

# Lane Cove Local Environmental Plan 2009 (2010 EPI 49)

[2010-49]



New South Wales

## Status Information

### Currency of version

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Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

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

### About this plan

This Plan is a [standard instrument local environmental plan](#) under the [Environmental Planning and Assessment Act 1979](#).

### Notes—

- **Does not include amendments by** [Standard Instrument \(Local Environmental Plans\) Amendment Order 2011 \(102\)](#) (LW 25.2.2011) (the amendments do not have effect until 4 months after the commencement of the Order (ie 25.6.2011) — see Sch 1 to the Order)

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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# Lane Cove Local Environmental Plan 2009 (2010 EPI 49)



New South Wales

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# Lane Cove Local Environmental Plan 2009 (2010 EPI 49)



New South Wales

## Part 1 Preliminary

### 1.1 Name of Plan

This Plan is *Lane Cove Local Environmental Plan 2009*.

### 1.1AA Commencement

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

### 1.1A (Repealed)

### 1.2 Aims of Plan

- (1) This Plan aims to make local environmental planning provisions for land in Lane Cove in accordance with the relevant standard environmental planning instrument under section 33A of the Act.
- (2) The particular aims of this Plan are as follows:
  - (a) to establish, as the first land use priority, Lane Cove's sustainability in environmental, social and economic terms, based on ecologically sustainable development, inter-generational equity, the application of the precautionary principle and the relationship of each property in Lane Cove with its locality,
  - (b) to preserve and, where appropriate, improve the existing character, amenity and environmental quality of the land to which this Plan applies in accordance with the indicated expectations of the community,
  - (c) in relation to residential development, to provide a housing mix and density that:
    - (i) accords with urban consolidation principles, and
    - (ii) is compatible with the existing environmental character of the locality, and
    - (iii) has a sympathetic and harmonious relationship with adjoining development,

- (d) in relation to economic activities, to provide a hierarchy of retail, commercial and industrial activities that enables the employment capacity targets of the Metropolitan Strategy to be met, provides employment diversity and is compatible with local amenity, including the protection of the existing village atmosphere of the Lane Cove Town Centre,
- (e) in relation to the management of open space, public and privately-owned bushland, riparian and foreshore land:
  - (i) to protect and, where possible, restore all bushland areas, including all rare and threatened species and communities, and
  - (ii) to protect and, where possible, restore all riparian land along, and the inter-tidal zones and foreshores of, the Lane Cove River and Sydney Harbour and their tributary creeks, and
  - (iii) to make more foreshore land available for public access, and
  - (iv) to link existing open space areas for public enjoyment,
- (f) in relation to conservation:
  - (i) to protect, maintain and effectively manage public and privately-owned watercourses and areas of riparian land, foreshores and bushland and, where possible, restore them to as close a state to natural as possible, and
  - (ii) to ensure that development does not adversely affect the water quality or ecological systems of riparian land or other areas of natural environment, and
  - (iii) to control all new buildings to ensure their compatibility with surrounding existing built form and natural environmental character, and
  - (iv) to conserve heritage items,
- (g) in relation to community facilities, to provide for the range and types of accessible community facilities that meet the needs of the current and future residents and other users,
- (h) in relation to the principle of integrating land use and transport, to relate development to sustainable traffic levels,
- (i) in relation to accessibility, to increase the number of accessible properties and facilities in Lane Cove,
- (j) in relation to housing, to increase the number of affordable dwellings in Lane Cove and to promote housing choice.

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

This Plan applies to the land identified on the [Land Application Map](#).

### **1.4 Definitions**

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

### **1.5 Notes**

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

### **1.6 Consent authority**

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

### **1.7 Maps**

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

#### **Note—**

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

### **1.8 Repeal of other local planning instruments applying to land**

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

applying to the land to which this Plan applies and to other land cease to apply to the land to which this Plan applies.

### **1.8A Savings provision relating to development applications**

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

### **1.9 Application of SEPPs**

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

*State Environmental Planning Policy No 1—Development Standards*

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

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

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

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a development consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply:
  - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
  - (b) to any prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, or
  - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
  - (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
  - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or



(f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or

(g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.

(3) This clause does not affect the rights or interests of any public authority under any registered instrument.

(4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)-(3).

## **Part 2 Permitted or prohibited development**

### **2.1 Land use zones**

The land use zones under this Plan are as follows:

#### **Residential Zones**

R2 Low Density Residential

R3 Medium Density Residential

R4 High Density Residential

#### **Business Zones**

B1 Neighbourhood Centre

B2 Local Centre

B3 Commercial Core

B4 Mixed Use

#### **Industrial Zones**

IN2 Light Industrial

IN4 Working Waterfront

#### **Special Purpose Zones**

SP2 Infrastructure

#### **Recreation Zones**

RE1 Public Recreation

#### **Environment Protection Zones**

E2 Environmental Conservation

## 2.2 Zoning of land to which Plan applies

For the purposes of this Plan, land is within the zones shown on the [Land Zoning Map](#).

## 2.3 Zone objectives and Land Use Table

- (1) The Land Use Table at the end of this Part specifies for each zone:
  - (a) the objectives for development, and
  - (b) development that may be carried out without consent, and
  - (c) development that may be carried out only with consent, and
  - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.
- (3) In the Land Use Table at the end of this Part:
  - (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
  - (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.
- (4) This clause is subject to the other provisions of this Plan.

### Notes—

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

## 2.4 Unzoned land

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

permissible land uses in any such adjoining land.

## **2.5 Additional permitted uses for particular land**

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

## **2.6 Subdivision—consent requirements**

- (1) Land to which this Plan applies may be subdivided, but only with consent.
- (2) However, consent is not required for a subdivision for the purpose only of any one or more of the following:
  - (a) widening a public road,
  - (b) a minor realignment of boundaries that does not create:
    - (i) additional lots or the opportunity for additional dwellings, or
    - (ii) lots that are smaller than the minimum size shown on the [Lot Size Map](#) in relation to the land concerned,
  - (c) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
  - (d) rectifying an encroachment on a lot,
  - (e) creating a public reserve,
  - (f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.

### **Note—**

If a subdivision is exempt development, the Act enables the subdivision to be carried out without consent.

## **2.6AA Demolition requires consent**

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

**Note—**

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

**2.6BB Temporary use of land**

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (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 12 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).

**2.6A, 2.6B (Repealed)**

**Land Use Table**

**Note—**

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

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

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

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

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

*State Environmental Planning Policy (Rural Lands) 2008*

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

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

*State Environmental Planning Policy No 62—Sustainable Aquaculture*

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

## **Zone R2 Low Density Residential**

### **1 Objectives of zone**

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To retain, and where appropriate improve, the existing residential amenity of a detached single family dwelling area.
- To encourage new dwelling houses or extensions of existing dwelling houses that are not highly visible when viewed from the Lane Cove River or Parramatta River.
- To ensure that landscaping is maintained and enhanced as a major element in the residential environment.

### **2 Permitted without consent**

Home occupations

### **3 Permitted with consent**

Bed and breakfast accommodation; Boarding houses; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Earthworks; Group homes; Health consulting rooms; Home businesses; Home industries; Hospitals; Multi dwelling housing; Places of public worship; Roads; Signage

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone R3 Medium Density Residential**

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

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage the erection of buildings that are designed in response to the characteristics of the site and locality.
- To maximise the residential amenity of medium density housing in the area.
- To provide for a suitable visual transition between high density residential areas and lower density residential areas.
- To ensure that landscaping is maintained and enhanced as a major element in the residential environment.

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

Nil

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

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Child care centres; Community facilities; Earthworks; Group homes; Home businesses; Home industries; Multi dwelling housing; Neighbourhood shops; Places of public worship; Roads; Seniors housing; Signage

#### **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 provide for a high concentration of housing with good access to transport, services and facilities.
- To ensure that the existing amenity of residences in the neighbourhood is respected.
- To avoid the isolation of sites resulting from site amalgamation.
- To ensure that landscaping is maintained and enhanced as a major element in the residential environment.

## **2 Permitted without consent**

Nil

## **3 Permitted with consent**

Bed and breakfast accommodation; Boarding houses; Child care centres; Community facilities; Earthworks; Exhibition homes; Group homes; Home businesses; Home industries; Hotel or motel accommodation; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Roads; Shop top housing; Signage

## **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 encourage urban design maximising attractive public domain and adequate circulation space throughout the neighbourhood centres for current and future users.

- To ensure that landscaping is a significant element in public and private development viewed from the public domain.

## **2 Permitted without consent**

Nil

## **3 Permitted with consent**

Boarding houses; Business premises; Car parks; Child care centres; Community facilities; Earthworks; Neighbourhood shops; Office premises; Restaurants; Roads; Shop top housing; Signage; Take away food and drink premises; Veterinary hospitals

## **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone B2 Local Centre**

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

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To ensure that this centre functions as a Town Centre in the hierarchy of Inner North Sub-region retailing.
- To permit development for the purposes of offices, community and other facilities.
- To encourage urban design maximising attractive public domain and adequate circulation space throughout the Lane Cove town centre for current and future users.
- To ensure that landscaping is a significant element in public and private development viewed from the public domain.

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

Nil



### **3 Permitted with consent**

Boarding houses; Business premises; Car parks; Child care centres; Community facilities; Earthworks; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Service stations; Shop top housing; Signage; Tourist and visitor accommodation

### **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone B3 Commercial Core**

### **1 Objectives of zone**

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To integrate business, retail and other development in accessible locations.
- To maximise sunlight for surrounding properties and the public domain.
- To encourage urban design maximising attractive public domain and adequate circulation space throughout the St Leonards commercial centre for current and future users.

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Business premises; Car parks; Child care centres; Community facilities; Earthworks; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Signage; Vehicle sales or hire premises

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone B4 Mixed Use**

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

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To encourage urban design maximising attractive public domain and adequate circulation space for current and future users.
- To maximise sunlight for surrounding properties and the public domain.

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

Nil

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

Boarding houses; Business premises; Car parks; Child care centres; Community facilities; Earthworks; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Multi dwelling housing; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Retail premises; Roads; Seniors housing; Shop top housing; Signage

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone IN2 Light Industrial**

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

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day

to day needs of workers in the area.

- To ensure that landscaping is a significant element in development viewed from the public domain and neighbouring properties.
- To recognise the close proximity of this zone to adjoining residential areas and seek to mitigate potential conflict between industrial and residential uses.

## **2 Permitted without consent**

Nil

## **3 Permitted with consent**

Car parks; Child care centres; Community facilities; Depots; Earthworks; Food and drink premises; Light industries; Neighbourhood shops; Recreation areas; Recreation facilities (indoor); Roads; Self-storage units; Sex services premises; Signage; Vehicle sales or hire premises; Warehouse or distribution centres

## **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone IN4 Working Waterfront**

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

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

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

Environmental protection works

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

Boat launching ramps; Boat repair facilities; Earthworks; Heavy industries;

Jetties; Light industries; Port facilities; Roads; Signage

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone SP2 Infrastructure**

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

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

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

Nil

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

The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose; Earthworks; Roads; Signage

#### **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 make provision for rights of public access to more foreshore land and to link existing open space areas.

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

Environmental protection works

### **3 Permitted with consent**

Child care centres; Community facilities; Earthworks; Environmental facilities; Kiosks; Marinas; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Restaurants; Roads; Signage; Take away food and drink premises

### **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone E2 Environmental Conservation**

### **1 Objectives of zone**

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

### **2 Permitted without consent**

Environmental protection works

### **3 Permitted with consent**

Earthworks; Environmental facilities; Roads

### **4 Prohibited**

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

## **Part 3 Exempt and complying development**

### **3.1 Exempt development**

#### **Note—**

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

The section states that exempt development:

- (a) must be of minimal environmental impact, and
- (b) cannot be carried out in critical habitat of an endangered species, population or ecological community

(identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), and

(c) cannot be carried out in a wilderness area (identified under the *Wilderness Act 1987*).

(1) The objective of this clause is to identify development of minimal environmental impact as exempt development.

(2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.

(3) To be exempt development, the development:

(a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia* or, if there are no such relevant provisions, must be structurally adequate, and

(b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and

(c) must not be designated development, and

(d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.

(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.

(4A) (Repealed)

(5) To be exempt development, the development must:

(a) be installed in accordance with the manufacturer's specifications, if applicable, and

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

**Note—**

A permit for the removal or pruning of a tree or other vegetation may be granted under this Plan. A

development consent for the removal of native vegetation may be granted where relevant under the *Native Vegetation Act 2003*.

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

### 3.2 Complying development

**Note—**

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

The section states that development cannot be complying development if:

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

(1) The objective of this clause is to identify development as complying development.

(2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with:

- (a) the development standards specified in relation to that development, and
- (b) the requirements of this Part,

is complying development.

**Note—**

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

(3) To be complying development, the development must:

- (a) be permissible, with consent, in the zone in which it is carried out, and
- (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
- (c) have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system if the development is undertaken on

unsewered land.

(4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out in Part 2 of that Schedule.

(4A) (Repealed)

(5) A heading to an item in Schedule 3 is part of that Schedule.

### 3.3 Environmentally sensitive areas excluded

(1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.

(2) For the purposes of this clause:

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

(a) the coastal waters of the State,

(b) a coastal lake,

(c) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies,

(d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,

(e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,

(f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,

(g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,

(h) land reserved as a state conservation area under the *National Parks and Wildlife Act 1974*,

(i) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,

(j) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.



## **Part 4 Principal development standards**

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

- (1) The objectives of this clause are as follows:
  - (a) to promote consistent subdivision and development patterns in zones.
- (2) This clause applies to a subdivision of any land shown on the [Lot Size Map](#) that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.
- (4A) Despite subclause (3), the size of a lot for the purposes of a dual occupancy must not be less than:
  - (a) for dual occupancy (attached)—750 square metres, and
  - (b) for dual occupancy (detached)—900 square metres.

### **4.2 Rural subdivision**

[Not applicable]

### **4.3 Height of buildings**

- (1) The objectives of this clause are as follows:
  - (a) to minimise any overshadowing, loss of privacy and visual impacts of development on neighbouring properties, particularly where zones meet, and
  - (b) to maximise sunlight for the public domain, and
  - (c) to relate development to topography.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).
- (2A) Despite subclause (2), the maximum height for multi dwelling housing on land in Zone R2 Low Density Residential is 5 metres.

### **4.4 Floor space ratio**

- (1) The objectives of this clause are as follows:

- (a) to ensure that the bulk and scale of development is compatible with the character of the locality.
- (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):
  - (a) the maximum floor space ratio for multi dwelling housing on land in Area 1 on the [Floor Space Ratio Map](#) is 0.4:1, and
  - (b) the maximum floor space ratio for a building containing shop top housing on land in Area 2 on the [Floor Space Ratio Map](#) is 2.5:1.

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

- (1) **Objectives** The objectives of this clause are as follows:
  - (a) to define **floor space ratio**,
  - (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:
    - (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
    - (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
    - (iii) require community land and public places to be dealt with separately.
- (2) **Definition of “floor space ratio”** The **floor space ratio** of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.
- (3) **Site area** In determining the site area of proposed development for the purpose of applying a floor space ratio, the **site area** is taken to be:
  - (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
  - (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.
- (4) **Exclusions from site area** The following land must be excluded from the site area:
  - (a) land on which the proposed development is prohibited, whether under this Plan or

any other law,

(b) community land or a public place (except as provided by subclause (7)).

- (5) **Strata subdivisions** The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.
- (6) **Only significant development to be included** The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.
- (7) **Certain public land to be separately considered** For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.
- (8) **Existing buildings** The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.
- (9) **Covenants to prevent “double dipping”** When consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.
- (10) **Covenants affect consolidated sites** If:
- (a) a covenant of the kind referred to in subclause (9) applies to any land (**affected land**), and
  - (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,
- the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.
- (11) **Definition** In this clause, **public place** has the same meaning as it has in the [Local Government Act 1993](#).

#### **4.6 Exceptions to development standards**

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

before granting concurrence.

- (6) Consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Rural Small Holdings, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:
  - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
  - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow consent to be granted for development that would contravene any of the following:
  - (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,
  - (c) clause 5.4.

## Part 5 Miscellaneous provisions

### 5.1 Land acquisition within certain zones

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

**Note—**

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

- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the [Land](#)

[Reservation Acquisition Map](#) (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

<b>Type of land shown on Map</b>	<b>Authority of the State</b>
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 8 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Roads and Traffic Authority
Zone E1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <a href="#">National Parks and Wildlife Act 1974</a>
Zone E2 Environmental Conservation and marked "Local open space"	Council
Zone E2 Environmental Conservation and marked "Regional open space"	The corporation constituted under section 8 of the Act

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

## **5.2 Classification and reclassification of public land**

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

### **Note—**

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

- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the [Local Government Act 1993](#).
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the [Local Government Act 1993](#).
- (4) The public land described in Part 1 of Schedule 4:
- (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and

- (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
  - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
  - (b) any reservations that except land out of the Crown grant relating to the land, and
  - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).

**Note—**

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

### **5.3 Development near zone boundaries**

[Not adopted]

### **5.4 Controls relating to miscellaneous permissible uses**

- (1) **Bed and breakfast accommodation** If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.
- (2) **Home businesses** If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 30 square metres of floor area.
- (3) **Home industries** If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 30 square metres of floor area.
- (4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed:
  - (a) 1% of the combined gross floor area of the industrial retail outlet and the building or place on which the relevant industry is carried out, or
  - (b) 400 square metres,whichever is the lesser.

- (5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.
- (6) **Kiosks** If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 20 square metres.
- (7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed:
  - (a) if the property fronts a local road—300 square metres, and
  - (b) if the property fronts any other road—400 square metres.
- (8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 8 square metres.
- (9) **Secondary dwellings** If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:
  - (a) 60 square metres,
  - (b) 50% of the total floor area of both the self-contained dwelling and the principal dwelling.

## 5.5 Development within the coastal zone

[Not applicable]

## 5.6 Architectural roof features

- (1) The objectives of this clause are as follows:
  - (a) to facilitate innovative design without significant impact on local amenity.
- (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 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 New South Wales Fire Brigades or by a private service provider.

(2) The following development may be carried out, but only with consent:

(a) converting a fire alarm system from connection with the alarm monitoring system of New South Wales Fire Brigades to connection with the alarm monitoring system of a private service provider,

(b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,

(c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.

(3) Development to which subclause (2) applies is complying development if it consists only of:

(a) internal alterations to a building, or

(b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.

(4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7 am and 6 pm on Monday to Friday and between 7 am and 5 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 with New South Wales Fire Brigades to monitor fire alarm systems.

### **5.9 Preservation of trees or vegetation**

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

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

**Note—**

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

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

(a) development consent, or

(b) a permit granted by the Council.

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

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

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

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

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

(b) that is within a heritage conservation area.

**Note—**

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

(8) This clause does not apply to or in respect of:

(a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003* or that is

otherwise permitted under Division 2 or 3 of Part 3 of that Act, or

- (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or
- (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
- (d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying Act 2002*, or
- (e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

### 5.10 Heritage conservation

**Note—**

Heritage items, heritage conservation areas and archaeological sites (if any) are shown on the [Heritage Map](#). The location and nature of any such item, area or site is also described in Schedule 5.

(1) **Objectives** The objectives of this clause are:

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

(2) **Requirement for consent** Development consent is required for any of the following:

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

heritage significance,

- (f) erecting a building on land on which a heritage item is located or that is within a heritage conservation area,
- (g) subdividing land on which a heritage item is located or that is within a heritage conservation area.

(3) **When consent not required** However, consent under this clause is not required if:

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

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

(5) **Heritage impact assessment** The consent authority may, before granting consent to any development on land:

- (a) on which a heritage item is situated, or
- (b) within a heritage conservation area, or

(c) within the vicinity of land referred to in paragraph (a) or (b),

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

- (6) **Heritage conservation management plans** The consent authority may require, after considering the significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.
- (7) **Archaeological sites** The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the [Heritage Act 1977](#) applies):
- (a) notify the Heritage Council of its intention to grant consent, and
  - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (8) **Places of Aboriginal heritage significance** The consent authority must, before granting consent under this clause to the carrying out of development in a place of Aboriginal heritage significance:
- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and
  - (b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.
- (9) **Demolition of item of State significance** The consent authority must, before granting consent for the demolition of a heritage item identified in Schedule 5 as being of State significance (other than an item listed on the State Heritage Register or to which an interim heritage order under the [Heritage Act 1977](#) applies):
- (a) notify the Heritage Council about the application, and
  - (b) take into consideration any response from the Heritage Council received within 28 days after the notice is sent.
- (10) **Conservation incentives** The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

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

### **5.11 Bush fire hazard reduction**

Bush fire hazard reduction work authorised by the [Rural Fires Act 1997](#) may be carried out on any land without consent.

**Note—**

The [Rural Fires Act 1997](#) also makes provision relating to the carrying out of development on bush fire prone land.

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

- (1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without consent, or that is exempt development, under the [State Environmental Planning Policy \(Infrastructure\) 2007](#).
- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

## **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.

<b>Class of land</b>	<b>Works</b>
1	Any works.

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

- (3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the *Acid Sulfate Soils Manual* and has been provided to the consent authority.
- (4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if:
- (a) a preliminary assessment of the proposed works prepared in accordance with the *Acid Sulfate Soils Manual* indicates that an acid sulfate soils management plan is not required for the works, and
  - (b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.
- (5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):
- (a) emergency work, being the repair or replacement of the works of the public authority that is required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,
  - (b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),

- (c) minor work, being work that costs less than \$20,000 (other than drainage work).
- (6) Despite subclause (2), development consent is not required under this clause to carry out any works if:
  - (a) the works involve the disturbance of less than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations, or flood mitigation works, or
  - (b) the works are not likely to lower the watertable.

## **6.2 Foreshore building line**

- (1) The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.
- (2) Development consent must not be granted for development on land in the foreshore area except for the following purposes:
  - (a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,
  - (b) the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,
  - (c) development for the purposes of 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 subclause (2) unless the consent authority is satisfied that:
  - (a) the development will contribute to achieving the objectives for the zone in which the land is located, and
  - (b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and
  - (c) the development will not cause environmental harm such as:
    - (i) pollution or siltation of the waterway, or
    - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, flora or fauna habitats, or
    - (iii) an adverse effect on drainage patterns, and



- (d) the development will not cause congestion of, or generate conflicts between, people using open space areas or the waterway, and
- (e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and
- (f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and
- (g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and
- (h) sea level rise and change of flooding patterns as a result of climate change have been considered.

### **6.3 Riparian land**

- (1) The objective of this clause is to ensure that development does not adversely impact on riparian land.
- (2) This clause applies to land shown as “riparian land” on the [Riparian Land Map](#).
- (3) Despite any other provision of this Plan, development consent must not be granted for development on land to which this clause applies unless the consent authority has considered the impact of the proposed development on the land and any opportunities for rehabilitation of aquatic and riparian vegetation and habitat on that land.

### **6.4 Environmental protection land**

- (1) This clause applies to land shown as “environmental protection land” on the [Environmental Protection Land Map](#).
- (2) Despite any other provision of this Plan, development consent must not be granted for development on land to which this clause applies unless the consent authority has considered the impact of the proposed development on the vegetation, topography and distinctive features of the land.

### **6.5 Sex services premises**

Development consent must not be granted to the carrying out of development for the purpose of sex services premises unless the consent authority is satisfied that:

- (a) for sex services premises permitted on land in Zone B3 Commercial Core under Schedule 1—the only access to the premises is from the Pacific Highway, and
- (b) for sex services premises permitted on land in Zone IN2 Light Industrial—the premises are located more than 100 metres from any school.

## Schedule 1 Additional permitted uses

(Clause 2.5)

### 1 Use of certain land at 1A Epping Road, Lane Cove

- (1) This clause applies to land at 1A Epping Road, Lane Cove, being Lot 10, DP 866978 and Lots 40-42, DP 1055894.
- (2) Development for the purpose of a vehicle sales or hire premises is permitted with consent.

### 2 Use of certain land along the Pacific Highway between Bellevue Avenue and Oxley Street, St Leonards

- (1) This clause applies to all land along the Pacific Highway between Bellevue Avenue and Oxley Street, St Leonards in Zone B3 Commercial Core.
- (2) Development for the purpose of sex services premises is permitted with consent.

## Schedule 2 Exempt development

(Clause 3.1)

### Note 1—

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

### Note 2—

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

### Filming

(1)

#### Note—

Provision repealed under the *Standard Instrument (Local Environmental Plans) Order 2006*.

- (2) May only be carried out on land:
  - (a) on which there is a heritage item, or
  - (b) within a heritage conservation area, or
  - (c) identified in clause 3.3 as an environmentally sensitive area for exempt development,if the filming does not involve or result in any of the following:

- (d) any changes or additions that are not merely superficial and temporary to any part of a heritage item, a heritage conservation area or an environmentally sensitive area,
  - (e) the mounting or fixing of any object or article on any part of such an item or area (including any building or structure),
  - (f) the movement, parking or standing of any vehicle or equipment on or over any part of such an item or area that is not specifically designed for the movement, parking or standing of a vehicle or equipment on or over it,
  - (g) any changes to the vegetation on, or level of, such an item or area or any changes to any other natural or physical feature of the item or area.
- (3) Must not create significant interference with the neighbourhood.
- (4) The person carrying out the filming must obtain a policy of insurance that adequately covers the public liability of the person in respect of the filming for an amount of not less than \$10,000,000.
- (5) If the filming is carried out on private land, the filming must not be carried out for more than 30 days within a 12-month period at the particular location.
- (6) A filming management plan must be prepared and lodged with the consent authority for the location at least 5 days before the commencement of filming at the location. The plan must contain the following information and be accompanied by the following documents (without limiting the information or documents that may be submitted):
- (a) the name, address and telephone number of the person carrying out the filming (such as a production company) and of the producer for the filming,
  - (b) a brief description of the filming to be carried out (for example, a television commercial, a television series, a feature film or a documentary),
  - (c) the proposed location of the filming,
  - (d) the proposed commencement and completion dates for the filming at the location,
  - (e) the proposed daily length of filming at the location,
  - (f) the number of persons to be involved in the filming,
  - (g) details of any temporary structures (for example, tents or marquees) to be erected or used at the location for the purposes of the filming,
  - (h) the type of filming equipment to be used in the filming (such as a hand-held or mounted camera),
  - (i) proposed arrangements for parking vehicles associated with the filming during the

filming,

- (j) whether there will be any disruption to the location of the filming or the surrounding area and the amenity of the neighbourhood (for example, by the discharge of firearms or explosives, the production of offensive noise, vibrations, disruption to traffic flow or the release of smells, fumes, vapour, steam, soot, ash, dust, waste water, grit or oil),
  - (k) whether the filming will involve the use of outdoor lighting or any other special effects equipment,
  - (l) a copy of the public liability insurance policy that covers the filming at the location,
  - (m) a copy of any approval given by a public or local authority to carry out an activity associated with the proposed filming at the location, such as the following:
    - (i) an approval by the Roads and Traffic Authority for the closure of a road,
    - (ii) an approval by the Council for the erection or use of a temporary structure, closure of a road or a public footpath, or a restriction in pedestrian access,
    - (iii) an approval by the Environment Protection Authority for an open fire,
    - (iv) an approval by the NSW Police Force for the discharge of firearms,
    - (v) an approval by the Land and Property Management Authority for the use of Crown land,
  - (n) details of any temporary alteration or addition to any building or work at the location for the purposes of the filming.
- (7) The person carrying out the filming must, at least 5 days before the commencement of filming at the particular location, give notice in writing (by way of a letter-box drop) of the filming to residents within a 50m radius of the location. The notice must contain the following information:
- (a) the name and telephone number of the person carrying out the filming (such as a production company) and of a contact representative of that person,
  - (b) a brief description of the filming to be carried out at the location, and any proposed disruptions to the location or the surrounding area or the amenity of the neighbourhood,
  - (c) the proposed commencement and completion dates for the filming at the location,
  - (d) the proposed daily length of filming at the location.

**Temporary structures (other than tents and marquees), and temporary alterations or**

**additions to buildings or works, solely for filming purposes**

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

**Tents or marquees used solely for filming purposes**

- (1) May only be used in connection with filming that is exempt development.
- (2) Total floor area of all tents or marquees on location at the same time must not exceed 200m<sup>2</sup>.
- (3) Must be located within at least 3m from any boundary adjoining a public road and at least 1m from any other boundary.
- (4) Must have the following number of exits arranged so as to afford a ready means of egress from all parts of the tent or marquee to open space or a road:
  - (a) 1 exit if the floor area of the tent or marquee does not exceed 25m<sup>2</sup>,
  - (b) 2 exits in any other case.
- (5) Width of each exit must be at least:
  - (a) 800mm if the floor area of the tent or marquee is less than 150m<sup>2</sup>, or
  - (b) 1m in any other case.
- (6) Height of the walls must not exceed:
  - (a) 4m if erected on private land, or
  - (b) 5m in any other case.
- (7) Height as measured from the surface on which the tent or marquee is erected to the highest point of the tent or marquee must not exceed 6m.
- (8) Must resist loads determined in accordance with the following Australian and New Zealand Standards entitled:
  - (a) AS/NZS 1170.0:2002, *Structural design actions—General principles*,

(b) AS/NZS 1170.1:2002, *Structural design actions—Permanent, imposed and other actions*,

(c) AS/NZS 1170.2:2002, *Structural design actions—Wind actions*.

(9) Must not remain at the location more than 2 days after the completion of the filming at the location.

### **Tree preservation banners**

(1) Maximum size—3m × 2m, with attached poles or ropes.

(2) Installed by Council over or in place of any tree over 4m high on Council land killed, removed or trimmed without Council consent.

## **Schedule 3 Complying development**

(Clause 3.2)

### **Note—**

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

## **Part 1 Types of development**

(When this Plan was made this Part was blank)

## **Part 2 Complying development certificate conditions**

### **Note 1—**

Complying development must comply with the requirements of the Act, the [Environmental Planning and Assessment Regulation 2000](#) and this Plan.

(When this Plan was made this Part was blank)

## **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**

10 Chaplin Drive, Lane Cove West

Lot 26, DP 1010544

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

**changed**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Locality</b>	<b>Description</b>	<b>Any trusts etc not discharged</b>
304-314 Burns Bay Road, Lane Cove West	Part Lot 102, DP 1013285, being the part indicated as zoned R4 High Density Residential on the <a href="#">Land Zoning Map</a> , Sheets LZN_001 and LZN_002	F371160 Easement for transmission line J12158 Easement for drainage DP 1013285 Easement for encroachment and support

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

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

**Schedule 5 Environmental heritage**

(Clause 5.10)

**Part 1 Heritage items**

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No.</b>
Greenwich	Greenwich Baths	Albert Street, Parramatta River	Lot 1, DP 182910	Local	11
Greenwich	Eswick	2 Albert Street	Lot A, DP 162307	Local	12
Greenwich	House	2 Anglo Road	Lot 33, Section 4, DP 3044	Local	13
Greenwich	House	10 Anglo Road	Lot 29, Section 4, DP 3044	Local	14
Greenwich	House	12 Anglo Road	Lot 28, Section 4, DP 3044	Local	15
Greenwich	House	14 Anglo Road	Lot 27, Section 4, DP 3044	Local	16
Greenwich	House	4 Balfour Street	Lot 1, DP 961464	Local	17
Greenwich	House	8 Balfour Street	Lot 17, Section 1, DP 4697	Local	18
Greenwich	Bay Street Wharf	Bay Street	Lot 1144, DP 752067	Local	110

Greenwich	Greenwich 12' Flying Squadron	Bay Street	Lot 1144, DP 752067	Local	I11
Greenwich	House	8 Bay Street	Lot 1, DP 900271	Local	I9
Greenwich	House	8 Bellevue Avenue	Lot 1, DP 541077	Local	I13
Greenwich	House	14 Bellevue Avenue	Lot E, DP 405092	Local	I14
Greenwich	Streetscape elements (drain, embankment walls, sandstone retaining walls, rocky outcrop, steps)	Bent, Glenview, King William Streets, Seaman Avenue and Gore Creek	Road reserve	Local	I15
Greenwich	House	2 Carlotta Street	Lot X, DP 938717	Local	I16
Greenwich	Tewhare	5 Carlotta Street	Lot 2, Section 3, DP 3101	Local	I17
Greenwich	Marathon	7 Carlotta Street	Lot 3, Section 3, DP 3101	Local	I18
Greenwich	Greenwich Uniting Church	9 Carlotta Street	Lot 4, Section 3, DP 3101	Local	I19
Greenwich	House	12 Carlotta Street	Lot 37, Section 1, DP 823	Local	I20
Greenwich	House	13 Carlotta Street	Lot 6, Section 3, DP 3101	Local	I21
Greenwich	House	32 Carlotta Street	Lot 48, Section 1, DP 3461	Local	I22
Greenwich	House	45 Carlotta Street	Lot 14, Section 4, DP 3101	Local	I23
Greenwich	House	50 Carlotta Street	Lot 56, Section 1, DP 823	Local	I24
Greenwich	Bedford	73 Carlotta Street	Lot 1, DP 708423	Local	I25
Greenwich	Florence	75 Carlotta Street	Lot 7, DP 151325	Local	I26
Greenwich	House	79 Carlotta Street	Lot B, DP 359322	Local	I27
Greenwich	House	2 Chisholm Street	Lot 2, DP 950261	Local	I29
Greenwich	House	13 Chisholm Street	Lot 6, DP 16490	Local	I30



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Greenwich	House	15 Chisholm Street	Lot 2, DP 218347	Local	I31
Greenwich	House	17 Chisholm Street	Lot 1, DP 218347	Local	I32
Greenwich	House	19 Chisholm Street	Lot 4A, DP 410963	Local	I33
Greenwich	House	21 Chisholm Street	Lot 4B, DP 410963	Local	I34
Greenwich	House	34 Chisholm Street	Lot 13, DP 3907	Local	I35
Greenwich	House	48 Chisholm Street	Lot 6, DP 3907	Local	I36
Greenwich	House	50 Chisholm Street	Lot 5, DP 3907	Local	I37
Greenwich	House	52 Chisholm Street	Lot 4, DP 3907	Local	I38
Greenwich	House	5 Coolabah Avenue	Lot 9, DP 18315	Local	I39
Greenwich	House	8 Eastview Street	Lot 4, DP 12763	Local	I40
Greenwich	House	2 Evelyn Street	Lot 2, DP 203347	Local	I41
Greenwich	House	4 Evelyn Street	Lot 1, DP 203347	Local	I42
Greenwich	House	6-8 Evelyn Street	Lot 1, DP 187410	Local	I43
Greenwich	House	2 Ford Street	Lot 5, Section 7, DP 3101	Local	I44
Greenwich	House	6 Ford Street	Lot 13, DP 3760	Local	I45
Greenwich	Wyncourt	14 Ford Street	Lot D, DP 442274	Local	I46
Greenwich	House	16 Ford Street	Lot C, DP 442274	Local	I47
Greenwich	House	10 George Street	Part Lot 1, DP 69555	Local	I48
Greenwich	House	18 George Street	Lots 1 and 2, DP 165992	Local	I49
Greenwich	Greenwich House	21 George Street	Lot 1, DP 373433	Local	I50
Greenwich	Blythswood	41 George Street (also known as 1 Serpentine Street)	Lot 22, DP 4613	Local	I51
Greenwich	House	19 Glenview Street	Lot 31, DP 1532	Local	I52

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Greenwich	House	21 Glenview Street	Lot 32, DP 1532	Local	153
Greenwich	Gore Creek Reserve	Gore Street	Lot 130, DP 178015	Local	154
Greenwich	House	1 Gore Street	Lot 29, Section 2, DP 3101	Local	156
Greenwich	House	3 Gore Street	Lot 28, Section 2, DP 3101	Local	155
Greenwich	House	5 Gore Street	Lot 27, Section 2, DP 3101	Local	161
Greenwich	Banksia	7 Gore Street	Lot 26, Section 2, DP 3101	Local	157
Greenwich	Ione	9 Gore Street	Lot 25, Section 2, DP 3101	Local	158
Greenwich	Rockleigh	11 Gore Street	Lot 24, Section 2, DP 3101	Local	159
Greenwich	Sandstone swimming pool (associated with Pallister, 95 River Road)	51 Gore Street	Lot 2, DP 30794	State	160
Greenwich	St. Giles Anglican Church	6-12 Greendale Street	Lots 59 and 60, DP 1532, Lot 102, DP 814297	Local	162
Greenwich	Railway electricity tunnel	Greenwich Point to Birchgrove	Under Sydney Harbour	State	163
Greenwich	Streetscape elements (sandstone steps, outcrops, kerbing and retaining wall)	Greenwich Point (various streets)	Road reserve	Local	164
Greenwich	Streetscape elements (sandstone gutters, steps, outcrops and kerbing)	Greenwich Road, Bay Street and Robertson Street	Road reserve	Local	165
Greenwich	Glenwood Nursing Home	34-40 Greenwich Road	Lot B, DP 363520	Local	170

Greenwich	House	35 Greenwich Road	Lot 1, DP 18315	Local	167
Greenwich	House	45 Greenwich Road	Lot 4, DP 18315	Local	171
Greenwich	House	70 Greenwich Road	Lot 782, DP 1061345	Local	172
Greenwich	Greenwich Infants School	72A Greenwich Road	Lots A and B, DP 930344, Lots 1 and 6, DP 123755	Local	173
Greenwich	House	82 Greenwich Road	Lot B, DP 336699	Local	174
Greenwich	John Taylor Memorial Church	86A Greenwich Road	Lot 1, DP 115686	Local	175
Greenwich	House	100 Greenwich Road	Lot B, DP 329295	Local	176
Greenwich	House	111 Greenwich Road	Lot A, DP 402229	Local	177
Greenwich	House	113 Greenwich Road	Lot B, DP 402229	Local	178
Greenwich	House	125 Greenwich Road	Lot A, DP 398090	Local	179
Greenwich	House	127 Greenwich Road	Lot B, DP 398090	Local	180
Greenwich	House	129 Greenwich Road	Lot A, DP 331945	Local	181
Greenwich	House	143 Greenwich Road	Lot 2, DP 220092	Local	182
Greenwich	House	153 Greenwich Road	Lot 6, DP 522536	Local	183
Greenwich	House	163 Greenwich Road	Lot 2, DP 73303	Local	184
Greenwich	House	1 Hinkler Street	Lot 3, DP 18180	Local	187
Greenwich	House	3 Hinkler Street	Lot 2, DP 18180	Local	188
Greenwich	House	13 Kingslangley Road	Lot 8, Section 6, DP 656213	Local	189
Greenwich	House	15 Kingslangley Road	Lot 1, Section 6, DP 957741	Local	190

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Greenwich	House	16 Kingslangley Road	Lot 2, DP 310610	Local	I91
Greenwich	House	19 King William Street	Lot 2, Section 5, DP 3101	Local	I93
Greenwich	House	36 King William Street	Lot 29, Section 4, DP 3101	Local	I94
Greenwich	House	38 King William Street	Lot 28, Section 4, DP 3101	Local	I95
Greenwich	House	42 King William Street	Lot 26, Section 4, DP 3101	Local	I96
Greenwich	House	44 King William Street	Lot 25, Section 4, DP 3101	Local	I97
Greenwich	House	45 King William Street	Lot 4, DP 540935	Local	I98
Greenwich	House	46 King William Street	Lot 24, Section 4, DP 3101	Local	I99
Greenwich	House	47 King William Street	Lot 16, Section 5, DP 3101	Local	I100
Greenwich	House	48 King William Street	Lot 23, Section 4, DP 3101	Local	I101
Greenwich	House	7 Mitchell Street (also known as 18 Wallace Street)	Lot 25, DP 4613	Local	I102
Greenwich	House	8 Mitchell Street	Lot B, DP 163699	Local	I103
Greenwich	House and mature trees	11 Mitchell Street	Lot 14, DP 4613	Local	I105
Greenwich	House and mature trees	13 Mitchell Street	Lot 13, DP 4613	Local	I106
Greenwich	House and mature trees	15 Mitchell Street	Lot 12, DP 4613	Local	I107
Greenwich	House and mature trees	17 Mitchell Street	Lot 11, DP 4613	Local	I108
Greenwich	House	18 Mitchell Street	Lot 1, DP 4613	Local	I110
Greenwich	House and mature trees	19 Mitchell Street	Lot 10, DP 4613	Local	I109
Greenwich	Buena Vista	23 Mitchell Street	Lot 7 and Part Lot 8, DP 4613	Local	I111
Greenwich	House	5 O'Connell Street	Lot 1, DP 554669	Local	I113

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Greenwich	House	9 Richard Street	Part Lot 1, DP 72937	Local	I115
Greenwich	Hazelhurst	90 River Road	Lot 12, DP 3586	Local	I116
Greenwich	House	92 River Road	Lot A, DP 362600	Local	I117
Greenwich	Pallister	95 River Road	Lot 4, DP 584287	State	I118
Greenwich	House	10 Robertson Street	Lot 1, DP 927466	Local	I119
Greenwich	House	11 Robertson Street	Lot 1, DP 1027740	Local	I120
Greenwich	Semi-detached dwelling	5 St. Lawrence Street	Lot 1, DP 933519	Local	I122
Greenwich	Semi-detached dwelling	7 St. Lawrence Street	Lot 2, DP 933519	Local	I123
Greenwich	House	12 St. Lawrence Street	Lot A, DP 410040	Local	I124
Greenwich	Terrace	16 St. Lawrence Street	Lot A, DP 63023	Local	I125
Greenwich	Terrace	18 St. Lawrence Street	Lot B, DP 63023	Local	I126
Greenwich	Terrace	20 St. Lawrence Street	Lot C, DP 63023	Local	I127
Greenwich	Terrace	22 St. Lawrence Street	Lot D, DP 63023	Local	I128
Greenwich	House	24 St. Lawrence Street	Lot 2, DP 165814	Local	I129
Greenwich	Greenwich Point Wharf	Serpentine Road		Local	I130
Greenwich	Stone steps to rear of house	36 Serpentine Road	Lot 1246, DP 725742	Local	I131
Greenwich	Stone sea wall	40 Serpentine Road	Lot B, DP 358254	Local	I132
Greenwich	Rockleigh	44 Serpentine Road	Lots 1 and 2, DP 1011512	Local	I133
Greenwich	Mandalay	2-4 Ulonga Avenue	Lot 1, DP 922932 and Lot 275, DP 661141	Local	I134
Greenwich	House	28 Upper Serpentine Road	Lot 1, DP 325612	Local	I136
Greenwich	House	2 Victoria Street	Part Lot 21, DP 977243	Local	I139
Greenwich	House	3 Victoria Street	Lot 2, DP 319531	Local	I140

Greenwich	House	10 Victoria Street	Lot 1, DP 784233	Local	I142
Greenwich	House	12 Victoria Street	Lot 1, DP 59480	Local	I143
Greenwich	House	14 Victoria Street	Lot 1, DP 794366	Local	I144
Greenwich	House	2 Wallace Street	Lot A, DP 347174	Local	I146
Greenwich	Riverside	22 Wallace Street	Lot 17, DP 72619	Local	I147
Greenwich	House	18 Wilona Avenue	Lot 6, DP 27279	Local	I148
Greenwich	House and garage	20 Wilona Avenue	Lot 1, DP 449253	Local	I149
Lane Cove	House	1 Austin Crescent	Lot 1, DP 343988	Local	I151
Lane Cove	House	3 Austin Crescent	Lot 2, DP 343988	Local	I152
Lane Cove	House	72 Bridge Street	Lot 2, DP 534049	Local	I153
Lane Cove	Mandalay	72 Burns Bay Road	Lot B, DP 379033, Lot Y, DP 379034	Local	I155
Lane Cove	Retail building and house to the rear	148 Burns Bay Road	Lots 8 and 9, DP 10084	Local	I156
Lane Cove	Stone walls to road frontages	274 and 278 Burns Bay Road and 40A Cope Street	Lot L, DP 378250, Lot 120, DP 613223, SP 54813, SP 19076	Local	I158
Lane Cove	Carisbrook	334 Burns Bay Road	Lot 5, DP 11636	State	I157
Lane Cove	Retail building	2-4 Lane Cove Plaza	Lots 5 and 6, DP 12147	Local	I162
Lane Cove	Retail building	6-8 Lane Cove Plaza	Lot 4, DP 12147	Local	I163
Lane Cove	Retail building	10 Lane Cove Plaza	Lot 3, DP 12147	Local	I164
Lane Cove	Residential flat building	31 Longueville Road	Lot 11, DP 808119	Local	I165
Lane Cove	Residential flat building	33 Longueville Road	Lot 2, DP 10302	Local	I166
Lane Cove	Residential flat building	35 Longueville Road	SP 57716	Local	I167
Lane Cove	Longueville Hotel	80 Longueville Road	Part Lots 19 and 20, DP 9624	Local	I176
Lane Cove	Street Tree Planting	Adjacent to 87-93 Longueville Road	Road reserve	Local	I168

Lane Cove	Street Tree Planting	Adjacent to 126-128 and 142-146 Longueville Road	Road reserve	Local	I169
Lane Cove	Retail building	133 Longueville Road	Lot 7, DP 12147	Local	I170
Lane Cove	Retail building	135 Longueville Road	Lot 8, DP 12147	Local	I171
Lane Cove	Retail building	137 Longueville Road	Lot 9, DP 12147	Local	I172
Lane Cove	Retail building	139 Longueville Road	Lot 10, DP 12147	Local	I173
Lane Cove	Lane Cove Public Library	139A Longueville Road	Lot 1, DP 112363, Lot 2, DP 575901	Local	I177
Lane Cove	Lane Cove Public School	145-153 Longueville Road	Lot 1, DP 926135, Lot 1, DP 115630, Lot 1, DP 782715	Local	I178
Lane Cove	Retail building	160 Longueville Road	Lot 1, DP 503477	Local	I174
Lane Cove	Retail building	162 Longueville Road	Lot P, DP 5922	Local	I175
Lane Cove	Lane Cove Senior Citizens Centre	180 Longueville Road	Lot 18, DP 5922	Local	I179
Lane Cove	Currambena	205 Longueville Road	Lots 16, 17 and 18, DP 4373	Local	I180
Lane Cove	House	213 Longueville Road	Lot 20, DP 4373	Local	I181
Lane Cove	Masonic Temple	231 Longueville Road	Lot 76, DP 668028	Local	I182
Lane Cove	Residential flat building	2 Morrice Street	Lot B, DP 313619	Local	I183
Lane Cove	Residential flat building	4 Morrice Street	Lot A, DP 345856	Local	I184
Lane Cove	Residential flat building	6 Morrice Street	Lot B, DP 345856	Local	I185
Lane Cove	Semi detached dwelling	25 Morrice Street	Lot 1, DP 200831	Local	I186
Lane Cove	Semi detached dwelling	27 Morrice Street	Lot 2, DP 200831	Local	I187

Lane Cove	Semi detached dwelling	29 Morrice Street	Lot 1, DP 231729	Local	I188
Lane Cove	Semi detached dwelling	31 Morrice Street	Lot 2, DP 231729	Local	I189
Lane Cove	House	49 Morrice Street	Lot 551, DP 825076	Local	I190
Lane Cove	House	51 Morrice Street	Lot 552, DP 825076	Local	I191
Lane Cove	Woodlands	1 Penrose Street	Lot 1, DP 879686	Local	I192
Lane Cove	House and garden	6 Richardson Street East	Lot C, DP 364572, Lot B, DP 358873	Local	I193
Lane Cove	House	55-57 Richardson Street West	Lot 10, DP 816151	Local	I194
Lane Cove	St. Andrew's Anglican Church Hall	Rosenthal Avenue, part of 8 Finlayson Street	Part Lot 69, DP 10155	Local	I198
Lane Cove	House	26 Seville Street	Lot 27, DP 4807	Local	I199
Lane Cove North	Chatswood South Uniting Church	Cnr Pacific Highway and Mowbray Road	Lots 1 and 2, DP 628241	State	I209
Lane Cove North	New Apostolic Church	4 and 4A Parklands Avenue	Lot 114, DP 455793, Lot 50, DP 1059654	Local	I210
Lane Cove North	House	5 Parklands Avenue	Lot A, DP 394176	Local	I211
Lane Cove West	House	125 Centennial Avenue	Lots 32 and 33, DP 16189	Local	I213
Lane Cove West	Cumberland Paper Mills	Epping Road	Lot 22, DP 825400, Lots 954 and 955, DP 752067	Local	I214
Lane Cove West	Chicago Mills	Epping Road/ Mowbray Road	Lot 13, DP 807958	Local	I215
Lane Cove West	Lane Cove House	38 Myee Crescent	Lot A, DP 404505	Local	I219
Lane Cove West	The Oaks	1 Wood Street	Lot 21, DP 80058	Local	I221
Linley Point	Rockcliffe	4 Brooks Street	Lot 1, DP1006440	Local	I226
Linley Point	Coralynn	356C Burns Bay Road	Lot 3, DP 559229	Local	I316
Linley Point	Linley, formerly Grenaby	360 Burns Bay Road	Lot 2, DP 227009	State	I222



Linley Point	Streetscape elements (stone steps, garden bed remnants and rocky outcrop)	View Street and Burns Bay Road	Road reserve	Local	I223
Longueville	Street trees	Arabella Street, between Stuart Street and Lucretia Avenue	Road reserve	Local	I224
Longueville	Streetscape elements (sandstone walls, kerbing and steps, including in Longueville Sailing Club and Aquatic Park)	Arabella, Stuart and Dunois Streets	Road reserve	Local	I225
Longueville	Homeleigh	35 Arabella Street	Lot 1, DP 505641	Local	I227
Longueville	House	73 Arabella Street	Lot 6, DP 5005	Local	I228
Longueville	House	80 Arabella Street	Lot 21, DP 746349	Local	I229
Longueville	House	118 Arabella Street	Lot 13, DP 554343	Local	I230
Longueville	Lucretia Baths	Dunois Street	Various Sites	Local	I231
Longueville	House	18 Kenneth Street	Lot 5, DP 7287	Local	I234
Longueville	Hazelwood	22 Kenneth Street	Lot 27, DP 2459	Local	I235
Longueville	House	26 Kenneth Street	Lot 2, DP 307190	Local	I236
Longueville	St. Andrews Uniting Church	47 Kenneth Street and corner of Christina Street	Lot C, DP 920217	Local	I237
Longueville	Panorama	57 Kenneth Street	Lot 3, DP 23689	Local	I238
Longueville	Brenhilda	82 Kenneth Street	Lot 1, DP 338530	Local	I239
Longueville	House	86 Kenneth Street	Lot B, DP 336362	Local	I240
Longueville	House and garden	27 Lucretia Avenue	Lot 4, DP 1643	Local	I241
Longueville	House	29 Lucretia Avenue	Lots 5 and 6, DP 1643	Local	I242
Longueville	House	38 Lucretia Avenue	Lot A, DP 417305	Local	I243

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Longueville	Wanganui	58 Lucretia Avenue	Lot 1, DP 228368	Local	I245
Longueville	Ulverstone	62 Lucretia Avenue	Lot 121, DP 617674	Local	I246
Longueville	House	Cnr Mary Street and Stuart Street	Lot 1, DP 5795	Local	I247
Longueville	House and garden	7 Mary Street	Lot 6, DP 5795	Local	I248
Longueville	Nirvana	21A Mary Street	Lot 2, DP 208978	Local	I249
Longueville	House	23 Mary Street	Lot 101, DP 813486	Local	I250
Longueville	Deloraine	25 Mary Street	Lot 20, Section EE, DP 913	Local	I251
Longueville	House	30 Mary Street	Lot 4, DP 29396	Local	I252
Longueville	Wall and gates	31 Mary Street	Lot 5, DP 334412	Local	I253
Longueville	House	61 Mary Street	Lot 7D, Section B, DP 2295	Local	I254
Longueville	House and trees	65 Mary Street	Lot B, DP 349442	Local	I255
Longueville	House and garden	71 Mary Street	Lot 1, DP 312218	Local	I256
Longueville	House and timber boatshed	15 Norfolk Street	Lots 1 and 2, DP 618825	Local	I257
Longueville	House	6 Poole Street	Lot 51, DP 778368	Local	I258
Longueville	House	9 Poole Street (also known as 7 Stuart Street)	Lot 1, DP 17380	Local	I259
Longueville	House	10 Poole Street	Lot 3, DP 900801	Local	I260
Longueville	Aquatic Park boatsheds, Yacht Bay	Stuart Street	Lot 2, DP 907301	Local	I261
Longueville	Longueville Wharf	Stuart Street	Lot 1120, DP 752067	Local	I262
Longueville	House	5 Stuart Street	Lot A, DP 382913	Local	I265
Longueville	House	13 Stuart Street	Lot 3, DP 216684	Local	I267
Longueville	Carrum-Carrum	16A Stuart Street	Lot 100, DP 1092407	Local	I268

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Longueville	House and garden	20 Stuart Street	Lot 100, DP 813486	Local	I269
Longueville	House	30 Stuart Street	Lot 4, DP 29396	Local	I270
Longueville	House	54 Stuart Street	Lot 1, DP 113106	Local	I271
Longueville	Wharf, stone steps to foreshore	Wharf Road	Public land	Local	I273
Longueville	House and garden	8-10 Wharf Road	Lot 501, DP 1110586	Local	I272
Longueville	Clubhouse and Score Board	William Edward Street	Lot 1, DP 723858	Local	I274
Longueville	House and garden	81 William Edward Street	Lot A, DP 397413	Local	I276
Longueville	House	85 William Edward Street	Lot 2, DP 408922	Local	I277
Longueville	House	91 William Edward Street	Lot C, DP 385574	Local	I278
Longueville	House and garden	101 William Edward Street	Lot 1, DP 510446	Local	I279
Longueville	Minembah	1 Woodford Street	Lot 2, DP 539383	Local	I280
Northwood	House	37 Cliff Road	Lot 171, DP 709310	Local	I282
Northwood	House	47 Cliff Road	Lot 23, DP 6768	Local	I283
Northwood	Endeavour Playground	Fleming Street (south side)	Road reserve	Local	I284
Northwood	Convict Stockade	Kelly's Esplanade, Woodford Bay	Lot 7124, DP 1051824	Local	I285
Northwood	Streetscape elements (rocky outcrops, stone steps, sandstone kerbing)	Lower Cliff Road, Private Road, Northwood Point and Northwood Road	Road reserve	Local	I286
Northwood	Northwood Wharf	Northwood Road	Road reserve	Local	I287
Northwood	Kailora	15 Northwood Road	Lot B, DP 412915	Local	I289
Northwood	House	21 Northwood Road	Part Lot 3, DP 1692, Lot B, DP 383322	Local	I290

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Northwood	House	23 Northwood Road	Lot 1, DP 116006	Local	I291
Northwood	House	45 Northwood Road	Lot 3, DP 5395	Local	I292
Northwood	House and garden	62 Northwood Road	Lot 1, DP 826939	Local	I293
Northwood	House	70 Northwood Road	Lot C, DP 381895	Local	I294
Northwood	House	86 Northwood Road	Lot 5, DP 4424	Local	I295
Northwood	House and garden	88 Northwood Road	Lot 27, DP 4424	Local	I296
Northwood	House and garden	90 Northwood Road	Lot 28, DP 4424	Local	I297
Northwood	House and garden	94 Northwood Road	Lot 30, DP 4424	Local	I298
Northwood	House and garden	96 Northwood Road	Lot 31, DP 4424	Local	I299
Northwood	House	97 Northwood Road	Part Lot 5, DP 10429	Local	I300
Northwood	House and sandstone fence	100 Northwood Road	Lot A, DP 315550	Local	I301
Northwood	House and sandstone fence	102 Northwood Road	Lot B, DP 315550	Local	I302
Northwood	House and stone retaining wall	104 Northwood Road	Lot 34, DP 4424	Local	I303
Northwood	House	113 Northwood Road	Lot 4, DP 231657	Local	I304
Northwood	House	3 Point Road	Part Lot 47, DP 4424	Local	I306
Northwood	House and garden	8 Point Road	Lot 421, DP 226803	Local	I307
Northwood	House and garden	16 Point Road	Lot B, DP 399542	Local	I308
Northwood	Northwood House and Cottage	1 Private Road	Lot 2, DP 217339	State	I309

Northwood	Burdoe	5 Upper Cliff Road	Lots A and B, DP 407020	Local	I310
Northwood	Wyndarra	4b Wyndarra Place	Lot 4B, DP 419447	Local	I313
Northwood	House	6 Wyndarra Place	Lot 1, DP 410874	Local	I314
Riverview	Burns Bay Reserve Sewage Aqueduct (SHR 01319)	Bridge Street	Northern Suburbs Ocean Outfall Sewer	Local	I315
Riverview	House	44 College Road South	Lot 7, DP 739156	Local	I317
Riverview	House	48 Hamilton Street	Lot 46, DP 9483	Local	I160
Riverview	House	50 Hamilton Street	Lot 47, DP 9483	Local	I161
Riverview	St. Ignatius College, headland	2-68 Riverview Street	Lot 194, DP 234296	Local	I319
Riverview	Tambourine Bay Baths	Tambourine Bay Road	Lot 908, DP 752067	Local	I322
Riverview	Dowra	36 Tambourine Bay Road	Lot B, DP 356156	Local	I201
Riverview	House	99 Tambourine Bay Road	Lot 1, DP 944731	Local	I320
St Leonards	Sandringham	3 Park Road	Lot 1, DP 198586	Local	I325
St Leonards	House	5 Park Road	Lot 1, DP 611420	Local	I326
St Leonards	House	7 Park Road	Lot 11, DP 111237	Local	I327

## Part 2 Conservation areas

Suburb	Item name	Address	Property description	Significance	Item No.
Greenwich	Greenwich Conservation Area	Greenwich	Greenwich Peninsula South	Local	C1

## Part 3 Archaeological sites

Suburb	Item name	Address	Property description	Significance	Item No.
Greenwich	Fells Shale Oil Refinery	124 Gother Avenue	Various sites	Local	A1
Greenwich	Shell Installation	124 Greenwich Road	Various sites	Local	A2

Greenwich	Former Bond Store	O'Connell St—Bond Reserve	Various sites	Local	A3
Lane Cove	Radke & Pioneer Tanneries, Burns Bay Reserve	Burns Bay Reserve	Lot 2, DP 226422	Local	A4
Lane Cove West	Chicago Mills	160 Epping Road	Lot 13, DP 807958	Local	A6
Lane Cove West	Cumberland Paper Mills	170 Epping Road	Lot 22, DP 825400, Lots 954 and 955, DP 752067	Local	A5
Longueville	Kirk's Factory	Woodford/Arabella Streets	Various sites	Local	A7
Northwood	Convict Stockade	2 and 4 Kelly's Esplanade, Woodford Bay	Lot 7124, DP 1051824	Local	A8

## Dictionary

(Clause 1.4)

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

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

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

**Acid Sulfate Soils Map** means the [Lane Cove Local Environmental Plan 2009 Acid Sulfate Soils Map](#).

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

**Note—**

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

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

**Note—**

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

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

**Note—**

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

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

**agriculture** means any of the following:

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

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

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

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

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

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

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

**aquaculture** has the same meaning as in the [Fisheries Management Act 1994](#).

**Note—**

The term is defined as follows:

**aquaculture** means:

- (a) cultivating fish or marine vegetation for the purposes of harvesting the fish or marine vegetation or their progeny with a

view to sale, or

(b) keeping fish or marine vegetation in a confined area for a commercial purpose (such as a fish-out pond),

but does not include:

(c) keeping anything in a pet shop for sale or in an aquarium for exhibition (including an aquarium operated commercially), or

(d) anything done for the purposes of maintaining a collection of fish or marine vegetation otherwise than for a commercial purpose, or

(e) any other thing prescribed by the regulations (made under the *Fisheries Management Act 1994*).

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

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

(a) shown on the [Heritage Map](#) as an archaeological site, and

(b) the location and nature of which is described in Schedule 5, and

(c) that contains one or more relics.

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

(a) each dwelling is attached to another dwelling by a common wall, and

(b) each of the dwellings is on its own lot of land (not being an individual lot in a strata plan or community title scheme), and

(c) none of the dwellings is located above any part of another dwelling.

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

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

(a) that has shared facilities, such as a communal bathroom, kitchen or laundry, and

(b) that will generally provide accommodation on a bed basis (rather than by room).

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

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

(a) meals are provided for guests only, and

(b) cooking facilities for the preparation of meals are not provided within guests' rooms, and

(c) dormitory-style accommodation is not provided.



**Note—**

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

**biodiversity** means biological diversity.

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

**Note—**

The term is defined as follows:

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

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

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

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

**boarding house** means a building:

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

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

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

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

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

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

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

**Note—**

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

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

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

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

- (a) a building wall, or
- (b) the outside face of any balcony, deck or the like, or
- (c) the supporting posts of a carport or verandah roof,

whichever distance is the shortest.

**bulky goods premises** means a building or place used primarily for the sale by retail, wholesale or auction of (or for the hire or display of) bulky goods, being goods that are of such size or weight as to require:

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

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

**bush fire hazard reduction work** has the same meaning as in the [Rural Fires Act 1997](#).

**Note—**

The term is defined as follows:

**bush fire hazard reduction work** means:

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

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

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

**Note—**

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

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

**business identification sign** means a sign:

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

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

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

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

and may include, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, medical centres, betting agencies and the like, but does not include sex services premises.

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

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

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

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

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

**Note—**

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

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

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

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

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

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

but does not include:

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

*Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

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

**Note—**

The term is defined as follows:

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

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

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

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

**Note—**

The term is defined as follows:

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

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

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

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

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

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

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

**Note—**

The term is defined as follows:

**coastal zone** means:

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

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

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

- (a) owned or controlled by a public authority or non-profit community organisation, and
  - (b) used for the physical, social, cultural or intellectual development or welfare of the community,
- but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

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

**correctional centre** means:

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

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

**Council** means the Lane Cove Municipal Council.

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

**Crown reserve** means:

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

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

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

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

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

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

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

**dual occupancy** means 2 dwellings (whether attached or detached) on one lot of land (not being an individual lot in a strata plan or community title scheme), but does not include a secondary dwelling.

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

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

**earthworks** means excavation or filling.

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

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

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

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

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

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

- (a) the Ambulance Service of New South Wales,
- (b) New South Wales Fire Brigades,
- (c) the NSW Rural Fire Service,
- (d) the NSW Police Force,
- (e) the State Emergency Service,

- (f) the New South Wales Volunteer Rescue Association Incorporated,
- (g) the New South Wales Mines Rescue Brigade established under the *Coal Industry Act 2001*,
- (h) an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

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

**environmental facility** means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

**Environmental Protection Land Map** means the [Lane Cove Local Environmental Plan 2009 Environmental Protection Land Map](#).

**environmental protection works** means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like.

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

**Note—**

The term is defined as follows:

**estuary** means:

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

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

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

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

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

**extensive agriculture** means:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops), or



(b) the grazing of livestock, or

(c) bee keeping,

for commercial purposes, but does not include any of the following:

(d) animal boarding or training establishments,

(e) aquaculture,

(f) farm forestry,

(g) intensive livestock agriculture,

(h) intensive plant agriculture.

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

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

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

**farm stay accommodation** means tourist and visitor accommodation provided to paying guests on a working farm as a secondary business to primary production.

**Note—**

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

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

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

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

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

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

(a) still photography, or

- (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 [Lane Cove Local Environmental Plan 2009 Floor Space Ratio Map](#).

**food and drink premises** means retail premises used for the preparation and retail sale of food or drink for immediate consumption on or off the premises, and includes restaurants, cafes, take away food and drink premises, milk bars and pubs.

**foreshore area** means the land between the foreshore building line and the mean high water mark of the nearest bay or river.

**foreshore building line** means the foreshore building line shown on the [Foreshore Building Line Map](#).

**Foreshore Building Line Map** means the [Lane Cove Local Environmental Plan 2009 Foreshore Building Line Map](#).

**forestry** has the same meaning as **forestry operations** in the [Forestry and National Park Estate Act 1998](#).

**Note—**

The term is defined as follows:

**forestry operations** means:

- (a) logging operations, namely, the cutting and removal of timber from land for the purpose of timber production, or
- (b) forest products operations, namely, the harvesting of products of trees, shrubs and other vegetation (other than timber) that are of economic value, or
- (c) on-going forest management operations, namely, activities relating to the management of land for timber production such as thinning, bush fire hazard reduction, bee-keeping, grazing and other silvicultural activities, or
- (d) ancillary road construction, namely, the provision of roads and fire trails, and the maintenance of existing railways, to enable or assist in the above operations.

**freight transport facility** means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.

**function centre** means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

**funeral chapel** means premises used to arrange, conduct and cater for funerals and memorial services, and includes facilities for the short-term storage, dressing and viewing of bodies of deceased persons, but does not include premises with mortuary facilities.

**funeral home** means premises used to arrange and conduct funerals and memorial services, and includes facilities for the short-term storage, dressing and viewing of bodies of deceased persons and premises with mortuary facilities.

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

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

but excludes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**health consulting rooms** means a medical centre that comprises one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals who practise in partnership (if there is more than one such professional) who provide professional health care services to members of the public.

**health services facility** means a building or place used as a facility to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes the following:

- (a) day surgeries and medical centres,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) facilities for the transport of patients, including helipads and ambulance facilities,
- (e) hospitals.

**heavy industry** means an industry that requires separation from other land uses because of the nature of the processes involved, or the materials used, stored or produced. It may consist of or include a hazardous or offensive industry or involve the use of a hazardous or offensive storage establishment.

**Height of Buildings Map** means the [Lane Cove Local Environmental Plan 2009 Height of Buildings Map](#).

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

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

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

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

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

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

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

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

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

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

**Heritage Map** means the [Lane Cove Local Environmental Plan 2009 Heritage Map](#).

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

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

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

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

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

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

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

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

**Note—**

See clause 5.4 for controls relating to the floor area used to carry on the business.

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

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

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

**Note—**

See clause 5.4 for controls relating to the floor area used to carry on the home industry.

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

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the occupation carried on in the dwelling), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

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

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

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

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

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

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

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,



- (d) shops or refreshment rooms,
- (e) transport of patients, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not it is carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

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

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

**hotel or motel accommodation** means tourist and visitor accommodation (whether or not licensed premises under the [Liquor Act 2007](#)):

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

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

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

- (a) is used in conjunction with an industry (including a light industry) but not in conjunction with a warehouse or distribution centre, and
- (b) is situated on the land on which the industry is carried out, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry is carried out.

**Note—**

See clause 5.4 for controls relating to the retail floor area.

**industry** means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing or adapting, or the research and development of any goods, chemical substances, food, agricultural or beverage products, or articles for commercial purposes, but does not include extractive industry or a mine.

**information and education facility** means a building or place used for providing information or

education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

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

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

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

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

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

**Note—**

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

**Land Application Map** means the [Lane Cove Local Environmental Plan 2009 Land Application Map](#).

**Land Reservation Acquisition Map** means the [Lane Cove Local Environmental Plan 2009 Land Reservation Acquisition Map](#).

**Land Zoning Map** means the [Lane Cove Local Environmental Plan 2009 Land Zoning Map](#).

**landscape and garden supplies** means a building or place where trees, shrubs, plants, bulbs, seeds and propagating material are offered for sale (whether by retail or wholesale), and may include the sale of landscape supplies (including earth products or other landscape and horticulture products) and the carrying out of horticulture.

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

**light industry** means an industry, not being a hazardous or offensive industry or involving use of a hazardous or offensive storage establishment, in which the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise.

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

**livestock processing industry** means an industry that involves the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals, derived principally from surrounding districts, and includes such activities as abattoirs, knackeries, tanneries, woollscours and rendering plants.

**Lot Size Map** means the [Lane Cove Local Environmental Plan 2009 Lot Size Map](#).

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

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

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

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

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

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

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

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

**mine subsidence district** means a mine subsidence district proclaimed under section 15 of the [Mine Subsidence Compensation Act 1961](#).

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

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

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

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

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

**moveable dwelling** has the same meaning as in the [Local Government Act 1993](#).

**Note—**

The term is defined as follows:

**moveable dwelling** means:

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

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

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

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

**native vegetation** has the same meaning as in the [Native Vegetation Act 2003](#).

**Note—**

The term is defined as follows:

**Meaning of “native vegetation”**

(1)

**Native vegetation** means any of the following types of indigenous vegetation:

- (a) trees (including any sapling or shrub, or any scrub),
- (b) understorey plants,
- (c) groundcover (being any type of herbaceous vegetation),
- (d) plants occurring in a wetland.

(2)

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

(3)

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

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

**Note—**

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

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

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

**Note—**

See clause 5.4 for controls relating to the retail floor area.

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

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

**offensive industry** means any development for the purpose of an industry that would, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

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

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

**operational land** has the same meaning as in the [Local Government Act 1993](#).

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

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

**place of Aboriginal heritage significance** means an area of land shown on the [Heritage Map](#) that is:

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

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

**pond-based aquaculture** means aquaculture undertaken in structures that are constructed by excavating and reshaping earth, which may be earthen or lined, and includes any part of the aquaculture undertaken in tanks, such as during the hatchery or pre-market conditioning phases, but does not include natural water-based aquaculture.

**Note—**

Typical pond-based aquaculture is the pond culture of prawns, yabbies or silver perch.

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

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

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

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

**property vegetation plan** has the same meaning as in the [Native Vegetation Act 2003](#).

**Note—**

The term is defined as follows:

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

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

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

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

**public land** has the same meaning as in the [Local Government Act 1993](#).

**Note—**

The term is defined as follows:

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

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

**public reserve** has the same meaning as in the [Local Government Act 1993](#).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**residential accommodation** means a building or place used predominantly as a place of residence,



but does not include tourist and visitor accommodation.

**residential care facility** means accommodation for seniors (people aged 55 years or more) or people with a disability that includes:

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

not being a dwelling, hospital or psychiatric facility.

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

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

**restaurant** means a building or place the principal purpose of which is the provision of food or beverages to people for consumption on the premises, whether or not takeaway meals and beverages or entertainment are also provided.

**restricted dairy** means a dairy (other than a dairy (pasture-based)) where restriction facilities are present in addition to milking sheds and holding yards, and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during periods of drought or similar emergency relief). A restricted dairy may comprise the whole or part of a restriction facility.

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

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

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

**Riparian Land Map** means the [Lane Cove Local Environmental Plan 2009 Riparian Land 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 retail selling of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an

adjacent property.

**Note—**

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

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

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

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

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

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

**school** means a government school or non-government school within the meaning of the [Education Act 1990](#).

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

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

**Note—**

See clause 5.4 for controls relating to the total floor area.

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

**semi-detached dwelling** means a dwelling that is on its own lot of land (not being an individual lot in

a strata plan or community title scheme) and is attached to only one other dwelling.

**seniors housing** means residential accommodation that consists of:

- (a) a residential care facility, or
- (b) a hostel, or
- (c) a group of self-contained dwellings, or
- (d) a combination of these,

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

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

but does not include a hospital.

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

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

**serviced apartment** means a building or part of a building providing self-contained tourist and visitor accommodation that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

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

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and

(f) vent stacks.

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

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

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

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

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

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

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

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

but does not include traffic signs or traffic control facilities.

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

**Note—**

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

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

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

**spa pool** has the same meaning as in the [Swimming Pools Act 1992](#).

**Note—**

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

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

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

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

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

**swimming pool** has the same meaning as in the [Swimming Pools Act 1992](#).

**Note—**

The term is defined as follows:

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

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

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

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

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

**telecommunications facility** means:

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

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

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

**Note—**

The term is defined as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

**waste disposal facility** means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour

control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

**waste management facility** means a facility used for the storage, treatment, purifying or disposal of waste, whether or not it is also used for the sorting, processing, recycling, recovering, use or reuse of material from that waste, and whether or not any such operations are carried out on a commercial basis. It may include but is not limited to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**wetland** means:

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

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