



New South Wales

## Ryde Local Environmental Plan 2010

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, pursuant to section 33A of the *Environmental Planning and Assessment Act 1979*, adopt the mandatory provisions of the *Standard Instrument (Local Environmental Plans) Order 2006* and prescribe matters required or permitted by that Order so as to make a local environmental plan as follows. (S06/00661)

TONY KELLY, MLC  
Minister for Planning

## 2010 No 316

Ryde Local Environmental Plan 2010

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# Contents

|  | Page |
|--|------|
| <b>Part 1 Preliminary</b>  |      |
| 1.1 Name of Plan   | 5    |
| 1.1AA Commencement   | 5    |
| 1.2 Aims of Plan   | 5    |
| 1.3 Land to which Plan applies                                     | 5    |
| 1.4 Definitions  | 5    |
| 1.5 Notes  | 6    |
| 1.6 Consent authority  | 6    |
| 1.7 Maps   | 6    |
| 1.8 Repeal of other local planning instruments applying to land    | 6    |
| 1.8A Savings provision relating to pending development approvals   | 7    |
| 1.9 Application of SEPPs   | 7    |
| 1.9A Suspension of covenants, agreements and instruments           | 7    |
| <b>Part 2 Permitted or prohibited development</b>                  |      |
| 2.1 Land use zones   | 9    |
| 2.2 Zoning of land to which Plan applies                           | 9    |
| 2.3 Zone objectives and Land Use Table                             | 9    |
| 2.4 Unzoned land   | 10   |
| 2.5 Additional permitted uses for particular land                  | 10   |
| 2.6 Subdivision—consent requirements                               | 11   |
| 2.6AA Demolition requires consent                                  | 11   |
| 2.6BB Temporary use of land  | 11   |
| <b>Land Use Table</b>  | 12   |
| <b>Part 3 Exempt and complying development</b>                     |      |
| 3.1 Exempt development   | 24   |
| 3.2 Complying development  | 25   |
| 3.3 Environmentally sensitive areas excluded                       | 26   |
| <b>Part 4 Principal development standards</b>                      |      |
| 4.1 Minimum subdivision lot size                                   | 28   |
| 4.1A Minimum subdivision requirements in certain residential zones | 28   |
| 4.1B Residential buildings that cannot be subdivided               | 29   |
| 4.2 Rural subdivision  | 29   |

|               | Page   |    |
|---------------|--|----|
| 4.3           | Height of buildings  | 29 |
| 4.4           | Floor space ratio  | 30 |
| 4.4A          | Residential zones—floor space ratio  | 31 |
| 4.4B          | Macquarie Park Corridor—floor space ratio  | 31 |
| 4.4C          | West Ryde Urban Village—floor space ratio  | 31 |
| 4.5           | Calculation of floor space ratio and site area   | 32 |
| 4.5A          | Density controls for Zone R2 Low Density Residential   | 34 |
| 4.5B          | Density controls for multi dwelling housing and residential flat buildings in Zone R4 High Density Residential | 34 |
| 4.5C          | Density controls for 1–13 Pennant Avenue, Denistone (residential flat building)                                | 36 |
| 4.5D          | Density controls for Royal Rehabilitation Centre Sydney  | 36 |
| 4.5E          | Macquarie Park Corridor  | 36 |
| 4.6           | Exceptions to development standards  | 38 |
| <br>          |  |    |
| <b>Part 5</b> | <b>Miscellaneous provisions</b>  |    |
| 5.1           | Relevant acquisition authority   | 40 |
| 5.1A          | Development on land intended to be acquired for a public purpose   | 41 |
| 5.2           | Classification and reclassification of public land   | 41 |
| 5.3           | Development near zone boundaries   | 42 |
| 5.4           | Controls relating to miscellaneous permissible uses  | 43 |
| 5.5           | Development within the coastal zone  | 44 |
| 5.6           | Architectural roof features  | 44 |
| 5.7           | Development below mean high water mark   | 44 |
| 5.8           | Conversion of fire alarms  | 45 |
| 5.9           | Preservation of trees or vegetation  | 45 |
| 5.10          | Heritage conservation  | 47 |
| 5.11          | Bush fire hazard reduction   | 50 |
| 5.12          | Infrastructure development and use of existing buildings of the Crown  | 50 |
| <br>          |  |    |
| <b>Part 6</b> | <b>Additional local provisions</b>   |    |
| 6.1           | Acid sulfate soils   | 51 |
| 6.2           | Earthworks   | 52 |
| 6.3           | Foreshore building line  | 53 |
| 6.4           | Eastwood Urban Village   | 54 |
| 6.5           | Eastwood Urban Village and West Ryde Urban Village   | 55 |
| 6.6           | Macquarie Park Corridor  | 55 |
| 6.7           | Planning controls for Ryde Town Centre   | 56 |
| 6.8           | Access for child care centres must not be to a classified road   | 56 |

## **2010 No 316**

Ryde Local Environmental Plan 2010

### Contents

---

|                   | Page  |    |
|-------------------|---|----|
| <b>Schedule 1</b> | <b>Additional permitted uses</b>                          | 57 |
| <b>Schedule 2</b> | <b>Exempt development</b>                                 | 61 |
| <b>Schedule 3</b> | <b>Complying development</b>                              | 67 |
| <b>Schedule 4</b> | <b>Classification and reclassification of public land</b> | 68 |
| <b>Schedule 5</b> | <b>Environmental heritage</b>                             | 69 |
| <b>Schedule 6</b> | <b>Planning controls for Ryde Town Centre precincts</b>   | 80 |
| <b>Dictionary</b> |   | 85 |

## **Ryde Local Environmental Plan 2010**

under the

Environmental Planning and Assessment Act 1979

### **Part 1 Preliminary**

#### **1.1 Name of Plan**

This Plan is *Ryde Local Environmental Plan 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 Ryde in accordance with the relevant standard environmental planning instrument under section 33A of the Act.
- (2) The particular aims of this Plan are as follows:
  - (a) to create a broad framework of controls for the future development of all land in Ryde,
  - (b) to encourage the management and development of land to provide a range of land uses, employment activities and housing types that respond to the welfare of the citizens of Ryde,
  - (c) to conserve items and places in Ryde that are of natural, indigenous, cultural, social and historical significance,
  - (d) to manage development of Ryde to create a better environment.

#### **1.3 Land to which Plan applies**

- (1) This Plan applies to the land identified on the Land Application Map.
- (1A) Despite subclause (1), this Plan does not apply to the land shown on the Land Application Map as “Deferred Matter”.

#### **1.4 Definitions**

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

## 2010 No 316

Clause 1.5 Ryde Local Environmental Plan 2010

Part 1 Preliminary

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### 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.

**Note.** The following local environmental plans are repealed under this provision:

*Ryde Planning Scheme Ordinance*

- (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.

**Note.** The *Ryde Planning Scheme Ordinance* continues to apply to the land shown on the Land Application Map as "Deferred Matter".

**1.8A Savings provision relating to pending development approvals**

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

**Note.** However, under Division 4B of Part 3 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant development is appropriately amended or if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.

**1.9 Application of SEPPs**

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

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

*State Environmental Planning Policy No 1—Development Standards*

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

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

- (2A) Part 3 of Schedule 3 to *State Environmental Planning Policy (Major Development) 2005* is repealed.

**1.9A Suspension of covenants, agreements and instruments**

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a development consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.

- (2) This clause does not apply:

- (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
- (b) to any prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, or

## 2010 No 316

Clause 1.9A Ryde Local Environmental Plan 2010

Part 1 Preliminary

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- (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
  - (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
  - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
  - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or
  - (g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Except for the purposes of enabling development for dual occupancy (attached) or multi dwelling housing (attached), this clause does not apply to any land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone R4 High Density Residential.
- (5) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(4).



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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**

- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential

#### **Business Zones**

- B1 Neighbourhood Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- B7 Business Park

#### **Industrial Zones**

- IN2 Light Industrial
- IN4 Working Waterfront

#### **Special Purpose Zones**

- SP1 Special Activities
- SP2 Infrastructure

#### **Recreation Zones**

- RE1 Public Recreation
- RE2 Private Recreation

#### **Environment Protection Zones**

- E1 National Parks and Nature Reserves
- E2 Environmental Conservation

### 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

## 2010 No 316

Clause 2.4 Ryde Local Environmental Plan 2010

Part 2 Permitted or prohibited development

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- (c) development that may be carried out only with consent, and
  - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.
- (3) In the 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.

### 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.

## 2010 No 316

Clause 2.6BB Ryde Local Environmental Plan 2010

Part 2 Land Use Table

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- (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 182 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that:
  - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
  - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
  - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
  - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
- (5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

**Direction.** Other specific exceptions to subclause (2) may be added.

## 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*

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*State Environmental Planning Policy No 62—Sustainable Aquaculture*  
*State Environmental Planning Policy No 64—Advertising and Signage*

## **Zone R1 General Residential**

### **1 Objectives of zone**

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

### **2 Permitted without consent**

Home-based child care; Home occupations

### **3 Permitted with consent**

Attached dwellings; Boarding houses; Car parks; Child care centres; Community facilities; Dwelling houses; Educational establishments; Group homes; Home businesses; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Office premises; Places of public worship; Recreation areas; Residential care facilities; Residential flat buildings; Roads; Semi-detached dwellings; Seniors housing; Shop top housing

### **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone R2 Low Density Residential**

### **1 Objectives of zone**

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that the general low density nature of the zone is retained and that development for the purposes of dual occupancy (attached) and multi dwelling housing (attached) do not significantly alter the character of a location or neighbourhood.
- To ensure that new development complements or enhances the local streetscape.
- To maintain on sites with varying topography the two storey pitched roof form character of dwelling houses and dual occupancy (attached) developments.

## 2010 No 316

Clause 2.6BB Ryde Local Environmental Plan 2010

Part 2 Land Use Table

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- To ensure that land uses are compatible with the character of the area and responsive to community needs.

### 2 Permitted without consent

Home-based child care; Home occupations

### 3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Business identification signs; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Educational establishments; Group homes; Health consulting rooms; Hospitals; Multi dwelling housing (attached); Places of public worship; Recreation areas; Residential care facilities; Roads

### 4 Prohibited

Any development not specified in item 2 or 3

## Zone R3 Medium Density Residential

### 1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage revitalisation, rehabilitation, and redevelopment of residential areas while ensuring that dwelling types do not adversely affect the amenity of the locality.

### 2 Permitted without consent

Home-based child care; Home occupations

### 3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Business identification signs; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Group homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Public administration buildings; Recreation areas; Residential flat buildings; Roads; Seniors housing; Serviced apartments

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**4 Prohibited**

Any development not specified in item 2 or 3

**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.
- To allow higher density development around transport nodes and commercial and retail centres.
- To allow for revitalisation, rehabilitation and redevelopment of residential areas while ensuring that building design does not adversely affect the amenity of the locality.

**2 Permitted without consent**

Home-based child care; Home occupations

**3 Permitted with consent**

Bed and breakfast accommodation; Boarding houses; Business identification signs; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Educational establishments; Multi dwelling housing; Neighbourhood shops; Places of public worship; Public administration buildings; Recreation areas; Residential care facilities; Residential flat buildings; Roads; Serviced apartments; Shop top housing

**4 Prohibited**

Any development not specified in item 2 or 3

**Zone B1 Neighbourhood Centre**

**1 Objectives of zone**

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To ensure that the development does not have an adverse impact on the amenity of local residents.

## 2010 No 316

Clause 2.6BB Ryde Local Environmental Plan 2010

Part 2 Land Use Table

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### 2 Permitted without consent

Home occupations

### 3 Permitted with consent

Boarding houses; Business identification signs; Business premises; Child care centres; Community facilities; Depots; Entertainment facilities; Industrial retail outlets; Light industries; Neighbourhood shops; Office premises; Public administration buildings; Recreation areas; Retail premises; Roads; Self-storage units; Service stations; Shop top housing; Wholesale supplies

### 4 Prohibited

Pubs; Roadside stalls; Any other development not specified in item 2 or 3

## Zone B3 Commercial Core

### 1 Objectives of zone

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To ensure the zone is characterised by high-quality well-designed buildings that enhance and encourage a safe environment.
- To encourage industries involved in scientific research and development.

### 2 Permitted without consent

Home occupations

### 3 Permitted with consent

Building identification signs; Business identification signs; Business premises; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Industrial retail outlets; Information and education facilities; Light industries; Office premises; Passenger transport facilities; Recreation areas; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Self-storage units; Serviced apartments; Warehouse or distribution centres



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**4 Prohibited**

Any development not specified in item 2 or 3

**Zone B4 Mixed Use**

**1 Objectives of zone**

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To create vibrant, active and safe communities and economically sound employment centres.
- To create safe and attractive environments for pedestrians.
- To recognise topography, landscape setting and unique location in design and land-use.

**2 Permitted without consent**

Home-based child care; Home occupations

**3 Permitted with consent**

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

**4 Prohibited**

Advertising structures; Agriculture; Biosolids treatment facilities; Caravan parks; Depots; Hazardous industries; Hazardous storage establishments; Heavy industries; Home occupations (sex services); Liquid fuel depots; Offensive industries; Offensive storage establishments; Sex services premises; Stock and sale yards; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Waste or resource management facilities; Water recycling facilities; Water treatment facilities

## 2010 No 316

Clause 2.6BB Ryde Local Environmental Plan 2010

Part 2 Land Use Table

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### 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

Home occupations

#### 3 Permitted with consent

Business identification signs; Business premises; Car parks; Child care centres; Hotel or motel accommodation; Industrial retail outlets; Light industries; Office premises; Passenger transport facilities; Recreation areas; Retail premises; Roads; Service stations; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres

#### 4 Prohibited

Pubs; Restaurants; Roadside stalls; Any other development not specified in item 2 or 3

### Zone B7 Business Park

#### 1 Objectives of zone

- To provide a range of office and light industrial uses.
- To encourage employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To ensure the zone is characterised by a high-quality, well-designed and safe environment that reflects its natural setting.
- To provide a zone with strong links to the Macquarie University and research institutions and an enhanced sense of identity.
- To encourage industries involved in scientific research or development.

#### 2 Permitted without consent

Home occupations

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**3 Permitted with consent**

Building identification signs; Business identification signs; Business premises; Child care centres; Educational establishments; Function centres; Industrial retail outlets; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Recreation areas; Registered clubs; Research stations; Restaurants; Roads; Warehouse or distribution centres

**4 Prohibited**

Any development not specified in item 2 or 3

**Zone IN2 Light Industrial**

**1 Objectives of zone**

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To enhance the amenity of local areas through better building design, reduced hard-paved surfaces and landscaping.

**2 Permitted without consent**

Home occupations

**3 Permitted with consent**

Business identification signs; Car parking; Child care centres; Community facilities; Depots; Industrial retail outlets; Light industries; Neighbourhood shops; Public administration buildings; Pubs; Recreation areas; Research stations; Roads; Service stations; Sex services premises; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Water recycling facilities

**4 Prohibited**

Any development not specified in item 2 or 3

## **2010 No 316**

Clause 2.6BB Ryde Local Environmental Plan 2010

Part 2 Land Use Table

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### **Zone IN4 Working Waterfront**

#### **1 Objectives of zone**

- To retain and encourage waterfront industrial and maritime activities.
- To identify sites for maritime purposes and for activities that require direct waterfront access.
- To ensure that development does not have an adverse impact on the environmental and visual qualities of the foreshore.
- To encourage employment opportunities.
- To minimise any adverse effect of development on land uses in other zones.

#### **2 Permitted without consent**

Nil

#### **3 Permitted with consent**

Boat launching ramps; Boat repair facilities; Business identification signs; Industrial retail outlets; Jetties; Light industries; Recreation areas; Roads

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **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.
- 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

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**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; Recreational facilities (indoors); Recreational facilities (outdoors)

**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.
- To ensure the orderly development of the land.
- To ensure that development does not have an adverse effect on adjoining 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; Recreation areas; 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.
- To provide adequate open space areas to meet the existing and future needs of the residents of Ryde.

## 2010 No 316

Clause 2.6BB Ryde Local Environmental Plan 2010

Part 2 Land Use Table

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- To protect and enhance the natural bushland in a way that enhances the quality of the bushland and facilitates public enjoyment of the bushland in a way that is compatible with its conservation.

### **2 Permitted without consent**

Environmental protection works

### **3 Permitted with consent**

Business identification signs; Community facilities; Environmental facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Restaurants; Roads

### **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone RE2 Private Recreation**

### **1 Objectives of zone**

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To ensure that the use and development of the land does not have an adverse effect on the amenity of the locality.

### **2 Permitted without consent**

Environmental protection works

### **3 Permitted with consent**

Business identification signs; Community facilities; Environmental facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Restaurants; Roads; Water recycling facilities

### **4 Prohibited**

Any development not specified in item 2 or 3

## Zone E1 National Parks and Nature Reserves

### 1 Objectives of zone

- To enable the management and appropriate use of land that is reserved under the *National Parks and Wildlife Act 1974* or that is acquired under Part 11 of that Act.
- To enable uses authorised under the *National Parks and Wildlife Act 1974*.
- To identify land that is to be reserved under the *National Parks and Wildlife Act 1974* and to protect the environmental significance of that land.

### 2 Permitted without consent

Uses authorised under the *National Parks and Wildlife Act 1974*

### 3 Permitted with consent

Nil

### 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

Drainage; Environmental facilities

### 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

## 2010 No 316

Clause 3.1 Ryde Local Environmental Plan 2010

Part 3 Exempt and complying development

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### Part 3 Exempt and complying development

#### 3.1 Exempt development

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

The section states that exempt development:

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



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

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

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

### 3.2 Complying development

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

The section states that development cannot be complying development if:

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

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

## 2010 No 316

Clause 3.3 Ryde Local Environmental Plan 2010

Part 3 Exempt and complying development

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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*,

- 
- (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*.

## **2010 No 316**

Clause 4.1 Ryde Local Environmental Plan 2010

Part 4 Principal development standards

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### **Part 4 Principal development standards**

#### **4.1 Minimum subdivision lot size**

- (1) The objectives of this clause are as follows:
  - (a) to retain streetscape, amenity and landscaped areas in residential zones,
  - (b) to provide open space areas for environmental sustainability in residential zones,
  - (c) to maintain a consistent density of development in Zone R2 Low Density Residential.
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

#### **4.1A Minimum subdivision requirements in certain residential zones**

- (1) This clause applies to land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R4 High Density Residential.
- (2) The consent authority must not consent to the subdivision of land to which this clause applies unless:
  - (a) each lot (other than a hatchet shaped lot) has:
    - (i) an area of not less than 580 square metres, and
    - (ii) a frontage to a road of not less than 10 metres, and
    - (iii) a width of not less than 15 metres at a distance of 7.5 metres from the frontage of the lot, and
  - (b) each hatchet shaped lot has:
    - (i) an area of not less than 740 square metres (not including the access corridor and any part of the lot that is intended for access to other lots), and
    - (ii) a frontage to a road of not less than 3 metres, and
    - (iii) an access corridor not less than 3 metres wide.

- 
- (3) However, the consent authority may consent to the subdivision of land to create a lot adjoining a hatchet shaped lot if the consent authority is satisfied that:
- (a) the area of the lot to be created will be not less than 740 square metres, and
  - (b) there will be permanent adequate vehicular access from a public road to the lot to be created.

#### 4.1B Residential buildings that cannot be subdivided

- (1) Development consent must not be granted to the subdivision (including a subdivision by a strata plan or community title scheme) of a dual occupancy (attached) or a duplex building on land in Zone R2 Low Density Residential.
- (2) In this clause:  
***duplex building*** means a single building not more than 2 stories high that contains 2 dwellings that are attached to one another.

#### 4.2 Rural subdivision

Not applicable

#### 4.3 Height of buildings

- (1) The objectives of this clause are as follows:
- (a) to maintain desired character and proportions of a street within areas,
  - (b) to minimise overshadowing and ensure a desired level of solar access to all properties,
  - (c) to enable the built form in denser areas to create spatial systems that relate to human scale and topography,
  - (d) to enable focal points to be created that relate to infrastructure such as train stations or large vehicular intersections,
  - (e) to reinforce important road frontages in specific centres.
- (1A) In addition to the objectives specified in subclause (1), the objectives for the control of the height of buildings on land within the Macquarie Park Corridor are as follows:
- (a) to provide effective control over the scale and bulk of future development,
  - (b) to concentrate building heights around railway stations,

## 2010 No 316

Clause 4.4 Ryde Local Environmental Plan 2010

Part 4 Principal development standards

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- (c) to provide focal nodes that clearly highlight the role of railway stations,
  - (d) to reinforce the important road frontages of Waterloo Road and Lane Cove Road.
- (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 multi dwelling housing (attached) in Zone R2 Low Density Residential is:
  - (a) for dwellings in the building that do not have a frontage to the street—6.5 metres, and
  - (b) for dwellings with a frontage to the street, if adjoining lots contain dwelling houses that are less than 9.5 metres high—8 metres.

### 4.4 Floor space ratio

- (1) The objectives of this clause are as follows:
  - (a) to provide effective control over the bulk of future development,
  - (b) to allow appropriate levels of development for specific areas,
  - (c) to enable the consent authority to assess and respond appropriately to future infrastructure needs.
- (1A) In addition to the objectives specified in subclause (1), the objectives for the control of floor space ratios on land within the Macquarie Park Corridor are as follows:
  - (a) to achieve a consolidation of development around railway stations, with the highest floor space ratios at the station nodes,
  - (b) to allow feasible development of the sites around railway stations and facilitate focal points at the station areas,
  - (c) to ensure that the peripheral locations of the corridor reflect the landscape needs and building setting requirements of the corporate building,
  - (d) to reinforce the importance and function of the central spine (Waterloo Road and Riverside Main Street) with suitable built form,
  - (e) to encourage the provision of a new street network,
  - (f) to provide incentives for redevelopment in return for the provision of the proposed access network as a public benefit.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

**4.4A Residential zones—floor space ratio**

- (1) Despite clause 4.4 (2), the maximum floor space ratio shown for a building on land in Zone R2 Low Density Residential on the Floor Space Ratio Map only applies to development for the purposes of a dwelling house or dual occupancy (attached).
- (2) Despite clause 4.4 (2), the maximum floor space ratio shown for a building on land in Zone R4 High Density Residential on the Floor Space Ratio Map does not apply to development for the purposes of dual occupancy (attached), multi dwelling housing or residential flat buildings unless they are part of shop top housing.

**4.4B Macquarie Park Corridor—floor space ratio**

Despite clause 4.4 (2), for land shown as “A1” on the Floor Space Ratio Map, the consent authority may consent to development that results in a floor space ratio in excess of the floor space ratio shown for that land on the Floor Space Ratio Map, if:

- (a) the land contains part of the proposed access network shown on the Macquarie Park Corridor Proposed Access Network Map, and
- (b) the excess floor space does not exceed the equivalent of the site area provided for the portion of the access network shown in relation to the land.

**4.4C West Ryde Urban Village—floor space ratio**

Despite clause 4.4 (2), for land shown as “West Ryde Urban Village” on the Centres Map, the consent authority may consent to development that results in a floor space ratio in excess of the floor space ratio shown for that land on the Floor Space Ratio Map, if the consent authority is satisfied that the development:

- (a) will create a safe and attractive environment for pedestrians, and
- (b) will create a mixed use precinct with an emphasis on uses that promote pedestrian activity and safety at ground level, and
- (c) will create a precinct that contains opportunities and facilities for living, working, commerce, leisure, culture, community services, education and spiritual nurture, and
- (d) will increase the number of people living within walking distance of high frequency public transport services, and
- (e) will increase the use of public transport, and
- (f) is not likely to significantly adversely affect the operation of the surrounding local road network.

## 2010 No 316

Clause 4.5 Ryde Local Environmental Plan 2010

Part 4 Principal development standards

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

#### (1) Objectives

The objectives of this clause are as follows:

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

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

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

#### (3) Site area

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

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

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

#### (4) Exclusions from site area

The following land must be excluded from the site area:

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



(5) **Strata subdivisions**

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

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

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

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

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

(8) **Existing buildings**

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

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

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

(10) **Covenants affect consolidated sites**

If:

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

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

## 2010 No 316

Clause 4.5A Ryde Local Environmental Plan 2010

Part 4 Principal development standards

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

(11) **Definition**

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

### 4.5A Density controls for Zone R2 Low Density Residential

- (1) The consent authority must not consent to the erection of multi dwelling housing (attached) on land in Zone R2 Low Density Residential unless:
  - (a) the site area for the building is not less than:
    - (i) for each 1, 2 or 3 bedroom dwelling—300 square metres, and
    - (ii) for each 4 or more bedroom dwelling—365 square metres, and
  - (b) each dwelling will have its own contiguous private open space and separate access to that space from an unbuilt portion of the site.
- (2) The consent authority must not consent to the erection of a dual occupancy (attached) on a lot in Zone R2 Low Density Residential unless:
  - (a) the lot has an area of not less than 580 square metres, and
  - (b) it is satisfied that adequate arrangements have been made for the disposal of sewage and stormwater from each dwelling.

### 4.5B Density controls for multi dwelling housing and residential flat buildings in Zone R4 High Density Residential

The consent authority must not consent to the erection of multi dwelling housing or residential flat buildings on land in an area specified in Column 1 of the Table to this clause and shown on the Residential Density Area Map unless the area of the land on which that development is to be carried out is not less than the total of the areas specified in Column 2 of that Table in respect of each of the dwellings to be contained in that development.

**Table—Density in areas shown on Residential Density Area Map**

| <b>Column 1</b>             | <b>Column 2</b>                     |
|-----------------------------|-------------------------------------|
| <b>Area and development</b> | <b>Site size (in m<sup>2</sup>)</b> |
| <b>Area 1</b>               |                                     |
| 1 bedroom dwelling          | 130                                 |

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| <b>Column 1</b>             | <b>Column 2</b>                     |
|-----------------------------|-------------------------------------|
| <b>Area and development</b> | <b>Site size (in m<sup>2</sup>)</b> |
| 2 bedroom dwelling          | 180                                 |
| 3 or more bedroom dwelling  | 270                                 |
| <b>Area 2</b>               |                                     |
| 1 bedroom dwelling          | 100                                 |
| 2 bedroom dwelling          | 150                                 |
| 3 or more bedroom dwelling  | 220                                 |
| <b>Area 3</b>               |                                     |
| 1 bedroom dwelling          | 90                                  |
| 2 bedroom dwelling          | 120                                 |
| 3 or more bedroom dwelling  | 170                                 |
| <b>Area 4</b>               |                                     |
| 1 bedroom dwelling          | 70                                  |
| 2 bedroom dwelling          | 100                                 |
| 3 or more bedroom dwelling  | 130                                 |
| <b>Area 5</b>               |                                     |
| 1 bedroom dwelling          | 140                                 |
| 2 bedroom dwelling          | 196                                 |
| 3 or more bedroom dwelling  | 268                                 |
| <b>Area 6</b>               |                                     |
| 1 bedroom dwelling          | 91                                  |
| 2 bedroom dwelling          | 137                                 |
| 3 or more bedroom dwelling  | 183                                 |
| <b>Area 7</b>               |                                     |
| 1 bedroom dwelling          | 76                                  |
| 2 bedroom dwelling          | 111                                 |
| 3 or more bedroom dwelling  | 152                                 |

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## 2010 No 316

Clause 4.5C Ryde Local Environmental Plan 2010

Part 4 Principal development standards

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| Column 1                   | Column 2                       |
|----------------------------|--------------------------------|
| Area and development       | Site size (in m <sup>2</sup> ) |
| <b>Area 8</b>              |                                |
| 1 bedroom dwelling         | 45                             |
| 2 bedroom dwelling         | 58                             |
| 3 or more bedroom dwelling | 90                             |

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### 4.5C Density controls for 1–13 Pennant Avenue, Denistone (residential flat building)

- (1) This clause applies to that part of Lots 1 and 2, DP 221325, known as 1–13 Pennant Avenue, Denistone and situated in Zone R3 Medium Density Residential.
- (2) The consent authority must not consent to the erection of a residential flat building on the land to which this clause applies unless:
  - (a) the building will have not more than 32 dwellings, and
  - (b) there will be at least 30 square metres of landscaped area per dwelling.

### 4.5D Density controls for Royal Rehabilitation Centre Sydney

- (1) This clause applies to that part of Lot 1010, DP 836975 and Lot 102, DP 826426, known as the Royal Rehabilitation Centre Sydney site and situated in Zone R1 General Residential.
- (2) The consent authority must not consent to the erection of a dwelling on the land to which this clause applies if the consent would result in an average density of more than 50 dwellings per hectare on that land.

### 4.5E Macquarie Park Corridor

#### (1) Off-street parking controls

The objectives for off-street parking controls in the Macquarie Park Corridor are as follows:

- (a) to encourage accessibility by foot, bicycle and public transport,
- (b) to support the management and supply of parking as the primary means to influence travel behaviour of employees,
- (c) to encourage greater reliance on public transport,
- (d) to assist in the management of increased car usage and traffic congestion in the corridor,
- (e) to effect a greater shift to public transport.

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- (2) The maximum off-street parking spaces for commercial and industrial development in the Macquarie Park Corridor are those shown on the Macquarie Park Corridor Parking Restrictions Map.
- (3) **Use of land in Zone B7 Business Park**  
The objectives for restricting uses listed in subclause (4) in the Macquarie Park Corridor are as follows:
- (a) to provide for the daily convenience needs of employees and visitors,
  - (b) to ensure that any activities support the needs of businesses and organisations in the development to which the facilities or services relate,
  - (c) to reinforce the station nodes as focal points of activity, supporting a range of retail and commercial activities.
- (4) Despite any other provision of this Plan, development for the purposes of a function centre, neighbourhood shop, registered club or restaurant must not be carried out on land in Zone B7 Business Park in the Macquarie Park Corridor unless the development is located on the ground floor level of a building and the total floor space of all such development in that zone does not exceed 500 square metres, or an area equal to 5% of the total area of the land in that zone, whichever is the greater.
- (5) **Serviced apartments in Zone B3 Commercial Core**  
Despite any other provision of this Plan, the consent authority must not consent to the carrying out of development on land in Zone B3 Commercial Core in the Macquarie Park Corridor for the purpose of serviced apartments unless:
- (a) the development comprises at least 2 self-contained dwellings, and
  - (b) all dwellings are on the same lot (that is, not on separate strata or other titles), and
  - (c) the development includes private or communal facilities that the consent authority is satisfied are of adequate size and amenity, such as a laundry, guest reception area, waiting area and external open space, and
  - (d) the building that is to contain the dwellings is not a boarding house, hospital or hotel or motel accommodation.

## 2010 No 316

Clause 4.6 Ryde Local Environmental Plan 2010

Part 4 Principal development standards

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### (6) Retail activities in Zone B3 Commercial Core

Development for the purposes of retail premises must not be carried out on land that is in Zone B3 Commercial Core in the Macquarie Park Corridor, unless the premises are located on the ground floor level of a building and do not exceed 2,000 square metres, or in the case of a pub, 250 square metres in floor space.

### 4.6 Exceptions to development standards

- (1) The objectives of this clause are:
  - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
  - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Consent must not be granted for development that contravenes a development standard unless:
  - (a) the consent authority is satisfied that:
    - (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,
  - (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,
  - (c1) clause 4.3, to the extent it applies to Precinct 2 (Town Core) shown on the Ryde Town Centre Precincts Map.

## 2010 No 316

Clause 5.1 Ryde Local Environmental Plan 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> |

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

**Note.** 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*).



**5.1A Development on land intended to be acquired for a public purpose**

- (1) The objective of this clause is to limit development on certain land intended to be acquired for a public purpose.
- (2) This clause applies to land shown on the Land Reservation Acquisition Map and specified in Column 1 of the Table to this clause and that has not been acquired by the authority of the State specified opposite that land in Column 2 of the Table.
- (3) Development consent must not be granted to any development on land to which this clause applies other than development for a purpose specified opposite that land in Column 3 of the Table.

| <b>Column 1</b>   | <b>Column 2</b>  | <b>Column 3</b>    |
|---|--|--------------------|
| <b>Land</b>   | <b>Authority</b>                                       | <b>Development</b> |
| Zone RE1 Public Recreation and marked "Local open space"    | Council  | Recreation areas   |
| Zone RE1 Public Recreation and marked "Regional open space" | The corporation constituted under section 8 of the Act | Recreation areas   |
| Zone SP2 Infrastructure and marked "Classified road"        | Roads and Traffic Authority                            | Roads              |
| Zone SP2 Infrastructure and marked "Local road"             | Council  | Roads              |

**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*.

## 2010 No 316

Clause 5.3 Ryde Local Environmental Plan 2010

Part 5 Miscellaneous provisions

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

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

### 5.3 Development near zone boundaries

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.
- (3) This clause does not apply to:
  - (a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or
  - (a1) land in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone B1 Neighbourhood Centre, Zone B3 Commercial Core, Zone B4 Mixed Use, Zone B5 Business Development, Zone B7 Business Park, Zone IN2 Light Industrial, Zone IN4 Working Waterfront, Zone SP1 Special Activities and Zone RE2 Private Recreation, 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.

**Note.** Because of the exclusions referred to in subclause (3), this clause only applies to land in Zone SP2 Infrastructure.

#### 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 30 square metres of floor area.

(3) **Home industries**

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

(4) **Industrial retail outlets**

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

- (a) 20% of the combined gross floor area of the industrial retail outlet and the building or place on which the relevant industry is carried out, or

## 2010 No 316

Clause 5.5 Ryde Local Environmental Plan 2010

Part 5 Miscellaneous provisions

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(b) 400 square metres,  
whichever is the lesser.

(5) **Farm stay accommodation**

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

(6) **Kiosks**

If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 20 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 200 square metres.

(8) **Roadside stalls**

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

(9) **Secondary dwellings**

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

- (a) 60 square metres,
- (b) 10% of the total floor area of both the self-contained dwelling and the principal dwelling.

**5.5 Development within the coastal zone**

Not applicable

**5.6 Architectural roof features**

Not adopted

**5.7 Development below mean high water mark**

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

**5.8 Conversion of fire alarms**

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

## 2010 No 316

Clause 5.9 Ryde Local Environmental Plan 2010

Part 5 Miscellaneous provisions

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- (2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

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

- (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- (a) development consent, or
- (b) a permit granted by the Council.

- (4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

- (5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

- (6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

- (7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:

- (a) that is or forms part of a heritage item, or
- (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*.

#### 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 Ryde, 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.

## 2010 No 316

Clause 5.10 Ryde Local Environmental Plan 2010

Part 5 Miscellaneous provisions

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### (3) **When consent not required**

However, consent under this clause is not required if:

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

### (4) **Effect on heritage significance**

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

### (5) **Heritage impact assessment**

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

- (a) on which a heritage item is situated, or
  - (b) within a heritage conservation area, or
  - (c) within the vicinity of land referred to in paragraph (a) or (b),
- require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would



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

(6) **Heritage conservation management plans**

The consent authority may require, after considering the 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

## 2010 No 316

Clause 5.11 Ryde Local Environmental Plan 2010

Part 5 Miscellaneous provisions

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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.

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## Part 6 Additional local provisions

### 6.1 Acid sulfate soils

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

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

- (3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the *Acid Sulfate Soils Manual* and has been provided to the consent authority.
- (4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if:
  - (a) a preliminary assessment of the proposed works prepared in accordance with the *Acid Sulfate Soils Manual* indicates that an

## 2010 No 316

Clause 6.2 Ryde Local Environmental Plan 2010

Part 6 Additional local provisions

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- acid sulfate soils management plan is not required for the works,  
and
- (b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.
- (5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):
- (a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,
  - (b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),
  - (c) minor work, being work that costs less than \$20,000 (other than drainage work).
- (6) Despite subclause (2), development consent is not required under this clause to carry out any works unless:
- (a) the works involve the disturbance of more than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations or flood mitigation works, or
  - (b) the works are likely to lower the watertable.

### 6.2 Earthworks

- (1) The objectives of this clause are as follows:
- (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,
  - (b) to allow earthworks of a minor nature without separate development consent.

- (2) Development consent is required for earthworks unless:
- (a) the work does not alter the ground level (existing) by more than 300 millimetres, or
  - (b) the work is exempt development under this Plan or another applicable environmental planning instrument, or
  - (c) the work is ancillary to other development for which development consent has been given.
- (3) Before granting development consent for earthworks, the consent authority must consider the following matters:
- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,
  - (b) the effect of the proposed development on the likely future use or redevelopment of the land,
  - (c) the quality of the fill or the soil to be excavated, or both,
  - (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,
  - (e) the source of any fill material and the destination of any excavated material,
  - (f) the likelihood of disturbing relics,
  - (g) proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

**Note.** The *National Parks and Wildlife Act 1974*, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.

### 6.3 Foreshore building line

- (1) The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.
- (2) Development consent must not be granted for development on land in the foreshore area except for the following purposes:
- (a) the alteration or rebuilding of an existing building wholly or partly in the foreshore area,
  - (b) sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools (at or below ground level (existing)), fences, boat sheds, cycleways, walking trails or picnic facilities.

## 2010 No 316

Clause 6.4 Ryde Local Environmental Plan 2010

Part 6 Additional local provisions

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- (3) Development consent must not be granted under subclause (2) unless the consent authority is satisfied that:
- (a) the development will contribute to achieving the objectives for the zone in which the land is located, and
  - (b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and
  - (c) the development will not cause environmental harm such as:
    - (i) pollution or siltation of the waterway, or
    - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, flora or fauna habitats, or
    - (iii) an adverse effect on drainage patterns, and
  - (d) the development will not cause congestion of, or generate conflicts between, people using open space areas or the waterway, and
  - (e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and
  - (f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and
  - (g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore.

### 6.4 Eastwood Urban Village

(1) **Development intensification restricted**

This clause applies to land shown on the Eastwood Urban Village Map as “Development Intensification Restricted”.

- (2) Despite any other provision of this Plan, development consent must not be granted to the carrying out of development on land to which this clause applies if the development would increase the intensity of use of the land unless the consent authority is satisfied that the extent of stormwater inundation of the land, and the access to the land during an estimated 100 year ARI stormwater inundation event, would not constitute a hazard, or increase a hazard, to persons or property.

(3) **Development intensification constrained**

This clause applies to land shown on the Eastwood Urban Village Map as “Development Intensification Constrained”.

- (4) Despite any other provision of this Plan, development consent must not be granted to the carrying out of development on land to which this clause applies if the development would increase the intensity of use of the land unless the consent authority is satisfied that, if any conditions to which the development consent would be subject were to be complied with, the extent of stormwater inundation of the land during an estimated 100 year ARI stormwater inundation event would not constitute a hazard, or increase a hazard, to persons or property.
- (5) In this clause:  
*100 year ARI* means a stormwater inundation event of a size that is likely to occur only once in 100 years, but has one chance in 100 (1%) of occurring in any year.

#### **6.5 Eastwood Urban Village and West Ryde Urban Village**

- (1) This clause applies to land shown as “Eastwood Urban Village” and “West Ryde Urban Village” on the Centres Map.
- (2) The objectives for the land to which this clause applies are as follows:
- (a) to create a safe and attractive environment for pedestrians,
  - (b) to create a mixed use precinct with emphasis on uses that promote pedestrian activity and safety at ground level (existing),
  - (c) to create a precinct that contains opportunities and facilities for living, working, commerce, leisure, culture, community services, education and public worship,
  - (d) to increase the number of people living within walking distance of high frequency public transport services,
  - (e) to increase the use of public transport.
- (3) The consent authority must not grant consent to development on land to which this clause applies unless it has considered whether the proposed development is consistent with the objectives stated in subclause (2).

#### **6.6 Macquarie Park Corridor**

- (1) This clause applies to land within the Macquarie Park Corridor.
- (2) The objectives for the land to which this clause applies are as follows:
- (a) to promote the corridor as a premium location for globally competitive businesses with strong links to the Macquarie University and research institutions and an enhanced sense of identity,
  - (b) to implement the State Government’s strategic objectives of integrating land use and transport, reducing car dependency and

## 2010 No 316

Clause 6.7 Ryde Local Environmental Plan 2010

Part 6 Additional local provisions

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creating opportunities for employment in areas supported by public transport,

- (c) to guide the quality of future development in the corridor,
  - (d) to ensure that the corridor is characterised by a high-quality, well-designed and safe environment that reflects the natural setting, with three accessible and vibrant railway station areas providing focal points,
  - (e) to ensure that residential and business areas are better integrated and an improved lifestyle is created for all those who live, work and study in the area.
- (3) The consent authority must not grant consent for development on the land to which this clause applies unless it has considered whether the proposed development is consistent with the objectives stated in subclause (2).

### 6.7 Planning controls for Ryde Town Centre

#### (1) Development in precincts in Ryde Town Centre

Development consent must not be granted for development on land in a precinct shown on the Ryde Town Centre Precincts Map unless the consent authority is satisfied the development complies with the planning controls for the precinct set out in Schedule 6.

#### (2) Development not in precincts in Ryde Town Centre

Despite any other provision of this Plan, the consent authority may grant development consent to development on land that is not in a precinct shown on the Ryde Town Centre Precincts Map for a purpose that is permissible in an adjoining precinct shown on that map.

- (3) If development consent is granted under subclause (2), the development must comply with the planning controls applying for development of the same kind in the adjoining precinct.

### 6.8 Access for child care centres must not be to a classified road

Despite any other provision of this Plan, development consent must not be granted to the carrying out of development for the purposes of a child care centre on land if the access to that land is from an existing or proposed classified road.



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## Schedule 1 Additional permitted uses

(Clause 2.5)

### 1 Use of certain land at 11–13 Pennant Avenue, Denistone

- (1) This clause applies to land at 11–13 Pennant Avenue, Denistone, being Lot 1, DP 221325.
- (2) Development of the land in Zone R2 Residential Low Density for the purpose of access to the part of the land that is in Zone R3 Medium Density Residential is permitted with consent.

### 2 Use of certain land at 607 Blaxland Road, Eastwood

- (1) This clause applies to land at 607 Blaxland Road, Eastwood, being part Lot 100, DP 1107491.
- (2) Development for the purpose of a vehicle sales or hire premises is permitted with consent.

### 3 Use of certain land at 108 Pittwater Road, Gladesville

- (1) This clause applies to land at 108 Pittwater Road, Gladesville, being Lot A, DP 307137.
- (2) Development for the purposes of business premises and office premises is permitted with consent.

### 4 Use of certain land at 461–495 Victoria Road, Gladesville

- (1) This clause applies to land at 461–495 Victoria Road, Gladesville, being part Lot 1, DP 739556 (Building H).
- (2) Development for the purposes of business premises and office premises (Building H) that include 48 car parking spaces is permitted with consent.

### 5 Use of certain land at 37–39 Epping Road, Macquarie Park

- (1) This clause applies to land at 37–39 Epping Road, Macquarie Park, being Lot 1, DP 1060926.
- (2) Development for the following purposes is permitted with consent:
  - (a) business premises and office premises with a maximum gross floor area of 6,082m<sup>2</sup>,
  - (b) bulky goods premises with a maximum gross floor area of 2,235m<sup>2</sup>.

## 2010 No 316

Ryde Local Environmental Plan 2010

Schedule 1 Additional permitted uses

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### **6 Use of certain land at 33/46–48 Khartoum Road, Macquarie Park**

- (1) This clause applies to land at 33/46–48 Khartoum Road, Macquarie Park, being Lot 33, SP 9423.
- (2) Development for the purposes of business premises, light industry, office premises, restaurant, service station, shops and storage premises is permitted with consent.

### **7 Use of certain land at 307 Lane Cove Road, Macquarie Park**

- (1) This clause applies to land at 307 Lane Cove Road, Macquarie Park, being Lot 10, DP 1071734.
- (2) Development for the following purposes is permitted with consent:
  - (a) an integrated horticultural centre, including display gardens, research, education and training facilities and horticultural and gardening exhibitions,
  - (b) retail, commercial and broadcasting facilities and exhibitions either directly associated with the horticulture centre or for the promotion of aspects of horticulture, gardening and the environment,
  - (c) use of the display gardens for small-scale entertainment activities such as outdoor theatre, storytelling and musical activities,
  - (d) a restaurant or cafe for use by patrons of the centre.

### **8 Use of certain land at corner of Agincourt and Balaclava Roads, Marsfield (known as Curzon Hall)**

- (1) This clause applies to land at corner of Agincourt and Balaclava Roads, Marsfield (known as Curzon Hall), being part Lot 10, DP 1100767.
- (2) Development for the purposes of a restaurant and function centre, and any purpose ordinarily incidental to those purposes, with a maximum floor space ratio of 0.33:1, is permitted with consent.

### **9 Use of certain land at 192 Balaclava Road, Marsfield (Macquarie University)**

- (1) This clause applies to land at 192 Balaclava Road, Marsfield (Macquarie University), being part Lot 114, DP 1129623, part Lots 8–10, DP 1047085 and Lot 181, DP 1112777.
- (2) Development for the purposes of agriculture, dwelling houses, hospitals, places of public worship, residential accommodation associated with the Macquarie University and service stations is permitted with consent.

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**10 Use of certain land at 32–62 Delhi Road, North Ryde**

- (1) This clause applies to land at 32–62 Delhi Road, North Ryde, being all the lots contained in SP 70943, SP 74057 and SP 80947.
- (2) Development for the purposes of serviced apartments and hotel or motel accommodation is permitted with consent.

**11 Use of certain land at 124A Epping Road, North Ryde**

- (1) This clause applies to land at 124A Epping Road, North Ryde, being part Lot 11, DP 1013188.
- (2) Development for the purposes of a medical centre, retail premises and business premises, with associated off-street car parking, is permitted with consent.

**12 Use of certain land at 293 Pittwater Road, North Ryde**

- (1) This clause applies to land at 293 Pittwater Road, North Ryde, being SP 78624.
- (2) Development for the purpose of the conversion of a former substation to dual occupancy (attached) and the erection of multi dwelling housing is permitted with consent.

**13 Use of certain land at 8 Rocca Street and 293 Quarry Road, North Ryde**

- (1) This clause applies to land at 8 Rocca Street and 293 Quarry Road, North Ryde, being Lot 10, DP 1015231.
- (2) Development for the purposes of car parking and vehicular access to adjoining land is permitted with consent.

**14 Use of certain land at 39–41 Devlin Street, Ryde**

- (1) This clause applies to land at 39–41 Devlin Street, Ryde, being Lot 200, DP 1006373.
- (2) Development for the purposes of vehicle sales or hire premises is permitted with consent.

**15 Use of certain land at 589, 603, 607 and 621 Victoria Road, Ryde**

- (1) This clause applies to land at 589, 603, 607 and 621 Victoria Road, Ryde, being Lots A and B, DP 403323, Lot 1, DP 856439, part Lot 1, DP 1000478 and Lot 2, DP 1000477.
- (2) Development for the purposes of hotel or motel accommodation and vehicle sales or hire premises purposes, with a maximum floor space ratio of 1:1, is permitted with consent.

## 2010 No 316

Ryde Local Environmental Plan 2010

Schedule 1 Additional permitted uses

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**16 Use of certain land at 600–640 Victoria Road, Ryde (known as Royal Rehabilitation Centre, Sydney)**

- (1) This clause applies to land at 600–640 Victoria Road, Ryde (known as Royal Rehabilitation Centre, Sydney), being Lot 1010, DP 836975.
- (2) On the part of the land in Zone RE1 Public Recreation, development for the purposes of car parks and child care centres is permitted with consent.

**17 Use of certain land at 691–695 Victoria Road and 2–18 Blaxland Road, Ryde**

- (1) This clause applies to land at 691–695 Victoria Road and 2–18 Blaxland Road, Ryde, being Lot 2, DP 443925, Lot 3, DP 443926, part Lot 4, DP 5873 and Lot 17, DP 777986.
- (2) Development for the purposes of vehicle sales or hire premises is permitted with consent.

**18 Use of certain land at 877–879 Victoria Road (at the corner of Linton Avenue), West Ryde**

- (1) This clause applies to land at 877–879 Victoria Road (at the corner of Linton Avenue), West Ryde, being Lots 6, 7, 8 and part Lot 9, DP 8097.
- (2) Development for the purposes of vehicle sales or hire premises and a vehicle repair station 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. The Policy has State-wide application. This Schedule contains additional exempt development not specified in that Policy.

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

### Events (community and fundraising)

- (1) Maximum patrons for community and charitable organisations—250.
- (2) Must not exceed 1 day.
- (3) If not on community land, only 2 days per year.
- (4) May only operate between 8 am and 9:30 pm.
- (5) Must have portable water and toilet facilities within 200m.
- (6) The noise level of any open air entertainment must not exceed the background noise level by more than 5dB(A) when measured at the nearest residential boundary.
- (7) Must provide adequate artificial lighting, if necessary, to permit safe movement of patrons.
- (8) Must have adequate and suitable waste containers for the removal of waste at the conclusion of the event.

### 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
  - (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),

## 2010 No 316

### Ryde Local Environmental Plan 2010

#### Schedule 2 Exempt development

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- (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,
  - (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

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- 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,
  - (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.

**Outdoor lights (fixed)**

Maximum height above ground level (existing) of pole mounted lights—3.6m.

## 2010 No 316

Ryde Local Environmental Plan 2010

Schedule 2 Exempt development

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### **Signage (real estate sign for a residential site)**

- (1) Maximum area—2.5m<sup>2</sup>.
- (2) Only 1 per frontage.
- (3) Maximum display time—6 months.
- (4) Must be removed within 7 days of sale or lease.

### **Signage (real estate sign for the sale or lease of a business or industrial site)**

- (1) Maximum area—4.5 m<sup>2</sup>.
- (2) Only 1 per frontage.
- (3) Must be removed within 7 days of sale or lease.

### **Signage (retail premises windows)**

- (1) Minimum area of window to remain uncovered by sign—75%.
- (2) Must be located at ground level (existing).
- (3) Message must relate to the use of the premise or its products.

### **Signage (temporary sign for a cultural, educational, recreational, religious or social event)**

- (1) Must not include advertising of a commercial nature except for the name of the event sponsor.
- (2) Must not be displayed more than 14 days before the event.
- (3) Must be removed within 7 days after the event.

### **Solid fuel heaters**

- (1) Must be installed in accordance with AS/NZS 2918:2001, *Domestic solid fuel burning appliances—Installation*.
- (2) Must comply with AS/NZS 4013:1999, *Domestic solid fuel burning appliances—Method for determination of flue gas emission*.
- (3) Top of the flue must be:
  - (a) at least 1m above any higher structure that is within a 15m radius, and
  - (b) not more than 3m above the roof.
- (4) If a rain cap is fitted, must not impede the vertical discharge of gases.



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**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 tent or marquee is erected to the highest point of the tent or marquee must not exceed 6m.
- (8) Must resist loads determined in accordance with the following Australian and New Zealand Standards entitled:
  - (a) AS/NZS 1170.0:2002, *Structural design actions—General principles*,

## 2010 No 316

Ryde Local Environmental Plan 2010

Schedule 2 Exempt development

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- (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. That 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 Part 1 of this Schedule 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 Part 2 of this Schedule was blank)

## 2010 No 316

Ryde Local Environmental Plan 2010

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      | 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      | Nil         | Nil                           |

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

| Column 1 | Column 2    |
|----------|-------------|
| Locality | Description |
| Nil      | Nil         |

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**Schedule 5 Environmental heritage**

(Clause 5.10)

**Part 1 Heritage items**

| <b>Suburb</b>     | <b>Item name</b>                     | <b>Address</b>                  | <b>Property description</b> | <b>Significance</b> | <b>Item No</b> |
|-------------------|--------------------------------------|---------------------------------|-----------------------------|---------------------|----------------|
| Denistone         | Open Space                           | Chatham Road,<br>"Darvall Park" |                             | Local               | 26             |
| Denistone         | "Poynton"<br>(House)                 | 25<br>Commissioners<br>Road     | Lot A,<br>DP 28226          | Local               | 36             |
| Denistone         | Hospital                             | 1 Denistone<br>Road             | Lot 1,<br>DP 869614         | State               | 47             |
| Denistone         | "Denistone<br>House"                 | 1 Denistone<br>Road             | Lot 1,<br>DP 869614         | State               | 48             |
| Denistone         | House                                | 24 Miriam<br>Road               | Lot 81A,<br>DP 6272         | Local               | 74             |
| Denistone         | House                                | 30 Miriam<br>Road               | Lot B,<br>DP 344847         | Local               | 75             |
| Denistone         | House                                | 1-9 Pennant<br>Avenue           | Lot 2,<br>DP 221325         | State               | 88             |
| Denistone         | Garden                               | 1-9 Pennant<br>Avenue           | Lot 2,<br>DP 221325         | State               | 89             |
| Denistone         | "Wollondilly"<br>(House)             | 11-13 Pennant<br>Avenue         | Lot 1,<br>DP 221325         | Local               | 90             |
| Denistone         | House                                | 37 Pennant<br>Avenue            | Lot 1,<br>DP 1005675        | Local               | 91             |
| Denistone         | House                                | 89-91 Terry<br>Road             | Lot 5,<br>DP 29054          | Local               | 126            |
| Denistone         | House                                | 78 West Parade                  | Lot E,<br>DP 28643          | Local               | 164            |
| Denistone<br>East | "Highbury<br>House"                  | 495 Blaxland<br>Road            | Lot 1,<br>DP 514007         | Local               | 18             |
| East Ryde         | Sugarloaf Point<br>(Open space)      | 191 Pittwater<br>Road           |                             | Local               | 95             |
| East Ryde         | Boobajool<br>Reserve (Open<br>space) | 231-245<br>Pittwater Road       |                             | Local               | 96             |

## 2010 No 316

### Ryde Local Environmental Plan 2010

#### 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> |
|---------------|--------------------------------|--|-----------------------------|---------------------|----------------|
| East Ryde     | Wallamatta Reserve             | 1–13 Twin Road                             | Lot 7, DP 790153            | State               | 133            |
| East Ryde     | Field of Mars Wildlife Reserve | Wellington Road                            |                             | State               | 158            |
| Eastwood      | House                          | 4 Auld Avenue                              | Lot A, DP 342192            | Local               | 7              |
| Eastwood      | House                          | 14 Auld Avenue                             | Lot 6, DP 11568             | Local               | 8              |
| Eastwood      | “The Rectory” (House)          | 25 Clanalpine Street                       | Lot 45, DP 4231             | Local               | 34             |
| Eastwood      | St Philip’s Church             | 29 Clanalpine Street                       | Part Lot A, DP 389661       | Local               | 35             |
| Eastwood      | House                          | 1 Coronation Avenue                        | Lot 2, DP 344414            | Local               | 38             |
| Eastwood      | Seat                           | East Parade (outside 36A)                  |                             | Local               | 50             |
| Eastwood      | Road                           | Great North Road, Bedlam Point to Eastwood |                             | State               | 54             |
| Eastwood      | “Eastwood House” (School)      | 40 Hillview Road                           | Lot 42, DP 8043             | State               | 55             |
| Eastwood      | Brush Farm Park                | 2–4 Lawson Street                          | Lot 7059, DP 1062383        | State               | 61             |
| Eastwood      | “Brush Farm” (House)           | 19 Lawson Street                           | Lot 1, DP 800471            | State               | 62             |
| Eastwood      | House                          | 9 Orange Street                            | Lot 50, DP 867300           | Local               | 83             |

| Suburb      | Item name                  | Address                                  | Property description  | Significance | Item No |
|-------------|----------------------------|--|---|--------------|---------|
| Eastwood    | Shops                      | 15, 17, 19, 21, 23 and 25 Railway Parade | Lot 1, DP 126235;<br>Lot 1, DP 324457;<br>Lot 2, DP 324457;<br>Lot C, DP 312242;<br>Lot B, DP 312242;<br>SP 43708 | Local        | 100     |
| Eastwood    | “Summerhayes” (Shops)      | 119, 123 and 136 Rowe Street             | Lot B, DP 338186;<br>Lot A, DP 33186;<br>Lot A, DP 340287   | Local        | 105     |
| Eastwood    | Hall                       | 186 Rowe Street                          | Lot 8, DP 1098697   | Local        | 106     |
| Eastwood    | Fire Station               | 269 Rowe Street                          | Lots 29 and 30, DP 7464   | Local        | 107     |
| Eastwood    | “Upna” (House)             | 24 Rutledge Street                       | Lot B, DP 364839  | Local        | 108     |
| Eastwood    | House                      | 2 Second Avenue                          | Lot 1, DP 931131  | Local        | 114     |
| Eastwood    | “Womerah” (House)          | 31 Trelawney Street                      | Lot 2, DP 607291  | Local        | 129     |
| Eastwood    | Eastwood Park (Gates)      | 45 West Parade                           | Lot 1, DP 167919  | Local        | 161     |
| Eastwood    | Eastwood Park (Pavilion)   | 45 West Parade                           | Lot 1, DP 167919  | Local        | 162     |
| Eastwood    | Eastwood Park (Grandstand) | 45 West Parade                           | Lot 1, DP 167919  | Local        | 163     |
| Gladesville | House                      | 19A Amiens Street                        | Lot 19, DP 10088  | Local        | 3       |

## 2010 No 316

### Ryde Local Environmental Plan 2010

#### 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> |
|---------------|-----------------------------|-------------------------------------|--|---------------------|----------------|
| Gladesville   | Houses                      | 23, 25, 27, 29 and 31 Amiens Street | Lot 2, DP 597949; Lots 20 and 21, DP 7709; Lot 1, DP 171292; Part Lot 18, DP 7709; Lot 16, DP 456025 | Local               | 4              |
| Gladesville   | Glades Bay Park (Monument)  | 45 Ashburn Place                    |  | Local               | 6              |
| Gladesville   | Wharf remains               | Bedlam Point                        |  | Local               | 11             |
| Gladesville   | House                       | 10 Cambridge Street                 | Lot D, DP 324999   | Local               | 23             |
| Gladesville   | House                       | 8 Oates Avenue                      | Lot 12, DP 7563  | Local               | 82             |
| Gladesville   | House                       | 10 Pelican Street                   | Lot 77, DP 24052   | Local               | 84             |
| Gladesville   | Substation                  | 38–42 Pittwater Road                | Lot 1, DP 547927   | Local               | 93             |
| Gladesville   | “Towalla” (House)           | 120 Pittwater Road                  | Lot B, DP 397969   | Local               | 94             |
| Gladesville   | Banjo Paterson Park         | 38 Punt Road                        | Lot 2, DP 746316   | Local               | 98             |
| Gladesville   | “Rockend Cottage” (Cottage) | 40 Punt Road                        | Lot 1, DP 746316   | State               | 99             |
| Gladesville   | House                       | 126 Ryde Road                       | Lot 8, Sec 5, DP 679   | Local               | 111            |
| Gladesville   | Monash Park (Obelisk)       | 142 Ryde Road                       | Lot 7060, DP 93662   | Local               | 112            |
| Gladesville   | Drill Hall                  | 144 Ryde Road                       | SP 69924   | State               | 113            |
| Gladesville   | House                       | 3 Thompson Street                   | Lot 11, DP 9945  | Local               | 127            |
| Gladesville   | Houses                      | 17 and 19 Thompson Street           | Lots 18 and 19, DP 9945  | Local               | 128            |



| Suburb         | Item name                    | Address                             | Property description         | Significance | Item No |
|----------------|------------------------------|-------------------------------------|------------------------------|--------------|---------|
| Gladesville    | House                        | 3 Tyrell Street                     | Lot 8, Sec D, DP 1821        | Local        | 135     |
| Gladesville    | House                        | 42 Tyrell Street                    | Lot 3, DP 355166             | Local        | 136     |
| Gladesville    | School                       | 172–180 Victoria Road               | Lots 1 and 2, DP 1086692     | Local        | 138     |
| Gladesville    | House                        | 37 Wharf Road                       | Lot 1, DP 712430             | Local        | 166     |
| Gladesville    | Houses                       | 43 and 45 Wharf Road                | Lots 23 and 24, DP 7844      | Local        | 167     |
| Gladesville    | House                        | 55 Wharf Road                       | Lot C, DP 367740             | Local        | 168     |
| Gladesville    | House                        | 76 Wharf Road                       | Lot 763, DP 1036898          | Local        | 169     |
| Gladesville    | Boat house                   | 96 Wharf Road Looking Glass Point   | Lot B, DP 366228             | Local        | 170     |
| Macquarie Park | Macquarie University (Ruins) | 192 Balaclava Road                  | Part Lot 18, DP 1058168      | Local        | 10      |
| Macquarie Park | Northern Suburbs Cemetery    | 12 Delhi Road                       |                              | Local        | 44      |
| Marsfield      | Curzon Hall (Restaurant)     | 53 Agincourt Road                   | Lot 10, DP 1100767           | State        | 1       |
| Marsfield      | Eastwood Town Hall (Hall)    | 74 Agincourt Road                   | Lot 5, DP 853803             | Local        | 2       |
| Marsfield      | Open space                   | Lane Cove National Park             |                              | State        | 59      |
| Meadowbank     | Shops                        | 58, 60, 62 and 64 Constitution Road | Lots E, D, C and B, DP 27200 | Local        | 37      |
| Meadowbank     | Meadowbank Railway Bridge    | Meadowbank                          |                              | State        | 56      |
| Meadowbank     | Memorial Park (Obelisk)      | 2 Meadow Crescent                   |                              | Local        | 72      |

## 2010 No 316

### Ryde Local Environmental Plan 2010

#### 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> |
|---------------|------------------------------|--------------------------------|---|---------------------|----------------|
| Meadowbank    | Factory                      | 37 Nancarrow Avenue            | Lots 1–7 and 9–17, DP 19585; Lot 1, DP 122205 | Local               | 80             |
| Meadowbank    | Fountain                     | (Corner) See and Angas Streets |   | Local               | 115            |
| Meadowbank    | The Laurels Nursing Home     | 34–38 See Street               | Lots 1–4, DP 1063126                          | Local               | 116            |
| Melrose Park  | Wharf                        | Wharf Road                     |   | Local               | 165            |
| North Ryde    | House                        | 50–52 Bridge Road              | Lots 3 and 4, DP 219517                       | Local               | 22             |
| North Ryde    | North Ryde Public School     | 154 Coxs Road                  |   | Local               | 39             |
| North Ryde    | Northern Suburbs Crematorium | 197 Delhi Road                 |   | Local               | 46             |
| North Ryde    | Substation                   | 293 Pittwater Road             | SP 78624                                      | Local               | 97             |
| North Ryde    | Russ in Urbe (building)      | 2 Richardson Place             | Lot 19, DP 1003588                            | Local               | 104            |
| North Ryde    | Experimental building        | 2 and 4 Richardson Place       | Lot 19, DP 1003588; Lot 13, DP 876736         | Local               | 45             |
| North Ryde    | “Bensonville” (house)        | 126 Twin Road                  | Lot 2, DP 700353                              | Local               | 134            |
| North Ryde    | House                        | 16 Wicks Road                  | Lot 41, DP 740721                             | Local               | 172            |
| North Ryde    | Houses                       | 60 and 62 Wicks Road           | Lots 1 and 2, DP 612262                       | Local               | 173            |
| Putney        | Punt                         | Pellisier Road, Mortlake Ferry |   | Local               | 85             |
| Putney        | House                        | 60 Pellisier Road              | Lot 92, DP 590979                             | Local               | 86             |
| Putney        | Putney Park (House remains)  | 99 Pellisier Road              | Lot 1, DP 133102                              | Local               | 87             |

| Suburb | Item name                              | Address                              | Property description        | Significance | Item No |
|--------|--|--------------------------------------|-----------------------------|--------------|---------|
| Putney | Kissing Point Park (former Boat Slips) | 24 Waterview Street                  | Lot 1, DP 34075             | Local        | 157     |
| Ryde   | House                                  | 7 Badajoz Road                       | Lot B, DP 380470            | Local        | 9       |
| Ryde   | Ryde Park (Gazebo)                     | 7 Blaxland Road                      | Lot 50, DP 1107483          | Local        | 13      |
| Ryde   | Ebenezer (Church)                      | 22 Blaxland Road                     | Lot 14, DP 994              | Local        | 14      |
| Ryde   | Top Ryde Shopping Centre (Shops)       | 115–121 Blaxland Road                | Lot 1, DP 618154            | Local        | 15      |
| Ryde   | Masonic Temple (Hall)                  | 142 Blaxland Road                    | Lot 3, DP 86255             | Local        | 16      |
| Ryde   | “Hattons Cottage” (Cottage)            | 158 Blaxland Road                    | Lot P, DP 443304            | Local        | 17      |
| Ryde   | Fountain                               | (Corner) Blaxland and Victoria Roads |                             | Local        | 19      |
| Ryde   | Church                                 | 74A Bowden Street                    | Lots 23 and 24, DP 8677     | Local        | 20      |
| Ryde   | House                                  | 95 Bowden Street                     | Lot 101, DP 1055980         | Local        | 21      |
| Ryde   | Church and Hall                        | 25–27 Church Street                  | Lots 102 and 103, DP 588364 | Local        | 27      |
| Ryde   | Hall                                   | 27 Church Street                     | Lot 102, DP 588364          | Local        | 28      |
| Ryde   | Former Court House                     | 42 Church Street                     | Lot 2, DP 541856            | State        | 29      |
| Ryde   | St Anne’s Church                       | 46 Church Street                     | Lot 1, DP 113532            | State        | 30      |
| Ryde   | St Anne’s Cemetery                     | 46 Church Street                     | Lot 1, DP 113532            | State        | 31      |

## 2010 No 316

### Ryde Local Environmental Plan 2010

#### 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> |
|---------------|----------------------------|--|------------------------------------|---------------------|----------------|
| Ryde          | Terraces                   | 76, 78 and 80 Church Street (80 also known as 45 Small Street) | Lots A, B and C, DP 436129         | Local               | 32             |
| Ryde          | Bridge                     | Church Street  |                                    | Local               | 33             |
| Ryde          | Bridge                     | Cressy Road over Buffalo Creek                                 |                                    | Local               | 40             |
| Ryde          | Obelisk                    | Devlin Street  |                                    | Local               | 49             |
| Ryde          | “Crowle Home” (House)      | 8 Junction Street  | Lot 1, DP 921633; Lot 11, DP 51349 | Local               | 57             |
| Ryde          | “Mayfield” (House)         | 281 Morrison Road  | Lot 102, DP 838134                 | Local               | 77             |
| Ryde          | Shop                       | 312 Morrison Road  | Lot 4, DP 942466                   | Local               | 78             |
| Ryde          | “Palmyra” (House)          | 26–28 Myra Avenue  | Lot 2A, DP 399330                  | Local               | 79             |
| Ryde          | House                      | 87 North Road  | Lot 3, DP 536702                   | Local               | 81             |
| Ryde          | “Woolbrook” (House)        | 7 Regent Street  | Lot 1, DP 20172                    | Local               | 102            |
| Ryde          | House                      | 5 Storey Street  | Lot 2, DP 867924                   | Local               | 119            |
| Ryde          | Ryde Public School         | 2 Tucker Street  | Lot 1, DP 749952                   | State               | 130            |
| Ryde          | “Westward Cottage” (House) | 8 Turner Street  | Lot 3, DP 860174                   | Local               | 131            |
| Ryde          | “Parsonage” (House)        | 12 Turner Street   | Lot 4, DP 860174                   | Local               | 132            |
| Ryde          | Holy Cross College         | 499–521 Victoria Road  | Lot 1, DP 807562                   | State               | 143            |
| Ryde          | Chapel                     | 512–550 Victoria Road  | SP 48164                           | Local               | 144            |

| Suburb   | Item name                 | Address               | Property description                      | Significance | Item No |
|----------|---------------------------|-----------------------|---|--------------|---------|
| Ryde     | “Squireville” (House)     | 512–550 Victoria Road | SP 48164                                  | Local        | 145     |
| Ryde     | Cemetery                  | 562–586 Victoria Road | Lot 1, DP 633853                          | Local        | 146     |
| Ryde     | St Charles Church         | 562–582 Victoria Road | Lot 1, DP 633853                          | State        | 147     |
| Ryde     | Dalton House (Hospital)   | 642–648 Victoria Road | Lot 1012, DP 836977                       | Local        | 148     |
| Ryde     | “Willandra” (House)       | 770–772 Victoria Road | Lot 1, DP 34639                           | State        | 149     |
| Ryde     | Police Station            | 808 Victoria Road     |   | State        | 150     |
| Ryde     | Court House               | 812 Victoria Road     | Lot 1, DP 796948                          | Local        | 151     |
| Ryde     | “Addington” (House)       | 813–815 Victoria Road | Lots 23 and 24, DP 6883; Lot 2, DP 313163 | State        | 152     |
| Ryde     | “The Retreat” (House)     | 817 Victoria Road     | Lot 1, DP 313163                          | State        | 153     |
| Ryde     | “Wallametta Club” (House) | 826 Victoria Road     | Lots 3 and 4, DP 219163; Lot 2, DP 205390 | Local        | 154     |
| Ryde     | Field of Mars Cemetery    | 1 Wellington Road     |   | Local        | 159     |
| Ryde     | House                     | 1 Wellington Road     |   | Local        | 160     |
| Tennyson | “Harwin” (House)          | 79 Champion Road      | Lot 2, DP 962627                          | Local        | 24      |
| Tennyson | House                     | 85 Champion Road      | Lot 20, Sec 2, DP 2166                    | Local        | 25      |
| Tennyson | Shops                     | 113–115 Tennyson Road | Lot X, DP 102073                          | Local        | 121     |
| Tennyson | House                     | 139 Tennyson Road     | Lot 1, DP 1009906                         | Local        | 122     |

## 2010 No 316

### Ryde Local Environmental Plan 2010

#### 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> |
|---------------|----------------------|--|--|---------------------|----------------|
| West Ryde     | Houses               | 61, 63, 65, 67, 69, 71, 73, 75 and 77 Forsyth Street | Lots 1–3, DP 900778; Lots 1–3, DP 902526; Lot A, DP 103458; Lot B, DP 103457; Lot 3, DP 902023 | Local               | 51             |
| West Ryde     | “The Downs” (House)  | 27 Goodwin Street                                    | Lot 1, DP 223488   | Local               | 53             |
| West Ryde     | House                | 4 Linton Avenue                                      | Lot Y, DP 404139   | Local               | 63             |
| West Ryde     | Church               | 7–9 McPherson Street                                 | Lots 44 and 45, DP 5048  | Local               | 64             |
| West Ryde     | “The Vinery” (House) | 69 Marsden Road                                      | Lot 1, DP 1039275  | State               | 65             |
| West Ryde     | House                | 75 Marsden Road                                      | Lot 1, DP 799009   | Local               | 66             |
| West Ryde     | “Riverview” (House)  | 135 Marsden Road                                     | Lot 1, DP 218486   | State               | 67             |
| West Ryde     | Church               | 7 Maxim Street                                       | Lots 6 and 7, Sec 4, DP 3646   | Local               | 69             |
| West Ryde     | “Milton” (House)     | 22 Maxim Street                                      | Lot 14, Sec 3, DP 3646   | Local               | 70             |
| West Ryde     | House                | 24 Maxim Street                                      | Lot 15, Sec 3, DP 3646   | Local               | 71             |
| West Ryde     | House                | 33 Reserve Street                                    | Lot 46, DP 4051  | Local               | 103            |
| West Ryde     | Houses               | 102 and 106 Rutledge Street                          | Lots 2 and 4, DP 218486  | Local               | 109            |
| West Ryde     | House                | 71 Station Street                                    | Lot 12, DP 705827  | Local               | 117            |
| West Ryde     | “Uplands” (House)    | 72 Station Street                                    | Lot B, DP 368089   | Local               | 118            |
| West Ryde     | Open Space           | 62 Terry Road, Denistone Park                        |  | Local               | 125            |

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| Suburb    | Item name               | Address                        | Property description   | Significance | Item No |
|-----------|-------------------------|--------------------------------|------------------------|--------------|---------|
| West Ryde | Pumping station         | 948 Victoria Road              |                        | Local        | 155     |
| West Ryde | House                   | 958 Victoria Road              | Lot 8,<br>DP 819902    | Local        | 156     |
| West Ryde | Ermington Public School | 12 Winbourne Street            | Lot 1,<br>DP 909464    | Local        | 174     |
| West Ryde | Houses                  | 91, 93 and 95 Winbourne Street | Lots 7-9,<br>DP 218486 | Local        | 177     |
| West Ryde | House                   | 94 Winbourne Street            | Lot A,<br>DP 401556    | Local        | 175     |
| West Ryde | House                   | 96 Winbourne Street            | Lot B,<br>DP 401556    | Local        | 176     |

## Part 2 Heritage conservation areas

| Description                     | Identification on heritage map    | Significance | Map ref |
|---------------------------------|-----------------------------------|--------------|---------|
| Brush Farm Park, Eastwood       | Shown hatched red and numbered C1 | Local        | HCA 1   |
| Eastwood House Estate, Eastwood | Shown hatched red and numbered C4 | Local        | HCA 4   |
| Maxim Street, West Ryde         | Shown hatched red and numbered C2 | Local        | HCA 2   |
| Ryedale Road, West Ryde         | Shown hatched red and numbered C3 | Local        | HCA 3   |

## 2010 No 316

Ryde Local Environmental Plan 2010

Schedule 6 Planning controls for Ryde Town Centre precincts

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### Schedule 6 Planning controls for Ryde Town Centre precincts

(Clause 6.7)

**Note.** This Schedule maintains continuity with the provisions of the former *Ryde Planning Scheme Ordinance*.

#### 1 Precinct 1—Civic and mixed use

- (1) The total net useable floor area in Precinct 1 must not exceed 100,000m<sup>2</sup>.
- (2) This clause applies to development in Precinct 1 if the development would result in:
  - (a) the total net useable floor area in all buildings in Precinct 1 exceeding 20,000m<sup>2</sup>, or
  - (b) residential use in Precinct 1.
- (3) Development consent must not be granted for development to which this clause applies unless:
  - (a) the development application is for the development of the whole of Precinct 1, and
  - (b) the consent authority has considered the following:
    - (i) access management (addressing vehicular, bicycle, pedestrian and public modes of transport),
    - (ii) design quality,
    - (iii) public domain enhancement,
    - (iv) arts and culture facilities,
    - (v) economic impact,
    - (vi) social impact,
    - (vii) staging,
    - (viii) construction management,
    - (ix) a 3D computer model of the development,
    - (x) traffic impacts.
- (4) If, before the commencement of this Plan, development consent was granted to development to which this clause applies, this clause does not prevent the consent authority from granting consent to a subsequent development application that seeks to modify that development whether before or after completion.



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- (5) If the consent authority is satisfied that compliance with subclause (3) is not necessary for the subsequent application, consent may be granted without compliance with subclause (3).
  - (6) For the purposes of this clause, car parking designed and located so that it is not visible when viewed from public streets, thoroughfares and plazas is not to be included in net useable floor area.

## **2 Precinct 2—Town Core**

- (1) The total net useable floor area in Precinct 2 must not exceed 150,000m<sup>2</sup> and must have the following land use mix:
  - (a) a minimum 15% being residential development,
  - (b) a maximum 45% being development for the purpose of shops,
  - (c) the remainder, if any, being uses permitted on land in Precinct 2.
- (2) This clause applies to development in Precinct 2 if the development would result in:
  - (a) the total net useable floor area in all buildings in Precinct 2 exceeding 30,000m<sup>2</sup>, or
  - (b) residential use in Precinct 2.
- (3) Development consent must not be granted for development to which this clause applies unless:
  - (a) the development application is for the development of the whole of Precinct 2, and
  - (b) the consent authority has considered the following:
    - (i) access management (addressing vehicular, bicycle, pedestrian and public modes of transport),
    - (ii) design quality,
    - (iii) public domain enhancement,
    - (iv) arts and culture facilities,
    - (v) economic impact,
    - (vi) social impact,
    - (vii) staging,
    - (viii) construction management,
    - (ix) a 3D computer model of the development,
    - (x) traffic impacts, and
  - (c) the application proposes an integrated traffic solution for Precincts 1 and 2, that:
    - (i) to the satisfaction of the consent authority, takes account of the total development potential of both precincts, and

## 2010 No 316

### Ryde Local Environmental Plan 2010

#### Schedule 6 Planning controls for Ryde Town Centre precincts

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- (ii) includes primary vehicular access from Devlin Street utilising grade separation in the form of access ramps and underpasses under Devlin Street and into basement car parking, and
- (iii) is consistent with the map marked “Devlin Street Integrated Traffic Solution” deposited in the office of the Council, and
- (d) the proposed development includes all of the following:
  - (i) a north-facing plaza of not less than 2,000m<sup>2</sup>, with a finished level at approximately RL 56 AHD and with a minimum dimension of 30 metres (in any direction) and direct pedestrian access to Pope Street,
  - (ii) a minimum area of 1,500m<sup>2</sup> within the total 2,000m<sup>2</sup> plaza that is to be publicly accessible at the times determined by the consent authority,
  - (iii) a main thoroughfare, of not less than 10 metres wide, running approximately north-south and connecting the plaza and Pope Street to Blaxland Road, that must be free of vehicular traffic access (excluding service vehicles) and open to pedestrians for at least 12 hours each day and have colonnades on either side of the thoroughfare for pedestrian comfort,
  - (iv) community-related uses, such as a library, located on the corner of Pope and Devlin Streets, of not less than 2,500m<sup>2</sup> net useable floor area at one level in the building, which may include not more than 700m<sup>2</sup> of net useable floor area at mezzanine level and must include all of the following:
    - (A) direct access from the plaza at approximately RL 56,
    - (B) direct access from Pope or Devlin Street,
    - (C) at least 100m<sup>2</sup> net useable floor area at the same level as the public street,
    - (D) at least 100m<sup>2</sup> net useable floor area at the same level as the plaza,
    - (E) floor to ceiling height of not less than 6 metres clear and capable of containing mezzanine levels,
  - (v) a long-day care centre catering for at least 60 children, including babies, toddlers and pre-schoolers and the provision of an occasional child care centre for at least 40 children,
  - (vi) subject to approval by the Roads and Traffic Authority, all weather-protected footbridges with a lift with capacity for not less than 12 persons that, in the opinion of the consent

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authority, demonstrate design excellence, connecting areas west of Devlin Street to:

- (A) the southern end of Precinct 2 (Town Core) and that has a footway, not less than 3 metres wide, and
  - (B) the northern end of Precinct 2 (Town Core) and that has a footway, not less than 4 metres wide.
- (4) When granting consent to development to which this clause applies, the consent authority must be satisfied that the component of the development that comprises the integrated traffic solution can be completed to the satisfaction of the consent authority before the occupation of any building that is the subject of the consent.
  - (5) If, before the commencement of this Plan, development consent was granted to development to which this clause applies, this clause does not stop the consent authority from granting consent to a subsequent development application that seeks to modify that development whether before or after completion.
  - (6) If the consent authority is satisfied that compliance with subclause (3) is not necessary for the subsequent application, development consent may be granted to the subsequent application without compliance with subclause (3).
  - (7) Subclause (3) does not apply to a development application that, in the opinion of the consent authority, is a subsequent development application to a staged development application for which consent has already been granted.
  - (8) For the purposes of this clause, car parking designed and located so that it is not visible when viewed from public streets, thoroughfares and plazas is not to be included in net useable floor area.

### **3 Precinct 3—Main Street**

- (1) Despite clause 4.3 of this Plan, consent may be granted for development on land in Precinct 3 for the purpose of a building that is 18.5 metres or less in height if:
  - (a) the site area is a least 900m<sup>2</sup>, and
  - (b) the proposed development provides laneway access.
- (2) Subclause (3) applies to land in the area bounded by Blaxland Road, Devlin Street, Tucker Street and Pope Street that is not in Precinct 2.

## 2010 No 316

Ryde Local Environmental Plan 2010

Schedule 6 Planning controls for Ryde Town Centre precincts

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- (3) Despite any other provision of this Plan, clause 4.3 of this Plan (as it relates to Precinct 2) and clause 2 of this Schedule apply to the following development:
- (a) development that involves the consolidation into a single lot of one or more lots in the land mentioned in subclause (2), together with one or more lots in Precinct 2, or
  - (b) development on a single lot that has resulted from the consolidation of one or more lots in Precinct 2 with one or more lots in Precinct 3.

#### 4 Definition—net useable floor area

In this Schedule, *net useable floor area*, of a building, means the gross floor area of the building excluding the following:

- (a) storage space associated with plant rooms, lift towers and other areas used exclusively for mechanical services or ducting,
- (b) cooling towers, machinery rooms and related storage space,
- (c) internal walls,
- (d) stairs, lobbies, corridors and other space permanently set aside for circulation,
- (e) lift wells and service ducts,
- (f) toilets and space permanently set aside for common storage,
- (g) plant, machinery and service areas including service corridors and garbage areas,
- (h) car parking ticketing booths, trolley return areas and associated storage space,
- (i) temporary kiosks that are designed to be readily relocated and placed in public circulation areas,
- (j) terraces, balconies and like spaces with walls less than 1.5 metres high.

## Dictionary

(Clause 1.4)

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

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

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

**Acid Sulfate Soils Map** means the Ryde Local Environmental Plan 2010 Acid Sulfate Soils Map.

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

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

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

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

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

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

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

**agriculture** means any of the following:

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

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

## 2010 No 316

Ryde Local Environmental Plan 2010

Dictionary

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

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

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

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

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

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

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

**aquaculture** means:

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

but does not include:

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

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

**archaeological site** means an area of land:

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

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

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

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

**backpackers' accommodation** means tourist and visitor accommodation:

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

**basement** means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

**bed and breakfast accommodation** means tourist and visitor accommodation comprising a dwelling (and any ancillary buildings and parking) where the accommodation is provided by the permanent residents of the dwelling and:

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided within guests' rooms, and
- (c) dormitory-style accommodation is not provided.

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

**biodiversity** means biological diversity.

**biological diversity** has the same meaning as in the *Threatened Species Conservation Act 1995*.

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

**biological diversity** means the diversity of life and is made up of the following 3 components:

- (a) genetic diversity—the variety of genes (or units of heredity) in any population,
- (b) species diversity—the variety of species,
- (c) ecosystem diversity—the variety of communities or ecosystems.

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

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

**boarding house** means a building:

- (a) that is wholly or partly let in lodgings, and
- (b) that provides lodgers with a principal place of residence for 3 months or more, and

## 2010 No 316

Ryde Local Environmental Plan 2010

Dictionary

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- (c) that may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (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

## 2010 No 316

### Ryde Local Environmental Plan 2010

#### Dictionary

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functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and that either:

- (a) includes the construction of dwellings (which may include tourist and visitor accommodation) of a kind other than, or in addition to:
  - (i) dwellings that are permitted on rural land, and
  - (ii) dwellings that are used for caretaker or staff purposes, or
- (b) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

**car park** means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

**caravan park** means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

**catchment action plan** has the same meaning as in the *Catchment Management Authorities Act 2003*.

**Note.** The term is defined as a catchment action plan of an authority that has been approved by the Minister under Part 4 of the *Catchment Management Authorities Act 2003*.

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

**cemetery** means a building or place for the interment of deceased persons or their ashes.

**Centres Map** means the Ryde Local Environmental Plan 2010 Centres Map.

**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

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- (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

## 2010 No 316

Ryde Local Environmental Plan 2010

Dictionary

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vegetation if the landholder can establish that any clearing was carried out for the purpose of those activities.)

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

**coastal lake** means a body of water specified in Schedule 1 to the *State Environmental Planning Policy No 71—Coastal Protection*.

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

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

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

**coastal zone** means:

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

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

**community facility** means a building or place:

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

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

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

**correctional centre** means:

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

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

**Council** means the Ryde City Council.

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

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**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.

**Eastwood Urban Village Map** means the Ryde Local Environmental Plan 2010 Eastwood Urban Village Map.

**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.

## 2010 No 316

Ryde Local Environmental Plan 2010

Dictionary

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

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

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

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

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

## 2010 No 316

Ryde Local Environmental Plan 2010

Dictionary

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lawns and that does not significantly alter the shape, natural form or drainage of the land, or

- (b) the use of land as a waste disposal facility.

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

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

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

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

**Definition of “fish”**

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

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

**floor space ratio**—see clause 4.5.

**Floor Space Ratio Map** means the Ryde Local Environmental Plan 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.



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**foreshore area** means the land between the foreshore building line shown on the Foreshore Building Line Map and the mean high water mark of the nearest bay or river.

**Foreshore Building Line Map** means the Ryde Local Environmental Plan 2010 Foreshore Building Line Map.

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

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

**forestry operations** means:

- (a) logging operations, namely, the cutting and removal of timber from land for the purpose of timber production, or
- (b) forest products operations, namely, the harvesting of products of trees, shrubs and other vegetation (other than timber) that are of economic value, or
- (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

## 2010 No 316

Ryde Local Environmental Plan 2010

Dictionary

---

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

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

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

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

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

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

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

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

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

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

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

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

- (a) to human health, life or property, or
- (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 Ryde Local Environmental Plan 2010 Height of Buildings Map.

## 2010 No 316

Ryde Local Environmental Plan 2010

Dictionary

---

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

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

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

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

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

**heritage conservation management plan** means a document prepared in accordance with guidelines prepared by the Department of Planning that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

**heritage impact statement** means a document consisting of:

- (a) a statement demonstrating the heritage significance of a heritage item, archaeological site, place of Aboriginal heritage significance or other heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance, and
- (c) proposals for measures to minimise that impact.

**heritage item** means a building, work, archaeological site, tree, place or Aboriginal object:

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

**Heritage Map** means the Ryde Local Environmental Plan 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,

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- (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

## 2010 No 316

Ryde Local Environmental Plan 2010

Dictionary

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(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
- (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,

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- (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.

## 2010 No 316

Ryde Local Environmental Plan 2010

Dictionary

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

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

- (a) the cultivation of irrigated crops (other than irrigated pasture or fodder crops),
- (b) horticulture,
- (c) turf farming,
- (d) viticulture.

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

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

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

***Land Application Map*** means the Ryde Local Environmental Plan 2010 Land Application Map.

***Land Reservation Acquisition Map*** means the Ryde Local Environmental Plan 2010 Land Reservation Acquisition Map.

***Land Zoning Map*** means the Ryde Local Environmental Plan 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



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districts, and includes such activities as abattoirs, knackeries, tanneries, woolscours and rendering plants.

**Lot Size Map** means the Ryde Local Environmental Plan 2010 Lot Size Map.

**Macquarie Park Corridor** means the land shown as “Macquarie Park Corridor” on the Centres Map.

**Macquarie Park Corridor Parking Restrictions Map** means the Ryde Local Environmental Plan 2010 Macquarie Park Corridor Parking Restrictions Map.

**Macquarie Park Corridor Proposed Access Network Map** means the Ryde Local Environmental Plan 2010 Macquarie Park Corridor Proposed Access Network 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.

## 2010 No 316

Ryde Local Environmental Plan 2010

Dictionary

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

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

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

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

**mooring** means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel.

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

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

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

**moveable dwelling** means:

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

**multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land (not being an individual lot in a strata plan or community title scheme) each with access at ground level, but does not include a residential flat building.

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

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

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

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

**Meaning of “native vegetation”**

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

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(2) Vegetation is **indigenous** if it is of a species of vegetation, or if it comprises species of vegetation, that existed in the State before European settlement.

(3) **Native vegetation** does not include any mangroves, seagrasses or any other type of marine vegetation to which section 205 of the *Fisheries Management Act 1994* applies.

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

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

**navigable waterway** means any waterway that is from time to time capable of navigation and is open to or used by the public for navigation, but does not include flood waters that have temporarily flowed over the established bank of a watercourse.

**neighbourhood shop** means retail premises used for the purposes of selling small daily convenience goods such as foodstuffs, personal care products, newspapers and 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*.

## 2010 No 316

Ryde Local Environmental Plan 2010

Dictionary

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***parking space*** means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

***passenger transport facility*** means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

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

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

***place of public 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.

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**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.

## 2010 No 316

Ryde Local Environmental Plan 2010

Dictionary

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

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

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

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

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

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

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

**registered club** 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 Ryde, 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 Density Area Map** means the Ryde Local Environmental Plan 2010 Residential Density Area Map.

**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.

## 2010 No 316

Ryde Local Environmental Plan 2010

Dictionary

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

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

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

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

undertaken for commercial purposes.

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

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

**Ryde Town Centre Precincts Map** means the Ryde Local Environmental Plan 2010 Ryde Town Centre Precincts Map.

**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.

## 2010 No 316

Ryde Local Environmental Plan 2010

Dictionary

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

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

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

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

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

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

**signage** means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes:

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

but does not include traffic signs or traffic control facilities.

**site area** means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

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

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

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

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

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

**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.

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

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

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

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

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

**swimming pool** means an excavation, structure or vessel:

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

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

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

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

**telecommunications facility** means:

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

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

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

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

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

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

## 2010 No 316

Ryde Local Environmental Plan 2010

Dictionary

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

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

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

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

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

**vehicle body repair workshop** means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

**vehicle repair station** means a building or place used for the purpose of carrying out repairs or the selling of, and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop.

**vehicle sales or hire premises** means a building or place used for the display, sale (whether by retail or wholesale) or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

**veterinary hospital** means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

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

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

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

**waste management facility** means a facility used for the storage, treatment, purifying or disposal of waste, whether or not it is also used for the sorting, processing, recycling, recovering, use or reuse of material from that waste, and whether or not

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any such operations are carried out on a commercial basis. It may include but is not limited to:

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

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

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

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

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

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

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

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

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

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

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

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

## 2010 No 316

Ryde Local Environmental Plan 2010

Dictionary

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

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

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

***wetland*** means:

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

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