a heritage conservation area, or

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- (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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- (g) details of any temporary structures (for example, tents or marquees) to be erected or used 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 or use 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 Land and Property Management Authority for the use of Crown land,
  - (n) details of any temporary alteration or addition to any building or work at the location for the purposes of the filming.
- (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,

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- (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.

### **Graves and monuments in existing cemeteries or burial grounds**

- (1) Must only be:
  - (a) the creation of graves or monuments in an existing approved burial ground, or
  - (b) an excavation or disturbance of land for the purpose of carrying out the conservation or repair of a monument or grave marker.
- (2) Must not disturb human remains, relics in the form of grave goods or a place of Aboriginal heritage significance.

### **Lighting (external)**

- (1) Must not be for the lighting of tennis courts or sports fields.
- (2) Must not cause glare to adjoining properties or streets.

### **Stormwater drainage works (minor)**

- (1) Must be the installation of pipes, pits, grates or trenches to collect and convey stormwater runoff in a residential property with:
  - (a) pipes measuring between 100mm and 150mm in diameter, and
  - (b) pits no deeper than 1m and no wider than 600mm, and
  - (c) grated drains no wider than 200mm, and
  - (d) dispersal trenches no more than 600mm deep, 600mm wide and 6m long.
- (2) Must be undertaken wholly within the subject property and within a legal interallotment drainage easement benefiting the subject property and must not traverse more than a single property benefited by the works and not more than one associated interallotment drainage easement.
- (3) Must not be undertaken within the canopy of vegetation protected under clause 5.9.
- (4) Pipes and trenches must not be located, either during or at the completion of works, in the zone of influence of the footing system for any structure.

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- (5) Must not be located within lands identified as Category 2, 3 or 3a on the Natural Resources Sensitivity—Riparian Lands Map.

**Temporary structures (other than tents and marquees), and temporary alterations or additions to buildings or works, solely for filming purposes**

- (1) May only be erected, used, altered or added to in connection with filming that is exempt development.
- (2) Temporary structure must not be at the location for more than 30 days within a 12-month period.
- (3) Alteration or addition to the building or work must not remain in place for more than 30 days within a 12-month period.
- (4) Temporary structure, or building or work in its altered or added to form, must not be accessible to the public.

**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 200m<sup>2</sup>.
- (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 25m<sup>2</sup>,
  - (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 150m<sup>2</sup>,  
or
  - (b) 1m in any other case.
- (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 or marquee is erected to the highest point of the tent or marquee must not exceed 6m.

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- (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.



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## Schedule 3 Complying development

(Clause 3.2)

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

### Part 1 Types of development

(When this Plan was made this Part was blank)

### Part 2 Complying development certificate conditions

**Note 1.** Complying development must comply with the requirements of the Act, the *Environmental Planning and Assessment Regulation 2000* and this Plan.

(When this Plan was made this Part was blank)

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Schedule 4 Classification and reclassification of public land

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### Schedule 4 Classification and reclassification of public land

(Clause 5.2)

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

Column 1	Column 2
Locality	Description
Nil	

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

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

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

Column 1	Column 2
Locality	Description
Nil	

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## Schedule 5 Environmental heritage

(Clause 5.10)

### Part 1 Heritage Items

Suburb	Item name	Address	Property description	Significance	Item No
Gordon	House "Eudesmia"	9 Burgoyne Street	Lot 1, DP 331718	Local	11
Gordon	House	8 Cecil Street	Lot 2, DP 315196	Local	12
Gordon	House	12 Cecil Street	Lot A, DP 392997	Local	13
Gordon	House	14 Cecil Street	Lot 1, DP 389243	Local	14
Gordon	House	14 Forsyth Street	Lot 71, DP 539046	Local	15
Gordon	House "Westward-Ho"	36 Henry Street	Lot 8, DP 15724	Local	16
Gordon	House	16 Khartoum Avenue	Lot A, DP 323809	Local	17
Gordon	House "Eryldene"	17 McIntosh Street	Lot 1, DP 34650	State	18
Gordon	House	21 Mt William Street	Lot B, DP 413691	Local	19
Gordon	House "Fane Edge"	663 Pacific Highway	Lot A, DP 397380	Local	110
Gordon	House "Iolanthe"	691 Pacific Highway	Lot 100, DP 776508	State	111
Gordon	House "Tulkiyan"	707 Pacific Highway	Lot 3, Sec 1, DP 3267	State	112
Gordon	House	724–726 Pacific Highway	Lot 1, DP 120508; Lot 1, DP 130693	Local	113
Gordon	Seventh-day Adventist Office	738 Pacific Highway	Lot A, DP 337904	Local	114

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#### Schedule 5 Environmental heritage

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Gordon	Former Gordon Post Office	741 Pacific Highway	Lot 1, DP 120856	Local	I15
Gordon	Commonwealth Bank	747 Pacific Highway	Lot 1, DP 668842; Lot 4, DP 222415	Local	I16
Gordon	House "Windsor House"	748 Pacific Highway	Lot A, DP 350224	Local	I17
Gordon	St Johns Church and Cemetery	750–754 Pacific Highway	Lots 1–3, DP 449441; Lot 853, DP 752031	Local	I18
Gordon	Old Gordon Primary School	799 Pacific Highway	Lot 3, DP 825602	State	I19
Gordon	Ku-ring-gai Council Chamber	818 Pacific Highway	Lot 2, DP 786550	Local	I20
Gordon	Gordon Pre-School Building	2A Park Avenue	Lot 12, DP 852087	Local	I21
Gordon	House	11 Park Avenue	Lot 2, DP 213017	Local	I22
Gordon	House	12–14 Park Avenue	Lot B, DP 347149	Local	I23
Gordon	House	16 Park Avenue	Lots 16 and 17, Sec 2, DP 975243	Local	I24
Gordon	House	8 Pearson Avenue	Lot A, DP 316799	Local	I25
Gordon	House	7 Robert Street	Lot B, DP 335704	Local	I26
Gordon	House	10 Rosedale Road	Lot 3, DP 167041	Local	I27
Gordon	House "Oberon"	24 St Johns Avenue	Lot A, DP 405365	Local	I28
Gordon	House	49 Werona Avenue	Lot 3, Sec 3, DP 3352	Local	I29

Suburb	Item name	Address	Property description	Significance	Item No
Gordon	House "Rochester"	51 Werona Avenue	Lot 2, DP 233872	Local	I30
Gordon	House "Nebraska"	17 Yarabah Avenue	Lot B, DP 333895	Local	I31
Gordon	Gordon Station Railway Group	(The boundary formed by Werona Avenue to the northeast, the railway overbridge to the south, the property boundary to the southwest behind the car park and at the end of St Johns Road and a line crossing the tracks to the north of the platform a distance of approximately 10 metres away. The boundary includes the footbridge in the landscaped areas adjacent to the station)		State	I32
Lindfield	House	11 Blenheim Road	Lot 142, DP 6608	Local	I33
Lindfield	House	12 Blenheim Road	Lot A, DP 369207	Local	I34
Lindfield	House	15 Blenheim Road	Lot 143, DP 6608	Local	I35
Lindfield	House "Lochinvar"	19 Blenheim Road	Lot 145, DP 6608	Local	I36
Lindfield	House	1 Highfield Road	Lot 1, DP 619255	Local	I37
Lindfield	House	6 Highfield Road	Lot 6, DP 2953; Lot 51, DP 133309	Local	I38

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Lindfield	House	22 Kenilworth Road	Lot 78, DP 6608	Local	139
Lindfield	Commercial block	1–21 Lindfield Avenue	Lots 1–10, DP 17409	Local	140
Lindfield	House “Laurabada”	9 Middle Harbour Road	Lot 6, DP 4665	Local	141
Lindfield	House	31 Middle Harbour Road	Lot 3, DP 186607	Local	142
Lindfield	House “Fieldhead”	42 Nelson Road	Lots 156 and 157, DP 6608	Local	143
Lindfield	House	44 Nelson Road	Lot 155, DP 6608	Local	144
Lindfield	House	50 Nelson Road	Lot 152, DP 6608	Local	145
Lindfield	Commercial building—Churcher’s Restaurant	386–390 Pacific Highway	Lot 12, DP 629035	Local	146
Lindfield	House	19 Russell Avenue	Lot 20, DP 4215	Local	147
Lindfield	House	22 Russell Avenue	Lot B, DP 360135	Local	148
Lindfield	House	23 Treatts Road	Lot 67, DP 6608; Lot 1, DP 456178	Local	149
Lindfield	House	45 Treatts Road	Lot 148, DP 6608	Local	150
Lindfield	House “Coromandel”	47 Treatts Road	Lot 149, DP 6608	Local	151
Lindfield	St Albans Anglican Church	1–5 Tryon Road	Lot 2, DP 501299	Local	152
Lindfield	Lindfield Uniting Church	33 Tryon Road	Lot 1, DP 24802; Lot 22, DP 3210	State	153
Pymble	House “Claverton”	3–5 Alma Street	Lots 2 and 3, DP 331914	Local	154

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Pymble	House "Athol"	19 Alma Street	Lot 2, DP 19151; Lot A, DP 384753	Local	155
Pymble	House	1 Clydesdale Place (also 1202 Pacific Highway)	Lot 1, DP 30236	Local	156
Pymble	House	9 Graham Avenue	Lot 2, DP 230079	Local	157
Pymble	House "Ku-ring-gai"	35 Grandview Street	Lot 101, DP 224414	Local	158
Pymble	House	39 Grandview Street	Lot 2, DP 166813	Local	159
Pymble	House	41 Grandview Street	Lot B, DP 330285	Local	160
Pymble	House "Dahinda"	43 Grandview Street	Lot A, DP 316227	Local	161
Pymble	House "Willendon"	45 Grandview Street	Lot B, DP 354830	Local	162
Pymble	House "Alister Brae"	24 King Edward Street	Lot Y, DP 397284	Local	163
Pymble	Uniting Church	1 Livingstone Avenue	Lot 100, DP 1003889	Local	164
Pymble	Substation	982–984 Pacific Highway	Lot 1, DP 119476; Lot 1, DP 441760	State	165
Pymble	Former Police Station	1116 Pacific Highway	Part Lot 1, DP 3085	Local	166
Pymble	Pymble Hotel	1134 Pacific Highway	Part Lot 8, DP 83967	Local	167
Pymble	House "Grandview"	1178 Pacific Highway	Lot 101, DP 1075407; SP 73824	Local	168
Pymble	Ku-ring-gai Town Hall	1186–1188 Pacific Highway	Lot 1, DP 86583	Local	169
Pymble	House	20 Park Crescent	SP 78827; Lot 1, DP 1124625	Local	170

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Pymble	House	22 Park Crescent	Lot 2, DP 540017	Local	I71
Pymble	House	24 Park Crescent	Lot A, DP 330653	Local	I72
Pymble	House	34–36 Park Crescent	Lot B, DP 329979	Local	I73
Pymble	House	3–5 Post Office Street	Lots 21 and 22, DP 7427	Local	I74
Pymble	House	7 Pymble Avenue	Lot 9, DP 5448	Local	I75
Pymble	House	14 Pymble Avenue	Lot 401, DP 853076	Local	I76
Pymble	House “The Maples”	5 Station Street	Lots 10 and 11, DP 3519	Local	I77
Pymble	House	3 Taunton Street	Lot 4, DP 234731	Local	I78
Pymble	House	5 Taunton Street	Lot C, DP 17424	Local	I79
Pymble	House	7 Taunton Street	Lot B, DP 17424; Lot 1, DP 1022801	Local	I80
Pymble	House	15 Telegraph Road	Lot A, DP 355133	Local	I81
Pymble	House	17 Telegraph Road	Lot 2, DP 226026	Local	I82
Pymble	House “Elouera”	21 Telegraph Road	Lot A, DP 340653	Local	I83
Pymble	House “Eric Pratten House” (aka Coppins)	29 Telegraph Road	Lot 1, DP 303397	State	I84
Pymble	House	2 Wellesley Road	Lot A, DP 329301	Local	I85
Roseville	House	15 Alexander Parade	Lot 17, DP 9613	Local	I86
Roseville	House “Rochester”	3 Bancroft Avenue	Lot 5, DP 1046733; Lot 2, DP 114228	Local	I87



<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Roseville	House	6 Bancroft Avenue	Lot 10, DP 1046912	Local	I88
Roseville	House	8 Bancroft Avenue	Lot 1, DP 662342	Local	I89
Roseville	House "Leightonlyn"	9 Bancroft Avenue	Lot 7, Sec C, DP 5035	Local	I90
Roseville	House	10 Bancroft Avenue	Lots 1 and 2, DP 132799	Local	I91
Roseville	House	19 Bancroft Avenue	Lot 11, Sec C, DP 5035	Local	I92
Roseville	House	24 Bancroft Avenue	Lot 1, DP 544047	Local	I93
Roseville	House "Westover"	26 Bancroft Avenue	Lot B, DP 407900	Local	I94
Roseville	House	28 Bancroft Avenue	Lot C, DP 407900	Local	I95
Roseville	Residential Flat Building "Ku-ring-gai Court"	3 Boundary Street	Lot 1, DP 588010	Local	I96
Roseville	House "Gooyong"	10 Clanville Road	Lot D, DP 331294	Local	I97
Roseville	House "Luton"	14 Clanville Road	Lot E, DP 416239	Local	I98
Roseville	House "Longview"	2 Grosvenor Road	Lot A, DP 343071	Local	I99
Roseville	House "Bereford"	1 Hill Street	Lot 3, DP 1046141	Local	I100
Roseville	Former Westpac Building	65 Hill Street	Lot B, DP 333949	Local	I101
Roseville	House "Doralyn"	16 Kelburne Road	Lot 8, Sec 2, DP 5653	Local	I102
Roseville	House	19 Lord Street	Lot A, DP 318963	Local	I103
Roseville	House	9 Oliver Road	Lot 9, DP 7872	Local	I104

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Roseville	Former Commonwealth Bank Building	83 Pacific Highway	Lot 2, DP 1096041; Lot 1, DP 442434	Local	I106
Roseville	Former Station Master's Residence	89 Pacific Highway	Lot 2, DP 808504	Local	I107
Roseville	Roseville Cinema	112–116 Pacific Highway	Lot 1, DP 566196	Local	I108
Roseville	House	10 Roseville Avenue	Lot 7, Sec A, DP3277	Local	I109
Roseville	House "Lawarra"	12 Roseville Avenue	Lot 8, Sec A, DP 3277	Local	I110
Roseville	House	16 Roseville Avenue	Lot 2, DP 1046734	Local	I111
Roseville	Roseville Scout Group Hall	29 Roseville Avenue	Lot 63, DP 667814	Local	I112
Roseville	House	6 Shirley Road	Lot 1, DP 974014	Local	I113
Roseville	House "Rose Haven"	12 Shirley Road	Lot 18, DP 940618	Local	I114
Roseville	House "Netherwood"	16 Shirley Road	Lot 1, DP 925709	Local	I115
Roseville	House	33 Shirley Road	Lot B, DP 925232	Local	I116
Roseville	House "Colmar"	5 The Grove	Lot 19, DP 7872	Local	I117
Roseville	House	11 The Grove	Lot 16, DP 7872	Local	I118
Roseville	House	14 The Grove	Lot 2, DP 667635	Local	I119
Roseville	House	16 The Grove (Aka 11 Clanville Road)	Lot A, DP 329635	Local	I120
Roseville	House	17 The Grove	Lot 1, DP 615588	Local	I121
Roseville	Residential Flat Building	21 The Grove (aka 13 Clanville Road)	Lot B, DP 319235; SP 10484	Local	I122

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Roseville	House	18 Trafalgar Avenue	Lot 3, DP 1047218	Local	I123
Roseville	House	5 Victoria Street	Lot 2, DP 13310	Local	I124
Roseville	House “Walthamstow”	16 Victoria Street	Lot 12, DP 659015	Local	I125
Roseville	House	17 Waimea Road	Lot 11, Sec 2, DP 5653	Local	I126
Roseville	House “The Glen”	2 Westbourne Road	Lot 1, DP 955268; Lot 822, DP 752031	Local	I127
St Ives	House “Chester”	4 Collins Road	Part Lot 4, DP 21372	Local	I128
St Ives	House	89 Killeaton Street	Lot D, DP 417494	Local	I129
St Ives	St Ives Public School— original school building	207 Mona Vale Road	Lot 1, DP 816806	Local	I130
St Ives	House	9 Porters Lane	Lot 3, DP 441438	Local	I131
Turrumurra	Residential Flat Building	2–4 Boyd Street	Lot 2, DP 596228	Local	I132
Turrumurra	House	8 Brentwood Avenue	Lot C, DP 368771	Local	I133
Turrumurra	St Margaret’s Church	17A Eastern Road	Lot 1, DP 830432	Local	I134
Turrumurra	House “The Manse”	34 Eastern Road	Lot 1, Sec C, DP 2511	Local	I135
Turrumurra	House “Copperlings”	42 Eastern Road	Lot 2, DP 524162	Local	I136
Turrumurra	House	43 Eastern Road	Lot 37, DP 6494	Local	I137
Turrumurra	House “Perdita”	46 Eastern Road	Lot 2, DP 542219	Local	I138
Turrumurra	House “Bellwood”	12 King Street	Lot 2, DP 581006	Local	I139

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#### Schedule 5 Environmental heritage

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Turrumurra	House	8 Kissing Point Road	Lot 1, DP 743998	Local	I140
Turrumurra	House "Leppington"	9 Kissing Point Road	Lot 6, DP 502315	Local	I141
Turrumurra	House	11 Kissing Point Road	Lot 1, DP 321558; Lot 1, DP 188441	Local	I142
Turrumurra	House "The Chalet"	15 Kissing Point Road	Lot 1, DP 506800	Local	I143
Turrumurra	House	1 Ku-ring-gai Avenue	Lot 4, DP 1005220	Local	I144
Turrumurra	House "Mildura"	8 Ku-ring-gai Avenue	Lot 1, DP 541876	Local	I145
Turrumurra	House "Shalimar"	12 Ku-ring-gai Avenue	Lot 1, DP 918766	Local	I146
Turrumurra	House "Wychwood"	17 Ku-ring-gai Avenue	Lot 12, DP 237894	Local	I147
Turrumurra	House "Shalimar"	26 Ku-ring-gai Avenue	Lot 2, DP 86919	Local	I148
Turrumurra	House "Boongala"	28 Ku-ring-gai Avenue	Lot 2, DP 228879	Local	I149
Turrumurra	House	32 Ku-ring-gai Avenue	Lot B, DP 445910	Local	I168
Turrumurra	House "Ypriana" (aka Newstead)	34 Ku-ring-gai Avenue	Lot A, DP 445910	Local	I150
Turrumurra	Residential Flat Building	44 Ku-ring-gai Avenue	Lot 5A, DP 414191	Local	I151
Turrumurra	House "Erahor"	54 Ku-ring-gai Avenue	Lot 1, DP 1135065	Local	I152
Turrumurra	House "The Terricks"	60 Ku-ring-gai Avenue	Lot 12, DP 713685	Local	I153
Turrumurra	Masonic Temple	1247 Pacific Highway	Lot 1, DP 303959	Local	I154
Turrumurra	Health services facility "Hillview"	1334 Pacific Highway	Lot 7, DP 214733	Local	I155

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Turrumurra	Hillview Garages	1340 Pacific Highway	Lot 6, DP 26828	Local	I156
Turrumurra	Former Commonwealth Bank	1356 Pacific Highway	Lot 5, DP 132873	Local	I157
Turrumurra	Commercial building	1358 and 1360 Pacific Highway	Lots A and B, DP 445374; Lot 8, DP 237813	Local	I158
Turrumurra	Cherrywood Nursing Home	1359 Pacific Highway	Lot 1, DP 535444	Local	I159
Turrumurra	Residential Flat Building "Milner Royd"	1379 Pacific Highway	Lot A, DP 401969	Local	I160
Turrumurra	House	1428 Pacific Highway	Lot 2, DP 308421	Local	I161
Turrumurra	House	1458 Pacific Highway	Lot A, DP 374006	Local	I162
Turrumurra	House	8 Ray Street	Lot 4, DP 11752	Local	I163
Turrumurra	Rohini House Gates	Rohini Street (adjacent to Turrumurra Railway Station Car Park)	Part Lot 1, DP 1129573	Local	I164
Turrumurra	House "Brentwood"	7 St James Lane	Lot 2, DP 570339	Local	I165
Turrumurra	Uniting Church	10 Turrumurra Avenue	Lot 1, DP 834582	Local	I166
Turrumurra	House	40 Turrumurra Avenue	Lot C, DP 348843	Local	I167
Turrumurra	House	12 Wonga Wonga Street	Lot 2, DP 1135065	Local	I170

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Schedule 5 Environmental heritage

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### Part 2 Heritage conservation areas

<b>Description</b>	<b>Identification on Heritage Map</b>	<b>Significance</b>
Balfour Street/Highfield Road Conservation Area	Shown by red hatching and labelled "C11"	Local
Blenheim Road Conservation Area	Shown by red hatching and labelled "C9"	Local
Gordon Park Conservation Area	Shown by red hatching and labelled "C8"	Local
Ku-ring-gai Avenue Conservation Area	Shown by red hatching and labelled "C2"	Local
Laurel Avenue/King Street Conservation Area	Shown by red hatching and labelled "C1"	Local
Lord Street/Bancroft Avenue Conservation Area	Shown by red hatching and labelled "C14"	Local
Orinoco Street Conservation Area	Shown by red hatching and labelled "C5"	Local
Park Estate Conservation Area	Shown by red hatching and labelled "C3"	Local
Pymble Heights Conservation Area	Shown by red hatching and labelled "C4"	Local
St Johns Avenue Conservation Area	Shown by red hatching and labelled "C6"	Local
The Grove Conservation Area	Shown by red hatching and labelled "C13"	Local
Trafalgar Avenue Conservation Area	Shown by red hatching and labelled "C12"	Local
Wolseley Road Conservation Area	Shown by red hatching and labelled "C10"	Local
Yarabah Avenue Conservation Area	Shown by red hatching and labelled "C7"	Local

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## Dictionary

(Clause 1.4)

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

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

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

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

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

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

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

**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).

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***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.

***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.



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**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).

**battle-axe lot** means a lot that has access to a road by an access laneway.

**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 may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and

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(d) that has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

but does not include backpackers' accommodation, a group home, 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
- (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

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- (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 Children's Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of

the person conducting the facility, to care for children while the children's parents are using the facility, or

- (h) a service that is concerned primarily with the provision of:
  - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
  - (ii) private tutoring, or
- (i) a school, or
- (j) a service provided at exempt premises (within the meaning of Chapter 12 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

**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*.

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**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 Ku-ring-gai Council.

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

**Crown reserve** means:

- (a) a reserve within the meaning of Part 5 of the *Crown Lands Act 1989*, or
- (b) a common within the meaning of the *Commons Management Act 1989*, or
- (c) 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,

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- (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 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.

**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

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- (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 Ku-ring-gai Local Environmental Plan (Town Centres) 2010 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.

**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.

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**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
- (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 Ku-ring-gai Local Environmental Plan (Town Centres) 2010 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.

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***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 Ku-ring-gai Local Environmental Plan (Town Centres) 2010 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 licensed within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*,
- (b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

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

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) 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 home 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
- (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

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- (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,
- (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 2007*):

- (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,

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(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.

**Key Sites Map** means the Ku-ring-gai Local Environmental Plan (Town Centres) 2010 Key Sites Map.

**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 Ku-ring-gai Local Environmental Plan (Town Centres) 2010 Land Application Map.

**Land Reservation Acquisition Map** means the Ku-ring-gai Local Environmental Plan (Town Centres) 2010 Land Reservation Acquisition Map.

**Land Zoning Map** means the Ku-ring-gai Local Environmental Plan (Town Centres) 2010 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, knackeries, tanneries, woolscours and rendering plants.

**Lot Size Map** means the Ku-ring-gai Local Environmental Plan (Town Centres) 2010 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.

**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.

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**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 Resources Sensitivity—Biodiversity Map** means the Ku-ring-gai Local Environmental Plan (Town Centres) 2010 Natural Resources Sensitivity—Biodiversity Map.

**Natural Resources Sensitivity—Riparian Lands Map** means the Ku-ring-gai Local Environmental Plan (Town Centres) 2010 Natural Resources Sensitivity—Riparian Lands Map.

**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 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.

***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.

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***place of Aboriginal heritage significance*** means an area of land shown on the Heritage Map that is:

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

***place of public worship*** means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

***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 receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

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

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

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

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

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

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

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

**public authority** has the same meaning as in the Act.

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

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

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

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

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

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

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

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

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

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

- (a) a children's playground, or
- (b) an area used for community sporting activities, or

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(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** has the same meaning as in the *Registered Clubs Act 1976*, whether or not entertainment is provided at the club.

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

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

**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, whether or not takeaway meals and beverages or entertainment are also provided.

**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

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- (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).

**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.

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**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.

**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.

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**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.

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**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 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.

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**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, sedgeland, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently

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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.