



New South Wales

Canterbury-Bankstown Local Environmental Plan 2023

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Public Spaces, under the *Environmental Planning and Assessment Act 1979*, section 3.20, 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.

AMANDA HARVEY

As delegate for the Minister for Planning and Public Spaces

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Canterbury-Bankstown Local Environmental Plan 2023

under the

Environmental Planning and Assessment Act 1979

Part 1 Preliminary

1.1 Name of Plan

This Plan is *Canterbury-Bankstown Local Environmental Plan 2023*.

1.1AA Commencement

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

1.2 Aims of Plan

- (1) This Plan aims to make local environmental planning provisions for land in Canterbury-Bankstown in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.
- (2) The particular aims of this Plan are as follows—
 - (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
 - (a) to manage growth in a way that contributes to the sustainability of Canterbury-Bankstown,
 - (b) to protect landforms and enhance vegetation, especially foreshores and bushland, in a way that maintains the biodiversity values and landscape amenity of Canterbury-Bankstown,
 - (c) to identify, conserve and protect the Aboriginal, natural, cultural and built heritage of Canterbury-Bankstown,
 - (d) to provide development opportunities that are compatible with the desired future character and amenity of Canterbury-Bankstown,
 - (e) to restrict development on land that is sensitive to urban and natural hazards,
 - (f) to provide a range of residential accommodation to meet the changing needs of the population,
 - (g) to provide a range of business and industrial opportunities to encourage local employment and economic growth and retain industrial areas,
 - (h) to create vibrant town centres by focusing employment and residential uses around existing centres and public transport,
 - (i) to provide a range of recreational and community service opportunities and open spaces to meet the needs of residents of and visitors to Canterbury-Bankstown,
 - (j) to achieve good urban design in terms of site layouts, building form, streetscape, architectural roof features and public and private safety,

- (k) to ensure activities that may generate intensive car usage and traffic are located near public transport that runs frequently to reduce dependence on cars and road traffic,
- (l) to consider the cumulative impact of development on the health of the natural environment and waterways and on the capacity of infrastructure and the road network,
- (m) to support healthy living and enhance the quality of life and the social well-being and amenity of the community,
- (n) to ensure development is accompanied by appropriate infrastructure,
- (o) to promote ecologically sustainable development.

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 local plan-making authority 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 local plan-making authority when the instruments are made.
- (1AA) (Repealed)
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.
Note— The maps adopted by this Plan are to be made available on the NSW Planning Portal. 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 Environment.

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—
Bankstown Local Environmental Plan 2015
Canterbury Local Environmental Plan 2012

- (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 the Act, Division 3.5, 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 3.28 of the Act.
- (2) [Not applicable]

1.9A Suspension of covenants, agreements and instruments

- (1) For the purpose of enabling development on land in a zone to be carried out in accordance with this plan or with a consent granted under the Act, an agreement, covenant or other similar instrument that restricts the carrying out of the development does not apply to the extent necessary to serve the purpose.
- (2) This clause does not apply—
 - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
 - (b) to biodiversity certification conferred under the *Biodiversity Conservation Act 2016*, Part 8, or
 - (c) to a private land conservation agreement within the meaning of the *Biodiversity Conservation Act 2016*, or
 - (d) to a relevant instrument within the meaning of the *Crown Land Management Act 2016*, section 13.4, or
 - (e) to the relevant provisions of a land management (native vegetation) code, and the necessary mandatory code compliant certificate, in relation to a set aside area under the *Local Land Services Act 2013*, Part 5A, or
 - (f) to a conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
 - (g) to a property vegetation plan within the meaning of the *Native Vegetation Act 2003* that is continued in force by the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*, or
 - (h) to a Trust agreement within the meaning of the *Nature Conservation Trust Act 2001* that is continued in force by the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*, or
 - (i) to a planning agreement within the meaning of the Act, Division 7.1.
- (3) This clause does not affect the rights or interests of a public authority under a registered instrument.

- (4) Under the Act, section 3.16, the Governor, before the making of this clause, approved of subclauses (1)–(3).

Part 2 Permitted or prohibited development

2.1 Land use zones

The land use zones under this Plan are as follows—

Rural Zones

RU4 Primary Production Small Lots

Residential Zones

R2 Low Density Residential

R3 Medium Density Residential

R4 High Density Residential

Business Zones

B1 Neighbourhood Centre

B2 Local Centre

B4 Mixed Use

B5 Business Development

B6 Enterprise Corridor

B7 Business Park

Industrial Zones

IN1 General Industrial

IN2 Light Industrial

Special Purpose Zones

SP1 Special Activities

SP2 Infrastructure

Recreation Zones

RE1 Public Recreation

RE2 Private Recreation

Conservation Zones

C1 National Parks and Nature Reserves

Waterway Zones

W1 Natural Waterways

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.
- 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) In deciding whether to grant 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.

2.6 Subdivision—consent requirements

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

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) 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.

Note— The definition of **secondary dwelling** in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.

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

2.9 Canal estate development prohibited

- (1) Canal estate development is prohibited on land to which this Plan applies.
- (2) In this Plan, **canal estate development** means development that involves—
 - (a) a constructed canal, or other waterway or waterbody, that—
 - (i) is inundated by surface water or groundwater movement, or
 - (ii) drains to a waterway or waterbody by surface water or groundwater movement, and
 - (b) the erection of a dwelling, and
 - (c) one or both of the following—
 - (i) the use of fill material to raise the level of all or part of the land on which the dwelling will be erected to comply with requirements for residential development in the flood planning area,
 - (ii) excavation to create a waterway.

- (3) Canal estate development does not include development for the purposes of drainage or the supply or treatment of water if the development is—
 - (a) carried out by or with the authority of a person or body responsible for the drainage, supply or treatment, and
 - (b) limited to the minimum reasonable size and capacity.
- (4) In this clause—

flood planning area has the same meaning as in clause 5.21.

Land Use Table

Note— State environmental planning policies, including the following, may be relevant to development on land to which this Plan applies—

State Environmental Planning Policy (Housing) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 2—relating to infrastructure facilities, including 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 (Resources and Energy) 2021, Chapter 2

State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 3

State Environmental Planning Policy (Industry and Employment) 2021, Chapter 3

State Environmental Planning Policy (Primary Production) 2021, Chapter 2

Zone RU4 Primary Production Small Lots

1 Objectives of zone

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

2 Permitted without consent

Home occupations

3 Permitted with consent

Animal boarding or training establishments; Aquaculture; Building identification signs; Business identification signs; Dwelling houses; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Flood mitigation works; Home businesses; Intensive plant agriculture; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads; Roadside stalls

4 Prohibited

Any development not specified in item 2 or 3

Zone R2 Low Density Residential

1 Objectives of zone

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

- To allow for certain non-residential uses that are compatible with residential uses and do not adversely affect the living environment or amenity of the area.
- To ensure suitable landscaping in the low density residential environment.
- To minimise and manage traffic and parking impacts.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To promote a high standard of urban design and local amenity.

2 Permitted without consent

Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Early education and care facilities; Environmental facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Tank-based aquaculture

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 allow for certain non-residential uses that are compatible with residential uses and do not adversely affect the living environment or amenity of the area.
- To allow for development that provides a suitable visual transition between high density residential areas and low density residential areas.
- To ensure suitable landscaping in the medium density residential environment.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To allow for increased residential density in accessible locations to maximise public transport patronage and encourage walking and cycling.
- To promote a high standard of urban design and local amenity.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Car parks; Centre-based child care

facilities; Community facilities; Dwelling houses; Early education and care facilities; Environmental facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Home businesses; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Seniors housing; Tank-based aquaculture

4 Prohibited

Any development not specified in item 2 or 3

Zone R4 High Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To allow for increased residential density in accessible locations to maximise public transport patronage and encourage walking and cycling.
- To promote a high standard of urban design and local amenity.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Dwelling houses; Early education and care facilities; Environmental facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Home businesses; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Serviced apartments; Shop top housing

4 Prohibited

Any development not specified in item 2 or 3

Zone B1 Neighbourhood Centre

1 Objectives of zone

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To provide for certain residential uses that are compatible with the mix of uses in neighbourhood centres.
- To promote a high standard of urban design and local amenity.

2 Permitted without consent

Home occupations

3 Permitted with consent

Boarding houses; Building identification signs; Business identification signs; Business premises; Car parks; Centre-based child care facilities; Community facilities; Early education and care facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Home businesses; Information and education facilities; Kiosks; Markets; Medical centres; Mortuaries; Neighbourhood shops; Neighbourhood supermarkets; Office premises; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Respite day care centres; Roads; Service stations; Shops; Shop top housing; Specialised retail premises; Tank-based aquaculture; Veterinary hospitals

4 Prohibited

Pond-based aquaculture; 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 provide for certain residential uses that are compatible with the mix of uses in local centres.
- To promote a high standard of urban design and local amenity.

2 Permitted without consent

Home occupations

3 Permitted with consent

Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Local distribution premises; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Recreation facilities

(outdoor); Research stations; Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

Zone B4 Mixed Use

1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To reinforce the role of the Bankstown CBD as a strategic centre.
- To promote a high standard of urban design and local amenity.

2 Permitted without consent

Home occupations

3 Permitted with consent

Artisan food and drink industries; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Pond-based aquaculture; Port facilities; Residential accommodation; Rural industries; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

Zone B5 Business Development

1 Objectives of zone

- To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To promote a high standard of urban design and local amenity.

2 Permitted without consent

Home occupations

3 Permitted with consent

Building identification signs; Business identification signs; Business premises; Centre-based child care facilities; Food and drink premises; Garden centres; Hardware and building supplies; Kiosks; Landscaping material supplies; Markets; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Plant nurseries; Respite day care centres; Roads; Specialised retail premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Community facilities; Correctional centres; Crematoria; Depots; Early education and care facilities; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Places of public worship; Pond-based aquaculture; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Sewerage systems; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

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 support urban renewal and a pattern of land use and density that reflects the existing and future capacity of the transport network.
- To promote a high standard of urban design and local amenity.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Business premises; Community facilities; Food and drink premises; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Kiosks; Landscaping material supplies; Light industries; Markets; Neighbourhood shops; Neighbourhood supermarkets; Office premises; Oyster aquaculture; Passenger transport facilities;

Plant nurseries; Respite day care centres; Roads; Serviced apartments; Specialised retail premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home businesses; Home occupations; Home occupations (sex services); Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Residential accommodation; Restricted premises; Rural industries; Sewerage systems; Sex service premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

Zone B7 Business Park

1 Objectives of zone

- To provide a range of office and light industrial uses.
- To encourage employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To promote a high standard of urban design and local amenity.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Centre-based child care facilities; Garden centres; Hardware and building supplies; Light industries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Respite day care centres; Restaurants or cafes; Roads; Take away food and drink premises; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Community facilities; Correctional centres; Crematoria; Depots; Early education and care facilities; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home businesses; Home occupations; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education

facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Places of public worship; Pond-based aquaculture; Port facilities; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Restricted premises; Rural industries; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

Zone IN1 General Industrial

1 Objectives of zone

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To promote a high standard of urban design and local amenity.

2 Permitted without consent

Nil

3 Permitted with consent

Agricultural produce industries; Building identification signs; Business identification signs; Depots; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Industrial training facilities; Light industries; Neighbourhood shops; Oyster aquaculture; Places of public worship; Restaurants or cafes; Roads; Take away food and drink premises; Tank-based aquaculture; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Community facilities; Correctional centres; Early education and care facilities; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home businesses; Home occupations; Home occupations (sex services); Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Passenger transport facilities; Pond-based aquaculture; Port facilities; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Sewerage systems; Sex services premises; Signage; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

Zone IN2 Light Industrial

1 Objectives of zone

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.
- To promote a high standard of urban design and local amenity.

2 Permitted without consent

Nil

3 Permitted with consent

Agricultural produce industries; Building identification signs; Business identification signs; Depots; Garden centres; Hardware and building supplies; Industrial training facilities; Landscaping material supplies; Light industries; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Resource recovery facilities; Restaurants or cafes; Roads; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Community facilities; Correctional centres; Crematoria; Early education and care facilities; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home businesses; Home occupations; Home occupations (sex services); Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Passenger transport facilities; Pond-based aquaculture; Port facilities; Public administration buildings; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Sewerage systems; Sex services premises; Signage; Tourist and visitor accommodation; Transport depots; Truck depots; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

Zone SP1 Special Activities

1 Objectives of zone

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

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

2 Permitted without consent

Nil

3 Permitted with consent

Aquaculture; 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

Aquaculture; Roads; 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 RE1 Public Recreation

1 Objectives of zone

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

2 Permitted without consent

Nil

3 Permitted with consent

Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Charter and tourism boating facilities; Community facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Jetties; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities

(outdoor); Respite day care centres; Restaurants or cafes; Roads; Take away food and drink premises; Water recreation structures; Wharf or boating facilities

4 Prohibited

Any development not specified in item 2 or 3

Zone RE2 Private Recreation

1 Objectives of zone

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

2 Permitted without consent

Nil

3 Permitted with consent

Aquaculture; Building identification signs; Business identification signs; Car parks; Community facilities; Early education and care facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restaurants or cafes; Roads

4 Prohibited

Any development not specified in item 2 or 3

Zone C1 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 W1 Natural Waterways

1 Objectives of zone

- To protect the ecological and scenic values of natural waterways.

- To prevent development that would have an adverse effect on the natural values of waterways in this zone.
- To provide for sustainable fishing industries and recreational fishing.

2 Permitted without consent

Nil

3 Permitted with consent

Aquaculture; Boat launching ramps; Boat sheds; Charter and tourism boating facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Jetties; Mooring pens; Moorings; Water recreation structures; Wharf or boating facilities

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Local distribution premises; 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

Part 3 Exempt and complying development

3.1 Exempt development

- (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*.
 - (e) (Repealed)
- (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, pruning or other clearing of vegetation that requires a permit, development consent or other approval unless it is undertaken in accordance with a permit, development consent or other approval.

Note— See *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 2 and the *Local Land Services Act 2013*, Part 5A.
- (6) A heading to an item in Schedule 2 is part of that Schedule.

3.2 Complying development

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

Note— See also clause 5.8(3) which provides that the conversion of fire alarms is complying development in certain circumstances.
- (3) To be complying development, the development must—
 - (a) be permissible, with 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 within the coastal wetlands and littoral rainforests area (within the meaning of the *Coastal Management Act 2016*),
 - (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 Land Management Act 2016* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
 - (j) land that is a declared area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016* or declared critical habitat under Part 7A of the *Fisheries Management Act 1994*.

Part 4 Principal development standards

4.1 Minimum subdivision lot size

- (1) The objectives of this clause are as follows—
 - (a) to ensure lots are large enough to accommodate proposed dwellings, setbacks to adjoining land, private open space and landscaped areas, driveways and vehicle manoeuvring areas,
 - (b) to ensure the subdivision of low density residential zoned land reflects and reinforces the predominant subdivision pattern of the area,
 - (c) to ensure lots can be used for buildings that are safe from flooding, bush fire risk and other hazards,
 - (d) to ensure lots are large enough to protect special attributes, including natural or cultural features, heritage items, heritage conservation areas, trees and natural topographical features,
 - (e) to ensure all lots are provided with adequate and safe access,
 - (f) to minimise the likely adverse impact of subdivision and development on the amenity of the area,
 - (g) to prevent fragmentation or isolation of land.
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (3A) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size for the purposes of subclause (3).
- (3B) Despite subclause (3), development consent must not be granted to—
 - (a) subdivision of land in Zone IN1 unless each resulting lot is at least 24m wide at the front building line, or
 - (b) subdivision of land in Zone IN2 unless each resulting lot is at least 20m wide at the front building line, or
 - (c) subdivision of land identified as “Area 1” on the Lot Size Map unless—
 - (i) the total number of resulting lots does not exceed 181 lots, and
 - (ii) the size of each resulting lot is at least 200m².
- (4) This clause does not apply in relation to the subdivision of any land—
 - (a) by the registration of a strata plan or strata plan of subdivision under the *Strata Schemes Development Act 2015*, or
 - (b) by any kind of subdivision under the *Community Land Development Act 2021*.

4.1AA Minimum subdivision lot size for community title schemes

- (1) The objectives of this clause are as follows—
 - (a) to ensure lots are large enough to accommodate proposed dwellings, setbacks to adjoining land, private open space and landscaped areas, driveways and vehicle manoeuvring areas,
 - (b) to ensure lots can be used for buildings that are safe from flooding, bush fire risk and other hazards,

- (c) to ensure lots are large enough to protect special attributes, including natural or cultural features, heritage items, heritage conservation areas, trees and natural topographical features,
 - (d) to ensure all lots are provided with adequate and safe access,
 - (e) to minimise the likely adverse impact of subdivision and development on the amenity of the area,
 - (f) to prevent fragmentation or isolation of land.
- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the *Community Land Development Act 2021* of land in any of the following zones—
- (a) Zone R2 Low Density Residential,
but does not apply to a subdivision by the registration of a strata plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the *Community Land Development Act 2021*) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) This clause applies despite clause 4.1.

4.1A Minimum lot sizes and special provisions for dual occupancies

- (1) The objectives of this clause are as follows—
- (a) to ensure lots are large enough to accommodate proposed dwellings, setbacks to adjoining land, private open space and landscaped areas, driveways and vehicle manoeuvring areas,
 - (b) to ensure lots are large enough to protect special attributes, including natural or cultural features, heritage items, heritage conservation areas, trees and natural topographical features,
 - (c) to minimise the likely adverse impact of development on the amenity of the area.
- (2) Development consent must not be granted to development for the purposes of dual occupancies on a lot in Zone R2 in Area 1 unless—
- (a) the lot is at least—
 - (i) for dual occupancies (attached)—500m², and
 - (ii) for dual occupancies (detached)—700m², and
 - (b) the width of the lot at the front building line is at least—
 - (i) for dual occupancies (attached)—15m, and
 - (ii) for dual occupancies (detached)—20m, and
 - (c) each dwelling will have a frontage to a road.
- (3) Development consent must not be granted to the subdivision of a dual occupancy in Zone R2 in Area 1 unless each resulting lot will be at least—
- (a) for dual occupancies (attached)—250m², and
 - (b) for dual occupancies (detached)—350m².
- (4) Development consent must not be granted to development for the purposes of dual occupancies on a lot in Area 2 unless—
- (a) the lot is at least 600m², and
 - (b) the width of the lot at the front building line is at least 15m, and
 - (c) each dwelling will have a frontage to a road.

- (5) Development consent must not be granted to the subdivision of a dual occupancy on a lot in Area 2 unless—
- (a) each resulting lot will be at least 300m², and
 - (b) there will be 1 dwelling on each lot created.

4.1B Minimum lot sizes and special provisions for certain dwellings

- (1) The objectives of this clause are as follows—
- (a) to ensure lots for residential accommodation are large enough to accommodate proposed dwellings, setbacks to adjoining residential land, private open space and landscaped areas, driveways and vehicle manoeuvring areas,
 - (b) to ensure lots for non-residential accommodation are large enough to accommodate setbacks to adjoining land, private open space and landscaped areas, play areas, pedestrian access, set down and pick up areas, car parks, driveways and vehicle manoeuvring areas,
 - (c) to minimise the likely adverse impact of development on the amenity of the area,
 - (d) to require the consolidation of 2 or more lots where the area or width of an existing lot is inadequate,
 - (e) to ensure lots are large enough to protect special attributes, including natural or cultural features, heritage items, heritage conservation areas, trees and natural topographical features,
 - (f) to prevent fragmentation or isolation of land.
- (2) Development consent must not be granted to development on land specified in Column 1 of the table to this subclause for a purpose specified in Column 2 unless—
- (a) the lot is at least the size specified in Column 3, and
 - (b) the width of the lot at the front building line is at least the width specified in Column 4.

Column 1	Column 2	Column 3	Column 4
Area 1	Attached dwellings	750m ²	20m
Zone R3 or R4	Boarding houses	1,000m ²	20m
Zone R2 in Area 1	Centre-based child care facilities	—	20m
Zone R3 or R4 in Area 1	Multi dwelling housing	1,000m ²	20m
Zone R2, R3 or R4 in Area 1	Places of public worship	800m ²	20m
Zone R4 in Area 1	Residential flat buildings	1,500m ²	30m
Zone R4 in “Area 4” on the Special Provisions Map	Residential flat buildings	1,700m ²	40m
Zone R4 in Area 1	Serviced apartments	1,500m ²	30m
Zone B6 in Area 1	Serviced apartments	5,000m ²	—
Zone R4 in Area 1	Shop top housing	1,500m ²	30m

4.1C Minimum lot sizes for dwelling houses on battle-axe lots in certain residential zones

- (1) The objective of this clause is to achieve planned residential density.
- (2) This clause applies to land in Zone R2, R3 or R4 in Area 2.

- (3) If a lot is a battle-axe lot or other lot with an access handle, development consent must not be granted to development for the purposes of dwelling houses on the lot unless the lot is at least 600m².

4.2 Rural subdivision

- (1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.
- (2) This clause applies to the following rural zones—
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (baa) Zone RU3 Forestry,
 - (c) Zone RU4 Primary Production Small Lots,
 - (d) Zone RU6 Transition.
- (3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.
- (5) A dwelling cannot be erected on such a lot.
Note— A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).

4.3 Height of buildings

- (1) The objectives of this clause are as follows—
 - (a) to establish the height of development consistent with the character, amenity and landform of the area in which the development will be located,
 - (b) to maintain the prevailing suburban character and amenity by limiting the height of development to a maximum of 2 storeys in Zone R2,
 - (c) to provide appropriate height transitions between development, particularly at zone boundaries,
 - (d) to minimise overshadowing to existing buildings and open space,
 - (e) to minimise the visual impact of development on heritage items and heritage conservation areas,
 - (f) to support building design that contributes positively to the streetscape and visual amenity of an area.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.
- (2A) Despite subclause (2), the following maximum building heights apply—
 - (a) 6m for a secondary dwelling that is not attached to the principal dwelling in Zone R2 in Area 1,
 - (b) 8.5m for a dwelling house in Zone R4 in Area 2,
 - (c) 11m for a building on a lot that is less than 5,000m² on land identified as “Area 1” on the Height of Buildings Map that is in Zone B6,
- (2B) The maximum wall height for a secondary dwelling that is not attached to the principal dwelling in Zone R2 in Area 1 is 3m.

- (2C) The maximum wall height for a dwelling house or dual occupancy in Zone R2 in Area 1 is 7m.
- (2D) In this clause—
wall height means the vertical distance between the ground level (existing) and the higher of—
- (a) the underside of the eaves at the wall line, or
 - (b) the top of the parapet or the flat roof.

4.4 Floor space ratio

- (1) The objectives of this clause are as follows—
- (a) to establish the bulk and maximum density of development consistent with the character, amenity and capacity of the area in which the development will be located,
 - (b) to ensure the bulk of non-residential development in or adjoining a residential zone is compatible with the prevailing suburban character and amenity of the residential zone,
 - (c) to encourage lot consolidations in commercial centres to facilitate higher quality built form and urban design outcomes,
 - (d) to establish the maximum floor space available for development, taking into account the availability of infrastructure and the generation of vehicular and pedestrian traffic,
 - (e) to provide a suitable balance between landscaping and built form in residential areas.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.
- (2A) Despite subclause (2), the maximum floor space ratio for a building on land specified in Column 1 of the table to this subclause with a lot width at the front building line less than the width specified in Column 2 is the floor space ratio specified in Column 3.

Column 1	Column 2	Column 3
“Area 1” on the Floor Space Ratio Map	18m	2:1
“Area 2” on the Floor Space Ratio Map	18m	1:1
“Area 3” on the Floor Space Ratio Map	30m	2:1
“Area 4” on the Floor Space Ratio Map	30m	1:1

- (2B) Despite subclause (2), the following maximum floor space ratios apply—
- (a) for a building used for non-residential purposes—
 - (i) on land in Zone R2 in Area 1—0.4:1, and
 - (ii) on land in Zone R2 or R3 in Area 2—0.5:1, and
 - (iii) on land in Zone R4 in Area 2—0.75:1,
 - (b) for a building used for the purposes of dwelling houses or semi-attached dwellings on land in Area 2—
 - (i) for a site area less than 200m²—0.65:1, and
 - (ii) for a site area greater than 200m² but less than 600m²—0.55:1, and
 - (iii) for a site area of 600m² or more—0.5:1,

- (c) for a building used for the purposes of dual occupancies on land in Zone R2 in Area 2—0.5:1,
- (d) for a building on land identified as “Area 5” on the Floor Space Ratio Map, where mid-block connections of at least 20m wide are not provided for public use—2:1.

4.5 Calculation of floor space ratio and site area

(1) Objectives

The objectives of this clause are as follows—

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

(2) Definition of “floor space ratio”

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

(3) Site area

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

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

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

(4) Exclusions from site area

The following land must be excluded from the site area—

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

(5) Strata subdivisions

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

(6) Only significant development to be included

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

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

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

(8) **Existing buildings**

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

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

When 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.

(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 Planning Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Planning Secretary 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 Planning Secretary 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 C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—
 - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant’s written request referred to in subclause (3).
- (8) This clause does not allow 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,
 - (ba) clause 4.4, to the extent that it applies to land in Zone B4 that has a maximum floor space ratio of 3:1,
 - (c) clause 5.4,
 - (caa) clause 5.5,
 - (ca) clause 6.27.

Part 5 Miscellaneous provisions

5.1 Relevant acquisition authority

- (1) The objective of this clause is to identify, for the purposes of section 3.15 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 2.5 of the Act
Zone SP2 Infrastructure and marked “Classified road”	Transport for NSW
Zone SP2 Infrastructure and marked “Local road”	Council
Zone C1 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.

5.1A Development on land intended to be acquired for public purposes

- (1) The objective of this clause is to limit development on certain land intended to be acquired for a public purpose.
- (2) This clause applies to land shown on the Land Reservation Acquisition Map and specified in Column 1 of the table to this clause and that has not been acquired by the relevant authority of the State specified for the land in clause 5.1.
- (3) Development consent must not be granted to development on land to which this clause applies other than development for a purpose specified opposite the land in Column 2.

Column 1	Column 2
Land	Development
Zone SP2 Infrastructure and marked “Classified road”	Roads

Column 1	Column 2
Land	Development
Zone SP2 Infrastructure and marked “Local road”	Roads
Zone SP2 Infrastructure and marked “Public car park”	Car parks
Zone RE1 Public Recreation and marked “Local open space”	Recreation areas
Zone RE1 Public Recreation and marked “Regional open space”	Recreation areas
Zone C1 National Parks and Nature Reserves and marked “National Park”	Roads

5.2 Classification and reclassification of public land

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

Note— Under the *Local Government Act 1993*, “public land” is generally land vested in or under the control of a council (other than roads and certain Crown land). 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—
- does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
 - 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—
- those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
 - any reservations that except land out of the Crown grant relating to the land, and
 - reservations of minerals (within the meaning of the *Crown Land Management Act 2016*).

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

5.3 Development near zone boundaries

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary

- would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 5 metres.
 - (3) This clause does not apply to—
 - (a) land in Zone RE1 Public Recreation, Zone C1 National Parks and Nature Reserves, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone W1 Natural Waterways, or
 - (aa) land in Zone IN1 General Industrial or Zone IN2 Light Industrial, or
 - (b) land within the coastal zone, or
 - (c) land proposed to be developed for the purpose of sex services or restricted premises.
 - (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—
 - (a) the development is not inconsistent with the objectives for development in both zones, and
 - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
 - (5) This clause does not prescribe a development standard that may be varied under this Plan.

5.4 Controls relating to miscellaneous permissible uses

(1) **Bed and breakfast accommodation**

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

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) 15% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
- (b) 100 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 in buildings.

(6) **Kiosks**

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

(7) **Neighbourhood shops**

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

(7AA) **Neighbourhood supermarkets**

If development for the purposes of a neighbourhood supermarket is permitted under this Plan, the gross floor area must not exceed 1,000 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 9 square metres.

(9) **Secondary dwellings on land other than land in a rural zone**

If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—

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

(10) **Artisan food and drink industry exclusion**

If development for the purposes of an artisan food and drink industry is permitted under this Plan in Zone E3 Productivity Support, Zone E4 General Industrial, Zone E5 Heavy Industrial, Zone W4 Working Waterfront or an industrial or rural zone, the floor area used for retail sales (not including any cafe or restaurant area) must not exceed—

- (a) 15% of the gross floor area of the industry, or
 - (b) 100 square metres,
- whichever is the lesser.

5.5 Controls relating to secondary dwellings on land in a rural zone

[Not adopted]

5.6 Architectural roof features

- (1) The objectives of this clause are as follows—
 - (a) to enable minor roof features to exceed the maximum height for a building,
 - (b) to provide opportunities for architectural roof features that form an integral part of a building's design and contribute to a high quality built form.
- (2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.

- (3) Development consent must not be granted to any such development unless the consent authority is satisfied that—
 - (a) the architectural roof feature—
 - (i) comprises a decorative element on the uppermost portion of a building, and
 - (ii) is not an advertising structure, and
 - (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
 - (iv) will cause minimal overshadowing, and
 - (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

5.7 Development below mean high water mark

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

5.8 Conversion of fire alarms

- (1) This clause applies to a fire alarm system that can be monitored by 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 Dwelling house or secondary dwelling affected by natural disaster

[Not adopted]

5.9AA (Repealed)

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 Canterbury-Bankstown,
- (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,
- (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 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 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 development consent, or that is exempt development, under *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2.
- (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]

5.14 Siding Spring Observatory—maintaining dark sky

[Not adopted]

5.15 Defence communications facility

[Not adopted]

5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones

[Not adopted]

5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations

[Not applicable]

5.18 Intensive livestock agriculture

[Not applicable]

5.19 Pond-based, tank-based and oyster aquaculture

(1) Objectives

The objectives of this clause are as follows—

- (a) to encourage sustainable oyster, pond-based and tank-based aquaculture in the State, namely, aquaculture development that uses, conserves and enhances the community's resources so that the total quality of life now and in the future can be preserved and enhanced,
- (b) to set out the minimum site location and operational requirements for permissible pond-based and tank-based aquaculture development.

(2) Pond-based or tank-based aquaculture—matters of which consent authority must be satisfied before granting consent

The consent authority must not grant development consent to carry out development for the purpose of pond-based aquaculture or tank-based aquaculture unless the consent authority is satisfied of the following—

- (a) that the development complies with the site location and operational requirements set out in Part 1 of Schedule 6 for the development,
- (b) in the case of—
 - (i) pond-based aquaculture in Zone RU5 Village, Zone RU6 Transition, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone E1 Local Centre, Zone E2 Commercial Centre, Zone E3 Productivity Support, Zone E4 General Industrial, Zone E5 Heavy Industrial or Zone MU1 Mixed Use—that the development is for the purpose of small scale aquarium fish production, and
 - (ii) pond-based aquaculture in Zone C3 Environmental Management or Zone C4 Environmental Living—that the development is for the purpose of extensive aquaculture, and
 - (iii) tank-based aquaculture in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone C3 Environmental Management or Zone C4 Environmental Living—that

- the development is for the purpose of small scale aquarium fish production, and
- (iv) pond-based aquaculture or tank-based aquaculture in Zone W1 Natural Waterways, Zone W2 Recreational Waterways or Zone W3 Working Waterways—that the development will use waterways to source water.
- (3) The requirements set out in Part 1 of Schedule 6 are minimum requirements and do not limit the matters a consent authority is required to take into consideration under the Act or the conditions that it may impose on any development consent.
- (4) **Extensive pond-based aquaculture permitted without consent in certain zones**
Development for the purpose of pond-based aquaculture, that is also extensive aquaculture, may be carried out without development consent if—
- (a) the development is carried out in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots or Zone RU6 Transition, and
- (b) the development complies with the site location requirements and operational requirements set out in Part 2 of Schedule 6.
- (5) **Oyster aquaculture—additional matters that consent authority must consider in determining a development application**
In determining a development application for development for the purpose of oyster aquaculture, the consent authority must consider—
- (a) any provisions of any aquaculture industry development plan that are relevant to the subject of the development application, and
- (b) the *NSW Oyster Industry Sustainable Aquaculture Strategy*.
- (6) **Oyster aquaculture permitted without consent in priority oyster aquaculture areas**
Development for the purpose of oyster aquaculture may be carried out without development consent—
- (a) on land that is wholly within a priority oyster aquaculture area, or
- (b) on land that is partly within and partly outside a priority oyster aquaculture area, but only if the land outside the area is no more than 0.1 hectare in area.
- (7) **Definitions**
In this clause—
aquaculture industry development plan means an aquaculture industry development plan published under Part 6 of the *Fisheries Management Act 1994*.
extensive aquaculture has the same meaning as in the *Fisheries Management (Aquaculture) Regulation 2017*.
NSW Oyster Industry Sustainable Aquaculture Strategy means the third edition of the publication of that title, as published in 2016 by the Department of Primary Industries (within the Department of Industry).
priority oyster aquaculture area means an area identified as a priority oyster aquaculture area on a map referred to in Chapter 5.3 of the *NSW Oyster Industry Sustainable Aquaculture Strategy*, being a map a copy of which is held in the head office of the Department of Primary Industries (within the Department of Industry) and published on that Department’s website.

5.20 Standards that cannot be used to refuse consent—playing and performing music

- (1) The consent authority must not refuse consent to development in relation to licensed premises on the following grounds—

- (a) the playing or performance of music, including the following—
 - (i) the genre of music played or performed, or
 - (ii) whether the music played or performed is live or amplified, or
 - (iii) whether the music played or performed is original music, or
 - (iv) the number of musicians or live entertainment acts playing or performing, or
 - (v) the type of instruments played,
 - (b) whether dancing occurs,
 - (c) the presence or use of a dance floor or another area ordinarily used for dancing,
 - (d) the direction in which a stage for players or performers faces,
 - (e) the decorations to be used, including, for example, mirror balls, or lighting used by players or performers.
- (2) The consent authority must not refuse consent to development in relation to licensed premises on the grounds of noise caused by the playing or performance of music, if the consent authority is satisfied the noise may be managed and minimised to an acceptable level.
- (3) In this clause—
licensed premises has the same meaning as in the *Liquor Act 2007*.

5.21 Flood planning

- (1) The objectives of this clause are as follows—
 - (a) to minimise the flood risk to life and property associated with the use of land,
 - (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,
 - (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,
 - (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.
- (2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—
 - (a) is compatible with the flood function and behaviour on the land, and
 - (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
 - (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
 - (d) incorporates appropriate measures to manage risk to life in the event of a flood, and
 - (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
- (3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—

- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,
 - (b) the intended design and scale of buildings resulting from the development,
 - (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,
 - (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.
- (4) A word or expression used in this clause has the same meaning as it has in the *Considering Flooding in Land Use Planning Guideline* unless it is otherwise defined in this clause.
- (5) In this clause—
- Considering Flooding in Land Use Planning Guideline*** means the *Considering Flooding in Land Use Planning Guideline* published on the Department’s website on 14 July 2021.
- flood planning area*** has the same meaning as it has in the *Floodplain Development Manual*.
- Floodplain Development Manual*** means the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

5.22 Special flood considerations

[Not adopted]

5.23 Public bushland

- (1) The objective of this clause is to protect and ensure the ecological viability of bushland, including rehabilitated areas in urban areas, by—
- (a) preserving biodiversity, habitat corridors and links between public bushland and other nearby bushland, and
 - (b) preserving bushland as a natural stabiliser of the soil surface, and
 - (c) preserving existing hydrological landforms, processes and functions, including natural drainage lines, watercourses, wetlands and foreshores, and
 - (d) preserving the recreational, educational, scientific, aesthetic, environmental, ecological and cultural values and potential of bushland, and
 - (e) mitigating disturbance caused by development.
- (2) Development that will disturb, or is reasonably likely to disturb, public bushland is permitted with development consent.
- (3) Development consent must not be granted to development that will disturb, or is reasonably likely to disturb, public bushland unless the consent authority is satisfied of the following—
- (a) the disturbance of the bushland is essential for a purpose in the public interest,
 - (b) there is no reasonable alternative to the disturbance,
 - (c) the development minimises the amount of bushland to be disturbed,
 - (d) the development includes measures to remediate the disturbed bushland.
- (4) Despite subclause (2), development that will disturb, or is reasonably likely to disturb, public bushland is permitted without development consent if the development is for the following purposes—

- (a) the construction, operation or maintenance of pipelines to carry water, sewerage or gas or pipelines licensed under the *Pipelines Act 1967*,
 - (b) the construction, operation or maintenance of electricity or telecommunication lines,
 - (c) bush fire hazard reduction,
 - (d) the construction or maintenance of classified roads,
 - (e) facilitating the recreational use of the public bushland.
- (5) Development specified in subclause (4)(e) is permitted without development consent only if it is carried out in accordance with a plan of management for the public bushland, adopted by the Council in the same way a plan of management is required to be adopted for community land under the *Local Government Act 1993*, Chapter 6, Part 2, Division 2, that includes measures for the following—
- (a) the recreational use of the land,
 - (b) bush fire hazard reduction,
 - (c) the prevention of degradation, including the alteration of drainage patterns, rubbish dumping, vehicle intrusion and infestation with weeds or non-native plants,
 - (d) the remediation of degraded public bushland.
- (6) This clause does not require development consent for clearing of native vegetation if the clearing is of a kind that is authorised under the *Local Land Services Act 2013*, section 600.
- (7) In deciding whether to grant development consent to development on land adjoining public bushland, the consent authority must consider the following—
- (a) the need to retain public bushland adjoining the site of the development,
 - (b) the likely effect of the development on public bushland, including the following—
 - (i) the erosion of soil,
 - (ii) the siltation of streams and waterways,
 - (iii) the spread of weeds and non-native plants within public bushland,
 - (c) other matters the consent authority considers relevant to the protection and preservation of public bushland.
- (8) This clause does not apply to the following land that is public bushland—
- (a) land in Zone RU1, RU2, RU3, RU4 or RU5,
 - (b) land reserved, dedicated or acquired under the *National Parks and Wildlife Act 1974*,
 - (c) land within a State forest, flora reserve or timber reserve within the meaning of the *Forestry Act 2012*,
 - (d) land to which *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, Chapter 7 applies.
- (9) In this clause—
- disturb** public bushland means—
- (a) remove vegetation from public bushland, or
 - (b) cause a change in the natural ecology of public bushland that results in the destruction or degradation of the public bushland.

non-native plant means a plant that is not native vegetation.

public bushland means land—

- (a) on which there is vegetation that is—
 - (i) a remainder of the natural vegetation of the land, or
 - (ii) representative of the structure and floristics of the natural vegetation of the land, and
- (b) that is owned, managed or reserved for open space or environmental conservation by the Council or a public authority.

5.24 Farm stay accommodation

[Not adopted]

5.25 Farm gate premises

[Not adopted]

Part 6 Additional local provisions

6.1 Acid sulfate soils

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

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

- (3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been—
 - (a) prepared for the proposed works in accordance with the Acid Sulfate Soils Manual, and
 - (b) provided to the consent authority.
- (4) Development consent is not required under this clause for the carrying out of works if—
 - (a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and
 - (b) the preliminary assessment has been provided to the consent authority, and
 - (c) the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.
- (5) Development consent is not required under this clause for the carrying out 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 that involves the repair or replacement of the works of the public authority, required to be carried out urgently because the works—
 - (i) have been damaged, or
 - (ii) have ceased to function, or
 - (iii) pose a risk to the environment or to public health and safety,

- (b) routine maintenance work that involves 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 that costs less than \$20,000, other than drainage work.
- (6) Development consent is not required under this clause to carry out works that—
- (a) involve the disturbance of less than 1 tonne of soil, and
 - (b) are not likely to lower the watertable.

6.2 Earthworks

- (1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.
- (2) Development consent is required for earthworks unless—
- (a) the earthworks are exempt development under this plan or another applicable environmental planning instrument, or
 - (b) the earthworks are ancillary to—
 - (i) development that is permitted without development consent under this plan, or
 - (ii) development for which development consent has been granted.
- (3) In deciding whether to grant development consent for earthworks, or for development involving ancillary earthworks, the consent authority must consider the following—
- (a) the likely disruption of, or the detrimental effect on, drainage patterns and soil stability in the locality of the development,
 - (b) the effect of the development on the likely future use or redevelopment of the land,
 - (c) the quality of the fill and the soil to be excavated,
 - (d) the effect of the development on the existing and likely amenity of adjoining properties,
 - (e) the source of the fill material and the destination of the excavated material,
 - (f) the likelihood of disturbing relics,
 - (g) the proximity to, and potential for adverse impacts on, a waterway, drinking water catchment or environmentally sensitive area,
 - (h) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Note— The *National Parks and Wildlife Act 1974*, particularly section 86, deals with harming Aboriginal objects.

6.3 Stormwater management and water sensitive urban design

- (1) The objective of this clause is to avoid or minimise the adverse impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland, waterways and ground water systems.
- (2) This clause applies to land in Zones R2, R3, R4, B1, B2, B4, B5, B6, B7, IN1, IN2, SP1, SP2, RE1 and RE2.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—

- (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and
- (b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and
- (c) avoids significant adverse impacts of stormwater runoff on the land on which the development is carried out, adjoining properties and infrastructure, native bushland and receiving waters, or if the impact cannot be reasonably avoided, minimises and mitigates the impact, and
- (d) includes riparian, stormwater and flooding measures, and
- (e) is designed to incorporate the following water sensitive urban design principles—
 - (i) protection and enhancement of water quality, by improving the quality of stormwater runoff from urban catchments,
 - (ii) minimisation of harmful impacts of urban development on water balance and on surface and groundwater flow regimes,
 - (iii) integration of stormwater management systems into the landscape in a way that provides multiple benefits, including water quality protection, stormwater retention and detention, public open space and recreational and visual amenity.

6.4 Biodiversity

- (1) The objective of this clause is to maintain terrestrial and aquatic biodiversity by—
 - (a) protecting native fauna and flora, and
 - (b) protecting the ecological processes necessary for their continued existence, and
 - (c) encouraging the conservation and recovery of native fauna and flora and their habitats.
- (2) This clause applies to land identified as “Biodiversity” on the Biodiversity Map.
- (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider—
 - (a) whether the development is likely to have the following—
 - (i) an adverse impact on the condition, ecological value and significance of the fauna and flora on the land,
 - (ii) an adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna,
 - (iii) the potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land,
 - (iv) an adverse impact on the habitat elements providing connectivity on the land,
 - (b) appropriate measures to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—
 - (a) the development is designed, sited and will be managed to avoid a significant adverse environmental impact, or

- (b) if a significant adverse environmental impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise the impact.

6.5 Riparian land and watercourses

- (1) The objective of this clause is to protect and maintain the following—
 - (a) water quality within watercourses,
 - (b) the stability of the bed and banks of watercourses,
 - (c) aquatic and riparian habitats,
 - (d) ecological processes within watercourses and riparian areas.
- (2) This clause applies to—
 - (a) land identified as “Riparian land” on the Riparian Lands and Watercourses Map, and
 - (b) land identified as “Watercourse” on that map.
- (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider—
 - (a) whether the development is likely to have an adverse impact on the following—
 - (i) the water quality and flows within the watercourse,
 - (ii) aquatic and riparian species, habitats and ecosystems of the watercourse,
 - (iii) the stability of the bed and banks of the watercourse,
 - (iv) the free passage of fish and other aquatic organisms within or along the watercourse,
 - (v) the future rehabilitation of the watercourse and riparian areas, and
 - (b) whether the development is likely to increase water extraction from the watercourse, and
 - (c) appropriate measures to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—
 - (a) the development is designed, sited and will be managed to avoid a significant adverse environmental impact, or
 - (b) if a significant adverse environmental impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise the impact.

6.6 Limited development on foreshore area

- (1) The objective of this clause is to ensure that development in the foreshore area will not—
 - (a) impact natural foreshore processes, or
 - (b) affect the significance and amenity of the foreshore area.
- (2) Development consent must not be granted for development on land in the foreshore area except for the following purposes—
 - (a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,

- (b) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).
- (3) Development consent must not be granted under this clause unless the consent authority is satisfied that—
 - (a) the development will contribute to achieving the objectives for the zone in which the land is located, and
 - (b) the appearance of a 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, including—
 - (i) pollution or siltation of the waterway, or
 - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or
 - (iii) an adverse effect on drainage patterns, and
 - (d) the development will not cause congestion or generate conflict between people using open space areas or the waterway, and
 - (e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and
 - (f) the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and
 - (g) for development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and
 - (h) sea level rise or change of flooding patterns as a result of climate change has been considered.
- (4) In this clause—
 - foreshore area** means the land between the foreshore building line and the mean high water mark of the nearest natural waterbody shown on the Foreshore Building Line Map.
 - foreshore building line** means—
 - (a) the line that is landward of, and at the distance specified on the Foreshore Building Line Map from, the mean high water mark of the nearest natural waterbody shown on that map, or
 - (b) if no distance is specified—the line shown as the foreshore building line on the map.

6.7 Development in areas subject to aircraft noise

- (1) The objectives of this clause are as follows—
 - (a) to prevent certain noise sensitive developments from being located near Bankstown Airport and its flight paths,
 - (b) to assist in minimising the impact of aircraft noise from Bankstown airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,
 - (c) to ensure that land use and development near Bankstown airport do not hinder or have other adverse impacts on the ongoing, safe and efficient operation of Bankstown airport.

- (2) Development consent must not be granted to development involving the erection of a dwelling, other than a dwelling house, on land near Bankstown Airport in an ANEF contour between 20 and 25 unless the consent authority is satisfied the dwelling meets the standards specified in AS 2021:2015.
- (3) Development consent must not be granted to development involving the erection of a dwelling house or seniors housing on land near Bankstown Airport in an ANEF contour over 25 unless the consent authority is satisfied that the nature of occupation or internal noise attenuation measures enable reasonable amenity for the occupants.
- (4) Development consent must not be granted to development for the purposes of dual occupancies, multi dwelling housing, attached dwellings, boarding houses or centre-based child care facilities on land near Bankstown Airport in an ANEF contour over 25.
- (5) Development consent must not be granted to development involving the erection of hotel or motel accommodation, office premises or public administration buildings on land near Bankstown Airport in an ANEF contour over 25 unless the consent authority is satisfied the building meets the standards specified in AS 2021:2015.
- (6) In this clause—
ANEF contour means a noise exposure contour shown as an ANEF contour on the Noise Exposure Forecast Contour Map for the Bankstown Airport prepared by the Department of the Commonwealth responsible for airports.
AS 2021:2015 means AS 2021—2015, *Acoustics—Aircraft noise intrusion—Building siting and construction*.

6.8 Airspace operations

- (1) The objective of this clause is to protect airspace around airports.
- (2) Development consent must not be granted to development that is a controlled activity within the meaning of the *Airports Act 1996* of the Commonwealth, Part 12, Division 4, unless the applicant has obtained approval for the controlled activity under regulations made for the purposes of that division.
Note— *Controlled activities* include the construction or alteration of buildings or other structures that cause an intrusion into airspace around airports.

6.9 Essential services

Development consent must not be granted to development unless the consent authority is satisfied that the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) waste management,
- (f) suitable vehicular access.

6.10 Active street frontages

- (1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages.
- (2) This clause applies to land identified as “Active street frontage” on the Active Street Frontages Map.

- (3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied —
 - (a) the building will—
 - (i) have an active street frontage, and
 - (ii) consist of design elements that encourage interaction and flow between the inside of the building and the external public areas of the building, and
 - (iii) be used for purposes that encourage the movement and flow of people between the internal and the external public areas of the building, and
 - (b) the development ensures that conflicts between pedestrians, cyclists and vehicles will be minimised.
- (4) An active street frontage is not required for part of a building used for the following—
 - (a) entrances and lobbies, including as part of mixed use development,
 - (b) access for fire services,
 - (c) vehicular access.
- (5) In this clause, a building has an *active street frontage* if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.

6.11 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, R3 or RE1, or
 - (ii) used for the purposes of centre-based child care facilities, community facilities, schools or places of public worship,
 - (b) the impact of the development and its hours of operation on a place likely to be regularly frequented by children—
 - (i) that adjoins the development, or
 - (ii) that can be viewed from the development, or
 - (iii) from which a person can view the development.

6.12 Special provisions for shop top housing

- (1) The objectives of this clause are as follows—
 - (a) to permit shop top housing as part of live-work enterprises,
 - (b) to encourage home-based, small-scale businesses on the fringe of the Bankstown CBD as a way to promote local job opportunities.
- (2) This clause applies to land identified as “Area 6” on the Special Provisions Map.
- (3) Development consent must not be granted to development for the purposes of shop top housing on land to which this clause applies unless the consent authority is

satisfied that the commercial premises or health services facilities are connected internally to a dwelling.

6.13 Special provisions for centre-based child care facilities

Development consent must not be granted for the purposes of centre-based child care facilities in Area 1 if the vehicular access to the land is from—

- (a) a classified road, or
- (b) a cul-de-sac road or a road where the carriageway between kerbs is less than 10m.

6.14 Restrictions on development in Zone B4

- (1) The objectives of this clause are as follows—
 - (a) to reinforce the status of the Bankstown CBD as the strategic centre for Canterbury-Bankstown and a place for employment,
 - (b) to encourage the economic growth of the Bankstown CBD by having commercial floor space in the commercial core,
 - (c) to promote active street frontages in the commercial core.
- (2) This clause applies to land identified as “Area 3” on the Special Provisions Map.
- (3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the ground floor and first floor of the building will be used for the purposes of commercial premises or other non-residential purposes after the erection or change of use.

6.15 Design excellence

- (1) The objective of this clause is to ensure that development exhibits high quality architectural, urban and landscape design.
- (2) This clause applies to the erection of a new building for the following purposes—
 - (a) boarding houses, if the new building has at least 4 storeys,
 - (b) multi dwelling housing of 10 or more dwellings,
 - (c) residential flat buildings, if the new building has at least 4 storeys,
 - (d) schools, if the new building has a gross floor area of 2,000m² or more used for a school,
 - (e) centre-based child care facilities, if the new building will be used for a centre-based child care facility for at least 100 children at one time,
 - (f) seniors housing, if the new building has at least 4 storeys,
 - (g) co-living housing, if the new building has at least 4 storeys,
 - (h) commercial premises, if the new building has a gross floor area of 1,000m² or more used for commercial premises,
 - (i) shop top housing, if the new building has at least 4 storeys,
 - (j) warehouse or distribution centres, if the new building has a gross floor area of 5,000m² or more used for a warehouse or distribution centre.
 - (k) places of public worship, if the new building has a gross floor area of 1,000m² or more used for a place of public worship,
 - (l) registered clubs, if the new building has a gross floor area of 1,000m² or more used for a registered club,

- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development exhibits design excellence.
- (4) In deciding whether the development exhibits design excellence, the consent authority must consider the following—
 - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,
 - (c) whether the development detrimentally impacts on view corridors,
 - (d) how the development addresses the following matters—
 - (i) heritage issues,
 - (ii) the relationship of the development with other existing or proposed development on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
 - (iii) bulk, massing and modulation of buildings,
 - (iv) street frontage heights,
 - (v) environmental impacts, including sustainable design, overshadowing, wind and reflectivity,
 - (vi) the achievement of the principles of ecologically sustainable development,
 - (vii) pedestrian, cycle, vehicular and service access, circulation and requirements,
 - (viii) the impact on, and any proposed improvements to, the public domain,
 - (ix) the integration of utilities, building services and waste management infrastructure in the site layout and building design,
 - (e) whether the development integrates high quality landscape design in the site layout and building design.

6.16 Design excellence at certain land in Bankstown

- (1) The objective of this clause is to ensure that development exhibits design excellence that contributes to the visual and built character values of Bankstown.
- (2) This clause applies to the following land in Bankstown—
 - (a) Lots 19–20, DP 5541, 83 North Terrace,
 - (b) Lot 18B, DP 412699, 85 North Terrace,
 - (c) Lots 15–17, 21–24 and 27, DP 5541, Lot 1, DP 207810 and Lot 1, DP 507818, 99 North Terrace,
 - (d) Lot 9, DP 777510, 62 The Mall.
- (3) If the consent authority is satisfied that development on land to which this clause applies exhibits design excellence, a building may be erected with—
 - (a) a maximum building height of 83m, and
 - (b) a maximum floor space ratio of 5:1, and
 - (c) the first floor of the building being used for the purposes of residential accommodation.
- (4) In deciding whether the development exhibits design excellence, the consent authority must consider the following—

- (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
- (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,
- (c) how the development addresses the following matters—
 - (i) the relationship of the development with other existing or proposed development on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
 - (ii) bulk, massing and modulation of buildings,
 - (iii) street frontage heights,
 - (iv) environmental impacts, including sustainable design, wind and reflectivity,
 - (v) pedestrian, cycle, vehicular and service access, circulation and requirements,
 - (vi) the impact on, and any proposed improvements to, the public domain,
 - (vii) appropriate interfaces at ground level between the development and the public domain,
 - (viii) integration of landscape design, including the configuration and design of communal access and communal recreation areas.

6.17 Development at Riverlands Golf Course

- (1) This clause applies to the following land at Milperra, known as Riverlands Golf Course—
 - (a) Lots 23–27, 38, 39 and 57–59, DP 7304 and Lot 231, DP 805826, 67 Auld Avenue,
 - (b) Lot 1, DP 813007, 67A Auld Avenue,
 - (c) Lots 40, 41 and 50–56, DP 7304, 80 Auld Avenue,
 - (d) Lot 232, DP 805826, 80A Auld Avenue,
 - (e) Lot 22, DP 749985, 90 Auld Avenue,
 - (f) Lot 21, DP 749985, 100 Auld Avenue,
 - (g) Lot 10, DP 731859, 56 Prescott Parade,
 - (h) Lot 1, DP 625013, 123 Raleigh Road,
 - (i) Lot 1, DP 813006, 123A Raleigh Road.
- (2) The objectives of this clause are as follows—
 - (a) to ensure development on the site reflects the low density residential character of the surrounding area,
 - (b) to ensure traffic generated by development of the site does not adversely affect the efficiency and safety of Henry Lawson Drive and surrounding local roads,
 - (c) to ensure development protects and conserves the cultural heritage, ecological and habitat values of the site and the scenic values of the surrounding waterways and riparian corridors,
 - (d) to ensure development integrates with the landform, vegetation, overland flow path and landscape of the site.
- (3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied of the following—
 - (a) the development is consistent with the low density residential scale and character of the surrounding area,

- (b) the development will not significantly impact on the efficiency and safety of the surrounding road network,
- (c) the development of the site integrates with the road, pedestrian and cycle networks of the surrounding established Milperra neighbourhood area,
- (d) the development, including lots created by the development, will be compatible with the topography of the site and integrate with the landform, vegetation and landscape of the site,
- (e) the development is appropriate given the environmental capabilities of, and environmental constraints that affect, the site including flood risks, land contamination, acid sulfate soils and bush fire risks,
- (f) the development will protect the cultural heritage values of the site and the scenic values of the surrounding waterways and riparian and biodiversity corridors,
- (g) the development will protect and conserve the ecological communities and areas on the site,
- (h) adequate provision has been made for protecting and conserving hollow bearing trees on the site,
- (i) adverse impacts of stormwater on the site, or caused by stormwater runoff on adjoining properties, native vegetation, wetlands or waterways, are properly managed or mitigated,
- (j) lots created by the development will be compatible with the stormwater management measures on the site.

6.18 Development at 134–140 Brighton Avenue, Campsie

- (1) This clause applies to Lots A and B, DP 381577, Lots 1 and 2, DP 125521 and Lot 3, Section 5, DP 2862, 134–140 Brighton Avenue, Campsie.
- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—
 - (a) the lots have been, or will be, consolidated into a single lot, and
 - (b) the land will not be used for the purpose of service stations or any other associated use.

6.19 Sun access at Paul Keating Park

- (1) This clause applies to Lot 15, DP 1256167, 74 Rickard Road, Bankstown.
- (2) Development consent must not be granted to development on land to which this clause applies that results in less than 50% of Paul Keating Park receiving at least 4 hours of direct sunlight between 10am and 3pm on 21 June in each year.
- (3) In this clause—
Paul Keating Park means the land identified as “Clause 6.19” on the Sun Access Protection Map.

6.20 Development at 2–16 Sixth Avenue, Campsie

- (1) This clause applies to the following land at 2–16 Sixth Avenue, Campsie—
 - (a) Lot 1, DP 125349,
 - (b) Lot 1, DP 10514,
 - (c) Lots A and B, DP 312268,
 - (d) Lots A and B, DP 394878,
 - (e) Lots A and B, DP 307066.

- (2) A building on land to which this clause applies may have a maximum height of 25m and a maximum floor space ratio of 2.9:1 if—
 - (a) the site area is at least 3,000m², and
 - (b) the street frontage is at least 50m.

6.21 Restrictions on development in Zones B1, B2 and B5

- (1) This clause applies to the following land—
 - (a) land in Zone B1,
 - (b) land in Zone B2,
 - (c) land in Zone B5 in Area 2.
- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the ground level of a building resulting from the development will not be used for residential accommodation.

6.22 Development at Hector Street and Waldron Road, Sefton

- (1) This clause applies to land at Sefton identified as “Area 7” on the Special Provisions Map.
- (2) Development consent must not be granted to development for the purposes of shop top housing on land to which this clause applies unless the consent authority is satisfied that the land will be consolidated into a single lot.

6.23 Development at Segers Avenue, Padstow

- (1) This clause applies to the following land at Padstow identified as “Area 5” on the Special Provisions Map—
 - (a) Lots 650 and 651, DP 1107732, 1 and 1A Segers Avenue,
 - (b) Lots 21 and 24–27, DP 20572, 3, 9, 11, 13 and 15 Segers Avenue,
 - (c) Lot 221, DP 132286, 5 Segers Avenue,
 - (d) Lots 1 and 2, DP 1168669, 5A Segers Avenue,
 - (e) Lot 23, DP 660642, 7 Segers Avenue,
 - (f) Lot 1, DP 385374, 9 Segers Avenue,
 - (g) Lot 18, DP 16608, 17 Segers Avenue.
- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied of the following—
 - (a) the development will have a floor space ratio not exceeding 2.5:1,
 - (b) retail premises and business premises will be located on the ground floor only,
 - (c) the gross floor area used for retail premises and business premises will be equal to a floor space ratio of at least 0.5:1,
 - (d) the lot on which the development will be carried out will be at least 40m wide at the front building line.

6.24 Development at 7A and 15 Marco Avenue, Revesby

- (1) This clause applies to the following land at Revesby identified as “Area 1” on the Special Provisions Map—
 - (a) Lots 15–21, DP 16816, 7A Marco Avenue,
 - (b) Lots 12–15, DP 35611, 15 Marco Avenue.

- (2) A building on land to which this clause applies may have a maximum height of 40m and a maximum floor space ratio of 3.5:1 if the consent authority is satisfied that—
 - (a) the site of the proposed development will be consolidated into a single lot, and
 - (b) the development will include the following—
 - (i) a central plaza connecting to Abel Reserve,
 - (ii) a pedestrian entrance to Revesby railway station,
 - (iii) adequate public car parking spaces.

6.25 Exception to maximum height of buildings at Chullora Marketplace

- (1) This clause applies to Lot 9, DP 10945 and Lot 41, DP 1037863, 353–355 Waterloo Road, Greenacre, known as Chullora Marketplace.
- (2) Development on land to which this clause applies may have a maximum height of—
 - (a) 14m for development on Lot 9, DP 10945, and
 - (b) 20m for development on Lot 41, DP 1037863.
- (3) However, development consent must not be granted to development on Lot 41, DP 1037863 that results in a building with a height greater than—
 - (a) 14m, if the building is located within—
 - (i) 46m of Waterloo Road, Greenacre, or
 - (ii) 41.5m of the eastern boundary adjoining 67 Norfolk Road and 11 Watergum Way, Greenacre, or
 - (b) 9m, if the building is located within 30.5m of the southern boundary adjoining 81–105 Norfolk Road, Greenacre.
- (4) Development consent must not be granted to development that results in a building with a height greater than the maximum height shown for the land on the Height of Buildings Map unless the consent authority is satisfied of the following—
 - (a) Lot 9, DP 10945 and Lot 41, DP 1037863 have been consolidated into a single lot,
 - (b) without exceeding the floor space ratio otherwise applying to the land, the development includes floor space used for the purposes of commercial premises that is equivalent to a floor space ratio of at least 0.35:1,
 - (c) the development has a building setback of at least 10m from the southern boundary adjoining 81–105 Norfolk Road and 351 Waterloo Road, Greenacre,
 - (d) the development has a building setback of at least 15m, including a 6m wide deep soil zone, from the eastern boundary adjoining Norfolk Reserve,
 - (e) the development will not result in Norfolk Reserve receiving less than 4 hours of direct sunlight between 9am and 3pm on 21 June in each year,
 - (f) the development avoids overshadowing of, and other adverse environmental impacts on, the endangered ecological communities and habitats of threatened species in Norfolk Reserve,
 - (g) a development control plan has been prepared in accordance with clause 6.26 for the land.
- (5) In this clause—

Norfolk Reserve means the following land in Greenacre—

 - (a) Lot 3, DP 546653, 67 Norfolk Road,
 - (b) Lot 21, DP 836445, 67A Norfolk Road,
 - (c) Lot 200, DP 843319, 11 Watergum Way.

6.26 Development control plan for Chullora Marketplace

The development control plan referred to in clause 6.25(4)(g) must provide for the following—

- (a) building envelopes and built form controls, including storeys and setbacks at both ground floor and upper storeys, and bulk, massing and modulation of buildings,
- (b) appropriate access to, capacity of, and vehicle and pedestrian safety on, the surrounding road network, particularly Waterloo Road,
- (c) improved pedestrian and cyclist connectivity,
- (d) sustainable transport, including strategies to encourage increased use of public transport, walking and cycling, and by providing for appropriate car parking,
- (e) the transition to surrounding land, including low density development, through built form, deep soil planting and additional landscaping,
- (f) mitigation of environmental impacts, including overshadowing and impacts on solar access and visual and acoustic privacy,
- (g) improvements to landscaped areas and the introduction of new public open spaces, including a central plaza,
- (h) an indicative structure plan and key design principles,
- (i) application of the principles of the crime prevention through environmental design, including through natural surveillance, access control, territorial reinforcement and space management.

6.27 Additional building heights and floor space at 30 and 46 Auburn Road, Regents Park

- (1) The objective of this clause is to provide for additional building heights and floor space if development on the land—
 - (a) is compatible with surrounding land uses and site constraints, and
 - (b) provides for certain public amenities.
- (2) This clause applies to the following land at Regents Park—
 - (a) Lot 1, DP 656032, 30 Auburn Road,
 - (b) Lot 2, DP 433938, 46 Auburn Road.
- (3) A building on land to which this clause applies may have—
 - (a) a floor space ratio of up to 2:1, and
 - (b) a maximum height of—
 - (i) for land within 26m of the eastern boundary to Auburn Road—23m,
 - (ii) for the northern area—41m, or
 - (iii) otherwise—29m.
- (4) Subclause (3) applies only if the consent authority is satisfied of the following—
 - (a) for a building fronting the eastern boundary to Auburn Road—the building will have a setback of at least 6m from the boundary,
 - (b) a single area of at least 3,000m² will be provided as publicly accessible open space,
 - (c) at least 50% of the publicly accessible open space will receive at least 3 hours of direct sunlight between 9am and 3pm on 21 June each year,
 - (d) a development control plan is prepared for the land.

- (5) The development control plan must provide for detailed development controls for the proposed development, including the following—
- (a) design principles drawn from an analysis of the land and its context,
 - (b) building envelopes and built form controls, including number of storeys and building setbacks,
 - (c) pedestrian, cycle, vehicular and service access and circulation requirements, including car parking,
 - (d) environmental impacts including overshadowing, solar access and visual and acoustic privacy,
 - (e) the impact on, and proposed improvements to, the public domain,
 - (f) a minimum 25% tree canopy coverage of the land,
 - (g) measures to mitigate land use conflict between the residential component of future development and employment uses surrounding the land, including industrial and railway uses,
 - (h) the application of environmental design principles to facilitate crime prevention,
 - (i) stormwater management,
 - (j) water sensitive urban design.
- (6) In this clause—
- northern area*** means land—
- (a) within 25m to 41m of the northern boundary that adjoins the following land at Regents Park—
 - (i) Lot 23, DP 854452, 7 Gunya Street,
 - (ii) Lot 4, DP 845800, 17 Gunya Street, and
 - (b) set back at least 125m from the eastern boundary to Auburn Road.

6.28 Restriction on development on land in Area 2

Development consent must not be granted to development for the following purposes on land identified as “Area 2” on the Special Provisions Map—

- (a) dual occupancies,
- (b) centre-based child care facilities,
- (c) community facilities,
- (d) health consulting rooms,
- (e) places of public worship,
- (f) respite day care centres.

6.29 Additional gross floor area for development in Bankstown CBD commercial core

- (1) The objectives of this clause are as follows—
- (a) to encourage building design, including built form and layout, of large-scale commercial development and mixed use development in Zone B4 that minimises the consumption of energy and water,
 - (b) to provide increased amenity to occupants over the long term,
 - (c) to ensure the increase in gross floor area is compatible with surrounding buildings in terms of bulk, height and amenity.
- (2) This clause applies to development on land in Zone B4 that—

- (a) involves the erection of one or more buildings for the purposes of commercial premises or relevant mixed use development, and
- (b) the lot on which the development will be carried out—
 - (i) is at least 18m wide at the front building line, and
 - (ii) has a maximum floor space ratio of 3:1 as shown on the Floor Space Ratio Map.
- (3) The gross floor area of the buildings on the development site may exceed the gross floor area otherwise permitted by this plan by up to 0.5:1.
- (4) Subclause (3) applies only if the consent authority is satisfied that—
 - (a) the part of the building used for the purposes of commercial premises will be capable of achieving the following standards—
 - (i) a maximum energy use of 135 kg/m² per year,
 - (ii) a maximum water use of 0.47 kL/m² per year for business premises and office premises,
 - (iii) a maximum water use of 1.68 kL/m² per year for shops, restaurants and function centres, and
 - (b) the part of the building used for dwellings in relevant mixed use development will be capable of achieving the following standards—
 - (i) exceeding the applicable BASIX target for energy by at least 10 points or equivalent,
 - (ii) a minimum BASIX target for water of 60 points, and
 - (c) the building does not adversely impact on neighbouring land in terms of visual bulk or overshadowing.
- (5) Development that includes the additional gross floor area under this clause is not eligible for additional floor space ratio under *State Environmental Planning Policy (Housing) 2021*.
- (6) In this clause—

BASIX target means a target for water or energy use that is—

 - (a) set by the Planning Secretary for the purposes of BASIX certificates issued under the *Environmental Planning and Assessment Regulation 2021*, and
 - (b) in force on the commencement of this clause.

relevant mixed use development means mixed use development that comprises commercial premises and dwellings.

6.30 Prohibited development in hazard area

- (1) This clause applies to land identified as “Area 1” on the Activity Hazard Area Map.
- (2) Development for the following purposes is prohibited on the land to which this clause applies—
 - (a) correctional centres,
 - (b) early education and care facilities,
 - (c) schools,
 - (d) hospitals,
 - (e) respite day care centres,
 - (f) seniors housing.

6.31 Residential development near pipelines

- (1) This clause applies to development for the purposes of residential accommodation on land identified as “Area 2” on the Activity Hazard Area Map.
- (2) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied there are measures in place to adequately mitigate the impacts of exposure to a pipeline.

Schedule 1 Additional permitted uses

(Clause 2.5)

1 Use of land at 2B Weigand Avenue, Bankstown

- (1) This clause applies to part of Lot 100, DP 1250387, 2B Weigand Avenue, Bankstown, identified as “APU 1” on the Additional Permitted Uses Map.
- (2) Development for the purposes of community facilities is permitted with development consent.

2 Use of land at Beamish Street, Campsie

- (1) This clause applies to land at Beamish Street, Campsie, identified as “APU 2” on the Additional Permitted Uses Map.
- (2) Development for the following purposes is permitted with development consent—
 - (a) business premises,
 - (b) office premises,
 - (c) veterinary hospitals.

3 Use of land at 297–299 Canterbury Road, Revesby

- (1) This clause applies to Lot 9 DP 663160 and Lot 202, DP 840245, 297–299 Canterbury Road, Revesby, identified as “APU 3” on the Additional Permitted Uses Map.
- (2) Development for the purpose of hospitals is permitted with development consent if—
 - (a) the floor space ratio of a resulting building does not exceed 2.1:1, and
 - (b) no part of a resulting building intrudes into the obstacle limitation surfaces applicable to Bankstown Airport as established under *Part 139 (Aerodromes) Manual of Standards 2019* of the Commonwealth, and
 - (c) the consent authority is satisfied that—
 - (i) whether or not the consent authority considers the land to be within the flood planning area—the development complies with clause 5.21(2)(a)–(e), having considered the matters specified in clause 5.21(3), and
 - (ii) the development is compatible with surrounding land uses and site constraints.
- (3) In this clause—
flood planning area has the same meaning as in clause 5.21.

4 Use of certain land in Condell Park

- (1) This clause applies to land in Zone R2 in Condell Park that is—
 - (a) bounded by Railway Parade, Edgar Street, Yanderra Street, and the prolongation of the rear boundaries of land on the western side of Ellis Street, and
 - (b) identified as “APU 4” on the Additional Permitted Uses Map.
- (2) Development for the purposes of animal boarding or training establishments and related ancillary development is permitted with development consent if the development is for the boarding, training, keeping and caring of horses.

5 Use of land at 15, 17, 19 and 21–23 Homer Street, Earlwood

- (1) This clause applies to the following land at Earlwood, identified as “APU 5” on the Additional Permitted Uses Map—
 - (a) Lot 2, DP 209918, 15 Homer Street,
 - (b) Lot 1, DP 209918, 17 Homer Street,
 - (c) Lot 3, DP 209918, 19 Homer Street,
 - (d) Lot 1, DP 119762, 21–23 Homer Street.
- (2) Development for the purposes of residential accommodation is permitted with development consent.

6 Use of land at 56 Rabaul Road, Georges Hall

- (1) This clause applies to Lot B, DP 407750, 56 Rabaul Road, Georges Hall, identified as “APU 6” on the Additional Permitted Uses Map.
- (2) Development for the purposes of restaurants or cafes is permitted with development consent.

7 Use of land at 58 Moorefields Road, Kingsgrove

- (1) This clause applies to part of Lot 1, DP 601940, 58 Moorefields Road, Kingsgrove, identified as “APU 7” on the Additional Permitted Uses Map.
- (2) Development for the purposes of plant nurseries is permitted with development consent.

8 Use of land at 479 Henry Lawson Drive, Milperra

- (1) This clause applies to Lot 2, DP 576251, 479 Henry Lawson Drive, Milperra, identified as “APU 8” on the Additional Permitted Uses Map.
- (2) Development for the purposes of garden centres is permitted with development consent.

9 Use of land at 217 Bransgrove Road, 565 Henry Lawson Drive and 195 Horsley Road, Panania

- (1) This clause applies to the following land, identified as “APU 9” on the Additional Permitted Uses Map—
 - (a) part of Lot 154, DP 752013, 217 Bransgrove Road, Panania,
 - (b) Lot 25, DP 1080158, Lots 26 and 27, DP 4808 and Lot B, DP 418953, 195 Horsley Road, Panania,
 - (c) Lot 1, DP 448570, 565 Henry Lawson Drive, Panania,
 - (d) Lot 5, DP 732013, 559 Henry Lawson Drive, Milperra,
 - (e) Lot 152, DP 651309, 563 Henry Lawson Drive, Picnic Point.
- (2) Development for the purposes of waste or resource management facilities is permitted with development consent.

10 Use of certain land at Roselands Shopping Centre, Roselands

- (1) This clause applies to part of Lot 1, DP 227383, 24 Roselands Avenue, Roselands, identified as “APU 10” on the Additional Permitted Uses Map.
- (2) Development for the purposes of retail premises that are a tyre sales outlet is permitted with development consent.

11 Use of certain land at Campsie

- (1) This clause applies to the following land, identified as “APU 11” on the Additional Permitted Uses Map—
 - (a) SP 94562, 50 Charlotte Street, Campsie,
 - (b) SP 94563, 52 Charlotte Street, Campsie,
 - (c) SP 94561, 60 Charlotte Street, Campsie,
 - (d) SP 94564, 64 and 68 Charlotte Street, Campsie,
 - (e) SP 94560, 70 Charlotte Street, Campsie,
 - (f) SP 90544, 2 Mackinder Street, Campsie,
 - (g) SP 90694, 4 Mackinder Street, Campsie,
 - (h) Lot 2, DP 1205398, 5 Mackinder Street, Campsie,
 - (i) SP 89762, 3 Sunbeam Street, Campsie,
 - (j) SP 87055, 6–8 Sunbeam Street, Campsie,
 - (k) Lot 2, DP 1177045, 26 Troy Street, Campsie,
 - (l) SP 90693, 1 Victa Street, Campsie,
 - (m) SP 88983, 2–24 Victa Street, Campsie,
 - (n) Lot 31, DP 1170404, 1 Tedbury Street, Clemton Park.
- (2) Development for the following purposes is permitted with development consent—
 - (a) commercial premises,
 - (b) dwelling houses,
 - (c) exhibition homes,
 - (d) health services facilities,
 - (e) home occupations,
 - (f) multi dwelling housing,
 - (g) recreation facilities (indoor),
 - (h) residential flat buildings,
 - (i) seniors housing.

12 Use of land at 56 Waldron Road, Sefton

- (1) This clause applies to Lot 11, DP 718633, 56 Waldron Road, Sefton, identified as “APU 12” on the Additional Permitted Uses Map.
- (2) Development for the purposes of shop top housing is permitted with development consent.

13 Use of certain land along Canterbury Road

- (1) This clause applies to land identified as “APU 13” on the Additional Permitted Uses Map.
- (2) Development for the purposes of residential accommodation is permitted with development consent if—
 - (a) the development is part of a mixed use development, and
 - (b) for development for the purposes of boarding houses—the area of the lot on which the development is to be carried out is equal to or greater than 5,000m².

14 Use of certain land in Zones IN1 and IN2

- (1) This clause applies to land in Zone IN1 or IN2, identified as “APU 14” on the Additional Permitted Uses Map.
- (2) Development for the purposes of sex services premises is permitted with development consent.

15 Use of land at 416 Hume Highway, Yagoona

- (1) This clause applies to Lots 1 and 2, DP 132536, Lot 1, DP 337134, Lot 1, DP 337136 and Lot 1, DP 430451, 416 Hume Highway, Yagoona, identified as “APU 15” on the Additional Permitted Uses Map.
- (2) Development for the purposes of service stations and vehicle sales or hire premises is permitted with development consent.

16 Use of land at 424A and 425Z Hume Highway, Yagoona

- (1) This clause applies to Lot 2, DP 1031913 and Lot 31, DP 1108849, 424A and 425Z Hume Highway, Yagoona, identified as “APU 16” on the Additional Permitted Uses Map.
- (2) Development for the purposes of advertisements on the pedestrian footbridge is permitted with development consent.

17 Use of land at 20 and 21 Boorea Avenue, Lakemba

- (1) This clause applies to Lot 25, DP 13586 and Lot X, DP 377169, 20 and 21 Boorea Avenue, Lakemba, identified as “APU 17” on the Additional Permitted Uses Map.
- (2) Development for the purposes of residential care facilities is permitted with development consent if the consent authority is satisfied that—
 - (a) a comprehensive assessment of the flood risk has been carried out in relation to the development, and
 - (b) the development will incorporate appropriate measures to—
 - (i) manage flood risk on the land to which this clause applies and surrounding land, and
 - (ii) ensure the residential care facility will be able to continue to operate during flooding, and
 - (c) an emergency response management plan has been developed in consultation with the State Emergency Service and the Council.

18 Use of certain land in former Bankstown local government area

- (1) This clause applies to land in Zone B6, identified as “APU 18” on the Additional Permitted Uses Map.
- (2) Development for the following purposes is permitted with development consent—
 - (a) seniors housing,
 - (b) multi dwelling housing or residential flat buildings, if—
 - (i) the area of the lot on which the development is proposed to be carried out is greater than or equal to 5,000m², and
 - (ii) the development forms part of a mixed use development.

19 Use of certain land in Riverwood

- (1) This clause applies to the following land at Riverwood, identified as “APU 19” on the Additional Permitted Uses Map—

- (a) Lots 2 and 3, DP 1228475, 82 Kentucky Road,
 - (b) SP 90710, 11 Washington Avenue.
- (2) Development for the purposes of restaurants or cafes is permitted with development consent if the gross floor area of the restaurant or cafe does not exceed 100m².

20 Use of land at 122, 134 and 148 Canterbury Road, Bankstown

- (1) This clause applies to the following land at Bankstown, identified as “APU 20” on the Additional Permitted Uses Map—
- (a) Lot 11, DP 794445, 122 Canterbury Road,
 - (b) Lot A, DP 436065, 134 Canterbury Road,
 - (c) Lot 42, DP 772189, 148 Canterbury Road.
- (2) Development for the purposes of specialised retail premises is permitted with development consent.

21 Use of land at 62 Hume Highway, Chullora

- (1) This clause applies to Lot 2, DP 1009196, 62 Hume Highway, Chullora, identified as “APU 21” on the Additional Permitted Uses Map.
- (2) Development for the purposes of specialised retail premises is permitted with development consent.

22 Use of land in Zone R2 in Area 1

- (1) This clause applies to land in Zone R2 in Area 1.
- (2) Development for the following purposes is permitted with development consent—
- (a) boat sheds,
 - (b) jetties,
 - (c) water recreation structures.

23 Use of land in Zones B1 and B2 in Area 1

- (1) This clause applies to land in Zones B1 and B2 in Area 1.
- (2) Development for the purposes of residential flat buildings is permitted with development consent.

24 Use of land in Zone RE1 in Area 1

- (1) This clause applies to land in Zone RE1 in Area 1.
- (2) Development for the following purposes is permitted with development consent—
- (a) entertainment facilities,
 - (b) function centres,
 - (c) pubs,
 - (d) small bars.

25 Use of certain land for purposes of seniors housing in Area 1

- (1) This clause applies to land in Zones R2, R4, B1 and B2 in Area 1.
- (2) Development for the purposes of seniors housing is permitted with development consent.

26 Use of land in Zone R3 in Area 2

- (1) This clause applies to land in Zone R3 in Area 2.
- (2) Development for the following purposes is permitted with development consent—
 - (a) semi-detached dwellings,
 - (b) dual occupancies, if the floor space ratio of a resulting building does not exceed 0.5:1.

27 Use of land in Zone R4 in Area 2

- (1) This clause applies to land in Zone R4 in Area 2.
- (2) Development for the following purposes is permitted with development consent—
 - (a) hostels,
 - (b) semi-detached dwellings,
 - (c) dual occupancies, if—
 - (i) the floor space ratio of a resulting building does not exceed 0.5:1, and
 - (ii) the height of a resulting building does not exceed 8.5m.

28 Use of land for commercial purposes in Zones R2, R3 and R4 in Area 2

- (1) This clause applies to land in Zones R2, R3 and R4 in Area 2.
- (2) This clause does not apply to land to which clause 2 applies.
- (3) Development for the purposes of business premises, office premises, restaurants or cafes and shops is permitted with development consent, if—
 - (a) the development is in, or will replace, a building that was, at the time of its erection, designed, constructed and used for the purpose of a shop, with or without a dwelling, and
 - (b) the gross floor area of the building will not exceed 100m².

29 Use of land in Zone B2 in Area 2

- (1) This clause applies to land in Zone B2 in Area 2.
- (2) Development for the following purposes is permitted with development consent—
 - (a) hostels,
 - (b) sex services premises.

30 Use of certain land in Zone B5 in Area 2

- (1) This clause applies to land in Zone B5 in Area 2.
- (2) Development for the purposes of shop top housing is permitted with development consent.

31 Use of land at 10B Charles Street, Canterbury

- (1) This clause applies to SP 92405, 10B Charles Street, Canterbury.
- (2) Development for the following purposes is permitted with development consent—
 - (a) boat building and repair facilities,
 - (b) depots,
 - (c) garden centres,
 - (d) hardware and building supplies,

- (e) industrial retail outlets,
- (f) industrial training facilities,
- (g) landscaping material supplies,
- (h) light industries,
- (i) markets,
- (j) plant nurseries,
- (k) recreation facilities (indoor),
- (l) research stations,
- (m) signage,
- (n) storage premises,
- (o) take away food and drink premises,
- (p) timber yards,
- (q) vehicle repair stations,
- (r) vehicle sales or hire premises,
- (s) veterinary hospitals,
- (t) warehouse or distribution centres,
- (u) wholesale supplies.

32 Use of land at 165 Milton Street, Ashbury

- (1) This clause applies to Lot A, DP 30778, 165 Milton Street, Ashbury.
- (2) Development for the purposes of restaurants or cafes is permitted with development consent if the gross floor area of the restaurant or cafe does not exceed 100m².

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.

Amusement ride devices

- (1) Maximum rotation speed of rotating devices—14rpm.
- (2) Must be small, power-operated and intended for children 12 years or under.
- (3) Must only operate between 7am and 10pm.
- (4) Maximum duration at a location—7 consecutive days.

Community events

- (1) Must only operate between 7am and 10pm.
- (2) Must have the written approval of the relevant emergency authorities to conduct the event.
- (3) Must notify residents adjacent to the site at least 7 days before the event starts.
- (4) Maximum duration at a location—2 days per year.

Public domain signage

- (1) Must be located on street furniture, street signs or buildings and structures, including the following—
 - (a) public seating,
 - (b) planter pots,
 - (c) garbage receptacles,
 - (d) safety fencing and barricades,
 - (e) public toilets and amenities,
 - (f) bus shelters.
- (2) Must be carried out by or on behalf of the Council.

Waste storage containers on private land

- (1) Must be stored wholly within the property boundary and not on the footway area or on part of the roadway.
- (2) Maximum length—4m.
- (3) Maximum—1 container per property.
- (4) Maximum duration—14 consecutive days.
- (5) The supplier of container must have \$10 million public liability insurance.
- (6) Must have reflectors and must clearly display the name and contact details of the owner or proprietor.

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 Schedule 6 to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Schedule 4 Classification and reclassification of public land

(Clause 5.2)

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

Column 1	Column 2
Locality	Description
Nil	

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

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

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
Nil	

Schedule 5 Environmental heritage

(Clause 5.10)

Part 1 Heritage Items

Suburb	Item name	Address	Property description	Significance	Item no
Ashbury	Ashfield Reservoir (WS003)	165–169 Holden Street	Lot 1, DP 911478	State	I1
Ashbury	Federation house	5 Second Street	Lot 1, DP 950576	Local	I2
Ashbury	Federation house	7 Second Street	Lot 1, DP 123795	Local	I3
Ashbury	Federation house	9 Second Street	Lot 1, DP 952638	Local	I4
Ashbury	Federation house	11 Second Street	Lot 1, DP 798551	Local	I5
Ashbury	Federation house	13 Second Street	Lot 1, DP 122220	Local	I6
Ashbury	Federation house	15 Second Street	Lot 1, DP 124116	Local	I7
Ashbury	Ashbury Public School—Building B00C	Part of 34–76 Trevenar Street	Lots 21–23, DP 11248	State	I8
Bankstown	Bankstown Hotel	102 Bankstown City Plaza	Lots A and B, DP 343521; Lot 1, DP 389899	Local	I9
Bankstown	Shop (former accommodation house)	109 Bankstown City Plaza	Lot 1, DP 119533	Local	I10
Bankstown	Bankstown Parcels Office (former)	143 Bankstown City Plaza	Part of Lot 101, DP 1129021	Local	I11
Bankstown	Bankstown Railway Station building and platform	143 Bankstown City Plaza	Part of Lot 101, DP 1129021	Local	I12
Bankstown	Shop, “Rosen Chambers”	346 Chapel Road	Lots 1–3, DP 102240	Local	I13
Bankstown	Council Chambers	375 Chapel Road	Part of Lot 16, DP 1256167	Local	I14
Bankstown	House	525 Chapel Road	SP 58821	Local	I15
Bankstown	Bankstown Reservoir	300 Hume Highway	Part of Lot 10, DP 872998	State	I16
Bankstown	St Felix de Valois Pioneer Cemetery	347A Hume Highway	Part of Lot 202, DP 1231757; Lots 10 and 11, DP 132511	Local	I17
Bankstown	Shop	361 Hume Highway	Lot 5, DP 9522	Local	I18
Bankstown	Shop	363 Hume Highway	Lot 3, DP 9522	Local	I19

Suburb	Item name	Address	Property description	Significance	Item no
Bankstown	Bankstown Public School	Part of 61 Restwell Street	Lots 2–7, Section 1, DP 13167; Lot 1, DP 516930; Lot 1, DP 945632	Local	I20
Bankstown	Shop	290 South Terrace	Lot 6, DP 525238	Local	I21
Bankstown	Bankstown Baptist Church	26 Stanley Street	Lot 1, DP 593050	Local	I22
Bankstown	WSHC House, “Weymouth”	10 Vimy Street	Lot 46, DP 13055	Local	I23
Bankstown	WSHC House, “The Nest”	22 Vimy Street	Lot 40, DP 13055	Local	I24
Bankstown	Bankstown West Public School	141 William Street	Lot 100, DP 792380	Local	I25
Bankstown	Bankstown Aerodrome			Local	I26
Bass Hill	Milestone, “Sydney XV Liverpool VI”	Hume Highway, outside 837 Hume Highway	Lot 116, DP 229585	Local	I27
Bass Hill	Farmhouse in the grounds of Crest Baptist Church	59 Johnston Road	Lot 2A, DP 405520	Local	I28
Bass Hill	House, “Carysfield Hall”	2 Sussman Avenue	Lot 27, DP 31109	Local	I29
Belfield	Federation weatherboard villa, “Lynwood”	25 Baltimore Street	Lot 2, DP 235816	Local	I30
Belmore	Federation house	52 Albert Street	Lot A, DP 368943	Local	I31
Belmore	Federation house (former station master’s cottage)	346 Burwood Road	Lot 202, DP 1090882	Local	I32
Belmore	Federation railway station buildings	348 Burwood Road and 32–36 Redman Parade (Belmore Railway Station)	Part of Lot 9, DP 1184571; part of Lot 201, DP 1090882; part of Lot 12, DP 802657	State	I33
Belmore	Inter war building (former post office)	370–374 Burwood Road	Lot 2, DP 202652	Local	I34
Belmore	Inter war surgery and attached house	481 Burwood Road	Lot 1, DP 960923	Local	I35
Belmore	Victorian villa, “The Towers”	31 Forsyth Street	Lot 1, DP 815631	Local	I36
Belmore	Federation and inter war house	35 Isabel Street	Lot A, DP 346737	Local	I37
Belmore	Federation and inter war house	37 Isabel Street	Lot 11, Section 6, DP 6388; Lot B, DP 305231	Local	I38

Suburb	Item name	Address	Property description	Significance	Item no
Belmore	Federation and inter war house	39 Isabel Street	Lot A, DP 305231	Local	I39
Belmore	Inter war house	2 Lakemba Street	Lot D, DP 416117	Local	I40
Belmore	Inter war house	4 Lakemba Street	Lot C, DP 416117	Local	I41
Belmore	Inter war house	6 Lakemba Street	Lot 37, DP 11151	Local	I42
Belmore	Inter war house	8 Lakemba Street	Lot 36, DP 11151	Local	I43
Belmore	Inter war house	10 Lakemba Street	Lot 35, DP 11151	Local	I44
Belmore	Inter war house	12 Lakemba Street	Lot 34, DP 11151	Local	I45
Belmore	Inter war house	14 Lakemba Street	Lot 33, DP 11151	Local	I46
Belmore	Inter war house	16 Lakemba Street	Lot B, DP 411936	Local	I47
Belmore	Inter war house	18 Lakemba Street	Lot A, DP 411936	Local	I48
Belmore	Inter war factory building—SEC Plating Pty Ltd	103–105 Lakemba Street	Lot 11, DP 628740	Local	I49
Belmore	Victorian house	12 Oxford Street	Lot 1, Section 1, DP 3188	Local	I50
Belmore	Post-war bus shelter and public lavatories	32–36 Redman Parade	Part of Lot 12, DP 802657	Local	I51
Belmore	Federation bakery building, White House Bakery (former)	2 Wilson Avenue	Lot 3, DP 316177	Local	I52
Belmore	Federation house	37 Wilson Avenue	Lot 73, DP 4387	Local	I53
Belmore	Federation weatherboard house	43 Wilson Avenue	Lot 76, DP 4387	Local	I54
Birrong	House, “Allder’s Farmhouse”	49 Hill Road	Lot B, DP 400155	Local	I55
Campsie	Victorian house	51 Amy Street	Lot B, DP 324817	Local	I56
Campsie	War memorial clock tower	Anglo Road (Anzac Mall)		Local	I57
Campsie	Inter war commercial building	2–16 Anglo Road and 196–198 and 200 Beamish Street	Lot A, DP 399549; SP 4915; SP 2923	Local	I58
Campsie	Federation urban park, Anzac Park	28A Anglo Road	Lot 33, DP 4190	Local	I59
Campsie	Inter war theatre (former Orion Theatre)	151–155 Beamish Street	Lots 14–17, Section 6, DP 2922	Local	I60
Campsie	Inter war shop with dwelling above	158 Beamish Street	Lot A, DP 341711	Local	I61

Suburb	Item name	Address	Property description	Significance	Item no
Campsie	Inter war shop with dwelling above	160 Beamish Street	Lot B, DP 341711	Local	I62
Campsie	Federation railway station buildings	Wilfred Avenue, 182 and 186B Beamish Street	Lots 1 and 2, DP 800219; part of Lot 101, DP 1002944	Local	I63
Campsie	Federation commercial building—Coffill's Buildings	191–197 Beamish Street	Lots A–D, DP 373377	Local	I64
Campsie	Inter war commercial building—Station House	203 Beamish Street	Lot 1, DP 3846	Local	I65
Campsie	Federation fire station—Campsie Fire Station	294 Beamish Street	Lots 132 and 133, DP 4357	Local	I66
Campsie	Inter war court house (former Campsie Court House)	56 Campsie Street	Lot 1, DP 1143964	Local	I67
Campsie	Inter war shop and motor garage—Dan's Corner	485–493 Canterbury Road	Lot 1, DP 121838	Local	I68
Campsie	Inter war hospital building—Canterbury Hospital	26–50 Tudor Street	Lot 12, DP 866347	Local	I69
Campsie	Federation urban park—Carrington Square	2 Carrington Street	Lot 63, DP 2476	Local	I70
Campsie	Inter war street trees	Eighth Avenue (between First Avenue and Beamish Street)		Local	I71
Campsie	Federation weatherboard house	61 Eighth Avenue	Lot 1, DP 572236	Local	I72
Campsie	Federation weatherboard house	63 Eighth Avenue	Lot 1, DP 944638	Local	I73
Campsie	Federation weatherboard house	65 Eighth Avenue	Lot 1, DP 945763	Local	I74
Campsie	Federation house	97 Eighth Avenue	Lot 320, DP 2521	Local	I75
Campsie	Federation house, "Killarney"	99 Eighth Avenue	Lot 2, DP 1032297	Local	I76

Suburb	Item name	Address	Property description	Significance	Item no
Campsie	Inter war church— St Mel's Roman Catholic Church and Federation presbytery	7 Evaline Street	Lots 49–51, DP 3846	Local	I77
Campsie	Inter war street trees	Fifth Avenue (between 83 Fifth Avenue and Ninth Avenue)		Local	I78
Campsie	Federation weatherboard house	43 Gould Street	Lot Y, DP 396550	Local	I79
Campsie	Victorian house	65 Gould Street	SP 56981	Local	I80
Campsie	Federation weatherboard house	126–128 Ninth Avenue	SP 52375	Local	I81
Campsie	Federation weatherboard house	132 Ninth Avenue	Lot 6, DP 6453	Local	I82
Campsie	Federation weatherboard house	134 Ninth Avenue	Lot 5, DP 6453	Local	I83
Campsie	Federation house	40 South Parade	Lot 1, DP 512836	Local	I84
Campsie	Federation villa	44 South Parade	Lot 1, DP 966343	Local	I85
Canterbury	Colonial brick and stone house and stable (former Timothy Daniel's House)	1–11 Canterbury Road	SP 87778	Local	I86
Canterbury	Federation police station (former)	150–152 Canterbury Road	Lots 6 and 7, DP 4478; Lot 1, DP 934354	Local	I87
Canterbury	Inter war motor garage—Holly's Garage	184 Canterbury Road	Lot A, DP 163065	Local	I88
Canterbury	Federation post office building (former Canterbury Post Office)	193 Canterbury Road	SP 61496	Local	I89
Canterbury	Canterbury Station group	195, 208B and 210 Canterbury Road (Canterbury Railway Station)	Part of Lot 10, DP 1002980; Lot 5, DP 1184363; part of Lot 1, DP 828270	State	I90
Canterbury	Inter war hotel (former Hotel Canterbury)	208 Canterbury Road	Lot 1, DP 124336; Lots 27 and 28, DP 4763	Local	I91

Suburb	Item name	Address	Property description	Significance	Item no
Canterbury	Inter war urban park—Saint Mary MacKillop Reserve	260A, 260 and 262 Canterbury Road	Lots 1 and 2, DP 1137357; part of Lot 7018, DP 93382	Local	I92
Canterbury	Inter war shops with dwellings above	293–295 Canterbury Road	Lot 1, Section 1, DP 9055; Lot A, DP 432107	Local	I93
Canterbury	Federation stone church (former Canterbury Methodist Church)	301–301A Canterbury Road	Lots 33 and 34, Section A, DP 2785	Local	I94
Canterbury	Federation railway bridge	Charles Street (over Cooks River)		Local	I95
Canterbury	Victorian villa, “Beulah Vista”	15 Church Street	Lot 17, Section 2, DP 764	Local	I96
Canterbury	Victorian stone church, buildings and churchyard—St Paul’s Anglican Church	17–33 Church Street	Lot 1, DP 747020	Local	I97
Canterbury	Victorian stone school building	44–44A Church Street (Canterbury Public School)	Lot 4, DP 782680	Local	I98
Canterbury	Federation stone house, “Bethungra”	9 Fore Street	Lot 8, DP 743486	State	I99
Canterbury	Federation house, “Wyuna”	10 Fore Street	Lot 12, DP 4348	Local	I100
Canterbury	Victorian stone house	15 High Street	Lot 6, DP 26919	Local	I101
Canterbury	Victorian stone house	19 High Street	Lot 5, DP 26919	Local	I102
Canterbury	Canterbury Park Racecourse	98 King Street	Lots 1 and 2, DP 67830; Lot 1, DP 201160; Lot 2, DP 953812; Lot 1, DP 932394; Lot 1, DP 256288; Lot 1, DP 123799; Lot 1, DP 123800; Lot 1, DP 561293; Lots 2–7, DP 1129704; Lot 3, DP 350469; Lot 101, DP 1155095	Local	I103
Canterbury	Victorian house, “Fairview”	59 Minter Street	Lot 1, DP 85796	Local	I104
Canterbury	Canterbury Sugar Works (former)	2–4 Sugar House Road	Part Lot 642, DP 728440; Part Lot SP 70958; part of 4294-3000	State	I105

Suburb	Item name	Address	Property description	Significance	Item no
Chullora, Greenacre, Regents Park, Sefton	Pressure Tunnel, Shaft No 1 and associated infrastructure	8 Watergum Way, 74 Roberts Road, 405 Waterloo Road, 1–17 Tristania Grove, 12–26 McDonald Way, 77, 93A and 97 Hume Highway and 5 Worth Street, Greenacre; 12 and 204 Hume Highway, 10, 20 and 21 Worth Street, 189 and 201 Rookwood Road, Rookwood; 16 and 24 Muir Road and 20 Dasea Street Chullora; Rookwood Road and Chisholm Road, Regents Park; 2A Chisholm Road, Sefton	SP 50660; parts of all the following Lots: Lot 1401, DP 851981; Lot 1, DP 792297; Lots 1312–1328, DP 850308; Lot 1, DP 529166; Lot 1, DP 1021864; Lot 500, DP 1161478; Lot 1, DP 1245334; Lot 1, DP 547215; Lot 2, DP 855141; Lot 1020, DP 871836; Lot 34, DP 1007366; Lot 498, DP 1058360; Lot 1, DP 1155176; Lot 26, DP 1007364; Lot 3, DP 1102984; Lot 35, DP 1007367; Lot 1, DP 745651; Lot 109, DP 1142117; Lot 1, DP 623945; Lot 107, DP 1153671, Lot 1, DP 225815, Lots 1–3, DP 225816; Lots 1 and 2, DP 225817; all of Lot 1446, DP 132224	State	I106
Clemton Park	Inter war house	78 Kingsgrove Road	Lot 43, DP 19605	Local	I107
Condell Park	Air Defence Headquarters Ruin Sydney (former)	127 and 131 Edgar Street, 1 and 2 Kardella Court	Part of Lot SP 11442; part of Lot SP 12199; part of Lot SP 12200; part of Lot SP 11595	State	I108
Condell Park	Shop and residence (attached)	65 William Street	Lot 1, DP 1107973	Local	I109
Croydon Park	St John's Roman Catholic Church (former)	12 Balmoral Avenue	Lots 10 and 11, Section C, DP 876	Local	I110
Croydon Park	Victorian shop and dwelling above	63 Balmoral Avenue	Lot 33, Section F, DP 876; Lot 1, DP 455539	Local	I111
Croydon Park	Inter war street trees	Brighton Avenue (between Queensborough Avenue and 71 Brighton Avenue)		Local	I112

Suburb	Item name	Address	Property description	Significance	Item no
Croydon Park	Victorian house, "Montrose House"	128 Croydon Avenue	Lot 1, DP 1064087	Local	I113
Croydon Park	Victorian villa, "But-Har-Gra"	106-114 Georges River Road	Lots 1-5, Section 1, DP 363	Local	I114
Croydon Park	Victorian house	38 Hampton Street	Lot 3, DP 1195439	Local	I115
Croydon Park	Part of a pair of Victorian semi-detached houses	53 Windsor Avenue	Lot 6, Section I, DP 876	Local	I116
Croydon Park	Part of a pair of Victorian semi-detached houses	55 Windsor Avenue	Lot 8, Section I, DP 876	Local	I117
Croydon Park	Part of a pair of Victorian semi-detached houses	60 Windsor Avenue	Lot 71, DP 582402	Local	I118
Croydon Park	Part of a pair of Victorian semi-detached houses	62 Windsor Avenue	Lot 72, DP 582402	Local	I119
Earlwood	Inter war house	7 Hocking Avenue	Lot 1, DP 13025	Local	I120
Earlwood	Inter war house	9 Hocking Avenue	Lot 2, DP 13025	Local	I121
Earlwood	Inter war house	11 Hocking Avenue	Lot 3, DP 13025	Local	I122
Earlwood	Inter war house	13 Hocking Avenue	Lot 4, DP 13025	Local	I123
Earlwood	Inter war house	15 Hocking Avenue	Lot 5, DP 13025	Local	I124
Earlwood	Inter war house	17 Hocking Avenue	Lot 6, DP 13025	Local	I125
Earlwood	Federation stone house	116 Homer Street	Lot 68, DP 419111	Local	I126
Earlwood	Federation stone house	2 Jackson Place	Lot 6, DP 11103	Local	I127
Earlwood	Federation stone house	4 Jackson Place	Lot 5, DP 11103	Local	I128
Earlwood	Federation stone house	6 Jackson Place	Lot 4, DP 11103	Local	I129
Earlwood	Federation stone house	8 Jackson Place	Lot 3, DP 11103	Local	I130
Earlwood	Federation stone house	10 Jackson Place	Lot 2, DP 11103	Local	I131
Earlwood	Federation stone house	12 Jackson Place	Lot 1, DP 11103	Local	I132
Earlwood	Quarry face (former)	Karool Avenue (southern end)	Road reserve	Local	I133

Suburb	Item name	Address	Property description	Significance	Item no
Earlwood	Inter war street trees	Lovat Avenue		Local	I134
Earlwood	Victorian stone house	173–175 Riverview Road	Lot 2, DP 215670	Local	I135
Earlwood	Girrahween Park gates	Sutton Avenue (opposite View Street)		Local	I136
Earlwood	Western Outfall Main Sewer—Cooks River Aqueduct	19 Undercliffe Road	Lot 1, DP 745578	State	I137
Earlwood	Federation sandstone shop and attached house	37 Undercliffe Road	Lot 14, DP 7627	Local	I138
Earlwood	Inter war stone house	66 Undercliffe Road	Lot Y, DP 387748	Local	I139
Earlwood	Western Outfall Main Sewer—Rockdale to Homebush	1A–5B Undercliffe Lane, 19–22 Undercliffe Road, 24 and 24A Unwin Street, 26 Bayview Avenue	Part of Lots 1–8 and 10, DP 1037955; Lot 1, DP 735055; Lot 1, DP 745578; Lot 1, DP 986661; Lot 101, DP 1178385; Part of Lot 17, B, DP 4709; Part of Lot 18, B, DP 4709; Part of Lot 29, B, DP 4709;	State	I240
Earlwood	Western Outfall Main Sewer—Wolli Creek Aqueduct	24 Unwin Street	Lot 1, DP 986661	State	I140
Earlwood	Inter war corner shop and dwelling above	118 Wardell Road	Lot 2, DP 101697	Local	I141
Earlwood	Inter war shop with dwellings above—S & S Main Buildings	146 William Street	Lot C, DP 101959	Local	I142
Georges Hall	The Homestead building and site	42A Beale Street	Part of Lot 101, DP 827530	State	I143
Greenacre	Greenacre Methodist Church Hall	2 Mimosa Road	Lot 1, DP 170971	Local	I144
Greenacre	House	25 Old Kent Road	Lot A, DP 350074	Local	I145
Greenacre	Greenacre Public School	105 Waterloo Road	Lots 39–44 and 357, DP 11603; Lot 303, DP 820522; Lot 1, DP 169574	Local	I146

Suburb	Item name	Address	Property description	Significance	Item no
Hurlstone Park	Federation house	1 Barton Avenue	Lot 26, DP 7566	Local	I147
Hurlstone Park	Federation house	3 Barton Avenue	Lot 27, DP 7566	Local	I148
Hurlstone Park	Federation house	5 Barton Avenue	Lot 28, DP 7566	Local	I149
Hurlstone Park	Federation house	6 Barton Avenue	Lot 16, DP 7566	Local	I150
Hurlstone Park	Federation house	7 Barton Avenue	Lot 29, DP 7566	Local	I151
Hurlstone Park	Federation house	8 Barton Avenue	Lot 17, DP 7566	Local	I152
Hurlstone Park	Federation house	10 Barton Avenue	Lot 1, DP 952885	Local	I153
Hurlstone Park	Federation house	12 Barton Avenue	Lot 1, DP 953935	Local	I154
Hurlstone Park	Inter war school— Edgeware School	6–20 Burnett Street	Lots 102–106, and 108, DP 8865; Lots A and B, DP 102474	Local	I155
Hurlstone Park	Victorian house	78 Crinan Street	Lot 1, DP 915598	Local	I156
Hurlstone Park	Federation house	96 Crinan Street	Lot 5, DP 5924	Local	I157
Hurlstone Park	Weatherboard house	101 Crinan Street	Lot 9, DP 3383	Local	I158
Hurlstone Park	Federation house	27 Duntroon Street	Lot 1, DP 7126; Lot 1, DP 900840	Local	I159
Hurlstone Park	Part of a pair of Federation semi-detached houses	37 Duntroon Street	Lot 1, DP 1069398	Local	I160
Hurlstone Park	Part of a pair of Federation semi-detached houses	39 Duntroon Street	Lot 2, DP 1069398	Local	I161
Hurlstone Park	Victorian house	90 Duntroon Street	Lot 1, DP 972451	Local	I162
Hurlstone Park	Victorian house	92 Duntroon Street	Lot 20, DP 3268	Local	I163
Hurlstone Park	Federation house	1 Euston Road	Lot 36, DP 5924	Local	I164
Hurlstone Park	Federation urban park—Euston Square	2C and 2D Euston Road	Lots 1 and 2, DP 611627 and road closures	Local	I165
Hurlstone Park	Federation house	3 Euston Road	Lot 37, DP 5924	Local	I166
Hurlstone Park	Federation house	7 Euston Road	Lot 39, DP 5924	Local	I167
Hurlstone Park	Federation house	9 Euston Road	Lot 1, DP 113778	Local	I168
Hurlstone Park	Federation house	11 Euston Road	Lot 1, DP 949392	Local	I169
Hurlstone Park	Federation house	13 Euston Road	Lot 42, DP 5924	Local	I170
Hurlstone Park	Federation house	15 Euston Road	Lot 43, DP 5924	Local	I171
Hurlstone Park	Federation house	21 Euston Road	Lot 46, DP 5924	Local	I172
Hurlstone Park	Federation house	29 Fernhill Street	Lot 2, DP 309332	Local	I173
Hurlstone Park	Federation house	31 Fernhill Street	Lot 1, DP 124160	Local	I174

Suburb	Item name	Address	Property description	Significance	Item no
Hurlstone Park	Victorian and Federation railway station buildings	Floss Street (Hurlstone Park Railway Station)	Part of Lot 1, DP 1135292	Local	I175
Hurlstone Park	Inter war substation—Electricity Substation No 57	12 Floss Street	Lot 1, DP 124155; Lot A, DP 379452	Local	I176
Hurlstone Park	Inter war building—The Chambers	30 Floss Street	Lot 7, DP 6709	Local	I177
Hurlstone Park	Federation house—former Station Master’s Residence	44–46 Floss Street	Lot 11, DP 841930; Lot 1, DP 927664	Local	I178
Hurlstone Park	Federation villa, “Euston”	67 Floss Street	Lot 2, DP 1044798	Local	I179
Hurlstone Park	Federation house	79 Floss Street	Lot 1, DP 981438	Local	I180
Hurlstone Park	Railway underbridge	Foord Avenue	Part of Lot 1, DP 1135292	Local	I181
Hurlstone Park	Victorian house	12 Garnet Street	Lot 1, DP 973077	Local	I182
Hurlstone Park	Victorian house	14 Garnet Street	Lot 2, DP 973077	Local	I183
Hurlstone Park	Victorian house	16 Garnet Street	Lot A, DP 972267	Local	I184
Hurlstone Park	Victorian house	18 Garnet Street	Lot B, DP 972267	Local	I185
Hurlstone Park	Victorian house, “Jessamine”	20 Garnet Street	Lot 1, DP 168712	Local	I186
Hurlstone Park	Federation house	24 Garnet Street	Lot C, DP 324033	Local	I187
Hurlstone Park	Federation house	30 Garnet Street	Lot 8, DP 3515	Local	I188
Hurlstone Park	Victorian house	42 Garnet Street	Lot 2, DP 322881	Local	I189
Hurlstone Park	Part of a pair of Federation semi-detached houses	58 Garnet Street	Lot 71, DP 613001	Local	I190
Hurlstone Park	Part of a pair of Federation semi-detached houses	60 Garnet Street	Lot 72, DP 613001	Local	I191
Hurlstone Park	Worked quarry face	76–80 Garnet Street	SP 21620	Local	I192
Hurlstone Park	Part of a pair of Federation semi-detached houses	15 Gower Street	Lot B, DP 106262	Local	I193
Hurlstone Park	Part of a pair of Federation semi-detached houses	17 Gower Street	Lot A, DP 106262	Local	I194

Suburb	Item name	Address	Property description	Significance	Item no
Hurlstone Park	Federation house	19 Hopetoun Road	Lot 19, Section 3, DP 3849	Local	I195
Hurlstone Park	Federation house	23 Hopetoun Road	Lot 17, Section 3, DP 3849	Local	I196
Hurlstone Park	Federation house	25 Hopetoun Road	Lot 1, DP 902136	Local	I197
Hurlstone Park	Federation house	27 Hopetoun Road	Lot 1, DP 902137	Local	I198
Hurlstone Park	Inter war house	21 Kilbride Street	Lot 1, DP 170536	Local	I199
Hurlstone Park	Federation and Inter war church building— Hurlstone Park Uniting Church	8 Melford Street	Lot 4, DP 3738	Local	I200
Hurlstone Park	Federation house	104 Melford Street	Lot 1, DP 311222	Local	I201
Hurlstone Park	Federation and Inter war church building and child care centre	648–668 New Canterbury Road	Lot 1, DP 123771; Lot 2, DP 309070; Lot 1, DP 309071; Lot A, DP 448353	Local	I202
Hurlstone Park	Federation house	3 Wallace Avenue	Lot 22, DP 7566	Local	I203
Hurlstone Park	Federation house	5 Wallace Avenue	Lot 21, DP 7566	Local	I204
Hurlstone Park	Federation house	10 Wallace Avenue	Lot 20, DP 1226288	Local	I205
Kingsgrove	Moorfields Methodist Cemetery	96A Moorefields Road	Lot 2, DP 594305	Local	I206
Lakemba	Inter war urban park	Dennis Street (opposite 95–113 Dennis Street)		Local	I207
Lakemba	Federation railway station buildings	110A and 20–124 Railway Parade (Lakemba Railway Station Group)	Lot 2, DP 1012364; part of Lot 7, DP 4217	Local	I208
Lakemba	Federation weatherboard house	12 The Boulevarde	Lot 4, Section 3, DP 6691	Local	I209
Lakemba	Inter war post office building— Lakemba Post Office	54–60 The Boulevarde	Lot 1, DP 455268	Local	I210
Lakemba	Federation weatherboard and fibro house, “Hillview”	24 Willeroo Street	Lot 19, DP 7263	Local	I211
Lakemba	Federation weatherboard house	123 Yangoora Road	Lot 11, DP 856559	Local	I212
Lakemba	Federation and inter war house	28 Yerrick Road	Lot 107, DP 3323	Local	I213

Suburb	Item name	Address	Property description	Significance	Item no
Lakemba	Federation and inter war house	30 Yerrick Road	Lot 109, DP 3323	Local	I214
Lakemba	Federation and inter war house	32 Yerrick Road	Lot 111, DP 3323	Local	I215
Lansdowne	House, "Lansdowne"	7 Henry Lawson Drive	Lots 276–278, DP 11759	Local	I216
Lansdowne	Milestone, "Sydney XVI Liverpool V"	Lansdowne Reserve		Local	I217
Milperra	Milperra Soldier Settlement (former)	Ashford Avenue, Bullecourt Avenue, Fleurbaix Avenue		Local	I218
Narwee	Inter war railway station buildings and pedestrian underpass	119A, 119B and 121 Hannans Road, 20A Huntingdale Avenue, 161A–161B Penshurst Road, Fisher Place (Narwee Railway Station)	Lot 1, DP 572638; Lot 2, DP 802086; part of Lot 1, DP 431562; Lots 1 and 2, DP 1141712; Lot 2, DP 666094	Local	I219
Panania	Nurse Schwarzel Fountain	77 Anderson Avenue	Lots A–C, DP 35652	Local	I220
Potts Hill	Potts Hill Reservoirs 1 and 2 and site	146 Rookwood Road	Part of Lot 107, DP 1153671	State	I221
Punchbowl	War memorial and street trees	Broadway Street (between The Boulevarde and Canterbury Road (Broadway))		Local	I222
Punchbowl	Cemetery	1353 Canterbury Road (St Saviour's Church of England)	Lots 1 and 2, DP 999918	Local	I223
Punchbowl	House, "The Arches"	33 Catherine Street	Lot 10, DP 1066694	Local	I224
Punchbowl	Post-war civic building (former Punchbowl Baby Health Centre)	748 Punchbowl Road	Lot 1, DP 1175212	Local	I225
Punchbowl	Federation railway station buildings	1–3 and 269A The Boulevarde (Punchbowl Railway Station)	Part of Lot 3, DP 839167; part of Lot 1, DP 441839	Local	I226

Suburb	Item name	Address	Property description	Significance	Item no
Regents Park	Regents Park Public School	2A Bagdad Street	Lot 12, DP 733976; Lot 1, DP 121450; Lot 1, DP 794886; Lots 83–85, DP 8962; Lots 1 and 2, DP 797490	Local	I227
Regents Park	Sefton Junction Substation	96 Wellington Road	Lot 11, DP 1007007	Local	I228
Revesby	House, “Ferndale Cottage”	31 Ferndale Road	Lot 1, DP 212354	Local	I229
Revesby	Revesby Public School	84 The River Road	Lots 17 and 18, 21–24 and 45–48, Section 10, DP 2343; Lots 1 and 2, DP 122996; Lot 1, DP 181955	Local	I230
Revesby	House, “The Pah”	4 Tompson Road	Lot 1, DP 777621	Local	I231
Roselands	Inter war water reservoir—Wiley Park Reservoir (WS0174)	36–40 Canarys Road	Lots 4–6 and 26, Section 5, DP 4494	Local	I232
Roselands	Inter war weatherboard corner shop and attached house	64–66 Remly Street	Lot 90, DP 11802	Local	I233
Villawood	Villawood Immigration Detention Centre	15 Birmingham Avenue	Lot 102, DP 1041971	Local	I234
Wiley Park	Inter war water pumping station—Lakemba Pumping Station (WP0003)	1B Hillcrest Street	Lot 1, DP 125481	Local	I235
Wiley Park	Inter war railway station buildings	91–93 King Georges Road (Wiley Park Railway Station)	Part of Lot 1, DP 972401	Local	I236
Yagoona	Shop (former Brancourt’s Garage and Motor Showroom)	401 Hume Highway	Lot D, DP 392202	Local	I237
Yagoona	House (former Bankstown Police Station)	76 Powell Street	Lot 5, DP 25154	Local	I238
Yagoona	House, “Carinya”	50 Rookwood Road	Lot C, DP 365541	Local	I239

Part 2 Heritage conservation areas

Heritage conservation area name	Identification on Heritage Map	Significance
Ashbury Heritage Conservation Area	Shown by red hatching and labelled "C1"	Local
Crinan Street Shops Heritage Conservation Area	Shown by red hatching and labelled "C2"	Local
Duntroon Street Heritage Conservation Area	Shown by red hatching and labelled "C3"	Local
Floss Street Heritage Conservation Area	Shown by red hatching and labelled "C4"	Local
Melford Street Heritage Conservation Area	Shown by red hatching and labelled "C5"	Local
Railway Street Heritage Conservation Area	Shown by red hatching and labelled "C6"	Local
Starkey Street Heritage Conservation Area	Shown by red hatching and labelled "C7"	Local

Part 3 Archaeological sites

Suburb	Item name	Address	Property description	Significance	Item no
Bankstown	Site of "Speed the Plough Inn"	321 Hume Highway	Lots 3-5, DP 703355; Lots A and B, DP 347099; Lot 1, DP 10968; Lot 1, DP 370854	Local	A1
East Hills	Caird's Wharf	574A Henry Lawson Drive	Lot 7043, DP 1124197	Local	A2
Greenacre	Site of "Liebentritt Pottery"	355 Waterloo Road	Lot 41, DP 1037863	Local	A3
Picnic Point	Cattle Duffers Flat	Cattle Duffers Flat Road		Local	A4
Sefton	Site of "Ranah"	201A Rodd Street	Lot 3824, DP 430031	Local	A5

Part 4 Aboriginal heritage

Suburb	Item name	Address	Property description	Significance	Item no
Earlwood	Aboriginal art site and midden	Undercliffe Road	Lot 38, Section C, DP 4709	State	AH1

Schedule 6 Pond-based and tank-based aquaculture

(Clause 5.19)

Part 1 Pond-based and tank-based aquaculture

Division 1 Site location requirements

1 Conservation exclusion zones

- (1) Must not be carried out on the following land, except to the extent necessary to gain access to water—
 - (a) land declared an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*,
 - (b) vacant Crown land,
 - (c) land within a wetland of international significance declared under the Ramsar Convention on Wetlands.
- (2) Must not be carried out on the following land, except for the purposes of minimal infrastructure to support the extraction of water from, and discharge of water to, the land concerned—
 - (a) land declared as an aquatic reserve under the *Marine Estate Management Act 2014*,
 - (b) land declared as a marine park under the *Marine Estate Management Act 2014*.

Note— Nothing in this clause affects any requirement under an Act relating to land specified in this clause to obtain a licence or other authority under that Act for development of the land.

Division 2 Operational requirements

2 Species selection

Species of fish or marine vegetation cultivated or kept must be consistent with the relevant aquaculture industry development plan (within the meaning of clause 5.19).

3 Pond-based aquaculture that is also intensive aquaculture—pond design

For pond-based aquaculture that is also intensive aquaculture—ponds must be capable of being drained or pumped and then completely dried.

4 Pond-based aquaculture and tank-based aquaculture that is also intensive aquaculture—freshwater discharges

For pond-based aquaculture and tank-based aquaculture that is also intensive aquaculture—no discharge of freshwater used to intensively cultivate or keep fish to natural waterbodies or wetlands is permitted, except freshwater discharge from open flow through systems.

5 Outlets from culture ponds etc

All outlets from culture ponds, tanks and other culture facilities must be screened to avoid the escape of fish.

6 Definition

In this Division—

intensive aquaculture has the same meaning as it has in the *Fisheries Management (Aquaculture) Regulation 2017*.

Part 2 Extensive pond-based aquaculture

Division 1 Site location requirements

7 Conservation exclusion zones

- (1) Must not be carried out on the following land, except to the extent necessary to gain access to water—
 - (a) land declared an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*,
 - (b) vacant Crown land,
 - (c) land within a wetland of international significance declared under the Ramsar Convention on Wetlands.

Note— Nothing in this clause affects any requirement under an Act relating to land specified in this clause to obtain a licence or other authority under that Act for development of the land.

8 Flood liability

Must be designed or constructed on land so that it will not be inundated by the discharge of a 1:100 ARI (average recurrent interval) flood event.

Division 2 Operational requirements

9 Species selection

Species of fish or marine vegetation cultivated or kept must be consistent with the relevant aquaculture industry development plan (within the meaning of clause 5.19).

10 Pond design

- (1) Must not require the construction of new ponds, water storages, dams or buildings.
- (2) Must not be located on permanent watercourses, creeks, billabongs or isolated outreaches of creeks or rivers.
- (3) Must be capable of preventing the escape of stock into natural waterbodies or wetlands.

11 Culture water

Must use freshwater.

Dictionary

(Clause 1.4)

Aboriginal object means any deposit, object or other material evidence (not being a handcraft 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 Canterbury-Bankstown Local Environmental Plan 2023 Acid Sulfate Soils Map.

Active Street Frontages Map means the Canterbury-Bankstown Local Environmental Plan 2023 Active Street Frontages Map.

Activity Hazard Area Map means the Canterbury-Bankstown Local Environmental Plan 2023 Activity Hazard Area Map.

Additional Permitted Uses Map means the Canterbury-Bankstown Local Environmental Plan 2023 Additional Permitted Uses 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 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—

- (aaa) agritourism,
 - (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*.

agritourism means the following—

- (a) farm gate premises,
- (b) farm experience premises.

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

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*. It includes oyster aquaculture, pond-based aquaculture and tank-based aquaculture.

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

Area 1 means land identified as “Area 1” on the Clause Application Map.

Area 2 means land identified as “Area 2” on the Clause Application Map.

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

artisan food and drink industry means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following—

- (a) a retail area for the sale of the products,
- (b) the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided,
- (c) facilities for holding tastings, tours or workshops.

Note— See clause 5.4 for controls in certain zones relating to the retail floor area of an artisan food and drink industry.

Artisan food and drink industries are a type of **light industry**—see the definition of that term in this Dictionary.

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.

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 or **biological diversity** means the variety of living animal and plant life from all sources, and includes diversity within and between species and diversity of ecosystems.

Biodiversity Map means the Canterbury-Bankstown Local Environmental Plan 2023 Biodiversity Map.

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.

boarding house means a building or place—

- (a) that provides residents with a principal place of residence for at least 3 months, and
- (b) that contains shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (c) that contains rooms, some or all of which may have private kitchen and bathroom facilities, and
- (d) used to provide affordable housing, and
- (e) if not carried out by or on behalf of the Land and Housing Corporation—managed by a registered community housing provider,

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

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—

- (a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or
- (b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

building identification sign means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but 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
- (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.

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 10.3(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.

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 funeral homes, goods repair and reuse premises and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, 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, with access to communal amenities, used for the short term placement of campervans, tents, annexes or other similar portable and lightweight temporary shelters for accommodation and includes a primitive camping ground but does not include—

- (a) a caravan park, or
- (b) farm stay accommodation.

canal estate development—see clause 2.9.

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 an area of land, with access to communal amenities, used for the installation or placement of caravans, or caravans and other moveable dwellings, but does not include farm stay accommodation.

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

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

cellar door premises means 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 **farm gate 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.

centre-based child care facility means—

- (a) a building or place used for the education and care of children that provides any one or more of the following—
 - (i) long day care,
 - (ii) occasional child care,
 - (iii) out-of-school-hours care (including vacation care),
 - (iv) preschool care, or
- (b) an approved family day care venue (within the meaning of the *Children (Education and Care Services) National Law (NSW)*),

Note— An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the *Children (Education and Care Services) National Law (NSW)*) is provided.

but does not include—

- (c) a building or place used for home-based child care or school-based child care, or
- (d) an office of a family day care service (within the meanings of the *Children (Education and Care Services) National Law (NSW)*), or
- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or
- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

Note— Centre-based child care facilities are a type of **early education and care facility**—see the definition of that term in this Dictionary.

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.

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.)

Clause Application Map means the Canterbury-Bankstown Local Environmental Plan 2023 Clause Application Map.

clearing native vegetation has the same meaning as in Part 5A of the *Local Land Services Act 2013*.

clearing vegetation has the same meaning as in *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 2.

coastal hazard has the same meaning as in the *Coastal Management Act 2016*.

coastal lake means a body of water identified in *State Environmental Planning Policy (Resilience and Hazards) 2021*, Schedule 1.

coastal protection works has the same meaning as in the *Coastal Management Act 2016*.

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

coastal zone has the same meaning as in the *Coastal Management Act 2016*.

co-living housing means a building or place that—

- (a) has at least 6 private rooms, some or all of which may have private kitchen and bathroom facilities, and
- (b) provides occupants with a principal place of residence for at least 3 months, and

(c) has shared facilities, such as a communal living room, bathroom, kitchen or laundry, maintained by a managing agent, who provides management services 24 hours a day, but does not include backpackers' accommodation, a boarding house, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

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

commercial farm means a farm on which agriculture is undertaken that is—

- (a) on land categorised as farmland under the *Local Government Act 1993*, section 515, or
- (b) a primary production business within the meaning of the *Income Tax Assessment Act 1997* of the Commonwealth, or part of a primary production business, including a business that—
 - (i) was a primary production business, and
 - (ii) has temporarily ceased to be a primary production business because of a natural disaster, including a drought, flood or bush fire.

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 Canterbury-Bankstown Council.

creative industry means a building or place the principal purpose of which is to produce or demonstrate arts, crafts, design or other creative products, and includes artists' studios, recording studios, and set design and production facilities.

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

crematorium means a building or place in which deceased persons or pets are cremated or processed by alkaline hydrolysis, whether or not the building or place contains an associated building for conducting memorial services.

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

dairy (pasture-based) means a dairy that is conducted on a commercial basis where the only restriction facilities present are milking sheds and holding yards and where cattle generally feed by grazing on living grasses and other plants on the land and 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.

data centre means a building or place the principal purpose of which is to collect, distribute, process or store electronic data using information technology.

Note— Data centres are a type of **high technology industry**—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.

early education and care facility means a building or place used for the education and care of children, and includes any of the following—

- (a) a centre-based child care facility,
- (b) home-based child care,
- (c) school-based child care.

earthworks means excavation or filling.

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—

- (a) making or generating electricity, or
- (b) electricity storage.

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, 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 (other than pigs and poultry) for commercial purposes on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the livestock,
- (c) bee keeping,
- (d) a dairy (pasture-based) where the animals generally feed by grazing on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the animals.

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.

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 experience premises means a building or place—

- (a) on a commercial farm, and
- (b) ancillary to the farm, and
- (c) used to provide visitors to the farm, on a commercial basis, with small-scale and low-impact tourist or recreational activities, including the following, but not including motor sports—
 - (i) horse riding,
 - (ii) farm tours,
 - (iii) functions or conferences,
 - (iv) farm field days.

Note— Farm experience premises are a type of **agritourism**—see the definition of that term in this Dictionary.

farm gate premises—

- (a) means a building or place—
 - (i) on a commercial farm, and
 - (ii) ancillary to the farm, and
 - (iii) used to provide visitors to the farm, on a commercial basis, with agricultural products predominantly from the farm, supplemented by products from other farms in the region, or with services or activities related to the products, including the following—
 - (A) processing, packaging and sale of the products, but not the processing of animals,

- (B) the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided,
- (C) tastings or workshops,
- (D) the provision of information or education related to the products, and

(b) includes cellar door premises.

Note— Farm gate premises are a type of **agritourism**—see the definition of that term in this Dictionary.

farm stay accommodation means a building or place—

- (a) on a commercial farm, and
- (b) ancillary to the farm, and
- (c) used to provide temporary accommodation to paying guests of the farm, including in buildings or moveable dwellings.

Note— 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, but does not include a poultry farm, dairy or pig farm.

Note— Feedlots are a type of **intensive livestock agriculture**. Intensive livestock agriculture does not include **extensive agriculture**. See the definitions of those terms 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
 - (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 Canterbury-Bankstown Local Environmental Plan 2023 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,
- (d) a small bar.

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

Foreshore Building Line Map means the Canterbury-Bankstown Local Environmental Plan 2023 Foreshore Building Line Map.

forestry means forestry operations within the meaning of the *Forestry Act 2012* or Part 5B of the *Local Land Services Act 2013*.

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 include a restaurant or cafe and the sale of any of 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.

goods repair and reuse premises means a building or place the principal purpose of which is to collect, repair or refurbish goods, including furniture and appliances, for the purposes of sale, hire or swap, and includes premises known as op shops.

Note— Goods repair and reuse premises are a type of **business premises**—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
- (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) 2021*, Chapter 3, Part 5 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 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) 2021*, Chapter 3, Part 5 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 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 Canterbury-Bankstown Local Environmental Plan 2023 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 Public Service agency 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 Canterbury-Bankstown Local Environmental Plan 2023 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,

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

and includes a data centre, 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 family day care residence (within the meaning of the *Children (Education and Care Services) National Law (NSW)*) at which the education and care service is provided at any one time to no more than 7 children (including any child of the person providing the service) all of whom are under the age of 13 years and no more than 4 of whom are children who do not ordinarily attend school.

Note 1— A family day care residence is a residence at which a family day care educator educates and cares for children as part of a family day care service—see the *Children (Education and Care Services) National Law (NSW)*.

Note 2— Home-based child care is a type of **early education and care facility**—see the definition of that term in this Dictionary.

home business means a business, whether or not involving the sale of items online, carried on in a dwelling, or in a building ancillary to a dwelling, by 1 or more permanent residents of the dwelling and not involving the following—

- (a) the employment of more than 2 persons other than the residents,
- (b) interference with the amenity of the neighbourhood because 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 adjacent premises or from a public place, of unsightly matter,
- (d) the exhibition of signage, other than a business identification sign,
- (e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing,

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.

home industry means an industrial activity, whether or not involving the sale of items online, carried on in a dwelling, or in a building ancillary to a dwelling, by 1 or more permanent residents of the dwelling and not involving the following—

- (a) the employment of more than 2 persons other than the residents,
- (b) interference with the amenity of the neighbourhood because 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 adjacent premises or from a public place, of unsightly matter,
- (d) the exhibition of signage, other than a business identification sign,
- (e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing,

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.

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.

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.

independent living unit means a dwelling or part of a building, whether or not attached to another dwelling—

- (a) used to house seniors or people with a disability, and
- (b) containing private facilities for cooking, sleeping and bathing, and
- (c) where clothes washing facilities or other facilities for use in connection with the dwelling or part of a building may be provided on a shared basis,

but does not include a hostel.

Note— Independent living units are a type of **seniors housing**—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 (other than an artisan food and drink 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.

intensive livestock agriculture means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses, sheep or other livestock, and includes any of the following—

- (a) dairies (restricted),
- (b) feedlots,
- (c) pig farms,
- (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.

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 Canterbury-Bankstown Local Environmental Plan 2023 Land Application Map.

Land Reservation Acquisition Map means the Canterbury-Bankstown Local Environmental Plan 2023 Land Reservation Acquisition Map.

Land Zoning Map means the Canterbury-Bankstown Local Environmental Plan 2023 Land Zoning Map.

landholding means an area of land—

- (a) constituted or worked as a single property, and
- (b) if comprising more than 1 lot—the lots are—
 - (i) contiguous, or
 - (ii) separated only by a road or watercourse.

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.

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,
- (c) artisan food and drink industry,
- (d) creative 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 and includes abattoirs, knackereries, tanneries, woollscours and rendering plants.

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

local distribution premises means a building or place used for the storage or handling of items (whether goods or materials) pending their delivery to people and businesses in the local area, but from which no retail sales are made.

Note— Local distribution premises are a type of **warehouse or distribution centre**—see the definition of that term in this Dictionary.

Lot Size Map means the Canterbury-Bankstown Local Environmental Plan 2023 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.

manufactured home has the same meaning as in the *Local Government Act 1993*.

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.

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.

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 Part 5A of the *Local Land Services Act 2013*.

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, but does not include neighbourhood supermarkets or 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.

neighbourhood supermarket means premises the principal purpose of which is the sale of groceries and foodstuffs to provide for the needs of people who live or work in the local area.

Note— See clause 5.4 for controls relating to the gross floor area of neighbourhood supermarkets.

Neighbourhood supermarkets 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
- (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.

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*.

oyster aquaculture means the cultivation of any species of edible oyster for a commercial purpose.

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

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.

people who are socially disadvantaged means—

- (a) people who are disadvantaged because of their alcohol or drug dependence, extreme poverty, psychological disorder or other similar disadvantage, or
- (b) people who require protection because of domestic violence or upheaval.

people with a disability means people of any age who, as a result of having an intellectual, psychiatric, sensory, physical or similar impairment, or a combination of such impairments, either permanently or for an extended period, have substantially limited opportunities to enjoy full and active lives.

pig farm means land that is used to keep or breed pigs for animal production, whether an indoor, outdoor, free-range or other type of operation.

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

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.

pond-based aquaculture means aquaculture undertaken predominantly in ponds, raceways or dams (including any part of the aquaculture undertaken in tanks such as during the hatchery or depuration phases), but not including natural water-based aquaculture.

Note— Pond-based aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary. Typical pond-based aquaculture is the pond culture of prawns, yabbies or silver perch.

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

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

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

poultry farm means land that is used to keep or breed poultry for animal production, whether for meat or egg production (or both) and whether an indoor, outdoor, free-range or other type of operation.

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

primitive camping ground means a camping ground approved under the *Local Government Act 1993*, Chapter 7, Part 1 as a primitive camping ground.

Note— Primitive camping ground is a type of **camping ground**—see the definition of that term in this Dictionary.

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 mean a property vegetation plan approved under Part 4 of the *Native Vegetation Act 2003* before the repeal of that Act (as continued in force by the regulations under the *Biodiversity Conservation Act 2016*).

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.

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*.

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 Public Service agency 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, Public Service agency, 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*.

registered community housing provider has the same meaning as in the *Community Housing Providers (Adoption of National Law) Act 2012*, section 13.

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,
- (baa) co-living housing,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (faa) (Repealed)
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (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, co-living housing 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, take away meals and drinks or entertainment are also provided, but does not include the preparation and serving of food and drink to people that occurs as part of—

- (a) an artisan food and drink industry, or
- (b) farm gate premises.

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) (Repealed)
- (b) (Repealed)
- (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,
- (la) specialised retail premises,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include farm gate premises, 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.

Riparian Lands and Watercourses Map means the Canterbury-Bankstown Local Environmental Plan 2023 Riparian Lands and Watercourses Map.

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,
- (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.

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.

school-based child care means a building or place within a school that is used to provide out-of-school-hours care (including vacation care) for school children only.

Note 1— Accordingly, a building or place within a school that is used to provide out-of-school-hours care for both school children and pre-school children is not school-based child care.

Note 2— School-based child care is a type of **early education and care facility**—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 clauses 5.4 and 5.5 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.

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 *State Environmental Planning Policy (Housing) 2021*, Chapter 3, Part 5, or
- (c) a group of independent living units, 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
- (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 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 and neighbourhood supermarket, 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 the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.

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.

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.

small bar means a small bar within the meaning of the *Liquor Act 2007*.

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

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

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

Special Provisions Map means the Canterbury-Bankstown Local Environmental Plan 2023 Special Provisions Map.

specialised retail premises means a building or place the principal purpose of which is the sale, hire or display of goods that are of a size, weight or quantity, that requires—

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

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale, hire or display of other goods referred to in this definition.

Note— Examples of goods that may be sold at specialised retail premises include automotive parts and accessories, household appliances and fittings, furniture, homewares, office equipment, outdoor and recreation equipment, pet supplies and party supplies.

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

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.

Sun Access Protection Map means the Canterbury-Bankstown Local Environmental Plan 2023 Sun Access Protection Map.

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

Note— The term is defined as follows—

swimming pool means an excavation, structure or vessel—

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

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

take away food and drink premises means 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.

tank-based aquaculture means aquaculture undertaken exclusively in tanks, but not including natural water-based aquaculture.

Note— Tank-based aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary. Typical tank-based aquaculture is the tank culture of barramundi or abalone.

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, and includes local distribution premises.

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 and dosing facilities.

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.

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.