

Ryde Local Environmental Plan 2010

[2010-316]



New South Wales

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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](#).

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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Ryde Local Environmental Plan 2010



New South Wales

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Ryde Local Environmental Plan 2010



New South Wales

Part 1 Preliminary

1.1 Name of Plan

This Plan is *Ryde Local Environmental Plan 2010*.

1.1AA Commencement

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

1.2 Aims of Plan

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

1.3 Land to which Plan applies

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

1.4 Definitions

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

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.
- (1AA) A reference to the Minister in subclause (1) is taken to be a reference to the Greater Sydney Commission in the case of any map that applies to a local government area in the Greater Sydney Region (within the meaning of the [Greater Sydney Commission Act 2015](#)) and that is adopted by a local environmental plan on or after 27 January 2016.
- (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 website of the Department of Planning and Environment

1.8 Repeal of planning instruments applying to land

- (1) All local environmental plans and deemed environmental planning instruments

applying only to the land to which this Plan applies are repealed.

Note—

The following local environmental plans are repealed under this provision:

Ryde Planning Scheme Ordinance

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

Note—

The *Ryde Planning Scheme Ordinance* continues to apply to the land shown on the [Land Application Map](#) as “Deferred Matter”.

1.8A Savings provision relating to pending development approvals

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

Note—

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

1.9 Application of SEPPs

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

State Environmental Planning Policy No 1—Development Standards

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

1.9A Suspension of covenants, agreements and instruments

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a 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) Except for the purposes of enabling development for dual occupancy (attached) or multi dwelling housing (attached), this clause does not apply to any land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone R4 High Density Residential.
- (5) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)-(4).

Part 2 Permitted or prohibited development

2.1 Land use zones

The land use zones under this Plan are as follows:

Residential Zones

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

Business Zones

B1 Neighbourhood Centre

B3 Commercial Core

B4 Mixed Use

B5 Business Development

B7 Business Park

Industrial Zones

IN2 Light Industrial

IN4 Working Waterfront

Special Purpose Zones

SP1 Special Activities

SP2 Infrastructure

Recreation Zones

RE1 Public Recreation

RE2 Private Recreation

Environment Protection Zones

E1 National Parks and Nature Reserves

E2 Environmental Conservation

2.2 Zoning of land to which Plan applies

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

2.3 Zone objectives and Land Use Table

- (1) The Land Use Table at the end of this Part specifies for each zone:
 - (a) the objectives for development, and
 - (b) development that may be carried out without development consent, and
 - (c) development that may be carried out only with development consent, and
 - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

(3) In the Land Use Table at the end of this Part:

- (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
- (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.

(4) This clause is subject to the other provisions of this Plan.

Notes—

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

2.4 Unzoned land

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

2.5 Additional permitted uses for particular land

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

2.6 Subdivision—consent requirements

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

Notes—

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

2 Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that the strata subdivision of a building in certain circumstances is **complying development**.

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

Note—

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

2.7 Demolition requires development consent

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

Note—

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

2.8 Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 182 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that:
 - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
 - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
 - (c) the temporary use and location of any structures related to the use will not

adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and

(d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

(4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.

(5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

Land Use Table

Note—

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

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

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

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

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

State Environmental Planning Policy (Rural Lands) 2008

State Environmental Planning Policy No 33—Hazardous and Offensive Development

State Environmental Planning Policy No 50—Canal Estate Development

State Environmental Planning Policy No 62—Sustainable Aquaculture

State Environmental Planning Policy No 64—Advertising and Signage

Zone R1 General Residential

1 Objectives of zone

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

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

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

4 Prohibited

Any development not specified in item 2 or 3

Zone R2 Low Density Residential

1 Objectives of zone

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

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

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

4 Prohibited

Any development not specified in item 2 or 3

Zone R3 Medium Density Residential

1 Objectives of zone

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

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

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

4 Prohibited

Any development not specified in item 2 or 3

Zone R4 High Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To allow higher density development around transport nodes and commercial and retail centres.
- To allow for revitalisation, rehabilitation and redevelopment of residential areas while ensuring that building design does not adversely affect the amenity of the locality.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

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

4 Prohibited

Any development not specified in item 2 or 3

Zone B1 Neighbourhood Centre

1 Objectives of zone

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

2 Permitted without consent

Home occupations

3 Permitted with consent

Boarding houses; Business identification signs; Business premises; Centre-based child care facilities; Commercial premises; Community facilities; Depots; Entertainment facilities; Industrial retail outlets; Light industries; Medical centres; Neighbourhood shops; Public administration buildings; Recreation areas; Respite day care centres; Roads; Self-storage units; Service stations; Shop top housing; Wholesale supplies

4 Prohibited

Bulky goods premises; Garden centres; Hardware and building supplies; Landscaping material supplies; Plant nurseries; Pubs; Roadside stalls; Rural supplies; Timber yards; Vehicle sales or hire premises; Any other development not specified in item 2 or 3

Zone B3 Commercial Core

1 Objectives of zone

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

2 Permitted without consent

Home occupations

3 Permitted with consent

Building identification signs; Business identification signs; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel

accommodation; Industrial retail outlets; Information and education facilities; Light industries; Medical centres; Passenger transport facilities; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Self-storage units; Serviced apartments; Warehouse or distribution centres

4 Prohibited

Any development not specified in item 2 or 3

Zone B4 Mixed Use

1 Objectives of zone

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

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

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

4 Prohibited

Advertising structures; Agriculture; Animal boarding or training establishments;

Biosolids treatment facilities; Camping grounds; Caravan parks; Depots; Eco-tourist facilities; General industries; Heavy industrial storage establishments; Heavy industries; Home occupations (sex services); Industrial training facilities; Sex services premises; Stock and sale yards; Vehicle body repair workshops; Vehicle repair stations; Waste or resource management facilities; Water recycling facilities; Water treatment facilities; Wharf or boating facilities

Zone B5 Business Development

1 Objectives of zone

- To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.

2 Permitted without consent

Home occupations

3 Permitted with consent

Bulky goods premises; Business identification signs; Car parks; Centre-based child care facilities; Commercial premises; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Industrial retail outlets; Landscaping material supplies; Light industries; Passenger transport facilities; Recreation areas; Respite day care centres; Roads; Service stations; Vehicle repair stations; Warehouse or distribution centres

4 Prohibited

Plant nurseries; Pubs; Restaurants or cafes; Roadside stalls; Rural supplies; Timber yards; Any other development not specified in item 2 or 3

Zone B7 Business Park

1 Objectives of zone

- To provide a range of office and light industrial uses.
- To encourage employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To ensure the zone is characterised by a high-quality, well-designed and safe environment that reflects its natural setting.

- To provide a zone with strong links to the Macquarie University and research institutions and an enhanced sense of identity.
- To encourage industries involved in scientific research or development.

2 Permitted without consent

Home occupations

3 Permitted with consent

Building identification signs; Business identification signs; Business premises; Centre-based child care facilities; Educational establishments; Function centres; Garden centres; Hardware and building supplies; Industrial retail outlets; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Recreation areas; Registered clubs; Research stations; Respite day care centres; Restaurants or cafes; Roads; Warehouse or distribution centres

4 Prohibited

Any development not specified in item 2 or 3

Zone IN2 Light Industrial

1 Objectives of zone

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

2 Permitted without consent

Home occupations

3 Permitted with consent

Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Depots; Garden centres; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Light industries; Neighbourhood shops; Places of public worship; Public administration buildings; Pubs; Recreation areas; Research stations; Respite day care centres; Roads; Service stations; Sex services premises; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Water recycling facilities

4 Prohibited

Any development not specified in item 2 or 3

Zone IN4 Working Waterfront

1 Objectives of zone

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

2 Permitted without consent

Nil

3 Permitted with consent

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

4 Prohibited

Any development not specified in item 2 or 3

Zone SP1 Special Activities

1 Objectives of zone

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

2 Permitted without consent

Nil

3 Permitted with consent

The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose; Recreational facilities (indoors); Recreational facilities (outdoors)

4 Prohibited

Any development not specified in item 2 or 3

Zone SP2 Infrastructure

1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To ensure the orderly development of the land.
- To ensure that development does not have an adverse effect on adjoining land.

2 Permitted without consent

Nil

3 Permitted with consent

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

4 Prohibited

Any development not specified in item 2 or 3

Zone RE1 Public Recreation

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To provide adequate open space areas to meet the existing and future needs of the residents of Ryde.
- To protect and enhance the natural bushland in a way that enhances the quality of the bushland and facilitates public enjoyment of the bushland in a way that is compatible with its conservation.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

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

4 Prohibited

Any development not specified in item 2 or 3

Zone RE2 Private Recreation

1 Objectives of zone

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

adverse effect on the amenity of the locality.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

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

4 Prohibited

Any development not specified in item 2 or 3

Zone E1 National Parks and Nature Reserves

1 Objectives of zone

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

2 Permitted without consent

Uses authorised under the [National Parks and Wildlife Act 1974](#)

3 Permitted with consent

Nil

4 Prohibited

Any development not specified in item 2 or 3

Zone E2 Environmental Conservation

1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.

- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Environmental facilities

4 Prohibited

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

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 a declared area of outstanding biodiversity value under the [Biodiversity Conservation Act 2016](#) or declared critical habitat under Part 7A of the [Fisheries Management Act 1994](#), and
- (c) cannot be carried out in a wilderness area (identified under the [Wilderness Act 1987](#)).

- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
- (2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.
- (3) To be exempt development, the development:
 - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia* or, if there are no such relevant provisions, must be structurally adequate, and
 - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and

- (c) must not be designated development, and
 - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.
- (4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2-9 is exempt development only if:
- (a) the building has a current fire safety certificate or fire safety statement, or
 - (b) no fire safety measures are currently implemented, required or proposed for the building.
- (5) To be exempt development, the development must:
- (a) be installed in accordance with the manufacturer's specifications, if applicable, and
 - (b) not involve the removal, pruning or other clearing of vegetation that requires a permit, development consent or other approval unless it is undertaken in accordance with a permit, development consent or other approval.

Note—

See *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* and Part 5A of the *Local Land Services Act 2013*.

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

3.2 Complying development

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

Note—

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

- (3) To be complying development, the development must:
- (a) be permissible, with development consent, in the zone in which it is carried out, and
 - (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*,

and

(c) have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.

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

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

3.3 Environmentally sensitive areas excluded

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

(2) For the purposes of this clause:

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

(a) the coastal waters of the State,

(b) a coastal lake,

(c) land within the coastal wetlands and littoral rainforests area (within the meaning of the *Coastal Management Act 2016*),

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

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

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

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

(h) land reserved under the *National Parks and Wildlife Act 1974* or land acquired under Part 11 of that Act,

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

(j) land that is a declared area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016* or declared critical habitat under Part 7A of the *Fisheries Management Act 1994*.

Part 4 Principal development standards

4.1 Minimum subdivision lot size

- (1) The objectives of this clause are as follows:
 - (a) to retain streetscape, amenity and landscaped areas in residential zones,
 - (b) to provide open space areas for environmental sustainability in residential zones,
 - (c) to maintain a consistent density of development in Zone R2 Low Density Residential.
- (2) This clause applies to a subdivision of any land shown on the [Lot Size Map](#) that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) This clause does not apply in relation to the subdivision of any land:
 - (a) by the registration of a strata plan or strata plan of subdivision under the [Strata Schemes Development Act 2015](#), or
 - (b) by any kind of subdivision under the [Community Land Development Act 1989](#).

4.1AA Minimum subdivision lot size for community title schemes

[Not adopted]

4.1A Minimum subdivision requirements in certain residential zones

- (1) This clause applies to land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R4 High Density Residential other than land identified as “North Ryde Station Precinct” on the [Centres Map](#).
- (2) The consent authority must not consent to the subdivision of land to which this clause applies unless:
 - (a) each lot (other than a hatchet shaped lot) has:
 - (i) an area of not less than 580 square metres, and
 - (ii) a frontage to a road of not less than 10 metres, and
 - (iii) a width of not less than 15 metres at a distance of 7.5 metres from the frontage of the lot, and

(b) each hatchet shaped lot has:

- (i) an area of not less than 740 square metres (not including the access corridor and any part of the lot that is intended for access to other lots), and
- (ii) a frontage to a road of not less than 3 metres, and
- (iii) an access corridor not less than 3 metres wide.

(3) However, the consent authority may consent to the subdivision of land to create a lot adjoining a hatchet shaped lot if the consent authority is satisfied that:

- (a) the area of the lot to be created will be not less than 740 square metres, and
- (b) there will be permanent adequate vehicular access from a public road to the lot to be created.

4.1B Residential buildings that cannot be subdivided

(1) Development consent must not be granted to the subdivision (including a subdivision by a strata plan or community title scheme) of a dual occupancy (attached) or a duplex building on land in Zone R2 Low Density Residential.

(2) In this clause:

duplex building means a single building not more than 2 stories high that contains 2 dwellings that are attached to one another.

4.2 Rural subdivision

[Not applicable]

4.3 Height of buildings

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

- (a) to maintain desired character and proportions of a street within areas,
- (b) to minimise overshadowing and ensure a desired level of solar access to all properties,
- (c) to enable the built form in denser areas to create spatial systems that relate to human scale and topography,
- (d) to enable focal points to be created that relate to infrastructure such as train stations or large vehicular intersections,
- (e) to reinforce important road frontages in specific centres.

(1A) In addition to the objectives specified in subclause (1), the objectives for the control of the height of buildings on land identified as “Macquarie Park Corridor” or “North

Ryde Station Precinct” on the [Centres Map](#) are as follows:

- (a) to provide effective control over the scale and bulk of future development,
 - (b) to concentrate building heights around railway stations,
 - (c) to provide focal nodes that clearly highlight the role of railway stations,
 - (d) to reinforce the important road frontages of Waterloo Road and Lane Cove Road.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).
- (2A) Despite subclause (2), the maximum height of multi dwelling housing (attached) in Zone R2 Low Density Residential is:
- (a) for dwellings in the building that do not have a frontage to the street—6.5 metres, and
 - (b) for dwellings with a frontage to the street, if adjoining lots contain dwelling houses that are less than 9.5 metres high—8 metres.

4.4 Floor space ratio

- (1) The objectives of this clause are as follows:
- (a) to provide effective control over the bulk of future development,
 - (b) to allow appropriate levels of development for specific areas,
 - (c) to enable the consent authority to assess and respond appropriately to future infrastructure needs.
- (1A) In addition to the objectives specified in subclause (1), the objectives for the control of floor space ratios on land within the Macquarie Park Corridor are as follows:
- (a) to achieve a consolidation of development around railway stations, with the highest floor space ratios at the station nodes,
 - (b) to allow feasible development of the sites around railway stations and facilitate focal points at the station areas,
 - (c) to ensure that the peripheral locations of the corridor reflect the landscape needs and building setting requirements of the corporate building,
 - (d) to reinforce the importance and function of the central spine (Waterloo Road and Riverside Main Street) with suitable built form,
 - (e) to encourage the provision of a new street network,

(f) to provide incentives for redevelopment in return for the provision of the proposed access network as a public benefit.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#).

4.4A Residential zones—floor space ratio

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

4.4B Macquarie Park Corridor—floor space ratio

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

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

4.4C West Ryde Urban Village—floor space ratio

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

- (a) will create a safe and attractive environment for pedestrians, and
- (b) will create a mixed use precinct with an emphasis on uses that promote pedestrian activity and safety at ground level, and
- (c) will create a precinct that contains opportunities and facilities for living, working, commerce, leisure, culture, community services, education and spiritual nurture, and
- (d) will increase the number of people living within walking distance of high frequency public transport services, and

- (e) will increase the use of public transport, and
- (f) is not likely to significantly adversely affect the operation of the surrounding local road network.

4.5 Calculation of floor space ratio and site area

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

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

(2) **Definition of “floor space ratio”** The **floor space ratio** of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

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

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

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

(4) **Exclusions from site area** The following land must be excluded from the site area:

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

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

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

4.5A Density controls for Zone R2 Low Density Residential

- (1) The consent authority must not consent to the erection of multi dwelling housing (attached) on land in Zone R2 Low Density Residential unless:
- (a) the site area for the building is not less than:
 - (i) for each 1, 2 or 3 bedroom dwelling—300 square metres, and

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

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

- (1) The consent authority must not consent to the erection of multi dwelling housing or residential flat buildings on land in an area specified in Column 1 of the Table to this clause and shown on the [Residential Density Area Map](#) unless the area of the land on which that development is to be carried out is not less than the total of the areas specified in Column 2 of that Table in respect of each of the dwellings to be contained in that development.
- (2) This clause does not apply to land identified as “North Ryde Station Precinct” on the [Centres Map](#).

Table—Density in areas shown on [Residential Density Area Map](#)

Column 1	Column 2
Area and development	Site size (in m²)
Area 1	
1 bedroom dwelling	130
2 bedroom dwelling	180
3 or more bedroom dwelling	270
Area 2	
1 bedroom dwelling	100
2 bedroom dwelling	150
3 or more bedroom dwelling	220
Area 3	
1 bedroom dwelling	90

2 bedroom dwelling 120

3 or more bedroom dwelling 170

Area 4

1 bedroom dwelling 70

2 bedroom dwelling 100

3 or more bedroom dwelling 130

Area 5

1 bedroom dwelling 140

2 bedroom dwelling 196

3 or more bedroom dwelling 268

Area 6

1 bedroom dwelling 91

2 bedroom dwelling 137

3 or more bedroom dwelling 183

Area 7

1 bedroom dwelling 76

2 bedroom dwelling 111

3 or more bedroom dwelling 152

Area 8

1 bedroom dwelling 45

2 bedroom dwelling 58

3 or more bedroom dwelling 90

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

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

- (b) there will be at least 30 square metres of landscaped area per dwelling.

4.5D Density controls for Royal Rehabilitation Centre Sydney

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

4.5E Macquarie Park Corridor

- (1) **Off-street parking controls** The objectives for off-street parking controls in the Macquarie Park Corridor are as follows:
 - (a) to encourage accessibility by foot, bicycle and public transport,
 - (b) to support the management and supply of parking as the primary means to influence travel behaviour of employees,
 - (c) to encourage greater reliance on public transport,
 - (d) to assist in the management of increased car usage and traffic congestion in the corridor,
 - (e) to effect a greater shift to public transport.
- (2) The maximum off-street parking spaces for commercial and industrial development in the Macquarie Park Corridor are those shown on the [Macquarie Park Corridor Parking Restrictions Map](#).
- (3) **Use of land in Zone B7 Business Park** The objectives for restricting uses listed in subclause (4) in the Macquarie Park Corridor are as follows:
 - (a) to provide for the daily convenience needs of employees and visitors,
 - (b) to ensure that any activities support the needs of businesses and organisations in the development to which the facilities or services relate,
 - (c) to reinforce the station nodes as focal points of activity, supporting a range of retail and commercial activities.
- (4) Despite any other provision of this Plan, development for the purposes of a function centre, neighbourhood shop, registered club or restaurant must not be carried out on land in Zone B7 Business Park in the Macquarie Park Corridor unless the development is located on the ground floor level of a building and the total floor space of all such development in that zone does not exceed 500 square metres, or an area equal to 5%

of the total area of the land in that zone, whichever is the greater.

- (5) **Serviced apartments in Zone B3 Commercial Core** Despite any other provision of this Plan, the consent authority must not consent to the carrying out of development on land in Zone B3 Commercial Core in the Macquarie Park Corridor for the purpose of serviced apartments unless:
- (a) the development comprises at least 2 self-contained dwellings, and
 - (b) all dwellings are on the same lot (that is, not on separate strata or other titles), and
 - (c) the development includes private or communal facilities that the consent authority is satisfied are of adequate size and amenity, such as a laundry, guest reception area, waiting area and external open space, and
 - (d) the building that is to contain the dwellings is not a boarding house, hospital or hotel or motel accommodation.
- (6) **Retail activities in Zone B3 Commercial Core** Development for the purposes of retail premises must not be carried out on land that is in Zone B3 Commercial Core in the Macquarie Park Corridor, unless the premises are located on the ground floor level of a building and do not exceed 2,000 square metres, or in the case of a pub, 250 square metres in floor space.

4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows:
- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
- (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Secretary must consider:
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note—

When this Plan was made it did not include Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E3 Environmental Management or Zone E4 Environmental Living.

- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:
- (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,
 - (c) clause 5.4,
 - (ca) clause 4.3, to the extent it applies to Precinct 2 (Town Core) shown on the [Ryde Town Centre Precincts Map](#).

Part 5 Miscellaneous provisions

5.1 Relevant acquisition authority

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

Note—

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

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

Type of land shown on Map	Authority of the State
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 8 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Roads and Maritime Services

Zone E1 National Parks and Nature Reserves and marked “National Park”

Minister administering the *National Parks and Wildlife Act 1974*

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

Note—

If land, other than land specified in the Table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning is required to take action to enable the designation of the acquiring authority under this clause. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning (see section 21 of the *Land Acquisition (Just Terms Compensation) Act 1991*).

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

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

Column 1	Column 2	Column 3
Land	Authority	Development
Zone RE1 Public Recreation and marked “Local open space”	Council	Recreation areas
Zone RE1 Public Recreation and marked “Regional open space”	The corporation constituted under section 8 of the Act	Recreation areas
Zone SP2 Infrastructure and marked “Classified road”	Roads and Traffic Authority	Roads
Zone SP2 Infrastructure and marked “Local road”	Council	Roads

5.2 Classification and reclassification of public land

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

Note—

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

- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4:
 - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
 - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
 - (b) any reservations that except land out of the Crown grant relating to the land, and
 - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).

Note—

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

5.3 Development near zone boundaries

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.

- (3) This clause does not apply to:
- (a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or
 - (ab) land in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone B1 Neighbourhood Centre, Zone B3 Commercial Core, Zone B4 Mixed Use, Zone B5 Business Development, Zone B7 Business Park, Zone IN2 Light Industrial, Zone IN4 Working Waterfront, Zone SP1 Special Activities and Zone RE2 Private Recreation, or
 - (b) land within the coastal zone, or
 - (c) land proposed to be developed for the purpose of sex services or restricted premises.
- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:
- (a) the development is not inconsistent with the objectives for development in both zones, and
 - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (5) This clause does not prescribe a development standard that may be varied under this Plan.

Note—

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

5.4 Controls relating to miscellaneous permissible uses

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

Note—

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

- (2) **Home businesses** If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than

30 square metres of floor area.

- (3) **Home industries** If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 30 square metres of floor area.
- (4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed:
 - (a) 25% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
 - (b) 400 square metres,whichever is the lesser.
- (5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.
- (6) **Kiosks** If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 20 square metres.
- (7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 200 square metres.
- (8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 8 square metres.
- (9) **Secondary dwellings** If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:
 - (a) 60 square metres,
 - (b) 11% of the total floor area of the principal dwelling.

5.5 (Repealed)

5.6 Architectural roof features

[Not adopted]

5.7 Development below mean high water mark

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

bed of any such water).

5.8 Conversion of fire alarms

- (1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.
- (2) The following development may be carried out, but only with development consent:
 - (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
 - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
 - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) Development to which subclause (2) applies is complying development if it consists only of:
 - (a) internal alterations to a building, or
 - (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.
- (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.
- (5) In this clause:

private service provider means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

5.9, 5.9AA (Repealed)

5.10 Heritage conservation

Note—

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

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

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

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

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

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

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
 - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
 - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
 - (b) the development is in a cemetery or burial ground and the proposed development:
 - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
 - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
 - (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
 - (d) the development is exempt development.
- (4) **Effect of proposed development on heritage significance** The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).
- (5) **Heritage assessment** The consent authority may, before granting consent to any development:
- (a) on land on which a heritage item is located, or
 - (b) on land that is within a heritage conservation area, or
 - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.
- (6) **Heritage conservation management plans** The consent authority may require, after

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

- (7) **Archaeological sites** The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the [Heritage Act 1977](#) applies):
- (a) notify the Heritage Council of its intention to grant consent, and
 - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (8) **Aboriginal places of heritage significance** The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:
- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
 - (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.
- (9) **Demolition of nominated State heritage items** The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:
- (a) notify the Heritage Council about the application, and
 - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (10) **Conservation incentives** The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:
- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
 - (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and

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

5.11 Bush fire hazard reduction

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

Note—

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

5.12 Infrastructure development and use of existing buildings of the Crown

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

5.13 Eco-tourist facilities

[Not applicable]

5.14 Siding Spring Observatory—maintaining dark sky

[Not adopted]

5.15 Defence communications facility

[Not adopted]

Part 6 Additional local provisions

6.1 Acid sulfate soils

- (1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.
- (2) Development consent is required for the carrying out of works described in the Table

to this subclause on land shown on the [Acid Sulfate Soils Map](#) as being of the class specified for those works.

Class of land	Works
1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works more than 1 metre below the natural ground surface. 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. 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 required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,
 - (b) routine maintenance work, being the periodic inspection, cleaning, repair or

replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),

(c) minor work, being work that costs less than \$20,000 (other than drainage work).

(6) Despite subclause (2), development consent is not required under this clause to carry out any works unless:

(a) the works involve the disturbance of more than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations or flood mitigation works, or

(b) the works are likely to lower the watertable.

6.2 Earthworks

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

(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,

(b) to allow earthworks of a minor nature without separate development consent.

(2) Development consent is required for earthworks unless:

(a) the work does not alter the ground level (existing) by more than 300 millimetres, or

(b) the work is exempt development under this Plan or another applicable environmental planning instrument, or

(c) the work is ancillary to other development for which development consent has been given.

(3) Before granting development consent for earthworks, the consent authority must consider the following matters:

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,

(b) the effect of the proposed development on the likely future use or redevelopment of the land,

(c) the quality of the fill or the soil to be excavated, or both,

(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,

- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,
- (g) proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

Note—

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

6.3 Foreshore building line

- (1) The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.
- (2) Development consent must not be granted for development on land in the foreshore area except for the following purposes:
 - (a) the alteration or rebuilding of an existing building wholly or partly in the foreshore area,
 - (b) sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools (at or below ground level (existing)), fences, boat sheds, cycleways, walking trails or picnic facilities.
- (3) Development consent must not be granted under subclause (2) unless the consent authority is satisfied that:
 - (a) the development will contribute to achieving the objectives for the zone in which the land is located, and
 - (b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and
 - (c) the development will not cause environmental harm such as:
 - (i) pollution or siltation of the waterway, or
 - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, flora or fauna habitats, or
 - (iii) an adverse effect on drainage patterns, and
 - (d) the development will not cause congestion of, or generate conflicts between, people using open space areas or the waterway, and
 - (e) opportunities to provide continuous public access along the foreshore and to the

waterway will not be compromised, and

- (f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and
- (g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore.

6.4 Eastwood Urban Village

- (1) **Development intensification restricted** This clause applies to land shown on the [Eastwood Urban Village Map](#) as “Development Intensification Restricted”.
- (2) Despite any other provision of this Plan, development consent must not be granted to the carrying out of development on land to which this clause applies if the development would increase the intensity of use of the land unless the consent authority is satisfied that the extent of stormwater inundation of the land, and the access to the land during an estimated 100 year ARI stormwater inundation event, would not constitute a hazard, or increase a hazard, to persons or property.
- (3) **Development intensification constrained** This clause applies to land shown on the [Eastwood Urban Village Map](#) as “Development Intensification Constrained”.
- (4) Despite any other provision of this Plan, development consent must not be granted to the carrying out of development on land to which this clause applies if the development would increase the intensity of use of the land unless the consent authority is satisfied that, if any conditions to which the development consent would be subject to were to be complied with, the extent of stormwater inundation of the land during an estimated 100 year ARI stormwater inundation event would not constitute a hazard, or increase a hazard, to persons or property.

- (5) In this clause:

100 year ARI means a stormwater inundation event of a size that is likely to occur only once in 100 years, but has one chance in 100 (1%) of occurring in any year.

6.5 Eastwood Urban Village and West Ryde Urban Village

- (1) This clause applies to land shown as “Eastwood Urban Village” and “West Ryde Urban Village” on the [Centres Map](#).
- (2) The objectives for the land to which this clause applies are as follows:
 - (a) to create a safe and attractive environment for pedestrians,
 - (b) to create a mixed use precinct with emphasis on uses that promote pedestrian

activity and safety at ground level (existing),

(c) to create a precinct that contains opportunities and facilities for living, working, commerce, leisure, culture, community services, education and public worship,

(d) to increase the number of people living within walking distance of high frequency public transport services,

(e) to increase the use of public transport.

(3) The consent authority must not grant consent to development on land to which this clause applies unless it has considered whether the proposed development is consistent with the objectives stated in subclause (2).

6.6 Macquarie Park Corridor

(1) This clause applies to land within the Macquarie Park Corridor.

(2) The objectives for the land to which this clause applies are as follows:

(a) to promote the corridor as a premium location for globally competitive businesses with strong links to the Macquarie University and research institutions and an enhanced sense of identity,

(b) to implement the State Government's strategic objectives of integrating land use and transport, reducing car dependency and creating opportunities for employment in areas supported by public transport,

(c) to guide the quality of future development in the corridor,

(d) to ensure that the corridor is characterised by a high-quality, well-designed and safe environment that reflects the natural setting, with three accessible and vibrant railway station areas providing focal points,

(e) to ensure that residential and business areas are better integrated and an improved lifestyle is created for all those who live, work and study in the area.

(3) The consent authority must not grant consent for development on the land to which this clause applies unless it has considered whether the proposed development is consistent with the objectives stated in subclause (2).

6.7 Planning controls for Ryde Town Centre

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

(2) **Development not in precincts in Ryde Town Centre** Despite any other provision of this

Plan, the consent authority may grant development consent to development on land that is not in a precinct shown on the [Ryde Town Centre Precincts Map](#) for a purpose that is permissible in an adjoining precinct shown on that map.

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

6.8 Access for centre-based child care facilities must not be to a classified road

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

6.9 Development requiring the preparation of a development control plan

- (1) The objective of this clause is to ensure that development within the North Ryde Station Precinct occurs in accordance with a site-specific development control plan.
- (2) This clause applies to land identified as “North Ryde Station Precinct” on the [Centres Map](#).
- (3) Development consent must not be granted for development on land to which this clause applies unless:
 - (a) a development control plan that provides for the matters specified in subclause (4) has been prepared for the land, or
 - (b) guidelines and controls similar to those mentioned in subclause (4) already apply to the land, or
 - (c) the development is of a minor nature and is consistent with the objectives of the zone in which the land is situated.
- (4) The development control plan must provide for all of the following:
 - (a) design principles drawn from an analysis of the site and its context,
 - (b) distribution of land uses, including open space (its function and landscaping) and environment protection areas,
 - (c) heritage conservation, including both Aboriginal and European heritage,
 - (d) encouraging sustainable transport, including increased use of public transport, walking and cycling, road access and the circulation network and car parking provision, including integrated options to reduce car use,
 - (e) impact on, and improvements to, the public domain,

- (f) identification and conservation of native flora and fauna habitat and habitat corridors on the site, including any threatened species, populations or ecological communities,
- (g) application of the principles of ecologically sustainable development,
- (h) identification, extent and management of watercourses, wetlands and riparian lands and any buffer areas,
- (i) environmental constraints, including climate change, acid sulfate soils, flooding, contamination and remediation,
- (j) opportunities to apply integrated natural water-cycle design and integrated renewable energy design.

Schedule 1 Additional permitted uses

(Clause 2.5)

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

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

2 Use of certain land at 607 Blaxland Road, Eastwood

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

3 Use of certain land at 108 Pittwater Road, Gladesville

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

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

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

4A Use of certain land at 25-27 Epping Road, Macquarie Park

- (1) This clause applies to land in Zone RE1 Public Recreation at 25-27 Epping Road, Macquarie Park, being Lots 100 and 101, DP 1131776.
- (2) Development for the purposes of centre-based child care facilities and commercial premises is permitted with consent.

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

- (1) This clause applies to land at 37-39 Epping Road, Macquarie Park, being Lot 1, DP 1060926.
- (2) Development for the following purposes is permitted with consent:
 - (a) business premises and office premises with a maximum gross floor area of 6,082m²,
 - (b) bulky goods premises with a maximum gross floor area of 2,235m².

6 Use of certain land at 33/46-48 Khartoum Road, Macquarie Park

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

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

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

8 Use of certain land at corner of Agincourt and Balaclava Roads, Marsfield (known as

Curzon Hall)

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

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

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

9A Use of certain land at 108 Herring Road, Marsfield

- (1) This clause applies to land at 108 Herring Road, Marsfield, being Lot 590, DP 656070.
- (2) Development for the purposes of hotel or motel accommodation is permitted with consent.

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

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

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

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

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

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

consent.

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

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

14 (Repealed)

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

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

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

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

17 (Repealed)

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

- (1) This clause applies to land at 877–879 Victoria Road (at the corner of Linton Avenue), West Ryde, being Lots 6, 7, 8 and part Lot 9, DP 8097.
- (2) Development for the purposes of vehicle sales or hire premises and a vehicle repair station is permitted with consent.

Schedule 2 Exempt development

(Clause 3.1)

Note 1—

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

Note 2—

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

Events (community and fundraising)

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

Outdoor lights (fixed)

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

Signage (real estate sign for a residential site)

- (1) Maximum area—2.5m².
- (2) Only 1 per frontage.
- (3) Maximum display time—6 months.
- (4) Must be removed within 7 days of sale or lease.

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

- (1) Maximum area—4.5 m².
- (2) Only 1 per frontage.
- (3) Must be removed within 7 days of sale or lease.

Signage (retail premises windows)

- (1) Minimum area of window to remain uncovered by sign—75%.
- (2) Must be located at ground level (existing).

- (3) Message must relate to the use of the premise or its products.

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

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

Solid fuel heaters

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

Schedule 3 Complying development

(Clause 3.2)

Note—

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

Part 1 Types of development

(When this Plan was made Part 1 of this Schedule was blank)

Part 2 Complying development certificate conditions

Note—

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

General conditions

Any development specified in Part 1 is subject to the same conditions set out in Schedule 6 to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Schedule 4 Classification and reclassification of public land

(Clause 5.2)

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

Column 1	Column 2
Locality	Description
Nil	Nil

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

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

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
Nil	Nil

Schedule 5 Environmental heritage

(Clause 5.10)

Part 1 Heritage items

Suburb	Item name	Address	Property description	Significance	Item No
Denistone	Open Space	Chatham Road, "Darvall Park"		Local	26
Denistone	"Poynton" (House)	25 Commissioners Road	Lot A, DP 28226	Local	36
Denistone	Hospital	1 Denistone Road	Lot 1, DP 869614	State	47
Denistone	"Denistone House"	1 Denistone Road	Lot 1, DP 869614	State	48
Denistone	House	24 Miriam Road	Lot 81A, DP 6272	Local	74

Denistone	House	30 Miriam Road	Lot B, DP 344847	Local	75
Denistone	House	1-9 Pennant Avenue	Lot 2, DP 221325	State	88
Denistone	Garden	1-9 Pennant Avenue	Lot 2, DP 221325	State	89
Denistone	“Wollondilly” (House)	11-13 Pennant Avenue	Lot 1, DP 221325	Local	90
Denistone	House	37 Pennant Avenue	Lot 1, DP 1005675	Local	91
Denistone	House	89-91 Terry Road	Lot 5, DP 29054	Local	126
Denistone	House	78 West Parade	Lot E, DP 28643	Local	164
Denistone East	“Highbury House”	495 Blaxland Road	Lot 1, DP 514007	Local	18
East Ryde	Sugarloaf Point (Open space)	191 Pittwater Road		Local	95
East Ryde	Boobajool Reserve (Open space)	231-245 Pittwater Road		Local	96
East Ryde	Wallamatta Reserve	1-13 Twin Road	Lot 7, DP 790153	State	133
East Ryde	Field of Mars Wildlife Reserve	Wellington Road		State	158
Eastwood	House	4 Auld Avenue	Lot A, DP 342192	Local	7
Eastwood	House	14 Auld Avenue	Lot 6, DP 11568	Local	8
Eastwood	“The Rectory” (House)	25 Clanalpine Street	Lot 45, DP 4231	Local	34
Eastwood	St Philip’s Church	29 Clanalpine Street	Part Lot A, DP 389661	Local	35
Eastwood	House	1 Coronation Avenue	Lot 2, DP 344414	Local	38
Eastwood	Seat	East Parade (outside 36A)		Local	50
Eastwood	Road	Great North Road, Bedlam Point to Eastwood		State	54
Eastwood	“Eastwood House” (School)	40 Hillview Road	Lot 42, DP 8043	State	55

Eastwood	Brush Farm Park	2-4 Lawson Street	Lot 7059, DP 1062383	State	61
Eastwood	"Brush Farm" (House)	19 Lawson Street	Lot 1, DP 800471	State	62
Eastwood	House	9 Orange Street	Lot 50, DP 867300	Local	83
Eastwood	Shops	15, 17, 19, 21, 23 and 25 Railway Parade	Lot 1, DP 126235; Lot 1, DP 324457; Lot 2, DP 324457; Lot C, DP 312242; Lot B, DP 312242; SP 43708	Local	100
Eastwood	"Summerhayes" (Shops)	119, 123 and 136 Rowe Street	Lot B, DP 338186; Lot A, DP 33186; Lot A, DP 340287	Local	105
Eastwood	Hall	186 Rowe Street	Lot 8, DP 1098697	Local	106
Eastwood	Fire Station	269 Rowe Street	Lots 29 and 30, DP 7464	Local	107
Eastwood	"Upna" (House)	24 Rutledge Street	Lot B, DP 364839	Local	108
Eastwood	House	2 Second Avenue	Lot 1, DP 931131	Local	114
Eastwood	"Womerah" (House)	31 Trelawney Street	Lot 2, DP 607291	Local	129
Eastwood	Eastwood Park (Gates)	45 West Parade	Lot 1, DP 167919	Local	161
Eastwood	Eastwood Park (Pavilion)	45 West Parade	Lot 1, DP 167919	Local	162
Eastwood	Eastwood Park (Grandstand)	45 West Parade	Lot 1, DP 167919	Local	163
Gladesville	House	19A Amiens Street	Lot 19, DP 10088	Local	3
Gladesville	Houses	23, 25, 27, 29 and 31 Amiens Street	Lot 2, DP 597949; Lots 20 and 21, DP 7709; Lot 1, DP 171292; Part Lot 18, DP 7709; Lot 16, DP 456025	Local	4

Gladesville	Glades Bay Park (Monument)	45 Ashburn Place		Local	6
Gladesville	Wharf remains	Bedlam Point		Local	11
Gladesville	House	10 Cambridge Street	Lot D, DP 324999	Local	23
Gladesville	House	8 Oates Avenue	Lot 12, DP 7563	Local	82
Gladesville	House	10 Pelican Street	Lot 77, DP 24052	Local	84
Gladesville	Substation	38-42 Pittwater Road	Lot 1, DP 547927	Local	93
Gladesville	"Towalla" (House)	120 Pittwater Road	Lot B, DP 397969	Local	94
Gladesville	Banjo Paterson Park	38 Punt Road	Lot 2, DP 746316	Local	98
Gladesville	"Rockend Cottage" (Cottage)	40 Punt Road	Lot 1, DP 746316	State	99
Gladesville	House	126 Ryde Road	Lot 8, Sec 5, DP 679	Local	111
Gladesville	Monash Park (Obelisk)	142 Ryde Road	Lot 7060, DP 93662	Local	112
Gladesville	Drill Hall	144 Ryde Road	SP 69924	State	113
Gladesville	House	3 Thompson Street	Lot 11, DP 9945	Local	127
Gladesville	Houses	17 and 19 Thompson Street	Lots 18 and 19, DP 9945	Local	128
Gladesville	House	3 Tyrell Street	Lot 8, Sec D, DP 1821	Local	135
Gladesville	House	42 Tyrell Street	Lot 3, DP 355166	Local	136
Gladesville	School	172-180 Victoria Road	Lots 1 and 2, DP 1086692	Local	138
Gladesville	House	37 Wharf Road	Lot 1, DP 712430	Local	166
Gladesville	Houses	43 and 45 Wharf Road	Lots 23 and 24, DP 7844	Local	167
Gladesville	House	55 Wharf Road	Lot C, DP 367740	Local	168
Gladesville	House	76 Wharf Road	Lot 763, DP 1036898	Local	169

Gladesville	Boat house	96 Wharf Road Looking Glass Point	Lot B, DP 366228	Local	170
Macquarie Park	Macquarie University (Ruins)	192 Balaclava Road	Part Lot 18, DP 1058168	Local	10
Macquarie Park	Northern Suburbs Cemetery	12 Delhi Road		Local	44
Marsfield	Curzon Hall (Restaurant)	53 Agincourt Road	Lot 10, DP 1100767	State	1
Marsfield	Eastwood Town Hall (Hall)	74 Agincourt Road	Lot 5, DP 853803	Local	2
Marsfield	Open space	Lane Cove National Park		State	59
Meadowbank	Shops	58, 60, 62 and 64 Constitution Road	Lots E, D, C and B, DP 27200	Local	37
Meadowbank	Meadowbank Railway Bridge	Meadowbank		State	56
Meadowbank	Memorial Park (Obelisk)	2 Meadow Crescent		Local	72
Meadowbank	Factory	37 Nancarrow Avenue	Lots 1-7 and 9-17, DP 19585; Lot 1, DP 122205	Local	80
Meadowbank	Fountain	(Corner) See and Angas Streets		Local	115
Meadowbank	The Laurels Nursing Home	34-38 See Street	Lots 1-4, DP 1063126	Local	116
Melrose Park	Wharf	Wharf Road		Local	165
North Ryde	House	50-52 Bridge Road	Lots 3 and 4, DP 219517	Local	22
North Ryde	North Ryde Public School	154 Coxs Road		Local	39
North Ryde	Northern Suburbs Crematorium	197 Delhi Road		Local	46
North Ryde	Substation	293 Pittwater Road	SP 78624	Local	97
North Ryde	Russ in Urbe (building)	2 Richardson Place	Lot 19, DP 1003588	Local	104
North Ryde	Experimental building	2 and 4 Richardson Place	Lot 19, DP 1003588; Lot 13, DP 876736	Local	45

North Ryde	“Bensonville” (house)	126 Twin Road	Lot 2, DP 700353	Local	134
North Ryde	House	16 Wicks Road	Lot 41, DP 740721	Local	172
North Ryde	Houses	60 and 62 Wicks Road	Lots 1 and 2, DP 612262	Local	173
Putney	Punt	Pellisier Road, Mortlake Ferry		Local	85
Putney	House	60 Pellisier Road	Lot 92, DP 590979	Local	86
Putney	Putney Park (House remains)	99 Pellisier Road	Lot 1, DP 133102	Local	87
Putney	Kissing Point Park (former Boat Slips)	24 Waterview Street	Lot 1, DP 34075	Local	157
Ryde	House	7 Badajoz Road	Lot B, DP 380470	Local	9
Ryde	Ryde Park (Gazebo)	7 Blaxland Road	Lot 50, DP 1107483	Local	13
Ryde	Ebenezer (Church)	22 Blaxland Road	Lot 14, DP 994	Local	14
Ryde	Top Ryde Shopping Centre (Shops)	115-121 Blaxland Road	Lot 1, DP 618154	Local	15
Ryde	Masonic Temple (Hall)	142 Blaxland Road	Lot 3, DP 86255	Local	16
Ryde	“Hattons Cottage” (Cottage)	158 Blaxland Road	Lot P, DP 443304	Local	17
Ryde	Fountain	(Corner) Blaxland and Victoria Roads		Local	19
Ryde	Church	74A Bowden Street	Lots 23 and 24, DP 8677	Local	20
Ryde	House	95 Bowden Street	Lot 101, DP 1055980	Local	21
Ryde	Church and Hall	25-27 Church Street	Lots 102 and 103, DP 588364	Local	27
Ryde	Hall	27 Church Street	Lot 102, DP 588364	Local	28

Ryde	Former Court House	42 Church Street	Lot 2, DP 541856	State	29
Ryde	St Anne's Church	46 Church Street	Lot 1, DP 113532	State	30
Ryde	St Anne's Cemetery	46 Church Street	Lot 1, DP 113532	State	31
Ryde	Terraces	76, 78 and 80 Church Street (80 also known as 45 Small Street)	Lots A, B and C, DP 436129	Local	32
Ryde	Bridge	Church Street		Local	33
Ryde	Bridge	Cressy Road over Buffalo Creek		Local	40
Ryde	Obelisk	Devlin Street		Local	49
Ryde	"Crowle Home" (House)	8 Junction Street	Lot 1, DP 921633; Lot 11, DP 51349	Local	57
Ryde	"Mayfield" (House)	281 Morrison Road	Lot 102, DP 838134	Local	77
Ryde	Shop	312 Morrison Road	Lot 4, DP 942466	Local	78
Ryde	"Palmyra" (House)	26-28 Myra Avenue	Lot 2A, DP 399330	Local	79
Ryde	House	87 North Road	Lot 3, DP 536702	Local	81
Ryde	"Woolbrook" (House)	7 Regent Street	Lot 1, DP 20172	Local	102
Ryde	House	5 Storey Street	Lot 2, DP 867924	Local	119
Ryde	Ryde Public School	2 Tucker Street	Lot 1, DP 749952	State	130
Ryde	"Westward Cottage" (House)	8 Turner Street	Lot 3, DP 860174	Local	131
Ryde	"Parsonage" (House)	12 Turner Street	Lot 4, DP 860174	Local	132
Ryde	Holy Cross College	499-521 Victoria Road	Lot 1, DP 807562	State	143
Ryde	Chapel	512-550 Victoria Road	SP 48164	Local	144
Ryde	"Squireville" (House)	512-550 Victoria Road	SP 48164	Local	145

Ryde	Cemetery	562-586 Victoria Road	Lot 1, DP 633853	Local	146
Ryde	St Charles Church	562-582 Victoria Road	Lot 1, DP 633853	State	147
Ryde	Dalton House (Hospital)	642-648 Victoria Road	Lot 1012, DP 836977	Local	148
Ryde	"Willandra" (House)	770-772 Victoria Road	Lot 1, DP 34639	State	149
Ryde	Police Station	808 Victoria Road		State	150
Ryde	Court House	812 Victoria Road	Lot 1, DP 796948	Local	151
Ryde	"Addington" (House)	813-815 Victoria Road	Lots 23 and 24, DP 6883; Lot 2, DP 313163	State	152
Ryde	"The Retreat" (House)	817 Victoria Road	Lot 1, DP 313163	State	153
Ryde	"Wallametta Club" (House)	826 Victoria Road	Lots 3 and 4, DP 219163; Lot 2, DP 205390	Local	154
Ryde	Field of Mars Cemetery	1 Wellington Road		Local	159
Ryde	House	1 Wellington Road		Local	160
Tennyson	"Harwin" (House)	79 Champion Road	Lot 2, DP 962627	Local	24
Tennyson	House	85 Champion Road	Lot 20, Sec 2, DP 2166	Local	25
Tennyson	Shops	113-115 Tennyson Road	Lot X, DP 102073	Local	121
Tennyson	House	139 Tennyson Road	Lot 1, DP 1009906	Local	122
West Ryde	Houses	61, 63, 65, 67, 69, 71, 73, 75 and 77 Forsyth Street	Lots 1-3, DP 900778; Lots 1-3, DP 902526; Lot A, DP 103458; Lot B, DP 103457; Lot 3, DP 902023	Local	51
West Ryde	"The Downs" (House)	27 Goodwin Street	Lot 1, DP 223488	Local	53
West Ryde	House	4 Linton Avenue	Lot Y, DP 404139	Local	63

West Ryde	Church	7-9 McPherson Street	Lots 44 and 45, DP 5048	Local	64
West Ryde	"The Vinery" (House)	69 Marsden Road	Lot 1, DP 1039275	State	65
West Ryde	House	75 Marsden Road	Lot 1, DP 799009	Local	66
West Ryde	"Riverview" (House)	135 Marsden Road	Lot 1, DP 218486	State	67
West Ryde	Church	7 Maxim Street	Lots 6 and 7, Sec 4, DP 3646	Local	69
West Ryde	"Milton" (House)	22 Maxim Street	Lot 14, Sec 3, DP 3646	Local	70
West Ryde	House	24 Maxim Street	Lot 15, Sec 3, DP 3646	Local	71
West Ryde	House	33 Reserve Street	Lot 46, DP 4051	Local	103
West Ryde	Houses	102 and 106 Rutledge Street	Lots 2 and 4, DP 218486	Local	109
West Ryde	House	71 Station Street	Lot 12, DP 705827	Local	117
West Ryde	"Uplands" (House)	72 Station Street	Lot B, DP 368089	Local	118
West Ryde	Open Space	62 Terry Road, Denistone Park		Local	125
West Ryde	Pumping station	948 Victoria Road		Local	155
West Ryde	House	958 Victoria Road	Lot 8, DP 819902	Local	156
West Ryde	Ermington Public School	12 Winbourne Street	Lot 1, DP 909464	Local	174
West Ryde	Houses	91, 93 and 95 Winbourne Street	Lots 7-9, DP 218486	Local	177
West Ryde	House	94 Winbourne Street	Lot A, DP 401556	Local	175
West Ryde	House	96 Winbourne Street	Lot B, DP 401556	Local	176

Part 2 Heritage conservation areas

Description	Identification on heritage map	Significance	Map ref
Brush Farm Park, Eastwood	Shown hatched red and numbered C1	Local	HCA 1

Eastwood House Estate, Eastwood	Shown hatched red and numbered C4	Local	HCA 4
Maxim Street, West Ryde	Shown hatched red and numbered C2	Local	HCA 2
Ryedale Road, West Ryde	Shown hatched red and numbered C3	Local	HCA 3

Schedule 6 Planning controls for Ryde Town Centre precincts

(Clause 6.7)

Note—

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

1 Precinct 1—Civic and mixed use

- (1) The total net useable floor area in Precinct 1 must not exceed 60,000m².
- (2) This clause applies to development in Precinct 1 if the development would result in:
 - (a) the total net useable floor area in all buildings in Precinct 1 exceeding 20,000m²,
or
 - (b) residential use in Precinct 1.
- (3) Development consent must not be granted for development to which this clause applies unless:
 - (a) the development application is for the development of the whole of Precinct 1,
and
 - (b) the consent authority has considered the following:
 - (i) access management (addressing vehicular, bicycle, pedestrian and public modes of transport),
 - (ii) design quality,
 - (iii) public domain enhancement,
 - (iv) arts and culture facilities,
 - (v) economic impact,
 - (vi) social impact,
 - (vii) staging,
 - (viii) construction management,

- (ix) a 3D computer model of the development,
 - (x) traffic impacts.
- (4) If, before the commencement of this Plan, development consent was granted to development to which this clause applies, this clause does not prevent the consent authority from granting consent to a subsequent development application that seeks to modify that development whether before or after completion.
- (5) If the consent authority is satisfied that compliance with subclause (3) is not necessary for the subsequent application, consent may be granted without compliance with subclause (3).
- (6) For the purposes of this clause, car parking designed and located so that it is not visible when viewed from public streets, thoroughfares and plazas is not to be included in net useable floor area.

2 Precinct 2—Town Core

- (1) The total net useable floor area in Precinct 2 must not exceed 150,000m² and must have the following land use mix:
- (a) a minimum 15% being residential development,
 - (b) a maximum 45% being development for the purpose of shops,
 - (c) the remainder, if any, being uses permitted on land in Precinct 2.
- (2) This clause applies to development in Precinct 2 if the development would result in:
- (a) the total net useable floor area in all buildings in Precinct 2 exceeding 30,000m²,
or
 - (b) residential use in Precinct 2.
- (3) Development consent must not be granted for development to which this clause applies unless:
- (a) the development application is for the development of the whole of Precinct 2,
and
 - (b) the consent authority has considered the following:
 - (i) access management (addressing vehicular, bicycle, pedestrian and public modes of transport),
 - (ii) design quality,
 - (iii) public domain enhancement,

- (iv) arts and culture facilities,
 - (v) economic impact,
 - (vi) social impact,
 - (vii) staging,
 - (viii) construction management,
 - (ix) a 3D computer model of the development,
 - (x) traffic impacts, and
- (c) the application proposes an integrated traffic solution for Precincts 1 and 2, that:
- (i) to the satisfaction of the consent authority, takes account of the total development potential of both precincts, and
 - (ii) includes primary vehicular access from Devlin Street utilising grade separation in the form of access ramps and underpasses under Devlin Street and into basement car parking, and
 - (iii) is consistent with the map marked “Devlin Street Integrated Traffic Solution” deposited in the office of the Council, and
- (d) the proposed development includes all of the following:
- (i) a north-facing plaza of not less than 2,000m², with a finished level at approximately RL 56 AHD and with a minimum dimension of 30 metres (in any direction) and direct pedestrian access to Pope Street,
 - (ii) a minimum area of 1,500m² within the total 2,000m² plaza that is to be publicly accessible at the times determined by the consent authority,
 - (iii) a main thoroughfare, of not less than 10 metres wide, running approximately north-south and connecting the plaza and Pope Street to Blaxland Road, that must be free of vehicular traffic access (excluding service vehicles) and open to pedestrians for at least 12 hours each day and have colonnades on either side of the thoroughfare for pedestrian comfort,
 - (iv) community-related uses, such as a library, located on the corner of Pope and Devlin Streets, of not less than 2,500m² net useable floor area at one level in the building, which may include not more than 700m² of net useable floor area at mezzanine level and must include all of the following:
 - (A) direct access from the plaza at approximately RL 56,
 - (B) direct access from Pope or Devlin Street,

- (C) at least 100m² net useable floor area at the same level as the public street,
 - (D) at least 100m² net useable floor area at the same level as the plaza,
 - (E) floor to ceiling height of not less than 6 metres clear and capable of containing mezzanine levels,
- (v) a long-day care centre catering for at least 60 children, including babies, toddlers and pre-schoolers and the provision of an occasional child care centre for at least 40 children,
 - (vi) subject to approval by the Roads and Traffic Authority, all weather-protected footbridges with a lift with capacity for not less than 12 persons that, in the opinion of the consent authority, demonstrate design excellence, connecting areas west of Devlin Street to:
 - (A) the southern end of Precinct 2 (Town Core) and that has a footway, not less than 3 metres wide, and
 - (B) the northern end of Precinct 2 (Town Core) and that has a footway, not less than 4 metres wide.
- (4) When granting consent to development to which this clause applies, the consent authority must be satisfied that the component of the development that comprises the integrated traffic solution can be completed to the satisfaction of the consent authority before the occupation of any building that is the subject of the consent.
 - (5) If, before the commencement of this Plan, development consent was granted to development to which this clause applies, this clause does not stop the consent authority from granting consent to a subsequent development application that seeks to modify that development whether before or after completion.
 - (6) If the consent authority is satisfied that compliance with subclause (3) is not necessary for the subsequent application, development consent may be granted to the subsequent application without compliance with subclause (3).
 - (7) Subclause (3) does not apply to a development application that, in the opinion of the consent authority, is a subsequent development application to a staged development application for which consent has already been granted.
 - (8) For the purposes of this clause, car parking designed and located so that it is not visible when viewed from public streets, thoroughfares and plazas is not to be included in net useable floor area.

3 Precinct 3—Main Street

- (1) Despite clause 4.3 of this Plan, consent may be granted for development on land in

Precinct 3 for the purpose of a building that is 18.5 metres or less in height if:

- (a) the site area is at least 900m², and
- (b) the proposed development provides laneway access.

(2) Subclause (3) applies to land in the area bounded by Blaxland Road, Devlin Street, Tucker Street and Pope Street that is not in Precinct 2.

(3) Despite any other provision of this Plan, clause 4.3 of this Plan (as it relates to Precinct 2) and clause 2 of this Schedule apply to the following development:

- (a) development that involves the consolidation into a single lot of one or more lots in the land mentioned in subclause (2), together with one or more lots in Precinct 2, or
- (b) development on a single lot that has resulted from the consolidation of one or more lots in Precinct 2 with one or more lots in Precinct 3.

4 Definition—net useable floor area

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

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

Dictionary

(Clause 1.4)

Aboriginal object means any deposit, object or other material evidence (not being a handicraft made

for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

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

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

Note—

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

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

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

Acid Sulfate Soils Map means the [Ryde Local Environmental Plan 2010 Acid Sulfate Soils Map](#).

advertisement has the same meaning as in the Act.

Note—

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

advertising structure has the same meaning as in the Act.

Note—

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

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

affordable housing has the same meaning as in the Act.

Note—

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

agricultural produce industry means a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, flour mills, cotton seed oil plants,

cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.

Note—

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

agriculture means any of the following:

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

Note—

Part 6 of the [Plantations and Reafforestation Act 1999](#) provides that exempt farm forestry within the meaning of that Act is not subject to the [Environmental Planning and Assessment Act 1979](#).

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

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

Note—

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

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

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

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

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

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

Note—

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

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

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

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

Note—

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

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

backpackers' accommodation means a building or place that:

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

Note—

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

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

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

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

Note—

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

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

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

Note—

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

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

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

Note—

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

boarding house means a building that:

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

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

Note—

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

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

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

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

brothel has the same meaning as in the Act.

Note—

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

building has the same meaning as in the Act.

Note—

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

building height (or **height of building**) means:

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

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

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

Note—

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

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

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

whichever distance is the shortest.

bulky goods premises means a building or place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:

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

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

Note—

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

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

Note—

The term is defined as follows:

bush fire hazard reduction work means:

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

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

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

Note—

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

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

business identification sign means a sign:

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

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

Note—

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

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

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

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

Note—

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

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

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

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

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

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

catchment action plan has the same meaning as in the [Catchment Management Authorities Act 2003](#).

Note—

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

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

Note—

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

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

centre-based child care facility means:

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

Note—

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

but does not include:

- (c) a building or place used for home-based child care or school-based child care, or
- (d) an office of a family day care service (within the meanings of the [Children \(Education and Care Services\) National Law \(NSW\)](#)), or
- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a child-minding service that is provided in connection with a recreational or commercial facility

(such as a gymnasium) to care for children while the children's parents are using the facility, or

- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

Centres Map means the [Ryde Local Environmental Plan 2010 Centres Map](#).

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

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 Part 5A of the [Local Land Services Act 2013](#).

clearing vegetation has the same meaning as in [State Environmental Planning Policy \(Vegetation in Non-Rural Areas\) 2017](#).

coastal hazard has the same meaning as in the [Coastal Management Act 2016](#).

coastal lake means a body of water identified in Schedule 1 to [State Environmental Planning Policy \(Coastal Management\) 2018](#).

coastal protection works has the same meaning as in the [Coastal Management Act 2016](#).

coastal waters of the State—see section 58 of the [Interpretation Act 1987](#).

coastal zone has the same meaning as in the [Coastal Management Act 2016](#).

commercial premises means any of the following:

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

community facility means a building or place:

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

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

correctional centre means:

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

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

Council means the Ryde City Council.

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

Crown reserve means:

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

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

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

dairy (pasture-based) means a dairy that is conducted on a commercial basis where the only

restriction facilities present are milking sheds and holding yards and where cattle are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

Note—

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

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

Note—

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

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

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

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

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

Note—

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

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

Note—

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

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

Note—

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

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

dwelling house means a building containing only one dwelling.

Note—

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

early education and care facility means a building or place used for the education and care of

children, and includes any of the following:

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

earthworks means excavation or filling.

Eastwood Urban Village Map means the [Ryde Local Environmental Plan 2010 Eastwood Urban Village Map](#).

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

eco-tourist facility means a building or place that:

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

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

Note—

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

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

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

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

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

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

emergency services organisation means any of the following:

- (a) Ambulance Service of New South Wales,
- (b) Fire and Rescue NSW,
- (c) NSW Rural Fire Service,
- (d) NSW Police Force,

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

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

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

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

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

Note—

The term is defined as follows:

estuary means:

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

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

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

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

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

extensive agriculture means any of the following:

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

- (b) the grazing of livestock for commercial purposes,
- (c) bee keeping,
- (d) a dairy (pasture-based).

Note—

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

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

Note—

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

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

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

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

Note—

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

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

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

Note—

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

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

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

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

- (a) still photography, or

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

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

Note—

The term is defined as follows:

Definition of “fish”

(1)

Fish means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).

(2)

Fish includes:

- (a) oysters and other aquatic molluscs, and
- (b) crustaceans, and
- (c) echinoderms, and
- (d) beachworms and other aquatic polychaetes.

(3)

Fish also includes any part of a fish.

(4)

However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the [Fisheries Management Act 1994](#).

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

floor space ratio—see clause 4.5.

Floor Space Ratio Map means the [Ryde Local Environmental Plan 2010 Floor Space Ratio Map](#).

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

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

(c) a pub.

(d) a small bar,

Note—

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

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

Foreshore Building Line Map means the [Ryde Local Environmental Plan 2010 Foreshore Building Line Map](#).

forestry has the same meaning as **forestry operations** has for the purposes of Part 5A of the [Forestry Act 2012](#).

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) the harvesting of forest products, or
- (c) on-going forest management operations, namely, activities relating to the management of land for timber production such as thinning and other silvicultural activities such as bee-keeping, grazing and bush fire hazard reduction, or
- (d) ancillary road construction, namely, the provision of roads and fire trails, and the maintenance of existing railways, to enable or assist in the above operations.

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

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

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

Note—

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

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

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

(c) fresh produce.

Note—

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

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

Note—

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

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

(a) the area of a mezzanine, and

(b) habitable rooms in a basement or an attic, and

(c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:

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

(e) any basement:

(i) storage, and

(ii) vehicular access, loading areas, garbage and services, and

(f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and

(g) car parking to meet any requirements of the consent authority (including access to that car parking), and

(h) any space used for the loading or unloading of goods (including access to it), and

(i) terraces and balconies with outer walls less than 1.4 metres high, and

(j) voids above a floor at the level of a storey or storey above.

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

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

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

group home means a permanent group home or a transitional group home.

Note—

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

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

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

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

Note—

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

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

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

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

Note—

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

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

Note—

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

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

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

Note—

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

hazardous storage establishment means a building or place that is used for the storage of goods,

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

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

Note—

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

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

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

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

Note—

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

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

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

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

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

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

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

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

Note—

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

Height of Buildings Map means the [Ryde Local Environmental Plan 2010 Height of Buildings Map](#).

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

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

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

Note—

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

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

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

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

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

heritage impact statement means a document consisting of:

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

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

Note—

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

heritage management document means:

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

Heritage Map means the [Ryde Local Environmental Plan 2010 Heritage Map](#).

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

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

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

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

Note—

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

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

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

home-based child care means:

- (a) a family day care residence (within the meaning of the *Children (Education and Care Services) National Law (NSW)*), or

Note—

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

- (b) a dwelling used for the purposes of a home based education and care service (within the meaning of the *Children (Education and Care Services) Supplementary Provisions Act 2011*),

at which the education and care service is provided at any one time to no more than 7 children (including any child of the person providing the service) all of whom are under the age of 13 years and no more than 4 of whom are children who do not ordinarily attend school.

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

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

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

Note—

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

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

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

except for goods produced at the dwelling or building,

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

Note—

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

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

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

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

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

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

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

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

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

Note—

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

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

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

Note—

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

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

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

Note—

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

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

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

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

Note—

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

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

transportation associated with any such activity.

industrial retail outlet means a building or place that:

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

but does not include a warehouse or distribution centre.

Note—

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

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

industry means any of the following:

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

but does not include:

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

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

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

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

but does not include extensive agriculture, aquaculture or the operation of facilities for drought or

similar emergency relief.

Note—

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

intensive plant agriculture means any of the following:

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

Note—

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

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

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

Note—

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

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

Land Application Map means the [Ryde Local Environmental Plan 2010 Land Application Map](#).

Land Reservation Acquisition Map means the [Ryde Local Environmental Plan 2010 Land Reservation Acquisition Map](#).

Land Zoning Map means the [Ryde Local Environmental Plan 2010 Land Zoning Map](#).

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

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

Note—

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

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

- (a) high technology industry,

(b) home industry.

Note—

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

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

Note—

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

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

Note—

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

Lot Size Map means the [Ryde Local Environmental Plan 2010 Lot Size Map](#).

Macquarie Park Corridor means the land shown as “Macquarie Park Corridor” on the [Centres Map](#).

Macquarie Park Corridor Parking Restrictions Map means the [Ryde Local Environmental Plan 2010 Macquarie Park Corridor Parking Restrictions Map](#).

Macquarie Park Corridor Proposed Access Network Map means the [Ryde Local Environmental Plan 2010 Macquarie Park Corridor Proposed Access Network Map](#).

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

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

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

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

Note—

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

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

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

Note—

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

mezzanine means an intermediate floor within a room.

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

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

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

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

Note—

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

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

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

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

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

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

Note—

The term is defined as follows:

moveable dwelling means:

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

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

Note—

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

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

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

native vegetation has the same meaning as in Part 5A of the [Local Land Services Act 2013](#).

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

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

Note—

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

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

nominated State heritage item means a heritage item that:

- (a) has been identified as an item of State significance in a publicly exhibited heritage study adopted by the Council, and
- (b) the Council has, by notice in writing to the Heritage Council, nominated as an item of potential State significance.

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

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

Note—

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

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

Note—

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

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

Note—

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

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

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

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

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

people who are socially disadvantaged means:

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

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

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

plant nursery means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such

plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

Note—

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

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

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

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

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

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

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

Note—

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

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

public authority has the same meaning as in the Act.

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

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 Public Service agency or under the authority of or in pursuance of any Commonwealth or State Act:

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

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

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

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

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

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

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

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

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski

centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

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

registered club means a club that holds a club licence under the [Liquor Act 2007](#).

relic has the same meaning as in the [Heritage Act 1977](#).

Note—

The term is defined as follows:

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

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

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

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

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

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

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

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

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

Note—

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

Residential Density Area Map means the [Ryde Local Environmental Plan 2010 Residential Density Area Map](#).

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

Note—

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

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

Note—

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

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

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

Note—

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

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

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

retail premises means a building or place used for the purpose of selling items by retail, or hiring or

displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following;

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

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

Note—

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

road means a public road or a private road within the meaning of the [Roads Act 1993](#), and includes a classified road.

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

Note—

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

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

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

- (a) agricultural produce industries,
- (b) livestock processing industries,

- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

Note—

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

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

Note—

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

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

Note—

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

Ryde Town Centre Precincts Map means the [Ryde Local Environmental Plan 2010 Ryde Town Centre Precincts Map](#).

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

Note—

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

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

Note—

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

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

Note—

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

secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land as the principal dwelling, and

(c) is located within, or is attached to, or is separate from, the principal dwelling.

Note—

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

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

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

Note—

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

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

Note—

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

seniors housing means a building or place that is:

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

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

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

but does not include a hospital.

Note—

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

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

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

(e) the ancillary retail selling or hiring of general merchandise or services or both.

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

Note—

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

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

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

Note—

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

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

Note—

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

sewerage system means any of the following:

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

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

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

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

Note—

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

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

Note—

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

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

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

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

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

Note—

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

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

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

small bar means a small bar within the meaning of the [Liquor Act 2007](#).

Note—

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

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

Note—

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

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

Note—

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

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

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

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

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

Note—

The term is defined as follows:

swimming pool means an excavation, structure or vessel:

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

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

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

Note—

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

telecommunications facility means:

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

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

temporary structure has the same meaning as in the Act.

Note—

The term is defined as follows:

temporary structure includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure

is permanent), and also includes a mobile structure.

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

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

Note—

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

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

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

but does not include:

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

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

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

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

Note—

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

underground mining means:

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

but does not include open cut mining.

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

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

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

Note—

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

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

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

Note—

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

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

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

Note—

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

waste or resource management facility means any of the following:

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

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

or rail transport.

Note—

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

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

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

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

Note—

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

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

Note—

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

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

Note—

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

water supply system means any of the following:

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

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

Note—

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

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

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

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

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

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

wetland means:

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

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

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

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