

# Sydney Regional Environmental Plan No 29—Rhodes Peninsula (1999 EPI 608)

[1999-608]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Authorisation

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New South Wales

## Contents

<b>Part 1 Introduction</b>	4
1 Name of plan	4
2 Land covered by plan	4
3 Aims of plan	4
4 How environmental planning instruments affect the Rhodes Peninsula	4
5 Consent authority	5
6 Definitions	5
7 Complying and exempt development	5
8 Adoption of Model Provisions	6
9 Savings and transitional provisions	6
<b>Part 2 Planning principles</b>	6
10 Planning principles for the Rhodes Peninsula	6
<b>Part 3 General land use controls</b>	8
11 Land use zones and explanation	8
<b>Part 4 Special provisions</b>	12
12 Subdivision and demolition	12
13 Infrastructure provision	12
14 Floor space restrictions for Precincts	12
15 Floor space restrictions for certain uses	13
16 Height of buildings	14

17 Bulky goods retailing ..... 15

18 Development near zone boundaries..... 15

19 Acquisition of land zoned Open Space..... 16

20 Unzoned land..... 16

21 Restriction on use of land near Homebush Bay Drive and the Great Northern Railway..... 16

22 Acid sulfate soils..... 16

**Schedule 1 Definitions ..... 17**

**Schedule 2 Complying development..... 22**

**Schedule 3 Exempt development ..... 25**

# Sydney Regional Environmental Plan No 29—Rhodes Peninsula (1999 EPI 608)



New South Wales

## Part 1 Introduction

### 1 Name of plan

This plan is *Sydney Regional Environmental Plan No 29—Rhodes Peninsula*.

### 2 Land covered by plan

This plan applies to the land shown on the Subject Land Map as the Rhodes Peninsula. The land to which this plan applies is part of the Sydney Region and is referred to in this plan as **the Rhodes Peninsula**.

### 3 Aims of plan

The aims of this plan are:

- (a) to establish planning principles for development within the Rhodes Peninsula, and
- (b) to rezone land in the Rhodes Peninsula, and
- (c) to promote the orderly and ecologically sustainable use and development of land, and
- (d) to identify appropriate levels of retail and commercial floor space, and
- (e) to promote the orderly and economic use and development of land within the Rhodes Peninsula.

### 4 How environmental planning instruments affect the Rhodes Peninsula

- (1) In the event of an inconsistency between this plan and another environmental planning instrument, whether made before, on or after the date on which this plan was made, this plan prevails to the extent of the inconsistency, subject to section 36 (4) of the Act.
- (2) This plan replaces all local environmental plans and deemed environmental planning instruments to the extent that they would otherwise apply to the Rhodes Peninsula.

- (3) The *Concord Planning Scheme Ordinance* is amended by inserting at the end of clause 5 the following subclause:

(2) However, this Ordinance does not apply to land to which *Sydney Regional Environmental Plan No 29—Rhodes Peninsula* applies.

- (4) This plan amends *State Environmental Planning Policy No 4—Development Without Consent* by inserting the following words at the end of Schedule 2 (Land excepted from clauses 6–10):

Land to which *Sydney Regional Environmental Plan No 29—Rhodes Peninsula* applies.

- (5) To remove any doubt, this plan does not affect the application of *State Environmental Planning Policy No 55—Remediation of Land* or *State Environmental Planning Policy No 56—Sydney Harbour Foreshores and Tributaries* to land to which this plan applies.

## **5 Consent authority**

The Minister is the consent authority for development applications relating to land to which this plan applies.

## **6 Definitions**

- (1) Certain terms used in this plan are defined in Schedule 1.
- (2) The list of contents and notes in this plan do not form part of this plan.

## **7 Complying and exempt development**

- (1) Development listed in Schedule 2 is complying development if:
- (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
  - (b) it is not an existing use as defined in section 106 of the Act.
- (2) Development of minimal environmental impact listed in Schedule 3 is exempt development, despite any other provision of this plan.
- (3) Development is complying or exempt development only if it complies with the development standards and other requirements applied to the development in Schedules 2 and 3, respectively.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in Part 2 of Schedule 2.

## **8 Adoption of Model Provisions**

- (1) This plan adopts the *Environmental Planning and Assessment Model Provisions 1980*, except for Part 2 (Definitions) and Division 3 (Certain Development) of Part 5 (Special Provisions) of those provisions.
- (2) For that purpose, references in those provisions to the local environmental plan adopting them are taken to be references to this plan.

## **9 Savings and transitional provisions**

Local environmental plans and deemed environmental planning instruments (including the *Concord Planning Scheme Ordinance*) apply to development applications lodged but not finally determined before the commencement of this plan as if this plan had not been made.

## **Part 2 Planning principles**

### **10 Planning principles for the Rhodes Peninsula**

Before granting consent to a development application relating to land within the Rhodes Peninsula, the consent authority must take into consideration the aims of this plan and must be satisfied that the proposed development will be consistent with the achievement of the following planning principles for the Rhodes Peninsula:

#### **Role and land use activities**

Development should be carried out in a manner consistent with the principles of ecologically sustainable development.

Development of the Rhodes Peninsula is to provide for a significant increase in residential population, open space and limited commercial and retail uses.

Retail development in the Mixed Use Zone should service the needs of the local and district community, and have convenient and direct access to the public transport network.

Office development should have convenient and direct access to the railway station and be no more than 500 metres walking distance from the railway station.

Development in the Mixed Use Zone should optimise the use of public transport infrastructure.

A vibrant community and safe public domain is to be created through encouraging active frontages along main streets.

#### **Built form**

Building heights are to reflect and emphasise the topography and other natural attributes of the Rhodes Peninsula. Building heights should allow a reasonable sharing of views from buildings by their occupants, with lower buildings at the foreshore and the greatest building height and density adjacent to the railway line.

The predominant height of buildings adjacent to the foreshore is not to exceed 4

storeys.

The height, form and orientation of buildings are to take into account visual impact, both land and water based, solar access, ventilation, wind impact and the amenity and privacy of residences.

Design should promote a public domain and residential areas with a high quality of amenity and follow design practices which encourage energy conservation and the promotion of public transport.

Development is to provide for a high quality of landscaping and plantings.

The history of the site should be interpreted through continuity of existing features such as street layout and plantings.

### **Public domain**

The foreshore is to be publicly accessible, to be continuously linked within the Rhodes Peninsula and linked to public areas adjoining the Rhodes Peninsula, and to provide variation in open space character.

A range of recreational opportunities for the residents, workers and the community is to be provided within the public domain.

There should be public gathering points within the public domain. Those gathering points are to include places located at the water's edge accessible to public transport and some places at which small-scale retailing can occur.

Coordinated pedestrian and cycling networks and public transport services are to be provided throughout the Rhodes Peninsula, and are to strengthen the role of John Whitton Bridge cycleway and links to Homebush Bay and Bicentennial Park. Networks are to link with the railway station, areas adjoining the Rhodes Peninsula and the foreshore.

In residential areas, walking and cycling are to be given priority and the passage of through motor traffic is to be discouraged.

The railway station should be linked to the foreshore through the provision of generously proportioned landscaped streets.

All streets should be publicly accessible.

### **Accessibility, movement and parking**

Transport and traffic should be managed in accordance with a comprehensive plan that provides for the coordinated provision of infrastructure and the staging of its provision.

Access to and use of public transport is to be optimised through appropriate land use and density distribution.

Appropriate urban form, public transport infrastructure and services are to be provided which increase the use of public transport.

Development should accommodate users of all modes of transport including public transport, cycling and walking.

The provision for vehicular movement is to be consistent with the development of a high-quality pedestrian environment within the street system.

A high degree of accessibility is to be provided to places in the Rhodes Peninsula for both able and disabled persons.

The street pattern should have a clear hierarchy, be interconnected and integrate the western and eastern parts of the Rhodes Peninsula through improved and increased linkages.

Parking controls are to support public transport strategies of the Government and to reflect road network capacities.

**Ecological issues**

Development within the Rhodes Peninsula is to make a significant contribution to ecological sustainability through reduced energy requirements, particularly those of a non-renewable nature, and to waste reduction.

Water and energy efficient design criteria are to be promoted and soil erosion and sedimentation control measures implemented during remediation and construction phases.

Development should not have adverse impacts on the water quality of Homebush Bay or the Parramatta River.

Appropriate re-vegetation of the foreshores is to be encouraged.

**Part 3 General land use controls**

**11 Land use zones and explanation**

- (1) Land within the Rhodes Peninsula is within one of the following zones as shown on the Zoning Map:
  - Residential Zone
  - Mixed Use Zone
  - Open Space Zone
- (2) The following Table shows, for land within a zone:
  - (a) the objectives of the zone, and
  - (b) the development that may be carried out without consent, and
  - (c) the development that may be carried out only with consent, and
  - (d) the development that is prohibited.
- (3) Consent may be granted for development within a zone only if the consent authority is satisfied that it is consistent with all of the objectives of the zone being achieved.

Table  
**Residential Zone**



## **1 Objectives**

The objectives of this zone are:

- (a) to ensure that land within the zone is primarily used for residential purposes, and
- (b) to allow a limited range and scale of non-residential uses which are compatible with residential amenity and primarily service local residents.

## **2 Development that is allowed**

Exempt development and development for the purpose of the following may be carried out without development consent:

home occupations; public utility undertakings.

Development for the purpose of the following may be carried out only with development consent:

commercial premises; community facilities; local shops; non-tertiary educational establishments; open space; recreation facilities; remediation of land; residential buildings; restaurants; works ancillary to remediation of adjacent waterways; other land uses that are not allowed without development consent.

## **3 Prohibited development**

Nil.

## **Mixed Use Zone**

### **1 Objectives**

The objectives of this zone are:

- (a) to accommodate a retail centre to the south of Mary Street with convenient and direct access to the railway station and Homebush Bay Drive, and
- (b) to accommodate commercial activity with convenient access to the railway station, and
- (c) to accommodate a mix of uses which generate employment opportunities, and
- (d) to provide for employment-generating development that is compatible

with the traffic capacity of the Rhodes Peninsula and adjoining areas, but does not have a significant impact on the commercial viability or employment growth of Parramatta, and

- (e) to prevent development from having a significant adverse impact on the amenity of the locality, and
- (f) to provide facilities and services within the zone that enable people to live and work in the same community, and
- (g) to provide active frontages to major streets within the zone, and
- (h) to accommodate residential development compatible in form and scale to adjoining business uses, and
- (i) to encourage sustainable transport modes for journeys to work and other trips, including walking, cycling and all forms of public transport.

## **2 Development that is allowed**

Exempt development and development for the purpose of the following may be carried out without development consent:

home occupations; public utility undertakings.

Development for the purpose of the following may be carried out only with development consent:

advertising structures; backpackers' hostels; bed and breakfasts; bulky goods retailing; car parks and car parking stations; car repair stations; child care centres; clubs; commercial premises; community facilities; educational establishments; high technology industries; hospitals; hotels; local shops; medical centres; motels; open space; passenger transport terminals; places of assembly; places of public worship; public buildings; recreation areas; recreation facilities; remediation of land; residential buildings; restaurants; restricted premises; roads; service stations; serviced apartments; shops; vehicle rental centres; works ancillary to remediation of adjacent waterways.

## **3 Prohibited development**

Any development not listed in item 2.

### **Open Space Zone**

## **1 Objectives**

The objectives of this zone are:

- (a) to provide a continuous open space area along the water's edge, and
- (b) to establish public recreation areas which serve the needs of residents and workers within the Rhodes Peninsula and the wider community, and
- (c) to provide public access to waterfront areas, and
- (d) to provide a variety of public areas and non-commercial recreational opportunities, and
- (e) to provide for facilities which accommodate or are ancillary to recreational opportunities relating to the use of the public domain.

## **2 Development that is allowed**

Exempt development and development for the purpose of the following may be carried out without development consent:

aids to navigation; gardening; landscape maintenance works (including tree planting, repaving and replacement of street furniture); other maintenance works.

Development for the purpose of the following may be carried out only with development consent:

artworks; boat landing and hire facilities; boat ramps and berths; car parks; identifying or interpretive signage ancillary to another use allowed on the site; kiosks; landscaping (except landscape maintenance works) outdoor eating areas (if linked to kiosks within the zone or restaurants in adjoining zones); recreation areas; remediation of land; roads; works ancillary to remediation of adjacent waterways; other land uses incidental or ancillary to the land uses lawfully carried out within the zone at the commencement of this plan.

## **3 Prohibited development**

Any development not listed in item 2.

## **Part 4 Special provisions**

### **12 Subdivision and demolition**

- (1) Land within the Rhodes Peninsula may be subdivided, but only with development consent.
- (2) Buildings or works on land within the Rhodes Peninsula may be demolished, but only with development consent.

### **13 Infrastructure provision**

- (1) The consent authority must not grant consent to the development of land to which this plan applies unless arrangements have been made to the satisfaction of the consent authority for:
  - (a) railway and bus infrastructure that will provide an adequate public railway and public bus service for people who will reside or work on, or otherwise use, the land to which this plan applies, and
  - (b) roads and related infrastructure of a standard adequate to provide public and private vehicular transport access to, and egress from, the land to which this plan applies from and to other land within the region.
- (2) In determining the appropriateness of any arrangement for the provision of services to the land to which this plan applies, the consent authority must take into consideration the views of:
  - (a) the Council, the Roads and Traffic Authority and the Department of Transport, and
  - (b) any other public authority that the consent authority considers relevant.

### **14 Floor space restrictions for Precincts**

- (1) Except where subclause (3) applies to the granting of consent for development within the Precinct, consent must not be granted for development within a Floor Space Precinct if it would result in the total gross floor area of all buildings within the Precinct being greater than:
  - (a) 205,000 square metres within Floor Space Precinct A, or
  - (b) 132,600 square metres within Floor Space Precinct B, or
  - (c) 53,300 square metres within Floor Space Precinct C, or
  - (d) 50,400 square metres within Floor Space Precinct D.
- (2) Subclause (3) applies to the granting of consent for development within Floor Space Precinct A, B or C, but only if:

- (a) all land in the Floor Space Precinct concerned that is within the Open Space Zone is dedicated in favour of the corporation free of cost as public reserve, and
  - (b) arrangements are or have been made to the satisfaction of the consent authority for the embellishment and ongoing maintenance of all such land in that Precinct as a public reserve.
- (3) If this subclause applies to the granting of consent for development within the Precinct, consent may be granted for development within Floor Space Precinct A, B or C that would result in the total gross floor area of all buildings within the Precinct being greater than that allowed by subclause (1), but not greater than:
- (a) 266,500 square metres within Floor Space Precinct A, or
  - (b) 156,000 square metres within Floor Space Precinct B, or
  - (c) 70,850 square metres within Floor Space Precinct C.
- (4) *State Environmental Planning Policy No 1—Development Standards* does not apply to subclause (1) or (3).

## **15 Floor space restrictions for certain uses**

- (1) Consent must not be granted for development in the Mixed Use Zone that would result in the following:
- (a) more than the maximum amount, for the time being, of gross floor area within that zone being used exclusively for the purpose of commercial premises (whether or not in the same building),
  - (b) more than 25,000 square metres of leasable floor space (excluding public access areas such as arcades and amenities, general loading docks and car parking areas) within that zone being used exclusively for the purpose of shops, restaurants and cinemas (whether or not in the same building),
  - (c) more than 15,000 square metres of leasable floor space (excluding public access areas such as arcades and amenities, general loading docks and car parking areas) within that zone being used exclusively for the purpose of bulky goods retailing and restaurants (whether or not in the same building).
- (2) In subclause (1) (a), **maximum amount** means:
- (a) 20,000 square metres, except as provided by paragraphs (b) and (c), or
  - (b) such amount, being more than 20,000 square metres but not more than 50,000 square metres, as may be fixed (at any time before the 5th anniversary of the day on which this plan commenced) by the written order of the Minister, or
  - (c) on or after that 5th anniversary, 50,000 square metres.

- (3) Such an order may be made only if the Minister is satisfied that use of the gross floor area in excess of 20,000 square metres that the order would allow would not have a significant adverse impact on the growth of employment in the Parramatta Primary Centre, within the meaning of *Sydney Regional Environmental Plan No 28—Parramatta*.
- (4) *State Environmental Planning Policy No 1—Development Standards* does not apply to subclause (1) or (2).

## **16 Height of buildings**

- (1) The number of storeys in a building on any land in the Rhodes Peninsula is not to exceed the number shown for the land on the Height Map, except as provided by subclauses (2), (3) and (4).
- (2) The following may be located above the 6th storey in buildings with a height of 9 or 10 storeys on land for which the number of storeys shown on the Height Map is 6:
  - (a) within Floor Space Precinct A—not more than 5% of the total gross floor area allowed within that Precinct,
  - (b) within Floor Space Precinct C—not more than 5% of the total gross floor area allowed within that Precinct.
- (3) The following may be located above the 6th storey in buildings with a height of 7 or 8 storeys on land for which the number of storeys shown on the Height Map is 6:
  - (a) within Floor Space Precinct A—not more than 4% of the total gross floor area allowed within that Precinct,
  - (b) within Floor Space Precinct B—not more than 3% of the total gross floor area allowed within that Precinct,
  - (c) within Floor Space Precinct C—not more than 5% of the total gross floor area allowed within that Precinct.
- (4) The following may be located above the 4th storey in buildings with a height of 5 or 6 storeys on land for which the number of storeys shown on the Height Map is 4:
  - (a) within Floor Space Precinct A—not more than 3% of the total gross floor area allowed within that Precinct,
  - (b) within Floor Space Precinct B—not more than 4% of the total gross floor area allowed within that Precinct,
  - (c) within Floor Space Precinct C—not more than 4% of the total gross floor area allowed within that Precinct.

## **17 Bulky goods retailing**

Consent must not be granted for bulky goods retailing in the Mixed Use Zone unless the consent authority is satisfied that:

- (a) the persons carrying out the bulky goods retailing and their customers will not, in the course of bulky goods retailing or taking delivery of bulky goods, share parking spaces or driveways, or internal walkways, collection points or other service arrangements, with persons carrying out any other kind of retailing or business in a shop or their customers, and
- (b) the bulky goods retailing will be carried out:
  - (i) in a building in which there is no shop used predominantly for a different kind of retailing or other business, or
  - (ii) in a part of a building that is on a different floor from and that is physically separated from any other part of the building occupied by a shop used predominantly for a different kind of retailing or other business.

## **18 Development near zone boundaries**

- (1) This clause applies to land that is:
  - (a) within the Residential or Mixed Use Zone and within 30 metres of a boundary between those zones, or
  - (b) within the Open Space Zone and within 10 metres of a boundary between that zone and the Residential or Mixed Use Zone.
- (2) Development may, with consent, be carried out on land to which this clause applies if it may be carried out on land within the adjoining zone.
- (3) For the purposes of the application of any development standard, development for which any such consent is granted is taken to be carried out on the land in the adjoining zone adjacent to the site on which it is actually carried out.
- (4) Before granting consent for development pursuant to this clause, the consent authority must be satisfied that carrying out the development is desirable to achieve a better distribution of built form and land uses than would result if the development were not carried out.
- (5) In addition, before granting consent referred to in this clause for carrying out development on an area of land within the Open Space Zone, the consent authority must be satisfied that an equivalent area of adjoining land will be made available for public open space purposes so that the total area of foreshore public open space within the Rhodes Peninsula will not be reduced.

## **19 Acquisition of land zoned Open Space**

- (1) The owner of land within the Open Space Zone may, by notice in writing served on the corporation, require the corporation to acquire the land.
- (2) On receipt of the notice, the corporation is to acquire the land.
- (3) Subclause (2) does not apply if:
  - (a) the land might reasonably be required to be dedicated as a condition of development consent pursuant to Division 6 of Part 4 of the Act, or
  - (b) the land is held by a public authority for use for public open space.

## **20 Unzoned land**

- (1) A person may, with consent, carry out development on land which is unzoned if the development is allowed with or without consent on land adjoining that land.
- (2) Despite subclause (1), development of unzoned land for the purpose of a public utility undertaking may be carried out without consent.

## **21 Restriction on use of land near Homebush Bay Drive and the Great Northern Railway**

- (1) This clause applies to land adjacent to Homebush Bay Drive and the Great Northern Railway.
- (2) Consent must not be granted for development on land to which this clause applies that, in the opinion of the consent authority will be affected by noise from the Drive or Railway unless the development will incorporate noise attenuation measures to the satisfaction of the Roads and Traffic Authority and the State Rail Authority.

## **22 Acid sulfate soils**

- (1) Development that is likely to result in the disturbance of more than one tonne of soil or to lower the water table in areas where acid sulfate soils exist may be carried out only with development consent despite the *Environmental Planning and Assessment Model Provisions 1980*, as adopted by this plan.
- (2) Before granting a consent required by this clause, the consent authority must consider:
  - (a) the adequacy of an acid sulfate soils management plan prepared for the proposed development in accordance with the *Acid Sulfate Soils Assessment Guidelines* (ASSAG), and
  - (b) the likelihood of the proposed development resulting in the discharge of acid waters, and



(c) any comments received from the Department of Land and Water Conservation within 21 days of the consent authority having sent that Department a copy of the development application and of the related acid sulfate soils management plan.

(3) This clause requires consent for development to be carried out despite clause 10 of [State Environmental Planning Policy No 4—Development Without Consent](#).

## Schedule 1 Definitions

(Clause 6)

**Advertising structure** means a structure used or intended to be used principally for the display of an advertisement.

**Bed and breakfast** means a dwelling in which the permanent residents provide short-term accommodation (which may include meals) for commercial purposes.

**Bulky goods retailing** means use of a building or place for the sale by retail or auction, or the hire or display, of items (whether goods or materials) which are of such a size, shape or weight as to require:

- (a) a large area for handling, storage or display, and
- (b) direct vehicular access to and loading facilities at the building or place for use by members of the public, for the purpose of loading items into their vehicles after purchase,

but does not include use of a building or place for the sale of foodstuffs or clothing.

**Car repair station** means a building or place used for carrying out repairs to motor vehicles or agricultural machinery, but not used for:

- (a) body building, or
- (b) panel beating involving dismantling, or
- (c) spray painting (except for touching up).

**Child care centre** means a building or place used for educating, minding or caring for children, catering for six or more children, but does not include an educational establishment.

**Club** means a building or place that is used for the gathering of persons for social, literary, political, sporting, athletic or other lawful purposes and that is or is intended to be registered under the [Registered Clubs Act 1976](#).

**Commercial premises** means a building or place used as an office or for other business or commercial purposes, such as a bank, building society or other building or place in which customer-oriented financial services are provided.

**Community facility** means a building or place owned or controlled by the Council, a public authority or a religious organisation, or a body of persons associated for the physical, social, cultural, economic, intellectual or religious welfare of the community, and used for a community purpose or for the purposes of the organisation concerned.

**Complying development** is identified in clause 7.

**Contaminated land** has the same meaning as in Part 7A of the Act.

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

**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.

**Educational establishment** means a building used as a school, college, technical college, academy, lecture hall, gallery or museum, but does not include a building used wholly or principally as an institution or child care centre.

**Exempt development** is identified in clause 7.

**Floor Space Precinct** means land identified as a Floor Space Precinct on the Floor Space Map.

**Gross floor area** means the sum of the areas of each floor of a building, where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1,400 millimetres above each floor level, excluding:

- (a) columns, fin walls, shade devices, and any elements, projections or works outside the general lines of the outer face of the external wall, and
- (b) lift towers, cooling towers, machinery and associated plant rooms, and ancillary storage space and vertical air conditioning ducts, and
- (c) such car, coach and bicycle parking as is required to comply with any development control plan and any internal access to that parking, and
- (d) space for the loading and unloading of goods, and any waste management areas, and
- (e) floor area set aside for communal recreational use within a residential building (not exceeding 5% of the gross floor area of the building, calculated on the basis that this floor area has been included), and
- (f) any terraces and balconies with walls less than 1.5 metres high, and
- (g) enclosed balconies used for residential purposes (not exceeding 5% of the gross floor area of the building, calculated on the basis that this floor area has been included), and
- (h) common or public areas, including arcades and circulation space.

**High technology industry** means an enterprise which has as its primary function the manufacture, development, production, processing or assembly of, or research into, any of the following:

- (a) electronic and micro-electronic systems, goods and components,
- (b) information technology, computer software and hardware,
- (c) instrumentation and instruments,
- (d) biological, pharmaceutical, medical or paramedical systems, goods and components,

(e) other goods, systems and components intended for use in science and technology.

**Hire establishment** means a building or place used for the hire of vehicles, boats, caravans, equipment, machinery or the like.

**Home occupation** means the use of premises for an occupation carried on in a dwelling by the permanent residents of the dwelling that does not interfere with the residential amenity of the neighbourhood.

**Hotel** means premises, licensed under the [Liquor Act 1982](#) to sell liquor, that provide accommodation for guests which is rented or hired on a short-term basis without a residential tenancy agreement within the meaning of the [Residential Tenancies Act 1987](#).

**Kiosk** means a structure used for the provision of food and drink for the refreshment of users of the open space in which it is situated. The use must not be the dominant use of the open space.

**Local shop** means a shop which operates primarily to serve the surrounding residents and workforce and does not exceed 80 square metres in gross floor area.

**Map** means a map deposited in the Sydney Region East office of the Department, and a copy of which is deposited in the office of the Council.

**Medical centre** means a building or place used for the purpose of providing professional health services (including preventative care, diagnosis, medical or surgical treatment or counselling) to out-patients only.

**Motel** means a building (other than a boarding house or serviced apartments) primarily used for the overnight accommodation of travellers and the vehicles used by them, whether or not the building is also used for the provision of meals to those travellers or the general public.

**Passenger transport terminal** means any building or place used for the assembly and dispersal of passengers travelling by any form of passenger transport, and includes any facilities required for parking, manoeuvring, storage or routine servicing of any vehicle used to provide passenger transport services.

**Place of assembly** means a building or place used for functions, conferences, theatre, cinema, concerts, dances or any other similar thing, whether it is used for the purpose of gain or not, but does not include a place of public worship or an educational establishment.

**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, instruction or religious training.

**Public open space** means land used, or intended for use, for recreational purposes by the public. It includes public parks, gardens, riverside reserves, pedestrian and cycle accessways, playgrounds and sportsgrounds.

**Public utility undertaking** means any services or facilities carried on by, or under the authority of, any Commonwealth or State Government department or agency, or pursuant to any Commonwealth or State Act, for the purpose of providing:

- (a) railway, light railway, road, water or air transport or facilities, or wharf or river services or facilities, or
- (b) sewerage or drainage services, or
- (c) water, hydraulic power, electricity or gas, or
- (d) telecommunications facilities.

**Recreation area** means:

- (a) a children's playground, or
  - (b) an area used for sporting activities, or
  - (c) an area used to provide for the physical, cultural or intellectual welfare of the community,
- but does not include racecourses or showgrounds.

**Recreation facility** means a building or place used exclusively for sporting or leisure activities, whether operating for the purpose of gain or not.

**Remediation of land** means:

- (a) removing, dispersing, destroying, reducing, mitigating or containing the contamination of any land, or
- (b) eliminating or reducing any hazard arising from the contamination of any land (including by preventing the entry of persons or animals onto the land).

**Residential building** means any form of housing, including that leased on a short-term basis, but does not include a hotel, an apartment hotel (being a building consisting of suites of rooms rented or hired without leases on a short-term basis) or a motel.

**Restaurant** means a building or place used for the provision of food or drink (or both), whether or not for consumption on the premises, or for takeaway.

**Restricted premises** means a building or place at which:

- (a) publications classified Category 1 restricted, Category 2 restricted or RC under the [Classification \(Publications, Films and Computer Games\) Act 1995](#) of the Commonwealth are shown, exhibited, displayed, sold or otherwise rendered accessible or available to the public, or
  - (b) a business to which section 578E of the [Crimes Act 1900](#) applies is conducted,
- but does not include a newsagency or pharmacy.

**Service station** means a building or place used for the fuelling of motor vehicles involving the sale by retail of petrol, oil or other petroleum products, whether or not the building or place is also used for one or more of the following purposes:

- (a) the hiring of trailers,
- (b) the retail selling or the installing of spare parts and accessories for motor vehicles,

- (c) the washing and greasing of motor vehicles,
- (d) the repairing and servicing of motor vehicles (other than repairing or servicing involving body building, panel beating or spray painting),
- (e) the retail selling or hiring of small consumer goods.

**Serviced apartment** means a self-contained dwelling (in a building containing three or more self-contained dwellings) which is cleaned or serviced by the owner or manager of the building (or the agent of the owner or manager), and which provides short-term accommodation for persons who have their principal place of residence elsewhere, but does not include a backpackers' hostel, boarding house, bed and breakfast or private hotel.

**Shop** means a building or place used for selling, exposing or offering for sale by retail, goods, merchandise or materials, but does not include a building or place elsewhere specifically defined in this Schedule.

**Storey** means:

- (a) the space between two floors, and
- (b) the space between any floor and its ceiling or roof above, and
- (c) building foundation areas, garages, workshops, storerooms and the like, where the height between finished ground level and the top of the floor above is 1.5 metres or more.

A storey which exceeds 3.8 metres is counted as two storeys.

**Subdivision of land** has the same meaning as in the Act.

**The Act** means the [Environmental Planning and Assessment Act 1979](#).

**The Council** means Concord Council.

**The Floor Space Map** means Sheet 4 of the map marked "Sydney Regional Environmental Plan No 29—Rhodes Peninsula".

**The Height Map** means Sheet 3 of the map marked "Sydney Regional Environmental Plan No 29—Rhodes Peninsula".

**The Regulation** means the *Environmental Planning and Assessment Regulation 1994*.

**The Subject Land Map** means Sheet 1 of the map marked "Sydney Regional Environmental Plan No 29—Rhodes Peninsula".

**The Zoning Map** means Sheet 2 of the map marked "Sydney Regional Environmental Plan No 29—Rhodes Peninsula".

**Vehicle rental centre** means a building or premises used to rent out vehicles and service those vehicles.

## Schedule 2 Complying development

(Clause 7)

### Part 1 Instances of complying development

Development listed in this Part is complying development, but only if:

- it complies with any deemed-to-satisfy provisions of the *Building Code of Australia* relevant to the development, and
- it does not contravene any condition of a development consent applying to the land, and
- it meets the outcomes specified for it in this Part.

Development	Outcomes
<b>1</b> Commercial uses and building alterations <ul style="list-style-type: none"><li>• A change of building use resulting from a building being lawfully used for shops, bulky goods retailing, high technology industry, offices or commercial premises being lawfully converted into another of those classes of building, and</li><li>• Internal alterations to shops, offices and commercial premises, if the alterations do not increase the total floor area of the building.</li></ul>	No increase to the total floor area of the building. No more than 500 square metres of floor area is changed from an office to a shop.
<b>2</b> Bed and breakfast accommodation	

- The use of an existing lawful dwelling by its permanent residents for the temporary accommodation of visitors for commercial purposes.
- The accommodation:
- has no more than 3 guest rooms and no more than 6 guests at any one time, and
  - has not more than one external sign, and any such sign in not more than 0.6 square metre in area, and
  - has a smoke detection system that complies with AS3786-1993—*Smoke alarms* and AS/NZS3000:2000—*Electrical installations (the Australian/New Zealand Wiring Rules)* in the dwelling, and
  - has a fire extinguisher and fire blanket in the kitchen, and
  - has on approval obtained from the owners corporation, or the community, precinct or neighbourhood association where a dwelling is subject to the [Strata Schemes Management Act 1996](#) or the [Community Land Management Act 1989](#).

### 3 Subdivision

That enables implementation of an approved development control plan and will not result in any building contravening the deemed-to-satisfy provisions of the *Building Code of Australia*.

The subdivision must achieve one or more of the following only:

- widening of a public road,
- an adjustment of a boundary between lots that does not result in an increased number of lots,
- correcting an encroachment on a lot,
- consolidating lots.

### 4 Temporary buildings

The erection of a building and its use for a period not exceeding 3 years specified in the application for a complying development certificate, being a building that is not used for residential purposes or for the storage or handling of inflammable materials.

- (a) maximum height of the building is 1 storey,
- (b) building is set back from every boundary of the lot by a minimum of 3 metres.

## Part 2 Complying development certificate conditions

### Before you begin work

#### 1

Two days before any site works, building or demolition begins, the applicant must:

- forward Notice of Commencement of Work and Appointment of Principal Certifying Authority (Form 7 of the Regulation) to the Council, and
- notify the adjoining owners that work will commence.

## **2**

Before any site works, building or demolition begins, the applicant must:

- notify the consent authority of the name, address, phone number and licence number of the builder, and
- erect a sign at the front of the property with the builder's name, licence number and site address and the number of the certificate of compliance, and
- provide a temporary on-site toilet, and
- protect and support any neighbouring buildings, and
- protect any public place from obstruction or inconvenience due to the carrying out of the development, and
- prevent any substance from falling onto a public place, and
- follow any other conditions prescribed by the Regulation.

This item does not impose a requirement on an applicant if it is complied with by the builder.

### **Inspections during construction**

## **3**

The applicant must notify either the Council or an accredited certifier in advance (at least 48 hours in advance in writing or 24 hours by phone) of the time to inspect the following:

- erosion controls, site works and site set out, before building starts, and
- placement of piers or foundation before placing footings, and
- steel reinforcing before pouring concrete, and
- framework of structure before lining or cladding is fixed, and
- stormwater drainage and on-site detention before backfilling, and
- wet areas treated before lining or tiling.

### **Hours of works**

## **4**

Any building work must be carried out between 7.00 am and 6.00 pm on Monday to Friday and 8.00 am to 5.00 pm on Saturday, but not on public holidays.

### **Survey certificate**



## 5

The following survey certificate must be given to the principal certifying authority, at the following stages:

- on completion of floor slab framework before concrete is poured, detailing the location of the structure to the boundaries, and
- at completion of the lowest floor, confirming that levels are in accordance with the certificate (which levels must relate to the datum shown on the certificate).

## Schedule 3 Exempt development

(Clause 7)

The development listed in this Schedule is exempt development, but only if any structure erected or altered as a consequence of the development:

- will comply with the deemed-to-satisfy provisions of the *Building Code of Australia*, and
- will not obstruct drainage of the site, and
- will not restrict any vehicular or pedestrian access to or from the site, and
- will be at least 1 metre from any easement or public sewer main, and
- will not require a tree to be removed.

### 1 Advertising structures and displays

Erection of an advertising structure and display of an advertisement on it, or the display of an advertisement that is not on an advertising structure (other than an illuminated sign in the Residential Zone) in any of the following cases:

- (a) The advertisement and any structure are not visible from outside the site on which they are displayed.
- (b) The advertisement is behind the glass line of a shop window.
- (c) The advertisement is a temporary advertisement for a social, cultural or recreational event that is displayed no more than 28 days before the event and is removed within 14 days after the event.
- (d) The advertisement is a public notice displayed by a public authority giving information about a service.
- (e) The advertisement is a real estate sign advertising that the premises on which it is displayed are for sale or lease, and the advertisement and any structure together have a maximum area of 2.5 square metres in the Residential Zone or 4.5 square metres in the Mixed Use Zone.
- (f) The advertisement replaces one lawfully displayed on the same structure.

- (g) The advertisement displays a message relating to the premises on which it is situated and the advertisement and the structure (if any) together have a maximum area of:
- (i) 0.75 square metre in the Residential Zone, or
  - (ii) 50% of the front elevation of any building on which it is displayed in the Mixed Use Zone,
- and a maximum height of either 4.6 metres above ground level or the height of a first floor window sill and, if suspended from an awning along a public road, the advertisement is not lower than 2.6 metres above ground level.

## **2 Ancillary development**

Development (such as landscaping, gardening, paving or the erection of minor structures) that is ordinarily incidental or ancillary either to a use allowed by a development consent or to a lawful existing use (as defined in section 106 of the Act), but only if:

- any ancillary structure is erected at least 1 metre from each boundary of the site and extends no more than 3 metres above natural ground level, and
- any ancillary structure, paving or hard surface area covers not more than 25 square metres, and
- the development does not involve excavation beyond 600 millimetres below natural ground level, and
- it does not involve handling, storing or using hazardous chemicals or materials otherwise than on a domestic scale and does not release hazardous chemicals or any pollutants into the environment, and
- it does not involve a display of an advertisement.

## **3 Building alterations**

Building alterations (other than the making of, or an alteration to the size of, any opening in a wall or roof of a building, such as a doorway, window or skylight) comprising:

- non-structural alterations to the exterior of a building, such as painting, plastering, cement rendering, cladding, attaching fittings and decorative work, and
- interior alterations to a building that do not affect the load-bearing capacity of any load-bearing component of the building.

## **4 Demolition**

Demolition that is carried out in accordance with AS 2601—1991—*The demolition of structures*, of:

- any structure the erection of which is identified as being exempt development by this

plan, or

- a structure covering an area of not more than 25 square metres.

## **5 Fences**

Erection of boundary fences that comply with any relevant covenant and Council policy and:

- are no more than 1.8 metres high if located behind the building line, but do not include any masonry construction over 900 millimetres above ground level, or
- are no more than 900 millimetres high if forward of the building line.

## **6 Flagpoles**

Erection of flagpoles not more than 6 metres high that are structurally adequate, but only one per site.

## **7 Home occupations**

The use of premises for an occupation carried on only by the permanent residents of a dwelling that does not interfere with the residential amenity of the neighbourhood.