



New South Wales

# Mosman Local Environmental Plan 2012

under the

Environmental Planning and Assessment Act 1979

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

TOM GELLIBRAND

As delegate for the Minister for Planning and Infrastructure

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## **2011 No 647**

Clause 1.1 Mosman Local Environmental Plan 2012

Part 1 Preliminary

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## **Mosman Local Environmental Plan 2012**

under the

Environmental Planning and Assessment Act 1979

### **Part 1 Preliminary**

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

This Plan is *Mosman Local Environmental Plan 2012*.

#### **1.1AA Commencement**

This Plan commences on 1 February 2012 and is required to be published on the NSW legislation website.

#### **1.2 Aims of Plan**

- (1) This Plan aims to make local environmental planning provisions for land in Mosman 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 provide housing opportunities appropriate to environmental constraints while maintaining the existing residential amenity,
  - (b) to provide diverse housing choices and opportunities to cater for changing demographics and population needs,
  - (c) to provide business opportunities for a range of uses, including residential, which encourage local employment and economic growth,
  - (d) to provide for a range of recreational and community service opportunities to meet the needs of residents of and visitors to Mosman,
  - (e) to recognise, protect and enhance the natural, visual, environmental and heritage qualities of the scenic areas of Mosman and Sydney Harbour and to protect significant views to and from the Harbour,
  - (f) to retain views to and from water and foreshore reserves and public areas from streets and residential lots,

- (g) to protect and conserve the natural, built and Aboriginal cultural heritage of Mosman,
- (h) to protect, conserve and enhance the landform and vegetation, especially foreshores or bushland, in order to maintain the landscape amenity of Mosman,
- (i) to limit potential for additional traffic on the road system and to reduce car dependence through development that supports public transport, cycling and walking,
- (j) to manage change in a way that ensures an ecologically and economically sustainable urban environment in which the needs and aspirations of the community are recognised.

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

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

### **1.4 Definitions**

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

### **1.5 Notes**

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

### **1.6 Consent authority**

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

### **1.7 Maps**

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

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Clause 1.8 Mosman Local Environmental Plan 2012

Part 1 Preliminary

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- (4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.

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

### 1.8 Repeal of planning instruments applying to land

- (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Plan applies are repealed.

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

*Mosman Local Environmental Plan 1998*

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

### 1.8A Savings provision relating to development applications

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

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

### 1.9 Application of SEPPs

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

*State Environmental Planning Policy No 1—Development Standards*

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

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

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

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply:
  - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
  - (ab) to the restrictive covenants imposed by the following instruments on land at Markham Close previously owned by the Sydney Harbour Federation Trust:
    - (i) DP 1064882,
    - (ii) DP 1064883,
    - (iii) DP 1092055,
    - (iv) DP 1093143, or
  - (b) to any prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, or
  - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
  - (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
  - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
  - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or
  - (g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

## 2011 No 647

Clause 2.1 Mosman Local Environmental Plan 2012

Part 2 Permitted or prohibited development

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## Part 2 Permitted or prohibited development

### 2.1 Land use zones

The land use zones under this Plan are as follows:

#### **Residential Zones**

R2 Low Density Residential

R3 Medium Density Residential

#### **Business Zones**

B1 Neighbourhood Centre

B2 Local Centre

B6 Enterprise Corridor

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



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

**Notes.**

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

**2.4 Unzoned land**

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

**2.5 Additional permitted uses for particular land**

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

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Clause 2.6 Mosman Local Environmental Plan 2012

Part 2 Permitted or prohibited development

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### 2.6 Subdivision—consent requirements

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

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

- (2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.

**Notes.**

- 1 If a subdivision is specified as **exempt development** in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Act enables it to be carried out without development consent.
- 2 Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that the strata subdivision of a building in certain circumstances is **complying development**.

### 2.7 Demolition requires development consent

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

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

### 2.8 Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 28 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

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- (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).

## Land Use Table

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

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

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

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

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

*State Environmental Planning Policy (Rural Lands) 2008*

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

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

*State Environmental Planning Policy No 62—Sustainable Aquaculture*

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

## Zone R2 Low Density Residential

### 1 Objectives of zone

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

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Clause 2.8 Mosman Local Environmental Plan 2012

Part 2 Land Use Table

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- To retain the single dwelling character of the environmentally sensitive residential areas of Mosman.
- To maintain the general dominance of landscape over built form, particularly on harbour foreshores.
- To ensure that sites are of sufficient size to provide for buildings, vehicular and pedestrian access, landscaping and retention of natural topographical features.
- To ensure that development is of a height and scale that complements the desired future character.
- To encourage residential development that has regard to local amenity and, in particular, public and private views.

### 2 Permitted without consent

Home occupations

### 3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Child care centres; Community facilities; Dwelling houses; Group homes; Home businesses; Places of public worship; Recreation areas; Respite day care centres; Roads; Semi-detached dwellings

### 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 provide for housing that is compatible with the desired future character of the area in terms of bulk, height and scale.
- To encourage residential development that has regard to local amenity and, in particular, public and private views.

### 2 Permitted without consent

Home occupations

**3 Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Group homes; Home businesses; Hostels; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors 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 maintain active uses at street level with a predominance of retail use.
- To minimise the effect of business uses on the amenity of adjacent residential areas having regard to building design, operation and activities, traffic generation and the car parking capacity of local roads.
- To encourage residential development as part of the mixed use of sites.

**2 Permitted without consent**

Home occupations

**3 Permitted with consent**

Boarding houses; Business premises; Child care centres; Commercial premises; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Group homes; Home businesses; Hostels; Light industries; Medical centres; Multi dwelling housing; Neighbourhood shops; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Residential flat buildings; Respite day care centres; Roads; Self-storage units; Semi-detached dwellings; Service stations; Shop top housing; Signage; Veterinary hospitals

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Clause 2.8 Mosman Local Environmental Plan 2012

Part 2 Land Use Table

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### 4 Prohibited

Bulky goods premises; Landscaping material supplies; Plant nurseries; Pubs; Timber yards; Vehicle sales or hire premises; Any other development not specified in item 2 or 3

## Zone B2 Local Centre

### 1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To enhance the viability, vitality and amenity of the local centres.
- To maintain active uses at street level with a predominance of retail use.
- To allow the amalgamation and redevelopment of land in Spit Junction.
- To encourage residential development as part of the mixed use of sites.

### 2 Permitted without consent

Home occupations

### 3 Permitted with consent

Boarding houses; Car parks; Child care centres; Commercial premises; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Emergency services facilities; Entertainment facilities; Function centres; Group homes; Home businesses; Hostels; Information and education facilities; Light industries; Medical centres; Multi dwelling housing; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Self-storage units; Semi-detached dwellings; Service stations; Sex services premises; Shop top housing; Signage; Tourist and visitor accommodation; Vehicle repair stations; Veterinary hospitals

### 4 Prohibited

Any development not specified in item 2 or 3

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

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses).
- To maintain the economic strength of centres by limiting retailing activity.
- To provide for residential uses, but only as part of a mixed use development.
- To ensure a reasonable level of residential amenity within sites in terms of noise, air quality and outdoor landscaped open space.

**2 Permitted without consent**

Home occupations

**3 Permitted with consent**

Boarding houses; Business premises; Child care centres; Community facilities; Dual occupancies; Food and drink premises; Function centres; Garden centres; Group homes; Hardware and building supplies; Home businesses; Hostels; Hotel or motel accommodation; Landscaping material supplies; Light industries; Medical centres; Multi dwelling housing; Neighbourhood shops; Office premises; Passenger transport facilities; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Residential flat buildings; Respite day care centres; Roads; Self-storage units; Serviced apartments; Signage; Timber yards; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres

**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.

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Clause 2.8 Mosman Local Environmental Plan 2012

Part 2 Land Use Table

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

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

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

### **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone SP2 Infrastructure**

### **1 Objectives of zone**

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

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

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

### **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone RE1 Public Recreation**

### **1 Objectives of zone**

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



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- To protect and enhance areas of ecological, scientific, cultural or aesthetic values.
  - To maintain and provide visual open space links to a diversity of public and private spaces and facilities as an integral part of the open space system.
  - To recognise the visual, aesthetic and amenity importance of bushland.

**2 Permitted without consent**

Nil

**3 Permitted with consent**

Child care centres; Community facilities; Environmental facilities; Environmental protection works; Information and education facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; 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 maintain The Spit as a prime recreational boating resource and working marine area with associated business activities.
- To allow development at The Spit which is unlikely to generate additional traffic or demand for additional parking.

**2 Permitted without consent**

Nil

**3 Permitted with consent**

Boat building and repair facilities; Boat sheds; Charter and tourism boating facilities; Community facilities; Environmental facilities; Environmental protection works; Kiosks; Marinas; Mooring pens;

## 2011 No 647

Clause 2.8 Mosman Local Environmental Plan 2012

Part 2 Land Use Table

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Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Roads; Water recreation structures

### 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.
- To conserve native plant and animal species through the maintenance of suitable habitats.
- To contribute to the scenic quality of Mosman and Sydney Harbour.

### 2 Permitted without consent

Nil

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**3 Permitted with consent**

Environmental facilities; Environmental protection works

**4 Prohibited**

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

## 2011 No 647

Clause 3.1 Mosman Local Environmental Plan 2012

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.

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Clause 3.3 Mosman Local Environmental Plan 2012

Part 3 Exempt and complying development

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

### 3.3 Environmentally sensitive areas excluded

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

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

  - (a) the coastal waters of the State,
  - (b) a coastal lake,
  - (c) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies,
  - (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
  - (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
  - (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
  - (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
  - (h) land reserved under the *National Parks and Wildlife Act 1974* or land acquired under Part 11 of that Act,

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

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Clause 4.1 Mosman Local Environmental Plan 2012

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 the pattern of subdivision in residential zones while allowing infill development of smaller lots in some areas,
  - (b) to ensure lots have a minimum size that is sufficient to provide useable area for building and landscaping,
  - (c) to require larger lots along the foreshore or where the topography or other natural features of a site limit its subdivision potential,
  - (d) to provide small lot subdivision in some zones as an alternative to redevelopment for the purpose of multi dwelling housing and the like to ensure the retention of the existing dwelling stock and the amenity of the area.
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.
- (4A) For the purpose of calculating the size of a battle-axe lot, the area of the access handle is excluded.

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

[Not adopted]

#### **4.1A Exceptions to minimum lot sizes for certain residential development**

- (1) The objective of this clause is to encourage housing diversity without affecting residential amenity.
- (2) Despite clause 4.1, development consent may be granted to the subdivision of a lot if:
  - (a) for a lot in “Area 1” on the Lot Size Map—the area of each lot resulting from the subdivision is equal to or greater than 230 square metres and a semi-detached dwelling is to be erected on each lot, or
  - (b) for a lot in “Area 2” on the Lot Size Map—the area of each lot resulting from the subdivision is equal to or greater than



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300 square metres and a dwelling house or semi-detached dwelling is to be erected on each lot.

**4.2 Rural subdivision**

[Not applicable]

**4.3 Height of buildings**

- (1) The objectives of this clause are as follows:
  - (a) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential:
    - (i) to share public and private views, and
    - (ii) to minimise the visual impact of buildings when viewed from the harbour and surrounding foreshores, and
    - (iii) to ensure new buildings are compatible with the desired future character of the area in terms of building height and roof form, and
    - (iv) to minimise the effects of bulk and scale of new buildings,
  - (b) for development on land in Zone B1 Neighbourhood Centre, Zone B2 Local Centre or Zone B6 Enterprise Corridor:
    - (i) to ensure that new buildings are compatible with the desired future character of the area in terms of building height and roof form and will produce a cohesive streetscape, and
    - (ii) to provide opportunities for buildings of a greater height than existing development in suitable locations to achieve the Council's residential strategy and provide opportunities for economic growth.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

**4.4 Floor space ratio**

- (1) The objectives of this clause are as follows:
  - (a) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential:
    - (i) to ensure that buildings are compatible with the desired future character of the area in terms of building bulk and scale, and
    - (ii) to provide a suitable balance between landscaping and built form, and
    - (iii) to minimise the effects of bulk and scale of buildings,

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Clause 4.4A Mosman Local Environmental Plan 2012

Part 4 Principal development standards

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- (b) for development on land in Zone B1 Neighbourhood Centre, Zone B2 Local Centre or Zone B6 Enterprise Corridor, to ensure that buildings are compatible with the desired future character of the area in terms of building bulk and scale,
  - (c) for development on land in Zone B2 Local Centre or Zone B6 Enterprise Corridor, to provide opportunities for buildings of a greater scale than existing development in suitable locations to achieve the Council's residential strategy and provide opportunities for economic growth.
- (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 Area 1—floor space ratio

Despite clause 4.4 (2), the maximum floor space ratio for a building on land shown within “Area 1” on the Floor Space Ratio Map is:

- (a) if the site area is less than or equal to 700 square metres—0.5:1, and
- (b) if the site area is greater than 700 square metres—0.5:1 for 700 square metres and 0.4:1 for the remaining area.

### 4.4B Area 2 (Spit Junction)—floor space ratio incentives

- (1) The objective of this clause is to encourage the development of larger sites in Spit Junction local centre to facilitate better built form and urban design.
- (2) This clause applies to land shown within “Area 2” on the Floor Space Ratio Map.
- (3) Despite clause 4.4, consent may be granted to development on land to which this clause applies that results in a floor space ratio that does not exceed 3:1 if:
  - (a) the site area is greater than or equal to 1,000 square metres, and
  - (b) vehicular access to the development is provided other than from Spit Road or Military Road, and
  - (c) the consent authority is satisfied that the development will be compatible with the desired future character in terms of building bulk and scale, and
  - (d) the consent authority is satisfied that any consolidation of lots for the purposes of this clause is not likely to result in adjoining lots that cannot be developed in accordance with this Plan.

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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

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to the extent that it does not overlap with another lot already included in the site area calculation.

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

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

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

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

(8) **Existing buildings**

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

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

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

(10) **Covenants affect consolidated sites**

If:

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

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

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(11) **Definition**

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

**4.6 Exceptions to development standards**

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

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- (5) In deciding whether to grant concurrence, the Director-General must consider:
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
  - (b) the public benefit of maintaining the development standard, and
  - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
  - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- Note.** When this Plan was made it did not include Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E3 Environmental Management or Zone E4 Environmental Living.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:
- (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,
  - (c) clause 5.4.

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## Part 5 Miscellaneous provisions

### 5.1 Relevant acquisition authority

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

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

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

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

- (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 and Infrastructure is required to take action to enable the designation of the acquiring authority under this Part. 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 and Infrastructure (see section 21 of the *Land Acquisition (Just Terms Compensation) Act 1991*).

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Clause 5.2 Mosman Local Environmental Plan 2012

Part 5 Miscellaneous provisions

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### 5.2 Classification and reclassification of public land

- (1) The objective of this clause is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.  
**Note.** Under the *Local Government Act 1993*, “public land” is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.
- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4:
  - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
  - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
  - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
  - (b) any reservations that except land out of the Crown grant relating to the land, and
  - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).

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

### 5.3 Development near zone boundaries

[Not adopted]



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

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

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

**(2) Home businesses**

If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 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) 40% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
  - (b) 400 square metres,
- whichever is the lesser.

**(5) Farm stay accommodation**

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

**(6) Kiosks**

If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 40 square metres.

**(7) Neighbourhood shops**

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

**(8) Roadside stalls**

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

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(9) **Secondary dwellings**

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

- (a) 60 square metres,
- (b) 43% of the total floor area of 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 Fire and Rescue NSW or by a private service provider.
- (2) The following development may be carried out, but only with development consent:
  - (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
  - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
  - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) Development to which subclause (2) applies is complying development if it consists only of:
  - (a) internal alterations to a building, or

- 
- (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.
  - (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.
  - (5) In this clause:  
*private service provider* means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

#### 5.9 Preservation of trees or vegetation

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

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- (7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:
- (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
  - (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance,
- unless the Council is satisfied that the proposed activity:
- (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
  - (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Note.** As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

- (8) This clause does not apply to or in respect of:
- (a) the clearing of native vegetation:
    - (i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003*, or
    - (ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
  - (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or
  - (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
  - (d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or
  - (e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

**Note.** Permissibility may be a matter that is determined by or under any of these Acts.

- (9) [Not adopted]

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

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

**5.10 Heritage conservation**

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

**(1) Objectives**

The objectives of this clause are as follows:

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

**(2) Requirement for consent**

Development consent is required for any of the following:

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

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- (e) erecting a building on land:
  - (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land:
  - (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

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

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

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

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

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the

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item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

**(5) Heritage assessment**

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

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

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

**(6) Heritage conservation management plans**

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

**(7) Archaeological sites**

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

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

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

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

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

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Clause 5.11 Mosman Local Environmental Plan 2012

Part 5 Miscellaneous provisions

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take into consideration any response received within 28 days after the notice is sent.

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

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

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

(10) **Conservation incentives**

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

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

### 5.11 Bush fire hazard reduction

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

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

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

- (1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without



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development consent, or that is exempt development, under *State Environmental Planning Policy (Infrastructure) 2007*.

- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

**5.13 Eco-tourist facilities**

[Not applicable]

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Clause 6.1 Mosman Local Environmental Plan 2012

Part 6 Additional local provisions

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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 type specified for those works.

<b>Land shown on the Acid Sulfate Soils Map</b>	<b>Works</b>
Acid Sulfate Soil Area (land up to 5 metres Australian Height Datum)	Works more than 1 metre below the existing ground surface. Works involving the disturbance of more than 1 tonne of soil. Works that are likely to lower the ground water table.
Buffer Area (land greater than 5 metres but less than 10 metres Australian Height Datum or within 170 metres of any Acid Sulfate Soil Area)	Works involving excavation more than 1 metre below Australian Height Datum. Works that are likely to lower the ground water table.

- (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 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 if:
- (a) the works involve the disturbance of less 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 not likely to lower the watertable.

## 6.2 Natural watercourses

- (1) The objectives of this clause are as follows:
- (a) to protect natural watercourses and their role in disposing of stormwater and controlling pollution and sedimentation,
  - (b) to facilitate continuing biodiversity in a freshwater environment.
- (2) In assessing an application for development consent relating to land in the vicinity of a natural watercourse marked blue on the Natural Resources Watercourse Map, the consent authority must consider:
- (a) whether, or the extent to which, the proposed development would affect the water quality or obstruct the natural waterflow, and
  - (b) the likelihood of increased run-off from the proposed development leading to degradation or erosion of the natural watercourse, and
  - (c) whether, or the extent to which, fauna and flora habitats would be affected by the proposed development.

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Clause 6.3 Mosman Local Environmental Plan 2012

Part 6 Additional local provisions

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### 6.3 Foreshore building line

- (1) The objectives of this clause are as follows:
  - (a) to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area,
  - (b) to protect the natural landform and landscape of the foreshore,
  - (c) to contribute to a bushland and wildlife corridor around the foreshore of Mosman and enhance local native vegetation growth,
  - (d) to protect the visual amenity and public view of the foreshore,
  - (e) to protect dwellings from potential sea level rise.
- (2) Development consent must not be granted for development on land in the foreshore area except for the following purposes:
  - (a) the rebuilding of an existing building wholly or partly in the foreshore area,
  - (b) the erection of a building in the foreshore area, but only if the building is at or below the existing ground level, and if the levels, depth or other exceptional features of the site make it appropriate to do so,
  - (c) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs or swimming pools.
- (3) Development consent must not be granted under subclause (2) unless the consent authority is satisfied that:
  - (a) the development will contribute to achieving:
    - (i) the objectives for the zone in which the land is located, and
    - (ii) the objectives of this clause, 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) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and

- (e) 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
- (f) in the case of development for the rebuilding of an existing building wholly or partly in the foreshore area, the rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore.

#### **6.4 Scenic protection**

- (1) The objectives of this clause are as follows:
  - (a) to recognise and protect the natural and visual environment of Mosman and Sydney Harbour,
  - (b) to reinforce the dominance of landscape over built form,
  - (c) to ensure development on land to which this clause applies is located and designed to minimise its visual impact on those environments.
- (2) This clause applies to land identified as “Scenic Protection Area” on the Scenic Protection Map.
- (3) Development consent must not be granted to any development on land to which this clause applies unless the consent authority is satisfied that:
  - (a) measures will be taken, including in relation to the location and design of the proposed development, to minimise the visual impact of the development to and from Sydney Harbour, and
  - (b) the development will maintain the existing natural landscape and landform.

#### **6.5 Location of sex services premises**

- (1) The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.
- (2) In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider the following:
  - (a) whether the premises will be located on land that adjoins, is directly opposite or is separated only by a local road from land:
    - (i) in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or
    - (ii) used for the purposes of a child care centre, a community facility, a school or a place of public worship,

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Clause 6.5 Mosman Local Environmental Plan 2012

Part 6 Additional local provisions

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- (b) the impact the proposed development and its hours of operation would have on any place likely to be regularly frequented by children:
  - (i) that adjoins the proposed development, or
  - (ii) that can be viewed from the proposed development, or
  - (iii) from which a person can view the proposed development.
- (3) If the sex services premises are proposed to be located in a building that contains one or more dwellings, development consent must not be granted to development for the purpose of sex services premises unless the sex services premises can only be accessed by a separate street entrance that does not provide access to the rest of the building.

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## Schedule 1 Additional permitted uses

(Clause 2.5)

### 1 Use of certain land at 14 Amaroo Crescent, Mosman

- (1) This clause applies to the part of Amaroo Crescent fronting and leading to 14 Amaroo Crescent, being Lot 2, DP 1085515.
- (2) Development for the purpose of a road is permitted with consent.

### 2 Use of certain land at 72–82 Bradleys Head Road, Mosman

- (1) This clause applies to land at 72–82 Bradleys Head Road, Mosman (Warringah Bowling Club site), being Lots 1 and 2, DP 1133881.
- (2) Development for the purpose of a child care centre is permitted with consent.

### 3 Use of certain land at 647 and 653 Military Road, Mosman

- (1) This clause applies to land at 647 and 653 Military Road, Mosman, being SP 80697.
- (2) Development for the following purposes is permitted with consent:
  - (a) business premises,
  - (b) office premises,
  - (c) retail premises, other than premises used principally for the preparation and sale of food by retail.
- (3) Development for purposes permitted in subclause (2) must:
  - (a) be confined to the ground floor, and
  - (b) not exceed the floor space ratio of 0.3:1 in total.

### 4 Use of certain land at 744 Military Road, Mosman

- (1) This clause applies to land at 744 Military Road, Mosman, being SP 53477.
- (2) Development for the following purposes is permitted with consent:
  - (a) business premises,
  - (b) office premises,
  - (c) retail premises.
- (3) Development for the permitted purposes must:
  - (a) be confined to the ground floor, and

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### Mosman Local Environmental Plan 2012

#### Schedule 1 Additional permitted uses

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- (b) occupy an area not greater than 86m<sup>2</sup> in total, and
- (c) occupy that part of the building having direct pedestrian access to Military Road, Mosman.
- (4) The remainder of the building that is not developed for a permitted purpose must be used solely as a single dwelling.

#### **5 Use of certain land at 748–752 Military Road, Mosman**

- (1) This clause applies to land at 748–752 Military Road, Mosman, being SP 41366.
- (2) Development for the purpose of a medical centre is permitted with consent.
- (3) Development for the permitted purpose must occupy a gross floor area not greater than 430m<sup>2</sup>.

#### **6 Use of certain land at 175 Ourimbah Road, Mosman**

- (1) This clause applies to land at 175 Ourimbah Road, Mosman, being Lot 1, DP 718720.
- (2) Development for the purpose of a service station is permitted with consent.

#### **7 Use of certain land at Rosherville Lighthouse Reserve, Mosman**

- (1) This clause applies to land at Rosherville Lighthouse Reserve, Mosman, being Lots 1 and 2, DP 800420.
- (2) Development for the purpose of a recreation area that is a children's playground is permitted without consent.

#### **8 Use of certain land at 45 Spit Road, Mosman**

- (1) This clause applies to land at 45 Spit Road, Mosman, being Parts A and B, DP 102962.
- (2) Development for the purpose of a service station is permitted with consent.

#### **9 Use of certain land at 115 Spit Road, Mosman**

- (1) This clause applies to land at 115 Spit Road, Mosman (Council car park), being Lot 101, DP 871810.
- (2) Development for the purpose of a car park is permitted with consent.



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**10 Use of certain land at The Esplanade, Balmoral Boatshed, Mosman**

- (1) This clause applies to land at The Esplanade, Balmoral Boatshed, being Lot 7319, DP 1153365 and LEA 1106468.
- (2) Development for the purposes of boat building and repair facilities and an associated kiosk and dwelling are permitted with consent.

**11 Use of certain land at 2A The Esplanade, Balmoral Baths Pavilion and 4 The Esplanade, Balmoral Bathers' Pavilion, Mosman**

- (1) This clause applies to land at 2A The Esplanade, Balmoral Baths Pavilion, being land partly within the road reserve and partly within Lot 7319, DP 1153365 and land at 4 The Esplanade, Balmoral Bathers' Pavilion, being Lot 3, DP 831359.
- (2) Development for the purpose of a restaurant or cafe is permitted with consent.

**12 Use of certain land at The Spit, Mosman**

- (1) This clause applies to land at The Spit, Mosman in Zone RE2 Private Recreation.
- (2) Development for the purpose of food and drink premises is permitted with consent.

**13 Use of certain land at The Spit, Mosman**

- (1) This clause applies to land at The Spit, Mosman, being Lot 13, DP 1036116.
- (2) Development for the purpose of emergency services facilities is permitted with consent.

## 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.

### Advertising structures—business identification signs

- (1) In Residential Zones:
  - (a) maximum area—0.75m<sup>2</sup>, and
  - (b) must only identify the approved use of the premises to which the sign is affixed and not promote products, and
  - (c) must not be illuminated or flashing, and
  - (d) are not on a heritage item or on land within the curtilage of a heritage item.
- (2) In Business Zones (for premises with an awning) applies to awning fascia signs and under awning signs, if:
  - (a) under awning signs meet the following requirements:
    - (i) maximum height—0.5m,
    - (ii) maximum length—2.5m,
    - (iii) minimum clearance—2.4m above the footpath level,
    - (iv) minimum distance from any other under awning sign—3m,
    - (v) minimum setback—0.5m from the face of the kerb, and
  - (b) the sign only identifies the approved use of the premises to which the sign is affixed and does not promote products, and
  - (c) there is a maximum of 2 signs per business, and
  - (d) the sign:
    - (i) does not extend above the awning line, and
    - (ii) is not illuminated or flashing, and
  - (e) the sign is not on a heritage item or on land within the curtilage of a heritage item.

- (3) In Business Zones (for premises without an awning) applies to projecting wall signs or flush wall signs, if:
- (a) projecting wall signs meet the following requirements:
    - (i) maximum height—0.5m,
    - (ii) maximum length—2.5m,
    - (iii) minimum clearance—2.4m above the footpath level,
    - (iv) minimum distance from any other projecting wall sign—3m,
    - (v) minimum setback—0.5m from the face of the kerb, and
  - (b) there is a maximum of 2 signs per business, and
  - (c) the sign only identifies the approved use of the premises to which the sign is affixed and does not promote products, and
  - (d) the sign is not illuminated or flashing, and
  - (e) the sign is not on a heritage item or on land within the curtilage of a heritage item.

**Advertising structures—public notices**

- (1) Must be displayed by any of the following:
  - (a) charity establishment,
  - (b) educational establishment,
  - (c) place of public worship.
- (2) Must give information or direction about the services provided or promote art, cultural or community events.
- (3) Must not be illuminated or flashing.

**Advertising structures—real estate signs**

- (1) Maximum area—2.5m<sup>2</sup>.
- (2) Must:
  - (a) advertise only that the premises or land is for sale, auction or lease, and
  - (b) be removed within 7 days of the sale, auction or lease.
- (3) Must not be illuminated or flashing.

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Schedule 2 Exempt development

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### **Outdoor dining (associated with food and drink premises)**

- (1) Must be associated with an adjacent food and drink premises being carried out with lawful consent.
- (2) If located on the footway of a public road, must be consistent with an approval granted under section 125 of the *Roads Act 1993*.
- (3) Must not be located on land steeper than 1:50 gradient.

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## Schedule 3 Complying development

(Clause 3.2)

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

### Part 1 Types of development

(When this Plan was made this Part was blank)

### Part 2 Complying development certificate conditions

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

#### General conditions

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

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Mosman Local Environmental Plan 2012

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**

<b>Column 1</b>	<b>Column 2</b>
<b>Locality</b>	<b>Description</b>
Nil	

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

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Locality</b>	<b>Description</b>	<b>Any trusts etc not discharged</b>
Nil		

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

<b>Column 1</b>	<b>Column 2</b>
<b>Locality</b>	<b>Description</b>
Nil	

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## Schedule 5 Environmental heritage

(Clause 5.10)

### Part 1 Heritage items

Suburb	Item	Address	Property description	Significance	Item No
Mosman	Electrical Substation No 206	2A Alexander Avenue	Lot 11, DP 609320	Local	I1
Mosman	Mosman Private Hospital	2B Alexander Avenue	Lot 10, DP 876965	Local	I2
Mosman	House	52 Almora Street (also known as Upper Almora Street)	Lots 1 and 2, DP 455991; Lot 1, Sec B, DP 2420	Local	I3
Mosman	Divided road and steps	Archer Street and Keston Avenue	Archer Street road reserve (adjacent to Keston Avenue and between Keston Avenue and Kemble Lane)	Local	I313
Mosman	Mosman Bay, sea wall	Avenue Road	Around head of Mosman Bay	Local	I317
Mosman	Mosman Wharf	Avenue Road	Lot C, DP 396388; Lot 2, DP 52696	Local	I316
Mosman	Reid Park	Avenue Road, Centenary Drive, Harnett Avenue and Park Avenue	Reid Park	Local	I315
Mosman	Mosman Bay, aqueduct and footbridge	Avenue Road and Park Avenue	Lot 1, DP 172712; Lot 7341, DP 1156895 (Part Reid Park)	State	I314
Mosman	“Monterey”, flats	1 Avenue Road	SP 34299; SP 46000; SP 32177	State	I4
Mosman	“The Barn”, Scout Hall	3C Avenue Road	Lot 1, DP 929358	State	I5

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### Mosman Local Environmental Plan 2012

#### Schedule 5 Environmental heritage

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<b>Suburb</b>	<b>Item</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Mosman	Group of 3 houses	13–17 Avenue Road	Lot 11, DP 816398; Lot 1, DP 579508; Lot 31, Sec 1, DP 3025	Local	I6
Mosman	“Avenue Cottage”, stone cottage, now offices	44 Avenue Road	Lot 2, DP 739916	Local	I7
Mosman	Group of 2 blocks of flats	67–67A Avenue Road	SP 11064; Lot A, DP 155250	Local	I8
Mosman	Flats	68 Avenue Road	SP 1332	Local	I9
Mosman	House, at front of block	69 Avenue Road	SP 47862	Local	I10
Mosman	“Hillcrest”, house	117 Avenue Road	Lot A, DP 337398	Local	I11
Mosman	Two shops, with dwellings above	119–121 Avenue Road	SP 31737; SP 75000	Local	I12
Mosman	Group of 3 shops	131–135 Avenue Road	Lots A–C, DP 444898	Local	I13
Mosman	“Casa Blanca”, flats	139 Avenue Road	SP 3986; SP 4374	Local	I14
Mosman	“Pinegrove”, flats	157–159 Avenue Road	Lot B, DP 346287; SP 20663	Local	I15
Mosman	Flats	163 Avenue Road	SP 13111	Local	I16
Mosman	Divided road	Awaba Street	Awaba Street road reserve (adjacent to 88, 90, 106, 113–121 and 128–138 Awaba Street across Cowles Road to Awaba Street frontage of 148 Cowles Road)	Local	I318
Mosman	Sadlier Walk and pedestrian way	Awaba Street and Dalton Road	Lot 11, ALP A and Lot 63, DP 5745	Local	I446
Mosman	House	114 Awaba Street	Lot 1, DP 983765	Local	I17



Suburb	Item	Address	Property description	Significance	Item No
Mosman	Electrical Substation No 372	133A Awaba Street	Lot 1, DP 184409	Local	I18
Mosman	Divided road	Badham Avenue and Mosman Street	Badham Avenue road reserve (adjacent to 9–17 Badham Avenue) and Mosman Street road reserve (adjacent to 2–6A Mosman Street)	Local	I319
Mosman	Street trees	Ballantyne Street	Ballantyne Street road reserve between Avenue Road and the northern end of Ballantyne Street	Local	I320
Mosman	“Buona”, flats	2 Ballantyne Street	Lot B, DP 338771	Local	I19
Mosman	Divided road	Balmoral Avenue	Balmoral Avenue road reserve (adjacent to 4 and 14 Balmoral Avenue)	Local	I321
Mosman	House	17 Balmoral Avenue	Lot A, DP 406997	Local	I20
Mosman	Steps	Bapaume Road and Mitchell Road	Bapaume Road road reserve (between 14 and 16 Bapaume Road)	Local	I322
Mosman	Flats	11 Bapaume Road	SP 2569	Local	I21
Mosman	Divided road and steps	Bay Street	Bay Street road reserve (adjacent to 57–101 Bay Street)	Local	I323
Mosman	House	30 Bay Street	Lot 2, DP 807131	Local	I22

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### Mosman Local Environmental Plan 2012

#### Schedule 5 Environmental heritage

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Suburb	Item	Address	Property description	Significance	Item No
Mosman	Divided road	Bayview Avenue and Gordon Street	Bayview Avenue road reserve (1–11 Bayview Avenue) and Gordon Street road reserve (adjacent to 30, 32 and 34 Gordon Street)	Local	I324
Mosman	Bungaree Lane, steps	Beaconsfield Road and Coronation Avenue	Lane between 7 and 9 Beaconsfield Road and 24 and 26A Coronation Avenue	Local	I325
Mosman	Divided road	Beauty Point Road	Beauty Point Road road reserve (adjacent to 2–10 Beauty Point Road)	Local	I327
Mosman	Divided road	Beauty Point Road and Bay Street	Bay Street road reserve (adjacent to 107–115 Bay Street) and Beauty Point Road road reserve (adjacent to 17–27 Beauty Point Road)	Local	I326
Mosman	Hughes steps	Beauty Point Road and Delecta Avenue	Lot 111, DP 10912	Local	I328
Mosman	“Windsor”, flats	5 Belmont Road	SP 45890	Local	I23
Mosman	Scots Kirk Group	9 Belmont Road	Lots 8 and 9, DP 3440	Local	I24
Mosman	Mosman Bowling Club	15 Belmont Road (also known as 26A Gouldsbury Street)	Lot 12, DP 1008638	Local	I25
Mosman	Mosman Uniting Church and Hall	38A Belmont Road	Lots 1 and 2, Sec A, DP 4252; Lot 1, DP 134181	Local	I26

Suburb	Item	Address	Property description	Significance	Item No
Mosman	“Alma”, house	114 Belmont Road	Lot 11, DP 1029174	State	I27
Mosman	Steep divided road	Bickell Road	Bickell Road road reserve (between 8 and 20 Bickell Road)	Local	I330
Mosman	House	1 Bickell Road (also known as 1 Ryrie Street)	Lots 1 and 2, DP 7961	Local	I28
Mosman	“Bolwarra”, house	7 Bickell Road	Lot 71, DP 1033167	Local	I29
Mosman	House	11 Bickell Road	Lot A, DP 408882	Local	I30
Mosman	Steps	Bloxsome Lane	Bloxsome Lane road reserve (adjacent to 9A–11 Rangers Avenue)	Local	I331
Mosman	Pair of attached houses	33–35 Bond Street	Lots 31 and 32, DP 553801	Local	I31
Mosman	Divided road	Boyle Street and Lower Boyle Street	Boyle Street road reserve (adjacent to 1–27 Boyle Street and Lower Boyle Street road reserve (3–32 Lower Boyle Street and the northern boundary of 3 Spofforth Street))	Local	I332
Mosman	Steps	Boyle Street	Road reserve (adjacent to the eastern boundary of 2 Lower Boyle Street to Mosman Bay)	Local	I333
Mosman	House	6 Boyle Street	Lot 16, Sec E, DP 2638	Local	I32
Mosman	“Montylene”, house	27 Boyle Street	Lots 2 and 3, Sec A, DP 2365	Local	I33

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### Mosman Local Environmental Plan 2012

#### Schedule 5 Environmental heritage

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<b>Suburb</b>	<b>Item</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Mosman	Street trees	Bradleys Head Road	Bradleys Head Road road reserve (between Union Street and Whiting Beach Road)	Local	I334
Mosman	Taronga Zoo (including landscape, bus shelter, office, upper and lower entrance gates, original Elephant House, Birds of Prey Aviary and floral clock)	Bradleys Head Road	Lot 22, DP 843294	Local	I34
Mosman	House divided into 4 flats	11 Bradleys Head Road	SP 556	Local	I36
Mosman	Pair of houses	12 and 16 Bradleys Head Road	Lot 1, DP 550330; Lot A, DP 407352	Local	I38
Mosman	“Rana”, house	15 Bradleys Head Road	Lot 1, DP 926002	Local	I37
Mosman	House	17 Bradleys Head Road	Lot 2, DP 214598	Local	I39
Mosman	“Leesthorpe”, house	20 Bradleys Head Road	Lot 1, DP 901105	Local	I40
Mosman	“Lochwinnock”, house	23 Bradleys Head Road	Lot 1, DP 614540	Local	I41
Mosman	House and fence	30 Bradleys Head Road	Lot B, DP 415734	Local	I42
Mosman	House	40 Bradleys Head Road	Lots 1 and 2, DP 1038320	Local	I43
Mosman	“Strathairlie”, house	50 Bradleys Head Road	Lots 1 and 2, DP 456195	Local	I44
Mosman	“Gooyang”, house	53 Bradleys Head Road	Lots 4 and 5, DP 456195	Local	I45
Mosman	“Nagoya Castle”, house	54 Bradleys Head Road	Lot A, DP 957002	Local	I46

## Mosman Local Environmental Plan 2012

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Suburb	Item	Address	Property description	Significance	Item No
Mosman	“Westmeath”, house	56 Bradleys Head Road	Lot B, DP 957002	Local	I47
Mosman	Presbytery (Blessed Sacrament Church)	59 Bradleys Head Road	Lot 1, DP 3479	Local	I48
Mosman	Blessed Sacrament Church	62–64 Bradleys Head Road	Lots 36 and 37, DP 3627	Local	I49
Mosman	“Trelawney”, house and fence	63 Bradleys Head Road	Lot 10, DP 875220	Local	I50
Mosman	Mosman Police Station	96A Bradleys Head Road	Lot 1, DP 781262	Local	I51
Mosman	Divided road	Bray Street	Bray Street road reserve (between Macpherson Street and Congewoi Road)	Local	I335
Mosman	“Bray Cottage”, house	2 Bray Street	Lot 31, DP 3985	Local	I52
Mosman	Cartref Park	Brierley Street	Lot 2, DP 213091	Local	I336
Mosman	“Cartref”, house	19 Brierley Street	Lot 1, DP 213091	Local	I53
Mosman	“Hawlock”, house and garden	20 Brierley Street	Lots 39 and 40, Sec C, DP 2509	Local	I54
Mosman	“Brierwood”, flats	26 Brierley Street	SP 62759	Local	I55
Mosman	House	1 Buena Vista Avenue	Lot 1, DP 956163	Local	I56
Mosman	“Urunga”, house	2 Buena Vista Avenue	Lot C, DP 922541	Local	I57
Mosman	House	4 Buena Vista Avenue	Lot 2, DP 314165	Local	I58
Mosman	“Curraweena”, house	6 Buena Vista Avenue	Lot 1, DP 135538	Local	I59
Mosman	“Kew Place”, house	10 Buena Vista Avenue	Lot 1, DP 181356	Local	I60
Mosman	“Airlie” (No 12), pair of houses	12–14 Buena Vista Avenue	Lots 1 and 2, DP 187227	Local	I61

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<b>Suburb</b>	<b>Item</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Mosman	Divided road	Bullecourt Avenue	Bullecourt Avenue road reserve (adjacent to 4–18 Bullecourt Avenue)	Local	I337
Mosman	House	34 Bullecourt Avenue	Lot 69, DP 1034779	State	I62
Mosman	Divided road	Burran Avenue	Burran Avenue road reserve (adjacent to 9–19 Burran Avenue)	Local	I338
Mosman	Divided road	Burrawong Avenue and Clifton Street	Burrawong Avenue road reserve (adjacent to 6–12, 36 and 38 Burrawong Avenue) and Clifton Street road reserve (adjacent to 7–13 Clifton Street)	Local	I339
Mosman	Steps	Burrawong Avenue and Illuka Road	Illuka Road road reserve (adjacent to 1–3 Burrawong Avenue and extending to Illuka Road)	Local	I340
Mosman	House	16 Burrawong Avenue	Lot 9, Sec 4, DP 2395	Local	I63
Mosman	House	40 Burrawong Avenue	Lot 6, Sec 5, DP 6294	Local	I64
Mosman	Divided road	Cabban Street	Cabban Street road reserve (adjacent to 10A Elfrida Street and 19–27 Cabban Street and between 3 and 5 Elfrida Street)	Local	I341
Mosman	“Feldwick” (No 39), group of 2 houses	39–41 Cabramatta Road	Lots 16 and 17, Sec 3, DP 2311	Local	I65

Suburb	Item	Address	Property description	Significance	Item No
Mosman	Divided road	Calypso Avenue	Calypso Avenue road reserve (adjacent to 1–16 and 28–44 Calypso Avenue)	Local	I342
Mosman	House	17 Calypso Avenue	Lot B, DP 381265	Local	I66
Mosman	Electrical Substation No 794	28A Calypso Avenue	Lot 2, DP 363188	Local	I67
Mosman	Group of 2 houses	13–15 Cardinal Street	Lot 1, DP 115784; SP 21691	Local	I68
Mosman	Quakers Hat Baths remnant	Carrington Avenue and Inkerman Street	Quakers Hat Bay	Local	I343
Mosman	Quakers Hat Bay, pedestrian steps and walkway	Carrington Avenue and Inkerman Street	Inkerman Street road reserve (north of Carrington Avenue to Quakers Hat Bay)	Local	I344
Mosman	House	15 Carrington Avenue	Lot B, DP 329365	Local	I69
Mosman	Mosman Rowing Club	Centenary Drive (off Harnett Avenue)	Between Harnett Park and Mosman Marina	Local	I70
Mosman	Flats	11 Central Avenue	SP 10936	Local	I71
Mosman	Group of 2 houses	13–15 Central Avenue	Lots 10 and 11, DP 4000	Local	I72
Mosman	Army Maritime School	Chowder Bay Road	Lot 202, DP 1022020	Local	I73
Mosman	Naval Caretaker's Quarters	Chowder Bay Road	Lot 202, DP 1022020	Local	I74
Mosman	Original naval fuel storage tanks	Chowder Bay Road	Lot 202, DP 1022020	Local	I75
Mosman	Divided road	Clanalpine Street	Clanalpine Street road reserve (adjacent to 10–34 Clanalpine Street)	Local	I345

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<b>Suburb</b>	<b>Item</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Mosman	Flats	2 Clanalpine Street	Lot 6, DP 60889	Local	I76
Mosman	House	4 Clanalpine Street	Lot 24, DP 738552	Local	I77
Mosman	House, in the form of a terrace pair	18 Clanalpine Street	Lot 1, DP 972665; Lot 4, DP 455961	Local	I78
Mosman	House	55 Clanalpine Street	Lot 1, DP 38132	Local	I79
Mosman	Steps	Congewoi Lane and Macpherson Street	Congewoi Lane road reserve (adjacent to 142 and 144 Awaba Street)	Local	I346
Mosman	Street trees	Cowles Road (Military Road to Belmont Road)	Cowles Road road reserve (between Belmont Road and Military Road)	Local	I348
Mosman	Memory Park	Cowles Road (corner Wolger Road and Ballantyne Street)	Memory Park	Local	I347
Mosman	“Rivergaro”, house	36 Cowles Road	Lot B, DP 382320	Local	I80
Mosman	“Waveney”, house	40 Cowles Road (also known as 40 Belmont Road)	Lot 1, DP 310154	Local	I81
Mosman	Group of 3 houses	42–46 Cowles Road	Lots B and C, DP 915583; Lots 16–18, Sec 1, DP 2251	State (No 42) Local (Nos 44 and 46)	I82
Mosman	“The Whitehouse”, former house, now offices	89B Cowles Road (also known as 87C Cowles Road)	Lot 4, DP 536939	Local	I83
Mosman	Rawson Park	Cross Street	Rawson Park	Local	I349



Suburb	Item	Address	Property description	Significance	Item No
Mosman	Street trees	Cross Street	Cross Street road reserve (between Bradleys Head Road and Headland Park)	Local	I353
Mosman	The Grandstand	Cross Street	Rawson Park	Local	I350
Mosman	The Keith Anderson Memorial	Cross Street	Rawson Park	Local	I351
Mosman	The Scotland Australia Cairn	Cross Street	Rawson Park	Local	I352
Mosman	“Glasslyn”, house	10 Cross Street	Lot 1, DP 962910	Local	I85
Mosman	Crux Lane	Crux Lane	Crux Lane road reserve (adjacent to 2–24 Shadforth Street)	Local	I354
Mosman	Steep divided road	Cyprian Street	Cyprian Street road reserve (adjacent to part 3–15 Cyprian Street)	Local	I355
Mosman	Boatshed, with attached dwelling	8 Cyprian Street	Lot 3, DP 212628	Local	I86
Mosman	Road pavement	Dalton Road	Road reserve	Local	I356
Mosman	“Killarney”, former house, now part of retirement village	2 Dalton Road	Lot 12, DP 605556	Local	I87
Mosman	“Clementine”, house	8 Dalton Road	Lot 9, DP 5745	Local	I88
Mosman	“Coromandel”, house	29 Dalton Road	Lot 1, DP 505766	Local	I89
Mosman	House	64 Dalton Road	Lot 30, DP 5745	Local	I90
Mosman	Stone kerb	David Street	David Street road reserve (between Burrawong Avenue and Morella Road)	Local	I357

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Suburb	Item	Address	Property description	Significance	Item No
Mosman	Stone walling to front boundary, historic associations with 6 David Street	2–12 David Street (also known as 18 Morella Road)	Lots 34–37 and 40–42, Sec 3, DP 6294; Lot 1, DP 304682; Lot 39, DP 651524 (also Lot 33, Sec 3, DP 6294)	Local	I91
Mosman	Divided road	Dugald Road	Dugald Road road reserve (between Mulbring Street and Gordon Street)	Local	I358
Mosman	House	4 Effingham Street	Lot 1, DP 131592	Local	I92
Mosman	House	8 Effingham Street	Lot 1, DP 901619	Local	I93
Mosman	Steps	Elfrida Street and Sirius Cove Road	Elfrida Street road reserve (adjacent to 2–10A Elfrida Street)	Local	I359
Mosman	Group of 3 houses	1–5 Ellamatta Avenue	Lot 111, DP 884230; Lot 1, DP 927200; Lot 1, DP 931380	Local	I94
Mosman	“Aotea Roa”, house	15 Erith Street	Lot 5, DP 4103	Local	I95
Mosman	Steps	Fairfax Road and Burran Avenue	Fairfax Road road reserve (adjacent to 3–11 Fairfax Road) and Burran Avenue road reserve (33–35 Burran Avenue)	Local	I373
Mosman	“Astor”, flats	6 Gladstone Avenue	SP 11102	Local	I96
Mosman	“Iorana”, house	2 Glencarron Avenue	Lot 2, DP 858379	Local	I97
Mosman	Front fence	4 Glover Street	Lot C, DP 300401	Local	I98

Suburb	Item	Address	Property description	Significance	Item No
Mosman	House	48 Glover Street	Lot 12, Sec 2, DP 2311	Local	I99
Mosman	Pair of houses	82–84 Glover Street	Lots 1 and 2, DP 926574	Local	I100
Mosman	House	86 Glover Street	SP 16064	Local	I101
Mosman	Group of 2 pairs of semi-detached houses	88–94 Glover Street	Lots A and B, DP 394431; Lots A and B, DP 387796	Local	I102
Mosman	Group of 3 pairs of semi-detached houses	5–15 Gordon Street	Lots A–D, DP 442432; Lots 3 and 4, DP 550493	Local	I103
Mosman	House	12 Gordon Street	Lot 2, Sec A, DP 1398	Local	I104
Mosman	Mosman Primary School	2 Gouldsbury Street	Lot 11, DP 1008638	Local	I105
Mosman	Group of 5 houses	20–28 Gouldsbury Street	Lots A and B, DP 444702; Lots 3 and 4, DP 504882; Lot 1, DP 618222	Local	I106
Mosman	“The Manse” (Scots Kirk)	32 Gouldsbury Street	Lots 8 and 9, Sec 4, DP 3513	Local	I107
Mosman	Group of 4 houses	34–40 Gouldsbury Street	Lots 5 and 7, Sec 4, DP 3513; Lots 1 and 2, DP 523340	Local	I108
Mosman	“The Cottage”, Arts Education Centre	8 Hale Road	Lot 2, Sec 2, DP 3308	Local	I110
Mosman	“Oreel”, house with stone fence and garden stone fence	12A–14 Hale Road	Lots 1 and 3, DP 831351	Local	I111
Mosman	Hamlet Lane	Hamlet Lane	Hamlet Lane road reserve (between Shadforth Street and Raglan Street)	Local	I374

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<b>Suburb</b>	<b>Item</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Mosman	Divided road	Hampden Street	Hampden Street road reserve (adjacent to 2–6 Hampden Street extending to Stanton Road)	Local	I375
Mosman	Steps	Hampden Street and Warringah Road	Hampden Street road reserve (adjacent to 2 Hampden Street)	Local	I376
Mosman	Semi-detached houses	6–6A Harbour Street	Lots 1 and 2, DP 200884	Local	I112
Mosman	Mosman Amateur Sailing Club	Harnett Avenue	Off Harnett Park	Local	I113
Mosman	Steps and landscaping	Harston Avenue	Harston Avenue road reserve (between Wyong Road and the rear boundary of 23 Wyong Road)	Local	I377
Mosman	Divided road	Heydon Street	Heydon Street road reserve (north of Ourimbah Road and adjacent to 23 and 29 Heydon Street)	Local	I378
Mosman	Divided road	Holt Avenue	Holt Avenue road reserve (between Cowles Road and Spofforth Street)	Local	I379
Mosman	Street trees	Holt Avenue	Holt Avenue road reserve (adjacent to 1 and 9 Holt Avenue)	Local	I380
Mosman	Divided road	Hopetoun Avenue	Hopetoun Avenue road reserve (between Fairfax Road and Rosherville Road)	Local	I381
Mosman	House	5 Hopetoun Avenue	Lot 10, DP 3793	Local	I114

Suburb	Item	Address	Property description	Significance	Item No
Mosman	House	36 Hopetoun Avenue	Lot B, DP 316976	Local	I115
Mosman	Steps and unformed road	Illawarra Street	Illawarra Street road reserve (adjacent to 12–14 Illawarra Street and Sirius Park)	Local	I382
Mosman	House	2 Illawarra Street	Lot B, DP 411026	Local	I116
Mosman	House	14 Illawarra Street	Lot 2, DP 220603	Local	I117
Mosman	Divided road	Iluka Road	Iluka Road road reserve (between Burrawong Avenue and Morella Road)	Local	I383
Mosman	Pedestrian steps, walkway and street works	Iluka Road	Iluka Road road reserve (turning area at western end of Iluka Road)	Local	I385
Mosman	Pedestrian steps and walkway to Sydney Harbour National Park Walk	Iluka Road and Burrawong Avenue	Burrawong Avenue road reserve (adjacent to 48 Iluka Road and extending to Sydney Harbour National Park)	Local	I384
Mosman	“The Manor”, house and fence	2–10 Iluka Road	Lots 19–23, Sec 1, DP 2395	Local	I118
Mosman	James King Lane	James King Lane	James King Lane road reserve (between Queen Street and Union Street)	Local	I386
Mosman	Steps	Kahibah Road and Coronation Avenue	Kahibah Road road reserve (between Wolseley Road and Coronation Avenue)	Local	I387

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<b>Suburb</b>	<b>Item</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Mosman	Steps	Kallaroo Street and Sirius Cove Road	Kallaroo Street road reserve (Between 3 Kallaroo Street and Sirius Cove Road)	Local	I388
Mosman	Mary Margaret Lane, pedestrian steps and walkway	Kardinia Road and Iluka Road	Mary Margaret Lane road reserve (between Kardinia Road and Iluka Road)	Local	I389
Mosman	“Aneesha”, house	7 Kardinia Road	Lots 20 and 21, Sec 3, DP 6294	Local	I119
Mosman	House	16 Kardinia Road	Lot 17, Sec 2, DP 2395	Local	I120
Mosman	House	21 Kardinia Road	Lot 11, Sec 3, DP 2395	Local	I121
Mosman	Front fence and gate	40 Kardinia Road	Lot 1, DP 220552	Local	I122
Mosman	“Clifton Manor”, house, divided into 3 flats, fence and entry gate	42 Kardinia Road	SP 2494; SP 42391; SP 45267; SP 42029	Local	I123
Mosman	“Kiama”, house	11 Keston Avenue	Lot 1, DP 798679	Local	I124
Mosman	Group of 2 pairs of semi-detached houses	23–29 Keston Avenue	Lots 241 and 242, DP 619608; Lots A and B, DP 439739	Local	I125
Mosman	Steps	Killarney Street	Killarney Street road reserve (adjacent to 20 and 24A Killarney Street)	Local	I390
Mosman	House	23 Killarney Street	Lot 18, DP 10956; Lot 2, DP 584593	Local	I126

Suburb	Item	Address	Property description	Significance	Item No
Mosman	Divided road	Kiora Avenue	Kiora Avenue road reserve (between Fairfax Road and Rosherville Reserve)	Local	I391
Mosman	Divided road	Kirkoswald Avenue	Kirkoswald Avenue road reserve (between Fairfax Road and Hopetoun Avenue)	Local	I392
Mosman	“Kirkoswald House”, house	2 Kirkoswald Avenue	Lot B, DP 376697	Local	I127
Mosman	House	4 Koowong Avenue	Lot 15, DP 22694	Local	I128
Mosman	Kurrawong Lane	Kurrawong Lane	Kurrawong Lane road reserve (adjacent to 6–10 Tivoli Street)	Local	I393
Mosman	Divided road	Lang Street	Lang Street road reserve (adjacent to 22–28 Lang Street)	Local	I394
Mosman	House	6 Lavoni Street	Lot 26, DP 6648	Local	I129
Mosman	House	18 Lavoni Street	Lot 32, DP 6648	Local	I130
Mosman	Divided road	Lennox Street	Lennox Street road reserve (adjacent to 13–15 and 22–24 Lennox Street)	Local	I395
Mosman	Rosherville Reserve	McLean Crescent	Rosherville Reserve	Local	I396
Mosman	Steep divided road	McLeod Street	McLeod Street road reserve (adjacent to 4–6 McLeod Street)	Local	I397

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<b>Suburb</b>	<b>Item</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Mosman	Pedestrian steps and walkway	McLeod Street	McLeod Street road reserve (steps and walkway adjoining McLeod Street)	Local	I398
Mosman	Historic site	8C McLeod Street	Lot 1, DP 1101886	Local	I186
Mosman	Divided road	Major Street	Major Street road reserve (north of Simpson Street)	Local	I399
Mosman	Steps	Mandolong Road and Arbutus Street	Mandolong Road road reserve (adjacent to 9 Arbutus Street and 25 Mandolong Road)	Local	I400
Mosman	House	13 Mandolong Road	Lot 12, DP 4022	Local	I131
Mosman	House	16 Mandolong Road	Lot 1, DP 724864	Local	I132
Mosman	House	22 Mandolong Road	Lot 2, DP 85137	Local	I133
Mosman	Pair of flat buildings	67–69 Mandolong Road	SP 78015	Local	I134
Mosman	House	4 Medusa Street	Lot 1, DP 172131	Local	I135
Mosman	Electricity Substation No 149	23 Melrose Street	Lot A2, DP 430090	Local	I136
Mosman	AUSAID Training Centre	Middle Head Road	Lot 203, DP 1022020	Local	I137
Mosman	Defence housing	Middle Head Road	Lots 202 and 203, DP 1022020	Local	I138
Mosman	Georges Heights Military Barracks Complex	Middle Head Road	Lot 202, DP 1022020	State	I139
Mosman	Group of Navy cottages	Middle Head Road	Lot 202, DP 1022020	Local	I140
Mosman	HMAS Penguin Naval Base	Middle Head Road	Lot 201, DP 1022020	Local	I141



Suburb	Item	Address	Property description	Significance	Item No
Mosman	10 Terminal Regiment HQ	Middle Head Road	Lot 203, DP 1022020	Local	I142
Mosman	House and grounds	12 Middle Head Road	Lot A, DP 110449	Local	I143
Mosman	House and grounds	20 Middle Head Road	Lot 1, DP 102385	Local	I144
Mosman	House and garden	26 Middle Head Road	Lot 1, DP 541752	Local	I145
Mosman	“Fawley”, house	34 Middle Head Road	Lot 1, DP 4289	Local	I146
Mosman	House and grounds	40 Middle Head Road	Lot 1, DP 901586	Local	I147
Mosman	Group of 4 houses	43–49 Middle Head Road	Lots B–E, DP 12576	Local	I148
Mosman	House and grounds	46 Middle Head Road	Lot Y, DP 919045	Local	I149
Mosman	Terrace group of 4 dwellings	54–60 Middle Head Road	Lots A–D, DP 438858	Local	I150
Mosman	Semi-detached houses	115–117 Middle Head Road	Lots A and B, DP 107003	Local	I151
Mosman	Two storey facade (of 6 shops)	139–153 Middle Head Road	SP 61182	Local	I152
Mosman	Commercial building, former bank	414–416 Military Road	Lot 21, DP 666687	Local	I153
Mosman	Sacred Heart Church	485–485A Military Road	Lot 1, DP 845743	Local	I154
Mosman	8 shops with dwellings above	581–595 Military Road	Lots 211 and 212, DP 813624; Lots 13 and 14, DP 600250; Lot 5, DP 219883; Lot 61, DP 599894; Lot B, DP 440424	Local	I155

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<b>Suburb</b>	<b>Item</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Mosman	Christian Science Reading Room, Sunday School and Third Church of Christ Scientist	613–621 Military Road, (including 29–31 The Crescent)	Lots 8, 9, 47 and 48, Sec 1, DP 3513	Local	I156
Mosman	“Boronia”, house	624–632 Military Road	Lot 1, DP 739374	State	I157
Mosman	“Rothsay”, cafe and shops	707 Military Road	Lot 1, DP 725831	Local	I158
Mosman	Former Anzac Memorial Hall	742 Military Road	Lot 1, DP 4022; Lot 1, DP 172814	Local	I159
Mosman	House	744 Military Road	SP 53477	Local	I160
Mosman	Mosman High School, group of 2 buildings	769 Military Road	Bounded by Military Road, Avenue Road, Gladstone Street and Belmont Road	Local	I161
Mosman	Group of shops, with upstairs dwellings	771 Military Road	SP 32927	Local	I162
Mosman	Group of 8 shops, with upstairs dwellings	787–801 Military Road	Lot 1, DP 595187; Lot 2, DP 550906; Lot 15, DP 630129; Lots 11 and 12, DP 534751; Lot 13, DP 595486; Lot 2, DP 585273; Lot 2, DP 582922	Local	I163
Mosman	“The Strand”, shops and dwellings above	866–872 Military Road	Lots 34 and 35, DP 224749; Lots 1 and 2, DP 514928	Local	I164
Mosman	Shop with dwelling	878 Military Road	SP 57270	Local	I165

Suburb	Item	Address	Property description	Significance	Item No
Mosman	Divided road	Milner Street	Milner Street road reserve (between Raglan Street and Prince Albert Street)	Local	I401
Mosman	House	4 Milner Street	Lot 27, DP 1571	Local	I166
Mosman	Group of 4 houses	5–11 Milton Avenue	Lot 1, DP 921673; Lots 1 and 2, DP 1018322; Lot A, DP 349400	Local	I167
Mosman	House	14 Mistral Avenue	Lot A, DP 956310	Local	I168
Mosman	House	28 Mistral Avenue (also known as 8 Magic Grove)	Lot 4, DP 611597; Lot 1, DP 556986	State	I169
Mosman	Clifton Gardens Reserve	Morella Road	Clifton Gardens Reserve	Local	I402
Mosman	Wharf and pool in Clifton Gardens Reserve	Morella Road	Clifton Gardens Reserve/ Chowder Bay	Local	I403
Mosman	Sewage Pumping Station No 54 in Clifton Gardens Reserve	Morella Road	Clifton Gardens Reserve	Local	I404
Mosman	Steps to Clifton Gardens	Morella Road (south)	Morella Road road reserve (adjacent to the eastern boundary of 1 and 3 Morella Road)	Local	I405
Mosman	House and garden	5 Morella Road	Lot 3, DP 8543	Local	I170
Mosman	House	11 Morella Road	Lot 12, DP 9674	Local	I171
Mosman	House	17 Morella Road	Lot 1, DP 302384	Local	I172

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Suburb	Item	Address	Property description	Significance	Item No
Mosman	Stone walling to front boundary, historic associations with 6 David Street	18 Morella Road (also 2–12 David Street)	Lot 33, Sec 3, DP 6294 (also Lots 34–37 and 40–42, Sec 3, DP 6294; Lot 1, DP 304682; Lot 39, DP 651524)	Local	I173
Mosman	“Cara Mia”, house	26 Morella Road	Lot 12, DP 1096367	Local	I174
Mosman	“Vino del Mar”, house	30A Morella Road	Lot 3, DP 583799	Local	I175
Mosman	Divided road	Moruben Road	Moruben Road road reserve (adjacent to 9–15 Moruben Road and to Punch Street, and adjacent to 37–61 Moruben Road and to Stanton Road)	Local	I406
Mosman	“Tower House”, house and stone fence	2 Moruben Road	Lot 2, DP 1039282	Local	I176
Mosman	House	6 Moruben Road	Lot B, DP 311227	Local	I177
Mosman	“Cora Lynn”, house	47 Moruben Road	Lots 23 and 24, DP 4021	Local	I178
Mosman	Divided road	Mosman Street	Mosman Street road reserve (adjacent to 3 and 5 Mosman Street)	Local	I407
Mosman	Pedestrian steps and walkway to 13 Mosman Street	Mosman Street	Mosman Street road reserve (adjacent to 13 Mosman Street)	Local	I409
Mosman	Pedestrian steps and walkway to Mosman Wharf	Mosman Street and Mosman Wharf	Between 2B and 2C Mosman Street	Local	I408
Mosman	House and stone front walls	9–13 Mosman Street	SP 5539; Lot 1, DP 900128	Local	I179

Suburb	Item	Address	Property description	Significance	Item No
Mosman	House	35 Mosman Street	Lot 3, DP 977101	Local	I180
Mosman	Pair of Terrace-type houses	37–39 Mosman Street	Lots 1 and 2, DP 61223	Local	I181
Mosman	Moss Lane	Moss Lane (off Pearl Bay Avenue)	Moss Lane road reserve (between Pearl Bay Avenue and Ida Avenue)	Local	I410
Mosman	Electricity Substation No 380 and front fence	Musgrave Street	Lot 1, DP 326448 (between 52A and 54 Musgrave Street)	Local	I188
Mosman	Divided road	Musgrave Street	Musgrave Street road reserve (adjacent to 7–25, 35–41 and 43–49 Musgrave Street)	Local	I411
Mosman	Herron Walk steps	Musgrave Street and Raglan Street	Between Musgrave Street and Raglan Street	Local	I412
Mosman	Unformed road section	Musgrave Street and Raglan Street	Road reserve (adjacent to 27 and 40 Raglan Street)	Local	I413
Mosman	Chinese boatshed	3 Musgrave Street	SP 220552	Local	I182
Mosman	Group of 2 houses, divided into 3 dwellings	9A–11 Musgrave Street	Lots 1 and 2, DP 534080; Lot 1, DP 926798	Local	I183
Mosman	“Rutledge Lodge”, house	16 Musgrave Street	Lot B, DP 327998	Local	I184
Mosman	House	24 Musgrave Street	Lot 3A, DP 449492	Local	I185
Mosman	House	39 Musgrave Street	Lot A, DP 313281	Local	I187
Mosman	Front fence (stone wall)	2–4 Muston Street	Lot 2, DP 3396; SP 5085	Local	I189
Mosman	House	81 Muston Street	Lot 21, DP 3953	Local	I190
Mosman	House	97 Muston Street	Lot 29, DP 3953	Local	I191

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<b>Suburb</b>	<b>Item</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Mosman	House	102 Muston Street	Lot 111, DP 774079	Local	I192
Mosman	Mosman Community Centre	Myahgah Road, corner Art Gallery Way	Lots 13 and 14, DP 2717	Local	I193
Mosman	Leahy Memorial	Myahgah Road, Civic Square	Closed portion of Myahgah Road (outside Mosman Council offices)	Local	I414
Mosman	The Antico Fountain	Myahgah Road, Civic Square	Closed portion of Myahgah Road	Local	I415
Mosman	Mosman Park, oval and park	Myahgah Road and The Crescent	Lot 1, DP 919853	Local	I416
Mosman	War Memorial and steps	Myahgah Road, corner The Crescent (Mosman Park)	Lot 1, DP 919853	Local	I417
Mosman	New Lane	New Lane	New Lane road reserve (between Union Street and 29 Prince Albert Street)	Local	I418
Mosman	Electrical Substation No 207	Noble Street (rear 84 Avenue Road)	Lot 1, DP 115997	Local	I194
Mosman	Nock Lane	Nock Lane	Nock Lane road reserve (between Avenue Road and Shadforth Street)	Local	I419
Mosman	McCauley Outlook, unformed road	Orlando Avenue	Orlando Avenue road reserve (adjacent to 21 and 21A Boyle Street)	Local	I420
Mosman	“Talarah”, house	24 Orlando Avenue	Lot 28, Sec A, DP 2365	Local	I195
Mosman	House	30 Orlando Avenue	Lots D and E, DP 409287	Local	I196

Suburb	Item	Address	Property description	Significance	Item No
Mosman	Steps	Oswald Street and Park Avenue	Oswald Street road reserve (adjacent to the northern boundary of 2 Oswald Street)	Local	I421
Mosman	House and garden	2 Oswald Street	Lot 26, Sec C, DP 2509	Local	I197
Mosman	St Luke's Anglican Church Group	Ourimbah Road, corner Heydon Street	Lots 67 and 68, DP 3994	Local	I198
Mosman	Group of 7 pairs of semi-detached cottages	8-34 Ourimbah Road	Lots 1 and 2, DP 225539; Lots 91 and 92, DP 877997; Lots 11, 12, 81 and 82, DP 586004; Lots A and B, DP 393858; Lots A and B, DP 447934; Lots 1 and 2, DP 576982	Local	I199
Mosman	Shops and flats	60 Ourimbah Road	SP 12208	Local	I200
Mosman	Divided road	Park Avenue	Park Avenue road reserve (adjacent to 22-38 Park Avenue)	Local	I422
Mosman	Pedestrian steps and walkway	Park Avenue and Avenue Road	Park Avenue road reserve (adjacent to 3 Park Avenue and extending to Oswald Street)	Local	I423
Mosman	Flats	36A Park Avenue	SP 8031	Local	I201
Mosman	Burke's steps	Parriwi Road	Parriwi Road road reserve (northern end leading to Middle Harbour Yacht Club carpark)	Local	I426

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<b>Suburb</b>	<b>Item</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Mosman	Middle Harbour Sewerage Syphon	Parriwi Road	Parriwi Road (northern end at Parriwi Point)	State	I428
Mosman	Parriwi Park, bushland	Parriwi Road	Part Lot 263, DP 752067	Local	I424
Mosman	Parriwi Park, former quarry	Parriwi Road	Part Lot 60, DP 107363	Local	I498
Mosman	Barney Kearns steps	Parriwi Road and Kiora Avenue	Between 17 and 19 Parriwi Road through to Kiora Avenue	Local	I425
Mosman	House and garden	46 Parriwi Road	Lots 3 and 4, DP 17697	Local	I202
Mosman	The Spit Lighthouse (also known as the Rosherville Lighthouse)	53–53B Parriwi Road	Lots 1 and 2, DP 800420	Local	I203
Mosman	House	65 Parriwi Road	Lot 17, DP 71366	State	I204
Mosman	Ferguson's Boatshed	83 Parriwi Road	Lot 1164, DP 820301	Local	I205
Mosman	Houseboat No 3	Pearl Bay, Middle Harbour	Houseboat	Local	I206
Mosman	Pearl Bay Avenue and Delecta Avenue, pedestrian steps and walkway	Pearl Bay Avenue, Delecta Avenue and Marsala Street	Marsala Street road reserve (adjacent to 2 Delecta Avenue)	Local	I429
Mosman	House	10 Pearl Bay Avenue	Lot 26, DP 8492	Local	I207
Mosman	“Atherton”, house	16 Pearl Bay Avenue	Lot 29, DP 8492	Local	I208
Mosman	Steps	Pretoria Avenue	Pretoria Avenue road reserve adjacent to 1–3 Pretoria Avenue and 2A–2C Wolseley Road	Local	I430



Suburb	Item	Address	Property description	Significance	Item No
Mosman	Divided road	Prince Albert Street	Prince Albert Street road reserve (between Queen Street and Thompson Street and between Lennox Street and Whiting Beach Road)	Local	I431
Mosman	House	3 Prince Albert Street	Lot 2, DP 601067	Local	I209
Mosman	Pair of houses	5–7 Prince Albert Street	Lot 1, DP 601067; Lot 1, DP 902590	Local	I210
Mosman	“Candida”, house	13 Prince Albert Street	Lot 1, DP 932354	Local	I211
Mosman	“Ardagh”, house and fence	19 Prince Albert Street	Lot A, DP 389110	Local	I212
Mosman	Pair of houses	21–23 Prince Albert Street	Lot 1, DP 901720; Lot D, DP 435443	Local	I213
Mosman	“Araluen Heights”, house	24 Prince Albert Street	Lot 11, DP 8397	Local	I214
Mosman	House	27 Prince Albert Street	Lot 2, DP 105546	Local	I215
Mosman	House	37 Prince Albert Street	Lot 1, DP 983943	Local	I216
Mosman	“Ravenstan”, house	45 Prince Albert Street	Lot 1, DP 900685	Local	I217
Mosman	“Alameda”, flats	70 Prince Albert Street	SP 14335	Local	I218
Mosman	House	74 Prince Albert Street	Lot 2, DP 208058	Local	I219
Mosman	House	98 Prince Albert Street	Lot 11, DP 455964; Lot 12, DP 976424	Local	I220
Mosman	Group of shops, with dwellings above	120–122 Prince Albert Street	SP 22664	Local	I221

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<b>Suburb</b>	<b>Item</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Mosman	Prince Lane	Prince Lane	Prince Lane road reserve (from Union Street to Prince Albert Street)	Local	I432
Mosman	Three houses	46–50 Prince Street	Lot 1, DP 100298; Lot 1, DP 925078; Lot 1, DP 925077	Local	I223
Mosman	House divided into 2 dwellings	49–49A Prince Street	Lots 1 and 2, DP 590014	Local	I222
Mosman	“Clumba Court”, flats	66B Prince Street	SP 9101	Local	I224
Mosman	Steps	Pulpit Lane	Pulpit Lane road reserve (from Bay Street to Beauty Point Foreshores Walk)	Local	I433
Mosman	“Hendon”, house	4 Punch Street	Lot 1, DP 918187	Local	I225
Mosman	Beauty Point Foreshore Reserve	Quakers Hat Park	Lot 7070, DP 1065733	Local	I329
Mosman	Steps	Quakers Road	Quakers Road road reserve (adjacent to 5 Koowong Avenue)	Local	I434
Mosman	Blessed Sacrament School	2 Queen Street	Lots 5–8, DP 3627; Lot 1, DP 212571; Lot 1, DP 205962	Local	I226
Mosman	Queenwood School for Girls	6 Queen Street	Lot 1, DP 791997	Local	I227
Mosman	Group of 5 dwellings	16A–24 Queen Street	Lot 1, DP 981534; Lots 3 and 4, DP 522939; Lots 1 and 2, DP 504566	Local	I228

Suburb	Item	Address	Property description	Significance	Item No
Mosman	Divided road	Raglan Street	Raglan Street road reserve (adjacent to 5–16 and 19–33 Raglan Street)	Local	I435
Mosman	Pedestrian steps and walkway	Raglan Street	Raglan Street road reserve (adjacent to 2 and 4 Raglan Street)	Local	I437
Mosman	O’Neil Walk	Raglan Street and Botanic Road	Raglan Street road reserve (between 26 and 28 Botanic Road and 217 and 221 Raglan Street)	Local	I436
Mosman	“The Castle”, flats	3 Raglan Street	SP 45081	Local	I229
Mosman	Group of 4 houses	5–11 Raglan Street	Lot 1, DP 104765; Lots 1 and 2, DP 540158; Lot 1, DP 922602	Local	I230
Mosman	Flats	10 Raglan Street	SP 1450	Local	I231
Mosman	“Ythanbank”, house, formerly known as “Boxmoor Flats”	15 Raglan Street	SP 69443	Local	I232
Mosman	“Bareena”, house	22 Raglan Street	Lot 1, DP 919852	Local	I233
Mosman	“Abington”, house	24 Raglan Street	Lot 1, DP 919407	Local	I234
Mosman	House	35A Raglan Street	Lot 1, DP 1045775	Local	I235
Mosman	House	55 Raglan Street	Lot 4, Sec A, DP 975490	Local	I236
Mosman	Group of 4 blocks of flats	60–60C Raglan Street	Lots 1 and 3, DP 372612; SP 75257; SP 4485	Local	I237
Mosman	House	72 Raglan Street	Lot 1, DP 115014	Local	I238
Mosman	Pair of houses	81–83 Raglan Street	Lot 1, DP 741186; Lot 101, DP 1093961	Local	I239

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Suburb	Item	Address	Property description	Significance	Item No
Mosman	House divided into 2 dwellings	109 Raglan Street	SP 42325; SP 52633	Local	I240
Mosman	House	111 Raglan Street	Lot 2, DP 214008	Local	I241
Mosman	“Jesmond”, house	127 Raglan Street	Lot 1, DP 917951	Local	I242
Mosman	House divided into 4 flats	130 Raglan Street	SP 16281	Local	I243
Mosman	House	131 Raglan Street	Lot 1, DP 78583	Local	I244
Mosman	St Clement’s Anglican Church and Rectory	144 Raglan Street	Lot 1 and 3, DP 1033272	Local	I245
Mosman	House	145 Raglan Street	SP 16768	Local	I246
Mosman	Group of 2 houses	156–158 Raglan Street	Lot 1, DP 101878; Lot 23, DP 928094	Local	I247
Mosman	“Tregoyd”, house and garden	161–163 Raglan Street	Lots 1 and 8, DP 285582	Local	I248
Mosman	House	189 Raglan Street	Lot 1, DP 970473	Local	I249
Mosman	“Boondabah”, house	200 Raglan Street (also known as 200A Raglan Street)	Lot 1, DP 917840	Local	I250
Mosman	House	200B Raglan Street	Lot B, DP 322321	Local	I251
Mosman	House	218 Raglan Street	Lot 1, DP 925220	Local	I252
Mosman	Flats	243 Raglan Street	SP 12621	Local	I253
Mosman	Electrical Substation No 208	Rangers Avenue	Lot 1, DP 315777 (between 59 Spofforth Street and 101 Rangers Avenue)	Local	I255
Mosman	Divided road	Rangers Avenue	Rangers Avenue road reserve (adjacent to 11–33 Rangers Avenue)	Local	I438

Suburb	Item	Address	Property description	Significance	Item No
Mosman	Stone culvert	Rangers Avenue	Rangers Avenue road reserve (adjacent to 28 Avenue Road)	Local	I439
Mosman	House	69 Rangers Avenue	Lot 2, DP 527924	Local	I254
Mosman	Electrical Substation No 205	Redan Street	Lot 1, DP 321248 (fronting 37 Redan Street)	Local	I263
Mosman	Divided road	Redan Street	Redan Street road reserve (between Almora Street and Raglan Street)	Local	I440
Mosman	Group of 2 blocks of flats	5–7 Redan Street	SP 31955; SP 14519	Local	I256
Mosman	Group of 3 houses	9–11A Redan Street	Lots 4–6, DP 8684	Local	I257
Mosman	House	12 Redan Street	Lot 1, DP 455989; Lot 6, Sec 2, DP 2324	Local	I258
Mosman	House	18 Redan Street	Lot 1, DP 115715	Local	I259
Mosman	House	28 Redan Street	Lots 21 and 22, DP 1350	Local	I260
Mosman	House	29 Redan Street (also known as 18 Balmoral Avenue)	Lot 11, DP 4251	Local	I261
Mosman	Pair of semi-detached houses	36–38 Redan Street	Lots A and B, DP 438077	Local	I262
Mosman	Pair of semi-detached houses	31–33 Reginald Street	Lots 1 and 2, DP 511641	Local	I264
Mosman	House	18 Rickard Avenue	Lot B, DP 413009	Local	I265
Mosman	Divided road	Rose Crescent	Rose Crescent road reserve (adjacent to 2 and 4 Rose Crescent)	Local	I441

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<b>Suburb</b>	<b>Item</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Mosman	Divided road	Rosebery Street	Rosebery Street road reserve (adjacent to 37–63 Rosebery Street)	Local	I442
Mosman	Waterfront house	1 Rosherville Road	Lot A, DP 375335	Local	I266
Mosman	Divided road	Royalist Road	Royalist Road road reserve (adjacent to 31–33 Royalist Road)	Local	I443
Mosman	Divided road	Ruby Street	Ruby Street road reserve (adjacent to 3–17 and 21–27 Ruby Street to western boundary of 17 Thompson Street)	Local	I444
Mosman	House	6 Ruby Street	Lot A, DP 378291	Local	I267
Mosman	Steps	Ryan Avenue and Balmoral Avenue	Ryan Avenue road reserve (between 1 and 2 Ryan Avenue and 5 and 7 Balmoral Avenue)	Local	I445
Mosman	Pair of houses	11–13 Shadforth Street	Lots A and B, DP 436554	Local	I268
Mosman	House	24 Shadforth Street	Lot 56, DP 34076	Local	I269
Mosman	“Winter-garden”, house	34 Shadforth Street	Lot 1, DP 198499	Local	I270
Mosman	Group of 2 semi-detached dwellings	36–42 Shadforth Street	Lot 1, DP 785875; Lot 1, DP 641761; Lots 1 and 2, DP 589154	Local	I271
Mosman	“Motfield”, house	53 Shadforth Street	Lot 3A, DP 378615	Local	I272

Suburb	Item	Address	Property description	Significance	Item No
Mosman	House divided into 2 dwellings	70–72 Shadforth Street	Lots A and B, DP 158943	Local	I273
Mosman	Mosman Church of England Preparatory School Group	71 Shadforth Street	Lot 1, DP 77928; Lot 2, DP 1033272	Local	I274
Mosman	Pair of houses	85–87 Shadforth Street	Lot 11, DP 76778; Lot 12, DP 974982	Local	I275
Mosman	Group of 2 semi-detached houses	99–101 Shadforth Street	Lots 11 and 12, DP 806116	Local	I276
Mosman	“Hamlet House”, house	107 Shadforth Street	Lot 1, DP 539812	Local	I277
Mosman	Flats	11A Silex Road	SP 13603	Local	I278
Mosman	House	13 Silex Road	Lot A, DP 367843	Local	I279
Mosman	Sea wall	Sirius Cove	Block sea wall	Local	I448
Mosman	Footbridge	Sirius Cove Road (at Sirius Avenue)		Local	I447
Mosman	House	1A Sirius Cove Road	Lots 1 and 2, DP 86329	Local	I280
Mosman	Divided road	Sirius Park	Sirius Park road reserve (through Sirius Park between Sirius Cove Road and Curlew Camp Road)	Local	I449
Mosman	Divided road and street trees	Spencer Road	Spencer Road road reserve (adjacent to 1–11 Spencer Road and on both sides of Spencer Road between Spofforth Street and Cowles Road)	Local	I450
Mosman	House	64 Spencer Road	Lot 1, DP 945643	Local	I281

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<b>Suburb</b>	<b>Item</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Mosman	Spit Bridge	Spit Road	Bridge adjoining Spit Road road reserve	Local	I452
Mosman	Spit Reserve, remains of bridge, sandstone sea wall and ferry landing	Spit Road	Ellery Park and road reserve	Local	I453
Mosman	Quarry steps	Spit Road and Parriwi Road	Between 191 and 193 Spit Road and 30 and 32 Parriwi Road	Local	I451
Mosman	Electrical Substation No 204	Spit Road (rear, on Punch Lane)	Lot 2, DP 229664	Local	I284
Mosman	Mosman Masonic Centre	42 Spit Road	Lot 29, DP 3994	Local	I282
Mosman	“Jerpoint”, flats	51 Spit Road	SP 30300	Local	I283
Mosman	Former house, now flats	68 Spit Road	SP 14513	Local	I285
Mosman	“Phillip Morton Place”, flats	153–157 Spit Road	Lot 1, DP 436033	Local	I286
Mosman	House	201 Spit Road	Lot 121, DP 875504	Local	I287
Mosman	St Therese Parish House for Beauty Point Catholic Church	210 Spit Road	Lots 1–3, DP 4000	Local	I288
Mosman	House	230 Spit Road	Lot 1, DP 430423	Local	I289
Mosman	Flats	27 Spofforth Street	SP 11907; SP 55702	Local	I290
Mosman	Group of shops	37 Spofforth Street	Lot 2, Sec B, DP 2365	Local	I291
Mosman	Flats	39 Spofforth Street	SP 30507	Local	I292
Mosman	Shops	41 Spofforth Street	SP 15699	Local	I293
Mosman	Shops	45–47A Spofforth Street	Lots A–D, DP 421219	Local	I294



Suburb	Item	Address	Property description	Significance	Item No
Mosman	House	10 St Elmo Street	Lot 1, DP 934578; Lot 20, DP 3828	Local	I297
Mosman	“Merriwa”, house divided into 3 flats	17 Stanley Avenue	Lot B1, DP 341868	Local	I295
Mosman	Balmoral Lookout	Stanton Road and Kirkoswald Avenue	Stanton Road road reserve (between 25 and 23A Stanton Road)	Local	I454
Mosman	Steps	Stanton Road and The Grove	The Grove road reserve (between Edwards Bay Road and Stanton Road)	Local	I455
Mosman	House	27 Stanton Road	Lot 1, DP 552645	Local	I296
Mosman	Divided road and steps	Superba Parade	Superba Parade road reserve (between Mandolong Road and Almora Street)	Local	I456
Mosman	Steps	Sverge Street	Sverge Street road reserve (between Sirius Avenue and Sirius Park)	Local	I457
Mosman	Ashton Park	Bradleys Head Road	Sydney Harbour National Park	Local	I458
Mosman	Athol Gardens Dance Hall and wharf remains	Bradleys Head Road	Sydney Harbour National Park	Local	I459
Mosman	Bradleys Head Fortification Complexes (2), Ashton Park and HMAS Sydney I, mast and associated memorials	Bradleys Head Road	Sydney Harbour National Park	State	I460
Mosman	Bradleys Head Lighthouse	Bradleys Head Road	Sydney Harbour National Park	State	I461

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<b>Suburb</b>	<b>Item</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Mosman	Sandstone pillar	Bradleys Head Road	Sydney Harbour National Park	Local	I462
Mosman	Georges Head Fortifications Complex	Chowder Bay Road	Sydney Harbour National Park	Local	I463
Mosman	Obelisk Point Fortifications Complex	Chowder Bay Road	Sydney Harbour National Park	Local	I464
Mosman	Pair of navigational obelisks	Chowder Bay Road	Sydney Harbour National Park	Local	I465
Mosman	Rock casemate	Chowder Bay Road	Sydney Harbour National Park	Local	I466
Mosman	Semi-underground armoured casemate battery	Chowder Bay Road	Sydney Harbour National Park	Local	I467
Mosman	Middle Head Fort Complex	Old Fort Road	Sydney Harbour National Park	State	I468
Mosman	“Omaha”, house	27 The Crescent	Lot 46, Sec 1, DP 3513; Lot 1, DP 1079432	Local	I84
Mosman	Balmoral Baths Pavilion	The Esplanade	Balmoral Beach	Local	I365
Mosman	Balmoral Beach, including Edwards Beach	The Esplanade	Balmoral Beach	Local	I360
Mosman	Balmoral Beach Baths	The Esplanade	Balmoral Beach	Local	I361
Mosman	Balmoral Beach Promenade	The Esplanade	Balmoral Beach	Local	I362
Mosman	Balmoral Beach Rotunda	The Esplanade	Balmoral Beach	Local	I370
Mosman	Balmoral Boatshed—site only	The Esplanade	Balmoral Beach	Local	I363
Mosman	Balmoral Bus Terminus, office and shelter	The Esplanade	Lot 7125, DP 1006491	Local	I366
Mosman	Bathers’ Pavilion	The Esplanade	Balmoral Beach	State	I364

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Suburb	Item	Address	Property description	Significance	Item No
Mosman	Clem Morath Pool	The Esplanade	Balmoral Beach	Local	I367
Mosman	Hunter Park, western section	The Esplanade	Bounded by Hunter Road, The Esplanade, Almora Street and Park Lane	Local	I369
Mosman	Rocky Point footbridge and park walkway	The Esplanade	Balmoral Beach	Local	I371
Mosman	Sewage Pumping Stations Nos 69 and 70	The Esplanade	Balmoral Beach	Local	I372
Mosman	House	14A The Grove	Lot 2, DP 329738	Local	I109
Mosman	Flats	4 Thompson Street	SP 12375	Local	I298
Mosman	“Rothesay”, house	7 Thompson Street	Lot 2, DP 324874	Local	I299
Mosman	House divided into 2 dwellings	12 Thompson Street (also known as 4 St Elmo Street)	Lot 2, DP 962380	Local	I300
Mosman	“Corrielyn”, house	2 Tivoli Street	Lot 1, DP 946855	Local	I301
Mosman	Semi-detached pair	5–7 Tivoli Street	Lots 1 and 2, DP 316033	Local	I302
Mosman	House	14 Tivoli Street	Lot B, DP 390148	Local	I303
Mosman	Divided road	Upper Avenue Road	Upper Avenue Road road reserve (adjacent to 19–41 Upper Avenue Road)	Local	I469
Mosman	Unformed road	Upper Avenue Road and Crux Street	Crux Street Road reserve (between 29 and 31 Upper Avenue Road)	Local	I470
Mosman	Divided road	Upper Fairfax Road	Upper Fairfax Road road reserve (between Parriwi Road and Kiora Avenue)	Local	I471

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<b>Suburb</b>	<b>Item</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Mosman	Steps	Upper Spit Road and Parriwi Road	Parriwi Park (adjacent to 21 Upper Spit Road)	Local	I472
Mosman	Flats	1 Upper Spit Road	Lot A, DP 339624	Local	I304
Mosman	“Easterly”, house	7 Upper Spit Road	Lots 100 and 101, DP 583214	Local	I305
Mosman	“Sessiagh”, house	13 Upper Spit Road	Lot 1, DP 216853	Local	I306
Mosman	Warringah Lane	Warringah Lane	Between Warringah Road and Tivoli Street	Local	I473
Mosman	Divided road	Warringah Road	Warringah Road road reserve (adjacent to 14 Warringah Road and 20 Fairfax Road)	Local	I474
Mosman	Pathway	Water Lane	Water Lane road reserve (between Sirius Cove Road and Prince Albert Street)	Local	I475
Mosman	House	9 Whiting Beach Road	Lot 6, DP 8400	Local	I307
Mosman	House	9 Wolger Road	Lot B, DP 331985	Local	I308
Mosman	Divided road	Wolseley Road	Wolseley Road road reserve (adjacent to 60–74 Wolseley Road)	Local	I476
Mosman	“Yattendon”, house	34 Wolseley Road	Lot G, DP 918077	Local	I309
Mosman	Wudgong Walk, walkway	Wudgong Walk and Wudgong Street	Between 17 and 17A Wudgong Street and 72 and 74 Cowles Road	Local	I477
Mosman	Divided road	Wunda Road	Wunda Road road reserve (adjacent to 2–8 and 32 Wunda Road)	Local	I478

Suburb	Item	Address	Property description	Significance	Item No
Mosman	House	25 Wunda Road	Lot 1, DP 934781	Local	I310
Mosman	Steps	Wyargine Street and The Esplanade	The Esplanade road reserve (adjacent to 83–89 Wyargine Street)	Local	I479
Mosman	“Stancliff”, flats	6–8 Wyargine Street	SP 4856	Local	I311
Mosman	Divided road	Wyong Road	Wyong Road road reserve (adjacent to 40–56 Wyong Road)	Local	I480
Mosman	Pedestrian steps and walkway	Wyong Road and Shellbank Avenue	Wyong Road road reserve (adjacent to 73 Wyong Road through to Shellbank Avenue)	Local	I481
Mosman	“Shellbank”, house	73 Wyong Road	Lots 5–8, DP 16492	Local	I312

## Part 2 Heritage conservation areas

Description	Identification on Heritage Map	Significance
Bradleys Head Road Heritage Conservation Area	Shown by red hatching and labelled “C1”	Local
The Crescent Heritage Conservation Area	Shown by red hatching and labelled “C2”	Local
Glover and Nathan’s Estates Heritage Conservation Area	Shown by red hatching and labelled “C12”	Local
Holt Estate Heritage Conservation Area	Shown by red hatching and labelled “C3”	Local
Keston Avenue Heritage Conservation Area	Shown by red hatching and labelled “C4”	Local
Killarney Estate Heritage Conservation Area	Shown by red hatching and labelled “C5”	Local

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<b>Description</b>	<b>Identification on Heritage Map</b>	<b>Significance</b>
Lang Street Heritage Conservation Area	Shown by red hatching and labelled "C6"	Local
Lower Boyle Street Heritage Conservation Area	Shown by red hatching and labelled "C13"	Local
Military Road Heritage Conservation Area	Shown by red hatching and labelled "C7"	Local
Orlando Heritage Conservation Area	Shown by red hatching and labelled "C8"	Local
Raglan Street Heritage Conservation Area	Shown by red hatching and labelled "C9"	Local
Shadforth Street Heritage Conservation Area	Shown by red hatching and labelled "C10"	Local
Upper Avenue Road Heritage Conservation Area	Shown by red hatching and labelled "C11"	Local

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### Part 3 Archaeological sites

<b>Suburb</b>	<b>Site</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Mosman	Former Athol Wharf Tram Terminus, including escarpment and retaining walls	Athol Wharf Road	Road reserve adjacent to Taronga Zoo Ferry Wharf	Local	A482
Mosman	Site of first wharf serving Taronga Zoo	Athol Wharf Road	Taronga Zoo Ferry Wharf	Local	A483
Mosman	Former tram terminus, including enclosing sandstone walls	Avenue Road	Road reserve at end of Avenue Road	Local	A484
Mosman	Former stone quarry	65A–69A Avenue Road	Excavated indentation on eastern side of Avenue Road	Local	A485

Suburb	Site	Address	Property description	Significance	Item No
Mosman	Former quarry wharf	Centenary Drive, Mosman Bay	Sandstone sea wall around Quarry Point between Mosman Rowers Club and Mosman Amateur Sailing Club	Local	A486
Mosman	Site of former Harnett's Quarry	Harnett Avenue and Royalist Road	Steep escarpment between Harnett Avenue and Royalist Road from end of Calliope Street to waterfront	Local	A488
Mosman	Ventilation stack and former original septic tank, now a swimming pool	Middle Head Road, HMAS Penguin Naval Depot	Lot 201, DP 1022020	Local	A490
Mosman	Site of original 1870s Musgrave Street Wharf	Musgrave Street	At end of Musgrave Street	Local	A491
Mosman	Remains of Grant's Wharf	Parriwi Road	Off Parriwi Road at The Spit	Local	A492
Mosman	Site of former Pearl Bay Pleasure Grounds	Pearl Bay Avenue	Pearl Bay/ Quakers Hat Bay Park near Fig Tree Walk	Local	A493
Mosman	Sites of Curlew and Mia Mia Camps	Sirius Cove Road	Bushland between Little Sirius Cove and Whiting Beach	Local	A494
Mosman	Remains of former bridge and sea wall	Spit Road	Off northern end of Spit Road at Ellery Park	Local	A496
Mosman	Site of former explosives wharf	Spit Road	Off northern end of Spit Road between Ellery Park and The Spit Reserve	Local	A495

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#### Schedule 5 Environmental heritage

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<b>Suburb</b>	<b>Site</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Mosman	Sydney Harbour National Park	Sydney Harbour National Park	Middle Head, Georges Heights, Taylors Head and Bradleys Head	Local	A489
Mosman	Abandoned tramway cutting	The Esplanade	From end Mulbring Street to Plunkett Road through public reserve	Local	A487
Mosman	Site of former road to The Spit	Upper Spit Road	Parriwi Park, end of Upper Spit Road	Local	A497

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## Dictionary

(Clause 1.4)

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

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

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

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

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

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

**Acid Sulfate Soils Map** means the Mosman Local Environmental Plan 2012 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.

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

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

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

**agricultural produce industry** means a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from

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agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, 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.

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

**agriculture** means any of the following:

- (a) aquaculture,
- (b) extensive agriculture,
- (c) intensive livestock agriculture,
- (d) intensive plant agriculture.

**Note.** Part 6 of the *Plantations and Reafforestation Act 1999* provides that exempt farm forestry within the meaning of that Act is not subject to the *Environmental Planning and Assessment Act 1979*.

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

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

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

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

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

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

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

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

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

**archaeological site** means a place that contains one or more relics.

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

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land, and
- (c) none of the dwellings is located above any part of another dwelling.

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

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

**backpackers' accommodation** means a building or place that:

- (a) provides temporary or short-term accommodation on a commercial basis, and
- (b) has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (c) provides accommodation on a bed or dormitory-style basis (rather than by room).

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

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

**bed and breakfast accommodation** means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where:

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

**Note.** See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation.

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

**bee keeping** means a building or place used for the keeping and breeding of bees for commercial purposes.

**Note.** Bee keeping is a type of **extensive agriculture**—see the definition of that term in this Dictionary.

**biodiversity** means biological diversity.

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

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

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

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

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

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

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**boarding house** means a building that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) a building wall, or

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- (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 the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:

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

and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

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

**bush fire hazard reduction work** has the same meaning as in the *Rural Fires Act 1997*.

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

**bush fire hazard reduction work** means:

- (a) the establishment or maintenance of fire breaks on land, and
- (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,

but does not include construction of a track, trail or road.

**bush fire prone land** has the same meaning as in the Act.

**Note.** The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 146 (2) of the Act.

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

**business identification sign** means a sign:

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

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

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

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**business premises** means a building or place at or on which:

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

and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

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

**camping ground** means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

**canal estate development** means development that incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are constructed by or with the authority of a person or body responsible for those functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and that either:

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

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

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

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

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

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

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

**cemetery** means a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.

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

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

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

but does not include:

- (c) a building or place used for home-based child care, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the Children's Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
- (h) a service that is concerned primarily with the provision of:
  - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
  - (ii) private tutoring, or
- (i) a school, or
- (j) a service provided at exempt premises (within the meaning of Chapter 12 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

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

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

**classified road** means any of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**coastal zone** means:

- (a) the area within the coastal waters of the State as defined in Part 10 of the *Interpretation Act 1987* (including any land within those waters), and
- (b) the area of land and the waters that lie between the western boundary of the coastal zone (as shown on the maps outlining the coastal zone) and the landward boundary of the coastal waters of the State, and



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- (c) the seabed (if any) and the subsoil beneath, and the airspace above, the areas referred to in paragraphs (a) and (b).

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

**commercial premises** means any of the following:

- (a) business premises,
- (b) office premises,
- (c) retail premises.

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

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

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

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

**correctional centre** means:

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

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

**Council** means the Mosman Municipal Council.

**crematorium** means a building in which deceased persons or pets are cremated, whether or not it contains an associated building for conducting memorial services.

**Crown reserve** means:

- (a) a reserve within the meaning of Part 5 of the *Crown Lands Act 1989*, or
- (b) a common within the meaning of the *Commons Management Act 1989*, or
- (c) lands within the meaning of the *Trustees of Schools of Arts Enabling Act 1902*,

but does not include land that forms any part of a reserve under Part 5 of the *Crown Lands Act 1989* provided for accommodation.

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

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**dairy (pasture-based)** means a dairy that is conducted on a commercial basis where the only restriction facilities present are milking sheds and holding yards and where cattle are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

**Note.** Dairies (pasture-based) are a type of **extensive agriculture**—see the definition of that term in this Dictionary.

**dairy (restricted)** means a dairy that is conducted on a commercial basis where restriction facilities (in addition to milking sheds and holding yards) are present and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief). It may comprise the whole or part of a restriction facility.

**Note.** Dairies (restricted) are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

**demolish**, in relation to a heritage item or an Aboriginal object, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item, Aboriginal object or building, work, relic or tree.

**depot** means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.

**drainage** means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

**dual occupancy** means a dual occupancy (attached) or a dual occupancy (detached).

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

**dual occupancy (attached)** means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

**Note.** Dual occupancies (attached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

**dual occupancy (detached)** means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

**Note.** Dual occupancies (detached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

**dwelling** means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

**dwelling house** means a building containing only one dwelling.

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

**earthworks** means excavation or filling.

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

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

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

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

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

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

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

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

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

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

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

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

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

***environmental facility*** means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating,

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shelters, board walks, observation decks, bird hides or the like, and associated display structures.

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

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

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

**estuary** means:

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

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

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

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

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

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

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock for commercial purposes,
- (c) bee keeping,
- (d) a dairy (pasture-based).

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

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

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

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

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

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

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

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

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

**Note.** Feedlots are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

**fill** means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include:

- (a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or
- (b) the use of land as a waste disposal facility.

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

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

**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

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- (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 Mosman Local Environmental Plan 2012 Floor Space Ratio Map.

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

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

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

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

**foreshore building line** means the foreshore building line, as marked on the Foreshore Building Line Map.

**Foreshore Building Line Map** means the Mosman Local Environmental Plan 2012 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

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- (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 home** means premises that are used to arrange, conduct and cater for funerals and memorial services, whether or not the premises include facilities for the short-term storage, dressing and viewing of bodies of deceased persons.

**Note.** Funeral homes are a type of **business premises**—see the definition of that term in this Dictionary.

**garden centre** means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may, if ancillary to the principal purpose for which the building or place is used, include a restaurant or cafe and the sale of any the following:

- (a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,
- (b) pets and pet supplies,
- (c) fresh produce.

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

**general industry** means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

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

**gross floor area** means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

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

but excludes:

- (d) any area for common vertical circulation, such as lifts and stairs, and

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- (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 permanent group home or a transitional group home.

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

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

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

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

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

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

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



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formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**health services facility** means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration

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to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:

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

**heavy industrial storage establishment** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and that requires separation from other development because of the nature of the processes involved, or the goods, materials, plant or machinery stored, and includes any of the following:

- (a) a hazardous storage establishment,
- (b) a liquid fuel depot,
- (c) an offensive storage establishment.

**heavy industry** means a building or place used to carry out an industrial activity that requires separation from other development because of the nature of the processes involved, or the materials used, stored or produced, and includes:

- (a) hazardous industry, or
- (b) offensive industry.

It may also involve the use of a hazardous storage establishment or offensive storage establishment.

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

**Height of Buildings Map** means the Mosman Local Environmental Plan 2012 Height of Buildings Map.

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

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

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

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

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

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

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

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

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

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

***heritage item*** means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

**Note.** An inventory of heritage items is also available at the office of the Council.

***heritage management document*** means:

- (a) a heritage conservation management plan, or
- (b) a heritage impact statement, or
- (c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

***Heritage Map*** means the Mosman Local Environmental Plan 2012 Heritage Map.

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

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

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

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- (h) any other goods, systems or components intended for use in a science or technology related field,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**industrial retail outlet** means a building or place that:

- (a) is used in conjunction with an industry or rural industry, and
- (b) is situated on the land on which the industry or rural industry is located, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located,

but does not include a warehouse or distribution centre.

**Note.** See clause 5.4 for controls relating to the retail floor area of an industrial retail outlet.

**industrial training facility** means a building or place used in connection with vocational training in an activity (such as forklift or truck driving, welding or carpentry) that is associated with an industry, rural industry, extractive industry or mining, but does not include an educational establishment, business premises or retail premises.

**industry** means any of the following:

- (a) general industry,
- (b) heavy industry,
- (c) light industry,

but does not include:

- (d) rural industry, or
- (e) extractive industry, or
- (f) mining.

**information and education facility** means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

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***intensive livestock agriculture*** means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses or other livestock that are fed wholly or substantially on externally-sourced feed, and includes any of the following:

- (a) dairies (restricted),
- (b) feedlots,
- (c) piggeries,
- (d) poultry farms,

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

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

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

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

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

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

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

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

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

***Land Application Map*** means the Mosman Local Environmental Plan 2012 Land Application Map.

***Land Reservation Acquisition Map*** means the Mosman Local Environmental Plan 2012 Land Reservation Acquisition Map.

***Land Zoning Map*** means the Mosman Local Environmental Plan 2012 Land Zoning Map.

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

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

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



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

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

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

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

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

**livestock processing industry** means a building or place used for the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals, derived principally from surrounding districts, and includes abattoirs, knackeries, tanneries, woolscours and rendering plants.

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

**Lot Size Map** means the Mosman Local Environmental Plan 2012 Lot Size Map.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**moveable dwelling** means:

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

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

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

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

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

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

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

**Meaning of “native vegetation”**

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

**Natural Resources Watercourse Map** means the Mosman Local Environmental Plan 2012 Natural Resources Watercourse Map.

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

**neighbourhood shop** means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.

**Note.** See clause 5.4 for controls relating to the retail floor area of neighbourhood shops.

Neighbourhood shops are a type of **shop**—see the definition of that term in this Dictionary.

**nominated State heritage item** means a heritage item that:

- (a) has been identified as an item of State significance in a publicly exhibited heritage study adopted by the Council, and

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- (b) the Council has, by notice in writing to the Heritage Council, nominated as an item of potential State significance.

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

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

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

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

**offensive storage establishment** means a building or place that is used for the storage of goods, materials or products and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

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

**office premises** means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

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

**open cut mining** means mining carried out on, and by excavating, the earth's surface, but does not include underground mining.

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

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

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

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

**plant nursery** means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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- (l) seniors housing,
- (m) shop top housing,

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

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

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

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

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

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

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

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

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

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

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

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

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

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



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

- (a) bulky goods premises,
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (m) timber yards,
- (n) vehicle sales or hire premises,

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

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

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

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

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

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

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

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

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- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

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

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

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

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

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

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

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

**Scenic Protection Map** means the Mosman Local Environmental Plan 2012 Scenic Protection Map.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

but does not include a hospital.

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

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

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

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

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

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

- (a) pipelines and tunnels, and

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

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

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

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

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

- (a) biosolids treatment facility,
- (b) sewage reticulation system,
- (c) sewage treatment plant,
- (d) water recycling facility,
- (e) a building or place or place that is a combination of any of the things referred to in paragraphs (a)–(d).

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

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

**shop** means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises.

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

**shop top housing** means one or more dwellings located above ground floor retail premises or business premises.

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

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

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign or traffic control facilities.

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**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 that is used on a commercial basis for the purpose of offering livestock or poultry for sale and that may be used for the short-term storage and watering of stock.

**Note.** Stock and sale yards are a type of *rural industry*—see the definition of that term in this Dictionary.

**storage premises** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment or a warehouse or distribution centre.

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

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

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

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

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

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

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

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

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

**telecommunications facility** means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing used in or in connection with a telecommunications network.

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

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

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

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

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

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

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

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

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

but does not include:

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

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

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

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

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

**underground mining** means:

- (a) mining carried out beneath the earth's surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and
- (b) shafts, drill holes, gas and water drainage works, surface rehabilitation works and access pits associated with that mining (whether carried out on or beneath the earth's surface),

but does not include open cut mining.

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

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

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

**Note.** Vehicle sales or hire premises are a type of **retail premises**—see the definition of that term in this Dictionary.

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

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

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

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

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

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

**waste or resource management facility** means any of the following:

- (a) a resource recovery facility,
- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

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

**Note.** Waste or resource transfer stations are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

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

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

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

**Note.** Water recycling facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

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

**Note.** Water reticulation systems are a type of **water supply system**—see the definition of that term in this Dictionary.

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

**Note.** Water storage facilities are a type of **water supply system**—see the definition of that term in this Dictionary.



**water supply system** means any of the following:

- (a) a water reticulation system,
- (b) a water storage facility,
- (c) a water treatment facility,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

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

**Note.** Water treatment facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

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

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

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

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

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

**wetland** means:

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

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

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

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