

# Hawkesbury Local Environmental Plan 2012

[2012-470]



New South Wales

## Status Information

### Currency of version

Historical version for 14 July 2021 to 29 September 2021 (accessed 21 June 2024 at 0:41)

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

### Provisions in force

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

### About this plan

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

### Notes—

- **See also**  
[Planning Legislation Amendment Bill 2019](#)

### 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](#).

File last modified 14 July 2021

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New South Wales

## Contents

<b>Part 1 Preliminary</b> .....	7
1.1 Name of Plan .....	7
1.1AA Commencement.....	7
1.2 Aims of Plan.....	7
1.3 Land to which Plan applies .....	8
1.4 Definitions .....	8
1.5 Notes .....	8
1.6 Consent authority .....	8
1.7 Maps.....	8
1.8 Repeal of planning instruments applying to land .....	9
1.8A Savings provision relating to development applications .....	9
1.9 Application of SEPPs .....	9
1.9A Suspension of covenants, agreements and instruments .....	9
<b>Part 2 Permitted or prohibited development</b> .....	10
2.1 Land use zones.....	10
2.2 Zoning of land to which Plan applies .....	11
2.3 Zone objectives and Land Use Table.....	11
2.4 Unzoned land.....	12
2.5 Additional permitted uses for particular land .....	12
2.6 Subdivision—consent requirements .....	13
2.7 Demolition requires development consent .....	13
2.8 Temporary use of land .....	13

<b>Land Use Table</b> .....	14
Note.....	14
Zone RU1 Primary Production.....	14
Zone RU2 Rural Landscape.....	16
Zone RU4 Primary Production Small Lots.....	17
Zone RU5 Village.....	18
Zone R1 General Residential.....	19
Zone R2 Low Density Residential.....	20
Zone R3 Medium Density Residential.....	21
Zone R5 Large Lot Residential.....	22
Zone B1 Neighbourhood Centre.....	22
Zone B2 Local Centre.....	23
Zone B5 Business Development.....	24
Zone B6 Enterprise Corridor.....	25
Zone IN1 General Industrial.....	26
Zone IN2 Light Industrial.....	27
Zone SP1 Special Activities.....	28
Zone SP2 Infrastructure.....	29
Zone RE1 Public Recreation.....	29
Zone RE2 Private Recreation.....	30
Zone E1 National Parks and Nature Reserves.....	31
Zone E2 Environmental Conservation.....	31
Zone E3 Environmental Management.....	32
Zone E4 Environmental Living.....	33
Zone W1 Natural Waterways.....	34
Zone W2 Recreational Waterways.....	35
<b>Part 3 Exempt and complying development</b> .....	36
3.1 Exempt development.....	36
3.2 Complying development.....	37
3.3 Environmentally sensitive areas excluded.....	37
<b>Part 4 Principal development standards</b> .....	38
4.1 Minimum subdivision lot size.....	38

4.1AA Minimum subdivision lot size for community title schemes .....	39
4.1A Minimum subdivision lot size for strata plan schemes in certain rural, residential and environmental protection zones .....	40
4.1B Additional requirements for subdivision in certain rural, residential and environmental protection zones .....	41
4.1C Exceptions to minimum subdivision lot size for rural and large lot residential zones.....	42
4.1D Exceptions to minimum subdivision lot size for certain land.....	43
4.1E Subdivision in Grose Wold and Grose Vale.....	44
4.1F Exceptions to minimum subdivision lot size for certain land in North Richmond.....	45
4.1G Restriction on the number of lots created by subdivision of certain land.....	45
4.1H Boundary changes between lots in certain rural, residential and environment protection zones .....	45
4.2 Rural subdivision .....	47
4.2A Residential development and subdivision prohibited on certain land.....	47
4.2B Additional requirements for subdivisions in certain flood planning areas.....	48
4.3 Height of buildings .....	49
4.4 Floor space ratio .....	49
4.5 Calculation of floor space ratio and site area .....	49
4.6 Exceptions to development standards .....	49
<b>Part 5 Miscellaneous provisions .....</b>	<b>51</b>
5.1 Relevant acquisition authority .....	51
5.1A Development on land intended to be acquired for public purposes .....	52
5.2 Classification and reclassification of public land.....	53
5.3 Development near zone boundaries.....	54
5.4 Controls relating to miscellaneous permissible uses .....	54
5.5 Controls relating to secondary dwellings on land in a rural zone .....	56
5.6 Architectural roof features.....	56
5.7 Development below mean high water mark.....	56
5.8 Conversion of fire alarms.....	56
5.9, 5.9AA (Repealed).....	57
5.10 Heritage conservation .....	57
5.11 Bush fire hazard reduction.....	60

5.12 Infrastructure development and use of existing buildings of the Crown.....	60
5.13 Eco-tourist facilities .....	61
5.14 Siding Spring Observatory—maintaining dark sky.....	62
5.15 Defence communications facility.....	62
5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones .....	62
5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations .....	62
5.18 Intensive livestock agriculture.....	62
5.19 Pond-based, tank-based and oyster aquaculture.....	64
5.20 Standards that cannot be used to refuse consent—playing and performing music.....	66
5.21 Flood planning .....	67
5.22 Special flood considerations .....	68
<b>Part 5A Urban release areas.....</b>	<b>68</b>
5.13A Arrangements for certain designated State public infrastructure .....	68
5.13B Public utility infrastructure .....	69
5.13C Relationship between Part and remainder of Plan.....	69
<b>Part 6 Additional local provisions.....</b>	<b>70</b>
6.1 Acid sulfate soils.....	70
6.2 Earthworks .....	71
6.3 (Repealed) .....	72
6.4 Terrestrial biodiversity .....	72
6.5 Wetlands.....	73
6.6 Development in areas subject to aircraft noise .....	74
6.7 Essential services .....	75
6.8 Arrangements for designated State public infrastructure.....	75
6.9 Additional requirements for subdividing in Pitt Town Heritage Area .....	76
6.10 Certain development on Lot 1, DP 827148, Hawkesbury Valley Way, Clarendon .....	76
6.11 Residential accommodation at Johnston and New Streets, Windsor .....	77
6.12 Certain development at Richmond Lowlands .....	78
6.13 Development of land at 2A and 4–8 Hawkesbury Valley Way and 383–395 George Street, Windsor .....	79

6.14 Temporary use of structures for “Tutti Fruitti Cafe” on certain land at Kurrajong Heights .....	79
<b>Schedule 1 Additional permitted uses</b> .....	80
<b>Schedule 2 Exempt development</b> .....	84
<b>Schedule 3 Complying development</b> .....	88
<b>Schedule 4 Classification and reclassification of public land</b> .....	91
<b>Schedule 5 Environmental heritage</b> .....	94
<b>Schedule 6 Pond-based and tank-based aquaculture</b> .....	119
<b>Dictionary</b> .....	121

# Hawkesbury Local Environmental Plan 2012



New South Wales

## Part 1 Preliminary

### 1.1 Name of Plan

This Plan is *Hawkesbury Local Environmental Plan 2012*.

### 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 Hawkesbury in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.
- (2) The particular aims of this Plan are as follows—
  - (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
  - (a) to provide the mechanism for the management, orderly and economic development and conservation of land in Hawkesbury,
  - (b) to provide appropriate land in area, location and quality for living, working and recreational activities and agricultural production,
  - (c) to protect attractive landscapes and preserve places of natural beauty, including wetlands and waterways,
  - (d) to protect and enhance the natural environment in Hawkesbury and to encourage ecologically sustainable development,
  - (e) to conserve and enhance buildings, structures and sites of recognised significance that are part of the heritage of Hawkesbury for future generations,
  - (f) to provide opportunities for the provision of secure, appropriate and affordable housing in a variety of types and tenures for all income groups in Hawkesbury,

- (g) to encourage tourism-related development that will not have significant adverse environmental effects or conflict with other land uses in the locality.

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

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

### **1.4 Definitions**

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

### **1.5 Notes**

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

### **1.6 Consent authority**

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

### **1.7 Maps**

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

#### **Note—**

The maps adopted by this Plan are to be made available on the 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—

*Hawkesbury Local Environmental Plan 1989*

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

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

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

**Note—**

However, under Division 3.5 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 3.28 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*

### **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 relevant instrument within the meaning of section 13.4 of the *Crown Land Management Act 2016*, 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 Subdivision 2 of Division 7.1 of the Act.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 3.16 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

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

### **2.1 Land use zones**

The land use zones under this Plan are as follows—

#### **Rural Zones**

- RU1 Primary Production
- RU2 Rural Landscape
- RU4 Primary Production Small Lots
- RU5 Village

#### **Residential Zones**

- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R5 Large Lot Residential

**Business Zones**

B1 Neighbourhood Centre

B2 Local Centre

B5 Business Development

B6 Enterprise Corridor

**Industrial Zones**

IN1 General Industrial

IN2 Light Industrial

**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

E3 Environmental Management

E4 Environmental Living

**Waterway Zones**

W1 Natural Waterways

W2 Recreational Waterways

**2.2 Zoning of land to which Plan applies**

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

**2.3 Zone objectives and Land Use Table**

- (1) The Land Use Table at the end of this Part specifies for each zone—
  - (a) the objectives for development, and

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

**Notes—**

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

**2.4 Unzoned land**

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

**2.5 Additional permitted uses for particular land**

- (1) Development on particular land that is described or referred to in Schedule 1 may be carried out—
- (a) with development consent, or
  - (b) if the Schedule so provides—without development consent,

in accordance with the conditions (if any) specified in that Schedule in relation to that development.

- (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

## 2.6 Subdivision—consent requirements

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

### Notes—

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

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

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

### Note—

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

## 2.7 Demolition requires development consent

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

### Note—

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

## 2.8 Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 28 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that—
- (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental

planning instrument, and

- (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 No 33—Hazardous and Offensive Development*

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

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

*State Environmental Planning Policy (Primary Production and Rural Development) 2019*

## Zone RU1 Primary Production

### 1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems

appropriate for the area.

- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage agricultural activities that do not rely on highly fertile land.
- To ensure that development occurs in a way that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as waterways.
- To promote the conservation and enhancement of local native vegetation including the habitat of threatened species, populations and ecological communities by encouraging development to occur in areas already cleared of vegetation.
- To ensure that development retains or enhances existing landscape values including a distinctive agricultural component.
- To ensure that development does not detract from the existing rural character or create unreasonable demands for the provision or extension of public amenities and services.

## **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Home occupations

## **3 Permitted with consent**

Animal boarding or training establishments; Aquaculture; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Community facilities; Correctional centres; Crematoria; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Food and drink premises; Forestry; Funeral homes; Health consulting rooms; Helipads; Heliports; Home-based child care; Home industries; Hospitals; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Landscaping material supplies; Moorings; Open cut mining; Places of public worship; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (indoor);

Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Tourist and visitor accommodation; Truck depots; Veterinary hospitals; Water recreation structures; Water storage facilities

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone RU2 Rural Landscape**

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

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses in the zone and land uses in adjoining zones.
- To ensure that development occurs in a way that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as waterways.
- To ensure that development retains or enhances existing landscape values including a distinctive agricultural component.
- To preserve the river valley systems, scenic corridors, wooded ridges, escarpments, environmentally sensitive areas and other features of scenic quality.
- To ensure that development does not detract from the existing rural character or create unreasonable demands for the provision or extension of public amenities and services.

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

Environmental protection works; Extensive agriculture; Home occupations



### **3 Permitted with consent**

Agriculture; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Cemeteries; Charter and tourism boating facilities; Crematoria; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Funeral homes; Helipads; Home-based child care; Home industries; Jetties; Landscaping material supplies; Moorings; Places of public worship; Plant nurseries; Recreation areas; Restaurants or cafes; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Veterinary hospitals; Water recreation structures; Water storage facilities

### **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone RU4 Primary Production Small Lots**

### **1 Objectives of zone**

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure that development occurs in a way that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as waterways.

### **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Home occupations

### **3 Permitted with consent**

Animal boarding or training establishments; Aquaculture; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Charter

and tourism boating facilities; Community facilities; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Farm buildings; Flood mitigation works; Food and drink premises; Home-based child care; Home industries; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Landscaping material supplies; Moorings; Places of public worship; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Roadside stalls; Rural supplies; Rural workers' dwellings; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water storage facilities

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone RU5 Village**

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

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To maintain the rural character of the village and ensure buildings and works are designed to be in sympathy with the character of the village.
- To protect hilltops, ridge lines, river valleys, rural landscape and other local features of scenic significance.
- To ensure that development does not detract from the existing rural character or create unreasonable demands for the provision or extension of public amenities and services.

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

Environmental protection works; Home occupations

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

Boarding houses; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Centre-based child care facilities; Community facilities; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Flood mitigation works; Food and drink premises; Home-based child care; Home industries; Jetties; Landscaping material

supplies; Moorings; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Roadside stalls; Rural supplies; Schools; Tank-based aquaculture; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water storage facilities

#### **4 Prohibited**

Pond-based aquaculture; Any other development not specified in item 2 or 3

### **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**

Environmental protection works; Home occupations

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

Animal boarding or training establishments; Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Centre-based child care facilities; Community facilities; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Exhibition homes; Flood mitigation works; Group homes; Home-based child care; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Veterinary hospitals; Water storage facilities

#### **4 Prohibited**

Rural workers' dwellings; Any other 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 protect the character of traditional residential development and streetscapes.
- To ensure that new development retains and enhances that character.
- To ensure that development is sympathetic to the natural environment and ecological processes of the area.
- To enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale.
- To ensure that water supply and sewage disposal on each resultant lot of a subdivision is provided to the satisfaction of the Council.
- To ensure that development does not create unreasonable demands for the provision or extension of public amenities or services.

### **2 Permitted without consent**

Environmental protection works; Home occupations

### **3 Permitted with consent**

Animal boarding or training establishments; Boarding houses; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Centre-based child care facilities; Community facilities; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Exhibition homes; Exhibition villages; Extensive agriculture; Farm buildings; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home industries; Hospitals; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Tank-based aquaculture; Tourist and visitor accommodation; Veterinary hospitals; Water storage facilities

#### **4 Prohibited**

Any development not specified in item 2 or 3

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

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

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide a wide range of housing choices in close proximity to commercial centres and railway stations.
- To ensure that development is sympathetic to the natural amenity and ecological processes of the area.
- To ensure that development does not create unreasonable demands for the provision or extension of public amenities or services.

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

Environmental protection works; Home occupations

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

Animal boarding or training establishments; Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Home-based child care; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Tank-based aquaculture; Tourist and visitor accommodation; Veterinary hospitals; Water storage facilities

#### **4 Prohibited**

Pond-based aquaculture; Any other development not specified in item 2 or 3

### **Zone R5 Large Lot Residential**

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

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To provide primarily for low density residential housing and associated facilities.

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

Environmental protection works; Home occupations

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

Animal boarding or training establishments; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Centre-based child care facilities; Community facilities; Dwelling houses; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extensive agriculture; Farm buildings; Flood mitigation works; Home-based child care; Home industries; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Tank-based aquaculture; Tourist and visitor accommodation; Veterinary hospitals; Water storage facilities

#### **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 promote the development and expansion of business activities to meet the optimum employment and social needs of Hawkesbury.

## **2 Permitted without consent**

Environmental protection works; Home occupations

## **3 Permitted with consent**

Bed and breakfast accommodation; Boarding houses; Business premises; Centre-based child care facilities; Community facilities; Home industries; Medical centres; Neighbourhood shops; Neighbourhood supermarkets; Oyster aquaculture; Respite day care centres; Roads; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

## **4 Prohibited**

Airports; Airstrips; Biosolids treatment facilities; Boat building and repair facilities; Boat sheds; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Extensive agriculture; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Hostels; Industrial retail outlets; Industries; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Marinas; Moorings; Open cut mining; Pond-based aquaculture Recreation facilities (major); Research stations; Resource recovery facilities; Restricted premises; Rural industries; Rural workers' dwellings; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Waste disposal facilities; Water recreation structures; Water recycling facilities

## **Zone B2 Local Centre**

### **1 Objectives of zone**

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.

- To maximise public transport patronage and encourage walking and cycling.
- To promote the development and expansion of business activities to meet the optimum employment and social needs of Hawkesbury.

## **2 Permitted without consent**

Environmental protection works; Home occupations

## **3 Permitted with consent**

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

## **4 Prohibited**

Airports; Airstrips; Biosolids treatment facilities; Boat building and repair facilities; Boat sheds; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Extensive agriculture; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Home occupations (sex services); Hostels; Industrial retail outlets; Industries; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Marinas; Moorings; Open cut mining; Pond-based aquaculture Recreation facilities (major); Research stations; Resource recovery facilities; Rural industries; Rural workers' dwellings; Sewage treatment plants; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Waste disposal facilities; Water recreation structures; Water recycling facilities

## **Zone B5 Business Development**

### **1 Objectives of zone**

- To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.



## **2 Permitted without consent**

Environmental protection works; Home occupations

## **3 Permitted with consent**

Centre-based child care facilities; Funeral homes; Garden centres; Hardware and building supplies; Landscaping material supplies; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Respite day care centres; Roads; Specialised retail premises; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 4

## **4 Prohibited**

Airports; Airstrips; Amusement centres; Biosolids treatment facilities; Boat sheds; Business premises; Camping grounds; Car parks; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; General industries; Hazardous storage establishments; Heavy industries; Highway service centres; Home businesses; Home-based child care; Home industries; Home occupations (sex services); Intensive livestock agriculture; Intensive plant agriculture; Jetties; Kiosks; Marinas; Markets; Moorings; Offensive storage establishments; Office premises; Pond-based aquaculture Recreation facilities (major); Research stations; Residential accommodation; Resource recovery facilities; Restricted premises; Roadside stalls; Sawmill or log processing works; Sewage treatment plants; Sex services premises; Shops; Tourist and visitor accommodation; Vehicle body repair workshops; Waste disposal facilities; Water recreation structures; Water storage facilities; Water treatment facilities; Wholesale supplies; Water recycling facilities

### **Zone B6 Enterprise Corridor**

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

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses).
- To maintain the economic strength of centres by limiting retailing activity.

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

Environmental protection works; Home occupations

### **3 Permitted with consent**

Business premises; Community facilities; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Landscaping material supplies; Light industries; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Plant nurseries; Roads; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 4

### **4 Prohibited**

Airports; Airstrips; Backpackers' accommodation; Bed and breakfast accommodation; Biosolids treatment facilities; Boat building and repair facilities; Boat sheds; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Extensive agriculture; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; General industries; Heavy industrial storage establishments; Heavy industries; Highway service centres; Home-based child care; Home occupations (sex services); Intensive livestock agriculture; Intensive plant agriculture; Jetties; Marinas; Markets; Moorings; Open cut mining; Pond-based aquaculture Recreation facilities (major); Research stations; Residential accommodation; Resource recovery facilities; Roadside stalls; Rural industries; Sewage treatment plants; Sex services premises; Shops; Storage premises; Transport depots; Vehicle body repair workshops; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water storage facilities; Water treatment facilities

## **Zone IN1 General Industrial**

### **1 Objectives of zone**

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To allow commercial development for—
  - (a) uses ancillary to the main use of land in the zone, and
  - (b) the day-to-day needs of the occupants and employees of the surrounding industrial area.

- To ensure that industrial development creates areas that are pleasant to work in and safe and efficient in terms of transportation, land utilisation and services distribution.

## **2 Permitted without consent**

Environmental protection works; Home occupations

## **3 Permitted with consent**

Depots; Freight transport facilities; Funeral homes; Garden centres; General industries; Hardware and building supplies; Health consulting rooms; Hospitals; Industrial training facilities; Light industries; Neighbourhood shops; Oyster aquaculture; Places of public worship; Roads; Tank-based aquaculture; Warehouse or distributions centres; Any other development not specified in item 2 or 4

## **4 Prohibited**

Airports; Airstrips; Amusement centres; Boat sheds; Business premises; Camping grounds; Car parks; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Educational establishments; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Hazardous storage establishments; Health services facilities; Highway service centres; Home-based child care; Home businesses; Home occupations (sex services); Intensive livestock agriculture; Intensive plant agriculture; Jetties; Kiosks; Marinas; Markets; Moorings; Offensive storage establishments; Office premises; Pond-based aquaculture Recreation facilities (major); Research stations; Residential accommodation; Restricted premises; Roadside stalls; Sex services premises; Shops; Specialised retail premises; Tourist and visitor accommodation; Water recreation structures; Wholesale supplies

### **Zone IN2 Light Industrial**

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

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

- To support and protect industrial land for industrial uses.
- To ensure that industrial development creates areas that are pleasant to work in and safe and efficient in terms of transportation, land utilisation and services distribution.

## **2 Permitted without consent**

Environmental protection works; Home occupations

## **3 Permitted with consent**

Depots; Funeral homes; Garden centres; Hardware and building supplies; Health consulting rooms; Hospitals; Industrial training facilities; Light industries; Neighbourhood shops; Oyster aquaculture; Places of public worship; Roads; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 4

## **4 Prohibited**

Airports; Airstrips; Amusement centres; Biosolids treatment facilities; Boat sheds; Business premises; Camping grounds; Car parks; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Educational establishments; Exhibition homes; Exhibition villages; Farm buildings; Forestry; General industries; Hazardous storage establishments; Health services facilities; Heavy industries; Highway service centres; Home-based child care; Home businesses; Home occupations (sex services); Intensive livestock agriculture; Intensive plant agriculture; Jetties; Kiosks; Marinas; Markets; Moorings; Offensive storage establishments; Office premises; Pond-based aquaculture Recreation facilities (major); Research stations; Residential accommodation; Resource recovery facilities; Restricted premises; Roadside stalls; Sawmill or log processing works; Sewage treatment plants; Sex services premises; Shops; Specialised retail premises; Tourist and visitor accommodation; Vehicle body repair workshops; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wholesale supplies

### **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**

Environmental protection works; Home occupations

## **3 Permitted with consent**

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

## **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone SP2 Infrastructure**

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

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

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

Environmental protection works; Home occupations

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

Aquaculture; Community facilities; Public administration buildings; Roads; The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone RE1 Public Recreation**

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

- To enable land to be used for public open space or recreational purposes.

- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To protect and enhance the natural environment for environmental purposes.
- To restrict development on land required for future open space purposes.

## **2 Permitted without consent**

Environmental protection works

## **3 Permitted with consent**

Aquaculture; Boat sheds; Centre-based child care facilities; Charter and tourism boating facilities; Community facilities; Environmental facilities; Extensive agriculture; Farm buildings; Flood mitigation works; Food and drink premises; Forestry; Helipads; Information and education facilities; Jetties; Kiosks; Markets; Moorings; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Roads; Signage; Water recreation structures; Water storage facilities

## **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone RE2 Private Recreation**

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

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

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

Environmental protection works

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

Aquaculture; Boat sheds; Centre-based child care facilities; Charter and tourism boating facilities; Community facilities; Environmental facilities; Extensive

agriculture; Farm buildings; Flood mitigation works; Food and drink premises; Helipads; Information and education facilities; Jetties; Kiosks; Markets; Moorings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Signage; Water recreation structures; Water storage 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.
- To protect wetland areas from development that could adversely affect their preservation and conservation.

- To preserve wetland areas as habitats for indigenous and migratory wildlife.

## **2 Permitted without consent**

Nil

## **3 Permitted with consent**

Environmental facilities; Environmental protection works; Flood mitigation works; Oyster aquaculture Recreation areas; Roads; Water storage facilities

## **4 Prohibited**

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

### **Zone E3 Environmental Management**

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

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To protect varieties of wildlife and their associated habitats and corridors.
- To retain the visual and scenic qualities of the escarpment ridges and foot slopes.
- To ensure that development occurs in a way that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as waterways.

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

Environmental protection works; Home occupations

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

Building identification signs; Business identification signs; Camping grounds; Caravan parks; Centre-based child care facilities; Community facilities;



Correctional centres; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Extensive agriculture; Farm buildings; Flood mitigation works; Health consulting rooms; Helipads; Home-based child care; Home industries; Hospitals; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Roadside stalls; Tank-based aquaculture; Tourist and visitor accommodation; Veterinary hospitals; Water storage facilities

#### **4 Prohibited**

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

### **Zone E4 Environmental Living**

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

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To restrict development on land that is inappropriate for development because of its physical characteristics or bushfire risk.
- To ensure that land uses are compatible with existing infrastructure, services and facilities and with the environmental capabilities of the land.
- To encourage existing sustainable agricultural activities.
- To ensure that development does not create or contribute to rural land use conflicts.
- To promote the conservation and enhancement of local native vegetation, including the habitat of threatened species, populations and ecological communities by encouraging development to occur in areas already cleared of vegetation.
- To ensure that development occurs in a way that does not have a significant adverse effect on water catchments, including surface and groundwater

quality and flows, land surface conditions and important ecosystems such as waterways.

## **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Home occupations

## **3 Permitted with consent**

Animal boarding or training establishments; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Centre-based child care facilities; Charter and tourism boating facilities; Community facilities; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Farm buildings; Flood mitigation works; Food and drink premises; Forestry; Health consulting rooms; Helipads; Heliports; Home-based child care; Home industries; Hospitals; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Landscaping material supplies; Moorings; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Pond-based aquaculture; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Roadside stalls; Rural supplies; Rural workers' dwellings; Sawmill or log processing works; Stock and sale yards; Tank-based aquaculture; Tourist and visitor accommodation; Transport depots; Truck depots; Veterinary hospitals; Water recreation structures; Water storage facilities

## **4 Prohibited**

Industries; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

### **Zone W1 Natural Waterways**

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

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

**2 Permitted without consent**

Nil

**3 Permitted with consent**

Aquaculture; Environmental facilities; Environmental protection works; Flood mitigation works; Jetties; Moorings; Water recreation structures

**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

**Zone W2 Recreational Waterways**

**1 Objectives of zone**

- To protect the ecological, scenic and recreation values of recreational waterways.
- To allow for water-based recreation and related uses.
- To provide for sustainable fishing industries and recreational fishing.

**2 Permitted without consent**

Nil

**3 Permitted with consent**

Aquaculture; Boat sheds; Building identification signs; Business identification signs; Charter and tourism boating facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Jetties; Kiosks; Marinas; Moorings; Mooring pens; Recreation areas; Recreation facilities (outdoor); Water recreation structures

**4 Prohibited**

Industries; Multi dwelling housing; Residential flat buildings; Seniors housing; Warehouse or distribution centres; Any other development not specified in item 2 or 3

## Part 3 Exempt and complying development

### 3.1 Exempt development

- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
- (2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.
- (3) To be exempt development, the development—
  - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia* or, if there are no such relevant provisions, must be structurally adequate, and
  - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
  - (c) must not be designated development, and
  - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.
- (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 Land Management Act 2016](#) for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
- (j) land that is a declared area of outstanding biodiversity value under the [Biodiversity Conservation Act 2016](#) or declared critical habitat under Part 7A of the [Fisheries Management Act 1994](#).

## **Part 4 Principal development standards**

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

- (1) The objectives of this clause are as follows—
  - (a) to ensure that the pattern of lots created by subdivision and the location of any buildings on those lots will minimise the impact on any threatened species, populations or endangered ecological community or regionally significant wetland, waterways and groundwater as well as any agricultural activity in the vicinity,
  - (b) to ensure that each lot created in a subdivision contains a suitable area for the erection of a dwelling house, an appropriate asset protection zone relating to bush fire hazard and a location for on-site effluent disposal if sewerage is not available,
  - (c) to ensure a ratio between the depth of the lot and the frontage of the lot that is satisfactory having regard to the purpose for which the lot is to be used.
- (2) This clause applies to a subdivision of any land shown on the [Lot Size Map](#) that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

- (3A) If a lot in a following zone is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size—
- (a) Zone R1 General Residential,
  - (b) Zone R2 Low Density Residential,
  - (c) Zone R3 Medium Density Residential.
- (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**

- (1) The objectives of this clause are as follows—
- (a) to ensure that land to which this clause applies is not fragmented by inappropriate subdivisions that would create additional dwelling entitlements.
- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the *Community Land Development Act 1989* of land in any of the following zones—
- (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone RU5 Village,
  - (e) Zone R1 General Residential,
  - (f) Zone R2 Low Density Residential,
  - (g) Zone R3 Medium Density Residential,
  - (h) Zone R5 Large Lot Residential,
  - (i) Zone E3 Environmental Management,
  - (j) Zone E4 Environmental Living,
- but does not apply to a subdivision by the registration of a strata plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the

*Community Land Development Act 1989*) is not to be less than the minimum size shown on the *Lot Size Map* in relation to that land.

- (3A) If a lot in a following zone is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size—
- (a) Zone R1 General Residential,
  - (b) Zone R2 Low Density Residential,
  - (c) Zone R3 Medium Density Residential.
- (4) This clause applies despite clause 4.1.

**4.1A Minimum subdivision lot size for strata plan schemes in certain rural, residential and environmental protection zones**

- (1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.
- (2) This clause applies to land in the following zones—
- (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone RU5 Village,
  - (e) Zone R1 General Residential,
  - (f) Zone R2 Low Density Residential,
  - (g) Zone R3 Medium Density Residential,
  - (h) Zone R5 Large Lot Residential,
  - (i) Zone E3 Environmental Management,
  - (j) Zone E4 Environmental Living.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies for a strata plan scheme (other than any lot comprising common property within the meaning of the *Strata Schemes (Freehold Development) Act 1973* or *Strata Schemes (Leasehold Development) Act 1986*) is not to be less than the minimum size shown on the *Lot Size Map* in relation to that land.

**Note—**

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



- (4) If a lot in a following zone is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size—
- (a) Zone R1 General Residential,
  - (b) Zone R2 Low Density Residential,
  - (c) Zone R3 Medium Density Residential.

**4.1B Additional requirements for subdivision in certain rural, residential and environmental protection zones**

- (1) This clause applies to land in the following zones—
- (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone RU5 Village,
  - (e) Zone R5 Large Lot Residential,
  - (f) Zone E3 Environmental Management,
  - (g) Zone E4 Environmental Living.
- (2) Development consent must not be granted to a subdivision of land to which this clause applies unless—
- (a) the pattern of lots created by the subdivision and the location of any buildings on those lots is not likely to have a significant impact on any threatened species, populations or endangered ecological community or regionally significant wetland, waterways, groundwater or agricultural activities in the locality, and
  - (b) the consent authority is satisfied that each lot to be created contains a suitable area for a dwelling house, an appropriate asset protection zone relating to bush fire hazard and an adequate sewage management system if sewerage is not available, and
  - (c) if sewerage is not available—the consent authority has considered a geotechnical assessment that demonstrates the land is adequate for the on-site disposal of effluent, and
  - (d) the consent authority is satisfied that there is a satisfactory ratio between the depth of each lot and the frontage of each lot, having regard to the purpose for which the lot is to be used.

#### **4.1C Exceptions to minimum subdivision lot size for rural and large lot residential zones**

- (1) The objective of this clause is to provide an alternative method to clause 4.1 for the subdivision of land to which this clause applies.
- (2) This clause applies to land in the following zones that is identified as “U”, “Y” or “Z” on the [Lot Averaging Map](#)—
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU4 Primary Production Small Lots,
  - (c) Zone R5 Large Lot Residential.
- (3) Despite clauses 4.1 and 4.1AA, development consent may be granted under this clause for an averaging subdivision of land to which this clause applies if the size of any lot resulting from that subdivision will not be less than the minimum size shown on the [Lot Averaging Map](#) in relation to that land.
- (4) Before development consent may be granted for an averaging subdivision of land in Zone RU1 Primary Production or Zone RU4 Primary Production Small Lots, the consent authority must be satisfied of all of the following—
  - (a) that at least 20% of the original lot for the land being subdivided is occupied by an endangered ecological community or is a regionally significant wetland,
  - (b) that there will be a better environmental outcome from an averaging subdivision than there would be without such a subdivision and that the long-term survival of the endangered ecological community or regionally significant wetland will be enhanced,
  - (c) that any endangered ecological community will be contained in, and managed on, neighbourhood property under the [Community Land Development Act 1989](#),
  - (d) that any regionally significant wetland will be contained in, and managed on, neighbourhood property under the [Community Land Development Act 1989](#) or on a lot designed for large scale agriculture,
  - (e) that the lots to be created for dwelling houses do not contain an endangered ecological community or, unless they are lots designed for large-scale agriculture, a regionally significant wetland.

- (5) In this clause—

**averaging subdivision** means the subdivision of land to which this clause applies that will not create more lots than the number resulting from—

- (a) if the land is in Zone RU1 Primary Production or Zone RU4 Primary Production Small Lots—dividing the area (in hectares) of the original lot for the land being

subdivided by the minimum lot size (in hectares) shown on the [Lot Size Map](#) in relation to that land, or

- (b) if the land is in Zone R5 Large Lot Residential—multiplying the area of the original lot (in hectares) for the land being subdivided by the density control number shown on the [Lot Averaging Map](#) in relation to that land.

**endangered ecological community** means any endangered ecological community referred to in Part 3 of Schedule 1 to the [Threatened Species Conservation Act 1995](#).

**lot** does not include a lot created for a public purpose or a lot created as neighbourhood property under the [Community Land Development Act 1989](#).

**original lot** for land being subdivided means a lot that includes the land being subdivided—

- (a) that existed on 24 March 2005 (the day lot averaging provisions commenced under [Hawkesbury Local Environmental Plan 1989](#)), and
- (b) that is in Zone RU1 Primary Production, Zone RU4 Primary Production Small Lots or Zone R5 Large Lot Residential, and
- (c) for which a minimum lot size is shown on the [Lot Averaging Map](#).

**regionally significant wetland** means any land shown as wetland on “the map” within the meaning of [Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River \(No 2—1997\)](#).

#### **4.1D Exceptions to minimum subdivision lot size for certain land**

- (1) Despite clauses 4.1, 4.1AA and 4.1A, development consent must not be granted for the subdivision of land that is identified as “Area A” and edged heavy blue on the [Lot Size Map](#) if—
  - (a) arrangements satisfactory to the consent authority have not been made before the application is determined to ensure that each lot created by the subdivision will be serviced by a reticulated sewerage system from the date it is created, and
  - (b) the area of any lot created by the subdivision that contains or is to contain a dwelling house is less than 4,000 square metres, excluding the area of an access handle.
- (2) Despite subclause (1) and subject to subclause (3), development consent may be granted for the subdivision of land in the following zones into separate lots for the purpose of dual occupancies, multi dwelling housing, residential flat buildings or shop top housing, if the development for that purpose has been approved—
  - (a) Zone R1 General Residential,

(b) Zone R2 Low Density Residential,

(c) Zone R3 Medium Density Residential.

(3) Subclause (2)(b) does not apply to land in Glossodia.

#### **4.1E Subdivision in Grose Wold and Grose Vale**

(1) The objective of this clause is to ensure the protection of threatened species, threatened ecological communities and land in an environmental constraint area.

(2) This clause applies to land in the area known as “Grose Wold” and “Grose Vale”, being the land identified as “Area B” and edged heavy yellow on the [Lot Size Map](#).

(3) Development consent must not be granted for a subdivision of the land unless the number of lots resulting from the subdivision plus the number of lots resulting from a subdivision on or after 2 June 2000 of the whole or part of the original lot for the land to be subdivided will not exceed the area of the original lot, in hectares, divided by 4.

(4) In addition, development consent must not be granted for the subdivision unless—

(a) in considering a development application to which this clause relates, the consent authority has had regard to the effect the development is likely to have on the following—

(i) the water quality and water quantity in the Grose River and its tributaries,

(ii) the scenic quality of the area,

(iii) existing riparian vegetation and the rehabilitation of local native riparian vegetation located along the Grose River and along drainage lines and creeks, and

(b) the consent authority is satisfied of the following—

(i) the pattern of lots to be created by the subdivision and the location of buildings on the lots will minimise the impact on threatened species and threatened ecological communities, waterways and groundwater, and land in an environmental constraint area,

(ii) a geotechnical assessment has been undertaken demonstrating the land is adequate for the on-site disposal of effluent in accordance with best practice,

(iii) land containing threatened species or threatened ecological communities and land in an environmental constraint area is retained in one lot as much as possible,

(iv) there will be no significant adverse impacts on threatened species or threatened ecological communities or land in an environmental constraint area

located downstream or surrounding the development.

- (5) Despite clauses 4.1, 4.1AA and 4.1A, development consent must not be granted for a subdivision of the land that contains an environmental constraint area unless—
- (a) the size of each lot resulting from the subdivision will be at least 1 hectare, and
  - (b) each lot resulting from the subdivision will contain at least one hectare of land that is not in an environmental constraint area.
- (6) In this clause—

**environmental constraint area** means land identified as “Environmental Constraint Area” on the [Environmental Constraints Area Map](#).

**original lot** for land being subdivided means a lot that existed immediately before 2 June 2000 that included the land.

**threatened ecological community** and **threatened species** have the same meanings as in the [Biodiversity Conservation Act 2016](#).

#### **4.1F Exceptions to minimum subdivision lot size for certain land in North Richmond**

Despite clauses 4.1, 4.1AA and 4.1A, development consent must not be granted for the subdivision of land in North Richmond that is identified as “Area C” and edged heavy red on the [Lot Size Map](#) if any lot that would result from the subdivision would be a battle-axe-lot (or a lot with an access handle) with an area of less than 700 square metres, excluding the area of an access handle.

#### **4.1G Restriction on the number of lots created by subdivision of certain land**

- (1) This clause applies to land identified as “Restricted Lot Yield” on the [Restricted Lot Yield Map](#).
- (2) The total number of lots that may be created by the subdivision of land to which this clause applies must not exceed the number shown on the Restricted Lot Yield Map in relation to that land.
- (3) In this clause—

**lot** does not include a lot created for a public purpose or a lot created as neighbourhood property under the [Community Land Development Act 1989](#).

#### **4.1H Boundary changes between lots in certain rural, residential and environment protection zones**

- (1) The objective of this clause is to permit the boundary between 2 or more lots to be altered in certain circumstances to give landowners a greater opportunity to achieve the objectives for development in a zone.

- (2) This clause applies to land in the following zones—
- (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone R5 Large Lot Residential,
  - (e) Zone E3 Environmental Management,
  - (f) Zone E4 Environmental Living.
- (3) Despite clause 4.1(3), development consent may be granted to the subdivision of 2 or more adjoining lots, being land to which this clause applies, if the subdivision will not result in the following—
- (a) an increase in the number of lots,
  - (b) an increase in the number of dwellings on, or dwellings that may be erected on, the lots.
- (4) Before determining a development application for the subdivision of land under this clause, the consent authority must consider the following—
- (a) the existing uses and approved uses of other land in the vicinity of the subdivision,
  - (b) whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,
  - (c) whether or not the subdivision is likely to be incompatible with a use referred to in paragraph (a) or (b),
  - (d) whether or not the subdivision is likely to be incompatible with a use of land in any adjoining zone,
  - (e) any measures proposed by the applicant to avoid or minimise an incompatibility referred to in paragraph (c) or (d),
  - (f) whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,
  - (g) whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land.
- (5) This clause does not apply—

- (a) in relation to the subdivision of individual lots in a strata plan or a community title scheme, or
- (b) if the subdivision would create a lot that could itself be subdivided in accordance with clause 4.1.

#### **4.2 Rural subdivision**

- (1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.
- (2) This clause applies to the following rural zones—
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (baa) Zone RU3 Forestry,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone RU6 Transition.

**Note—**

When this Plan was made it did not include Zone RU6 Transition.

- (3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.
- (5) A dwelling cannot be erected on such a lot.

**Note—**

A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).

#### **4.2A Residential development and subdivision prohibited on certain land**

- (1) The objectives of this clause are as follows—
  - (a) to prohibit residential development on a lot resulting from the closure of a road,
  - (b) to prohibit the erection of dwelling houses on certain land that is flood planning land or was subdivided for agricultural purposes.
- (2) This clause applies to land in the following zones—

- (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone RU5 Village,
  - (e) Zone R5 Large Lot Residential,
  - (f) Zone E3 Environmental Management,
  - (g) Zone E4 Environmental Living.
- (3) Development consent must not be granted for the erection of a dwelling house on a lot resulting from the closure of part or all of a road, irrespective of when that closure occurred.
- (4) Subclause (3) does not apply to a lot created by the consolidation of a lot resulting from a road closure with an adjoining lot that did not result from a road closure.
- (5) Development consent must not be granted for the erection of a dwelling house on a lot—
- (a) below the level of a 1:100 ARI (average recurrent interval) flood event, and
  - (b) resulting from a subdivision for the purpose of agriculture for which development consent was granted before 27 June 2003.

#### **4.2B Additional requirements for subdivisions in certain flood planning areas**

- (1) This clause applies to the subdivision of land—
- (a) under clause 4.1, 4.1AA, 4.1A, 4.1C, 4.1E, 4.1G or 4.2, and
  - (b) that creates a lot other than for use for a public purpose, and
  - (c) in the following zones—
    - (i) Zone RU1 Primary Production,
    - (ii) Zone RU2 Rural Landscape,
    - (iii) Zone RU4 Primary Production Small Lots,
    - (iv) Zone R5 Large Lot Residential,
    - (v) Zone E4 Environmental Living.
- (2) Development consent must not be granted for a subdivision to which this clause applies unless the consent authority is satisfied that there is an area of land on the lot



that is above flood planning level and is sufficient for the erection of a dwelling house.

- (3) For the purposes of subclause (2), an area of land is **above flood planning level** if the land is above the level of a 1:100 ARI (average recurrent interval) flood event (whether the level is a natural surface level or a level achieved by filling carried out with a previous development consent).

#### **4.3 Height of buildings**

- (1) The objectives of this clause are as follows—
- (a) to protect privacy and the use of private open space in new development and on adjoining land,
  - (b) to ensure that the bulk of development is not excessive and relates well to the local context,
  - (c) to nominate heights that will provide a transition in built form and land use intensity,
  - (d) to ensure an appropriate height transition between new buildings and heritage items.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).

#### **4.4 Floor space ratio**

[Not adopted]

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

[Not adopted]

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

- (1) The objectives of this clause are as follows—
- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—
  - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless—
  - (a) the consent authority is satisfied that—
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
    - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
  - (b) the concurrence of the Planning Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Planning Secretary must consider—
  - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
  - (b) the public benefit of maintaining the development standard, and
  - (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone 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 RU3 Forestry or Zone RU6 Transition.

- (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 5.13A or 5.13B.
- (8A) This clause does not allow development consent to be granted for development that would contravene a development standard under clause 4.1, 4.1AA, 4.1A, 4.1C, 4.1D, 4.1E or 4.1G that applies to any of the following—
- (a) land in Zone RU5 Village,
  - (b) land in Zone R2 Low Density Residential at Glossodia,
  - (c) land identified as "Exceptions to Development Standards Area" on the [Exceptions to Development Standards Map](#),
  - (d) land identified as "Density Control" on the [Pitt Town Subdivision and Designated State Public Infrastructure Map](#),
  - (e) land identified as "Restricted Lot Yield" on the [Restricted Lot Yield Map](#).

## Part 5 Miscellaneous provisions

### 5.1 Relevant acquisition authority

- (1) The objective of this clause is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the [Land Acquisition \(Just Terms Compensation\) Act 1991](#) (**the owner-initiated acquisition provisions**).

**Note—**

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

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

<b>Type of land shown on Map</b>	<b>Authority of the State</b>
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 2.5 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Transport for NSW
Zone SP2 Infrastructure and marked "Local road"	Council
Zone E1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <a href="#">National Parks and Wildlife Act 1974</a>

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

**Note—**

If land, other than land specified in the Table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning and Infrastructure is required to take action to enable the designation of the acquiring authority under this 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 and Infrastructure (see section 21 of the [Land Acquisition \(Just Terms Compensation\) Act 1991](#)).

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

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

**Column 1**

**Column 2**

<b>Land</b>	<b>Development</b>
Zone SP2 Infrastructure and marked "Classified road"	Roads
Zone SP2 Infrastructure and marked "Local road"	Roads
Zone RE1 Public Recreation and marked "Local open space"	Recreation areas

## 5.2 Classification and reclassification of public land

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

### Note—

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

- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the [Local Government Act 1993](#).
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the [Local Government Act 1993](#).
- (4) The public land described in Part 1 of Schedule 4—
  - (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 Land Management Act](#)

2016).

**Note—**

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

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

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 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
  - (b) land within the coastal zone, or
  - (c) land proposed to be developed for the purpose of sex services or restricted premises.
- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—
  - (a) the development is not inconsistent with the objectives for development in both zones, and
  - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (5) This clause does not prescribe a development standard that may be varied under this Plan.

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

- (1) **Bed and breakfast accommodation** If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 4 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 50 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 50 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) 20% 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 4 bedrooms.
- (6) **Kiosks** If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 25 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.
- (7AA) **Neighbourhood supermarkets** If development for the purposes of a neighbourhood supermarket is permitted under this Plan, the gross floor area must not exceed 1,000 square metres.
- (8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 75 square metres.
- (9) **Secondary dwellings on land other than land in a rural zone** If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—
  - (a) 60 square metres,
  - (b) 10% of the total floor area of the principal dwelling.

(10) **Artisan food and drink industry exclusion** If development for the purposes of an artisan food and drink industry is permitted under this Plan in an industrial or rural zone, the floor area used for retail sales (not including any cafe or restaurant area) must not exceed—

- (a) 20% of the gross floor area of the industry, or
  - (b) 400 square metres,
- whichever is the lesser.

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

[Not adopted]

#### **5.6 Architectural roof features**

[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 Hawkesbury,
  - (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**

- (1) The objectives of this clause are as follows—
- (a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,
  - (b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.
- (2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.
- (3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that—
- (a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and
  - (b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and
  - (c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and
  - (d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and native flora and fauna will be minimal, and
  - (e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and
  - (f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and
  - (g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours, materials and landscaping with local native flora, and
  - (h) any infrastructure services to the site will be provided without significant modification to the environment, and
  - (i) any power and water to the site will, where possible, be provided through the use

of passive heating and cooling, renewable energy sources and water efficient design, and

- (j) the development will not adversely affect the agricultural productivity of adjoining land, and
- (k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment—
  - (i) measures to remove any threat of serious or irreversible environmental damage,
  - (ii) the maintenance (or regeneration where necessary) of habitats,
  - (iii) efficient and minimal energy and water use and waste output,
  - (iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,
  - (v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.

**5.14 Siding Spring Observatory—maintaining dark sky**

[Not adopted]

**5.15 Defence communications facility**

[Not adopted]

**5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones**

[Not applicable]

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

[Not applicable]

**5.18 Intensive livestock agriculture**

- (1) The objectives of this clause are—
  - (a) to ensure appropriate environmental assessment of development for the purpose of intensive livestock agriculture that is permitted with consent under this Plan, and
  - (b) to provide for certain capacity thresholds below which development consent is not required for that development subject to certain restrictions as to location.

- (2) This clause applies if development for the purpose of intensive livestock agriculture is permitted with consent under this Plan.
- (3) In determining whether or not to grant development consent under this Plan to development for the purpose of intensive livestock agriculture, the consent authority must take the following into consideration—
  - (a) the adequacy of the information provided in the statement of environmental effects or (if the development is designated development) the environmental impact statement accompanying the development application,
  - (b) the potential for odours to adversely impact on the amenity of residences or other land uses within the vicinity of the site,
  - (c) the potential for the pollution of surface water and ground water,
  - (d) the potential for the degradation of soils,
  - (e) the measures proposed to mitigate any potential adverse impacts,
  - (f) the suitability of the site in the circumstances,
  - (g) whether the applicant has indicated an intention to comply with relevant industry codes of practice for the health and welfare of animals,
  - (h) the consistency of the proposal with, and any reasons for departing from, the environmental planning and assessment aspects of any guidelines for the establishment and operation of relevant types of intensive livestock agriculture published, and made available to the consent authority, by the Department of Primary Industries (within the Department of Industry) and approved by the Planning Secretary.
- (4) Despite any other provision of this Plan, development for the purpose of intensive livestock agriculture may be carried out without development consent if—
  - (a) the development is of a type specified in subclause (5), and
  - (b) the consent authority is satisfied that the development will not be located—
    - (i) in an environmentally sensitive area, or
    - (ii) within 100 metres of a natural watercourse, or
    - (iii) in a drinking water catchment, or
    - (iv) within 500 metres of any dwelling that is not associated with the development, or a residential zone, or
    - (v) if the development is a poultry farm—within 500 metres of another poultry

farm.

- (5) The following types of development are specified for the purposes of subclause (4)—
  - (a) a cattle feedlot having a capacity to accommodate fewer than 50 head of cattle,
  - (b) a goat feedlot having a capacity to accommodate fewer than 200 goats,
  - (c) a sheep feedlot having a capacity to accommodate fewer than 200 sheep,
  - (d) a pig farm having a capacity to accommodate fewer than 20 breeding sows, or fewer than 200 pigs (of which fewer than 20 may be breeding sows),
  - (e) a dairy (restricted) having a capacity to accommodate fewer than 50 dairy cows,
  - (f) a poultry farm having a capacity to accommodate fewer than 1,000 birds for meat or egg production (or both).
- (6) For the avoidance of doubt, subclause (4) does not apply to development that is prohibited or that may be carried out without development consent under this or any other environmental planning instrument.
- (7) In this clause—

***environmentally sensitive area*** has the same meaning as in clause 1.5 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

***residential zone*** means Zone RU4 Primary Production Small Lots, Zone RU5 Village, Zone RU6 Transition, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone B4 Mixed Use, Zone B6 Enterprise Corridor, Zone E3 Environmental Management or Zone E4 Environmental Living.

#### **5.19 Pond-based, tank-based and oyster aquaculture**

- (1) **Objectives** The objectives of this clause are as follows—
  - (a) to encourage sustainable oyster, pond-based and tank-based aquaculture in the State, namely, aquaculture development that uses, conserves and enhances the community's resources so that the total quality of life now and in the future can be preserved and enhanced,
  - (b) to set out the minimum site location and operational requirements for permissible pond-based and tank-based aquaculture development.
- (2) **Pond-based or tank-based aquaculture—matters of which consent authority must be satisfied before granting consent** The consent authority must not grant development consent to carry out development for the purpose of pond-based aquaculture or tank-based aquaculture unless the consent authority is satisfied of the following—



- (a) that the development complies with the site location and operational requirements set out in Part 1 of Schedule 6 for the development,
- (b) in the case of—
  - (i) pond-based aquaculture or tank-based aquaculture in Zone R1 General Residential, Zone R2 Low Density Residential or Zone R5 Large Lot Residential—that the development is for the purpose of small scale aquarium fish production, and
  - (ii) pond-based aquaculture in Zone E3 Environmental Management or Zone E4 Environmental Living—that the development is for the purpose of extensive aquaculture, and
  - (iii) tank-based aquaculture in Zone R3 Medium Density Residential, Zone E3 Environmental Management or Zone E4 Environmental Living—that the development is for the purpose of small scale aquarium fish production, and
  - (iv) pond-based aquaculture or tank-based aquaculture in Zone W1 Natural Waterways, Zone W2 Recreational Waterways or Zone W3 Working Waterways—that the development will use waterways to source water.
- (3) The requirements set out in Part 1 of Schedule 6 are minimum requirements and do not limit the matters a consent authority is required to take into consideration under the Act or the conditions that it may impose on any development consent.
- (4) **Extensive pond-based aquaculture permitted without consent in certain zones**  
Development for the purpose of pond-based aquaculture, that is also extensive aquaculture, may be carried out without development consent if—
  - (a) the development is carried out in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots or Zone RU6 Transition, and
  - (b) the development complies with the site location requirements and operational requirements set out in Part 2 of Schedule 6.
- (5) **Oyster aquaculture—additional matters that consent authority must consider in determining a development application** In determining a development application for development for the purpose of oyster aquaculture, the consent authority must consider—
  - (a) any provisions of any aquaculture industry development plan that are relevant to the subject of the development application, and
  - (b) the *NSW Oyster Industry Sustainable Aquaculture Strategy*.
- (6) **Oyster aquaculture permitted without consent in priority oyster aquaculture areas**

Development for the purpose of oyster aquaculture may be carried out without development consent—

- (a) on land that is wholly within a priority oyster aquaculture area, or
- (b) on land that is partly within and partly outside a priority oyster aquaculture area, but only if the land outside the area is no more than 0.1 hectare in area.

(7) **Definitions** In this clause—

**aquaculture industry development plan** means an aquaculture industry development plan published under Part 6 of the *Fisheries Management Act 1994*.

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

**NSW Oyster Industry Sustainable Aquaculture Strategy** means the third edition of the publication of that title, as published in 2016 by the Department of Primary Industries (within the Department of Industry).

**priority oyster aquaculture area** means an area identified as a priority oyster aquaculture area on a map referred to in Chapter 5.3 of the *NSW Oyster Industry Sustainable Aquaculture Strategy*, being a map a copy of which is held in the head office of the Department of Primary Industries (within the Department of Industry) and published on that Department's website.

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

- (1) The consent authority must not refuse consent to development in relation to licensed premises on the following grounds—
  - (a) the playing or performance of music, including the following—
    - (i) the genre of music played or performed, or
    - (ii) whether the music played or performed is live or amplified, or
    - (iii) whether the music played or performed is original music, or
    - (iv) the number of musicians or live entertainment acts playing or performing, or
    - (v) the type of instruments played,
  - (b) whether dancing occurs,
  - (c) the presence or use of a dance floor or another area ordinarily used for dancing,
  - (d) the direction in which a stage for players or performers faces,
  - (e) the decorations to be used, including, for example, mirror balls, or lighting used by

players or performers.

(2) The consent authority must not refuse consent to development in relation to licensed premises on the grounds of noise caused by the playing or performance of music, if the consent authority is satisfied the noise may be managed and minimised to an acceptable level.

(3) In this clause—

**licensed premises** has the same meaning as in the *Liquor Act 2007*.

### 5.21 Flood planning

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

- (a) to minimise the flood risk to life and property associated with the use of land,
- (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,
- (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,
- (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.

(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—

- (a) is compatible with the flood function and behaviour on the land, and
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—

- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,
  - (b) the intended design and scale of buildings resulting from the development,
  - (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,
  - (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.
- (4) A word or expression used in this clause has the same meaning as it has in the *Considering Flooding in Land Use Planning Guideline* unless it is otherwise defined in this clause.
- (5) In this clause—

***Considering Flooding in Land Use Planning Guideline*** means the *Considering Flooding in Land Use Planning Guideline* published on the Department's website on 14 July 2021.

***flood planning area*** has the same meaning as it has in the *Floodplain Development Manual*.

***Floodplain Development Manual*** means the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

## 5.22 Special flood considerations

[Not adopted]

## Part 5A Urban release areas

### 5.13A Arrangements for certain designated State public infrastructure

- (1) The objective of this clause is to require satisfactory arrangements to be made for the provision of relevant designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.
- (2) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of relevant designated State public infrastructure in relation to that lot.
- (3) Subclause (2) does not apply to—

- (a) any lot identified in the certificate as a residue lot, or
  - (b) any lot to be created by a subdivision of land that was the subject of a previous development consent granted in accordance with this clause, or
  - (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or
  - (d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.
- (4) This clause does not apply to land in an urban release area if all or any part of the land is in a special contributions area (as defined by section 7.1 of the Act).
- (5) In this clause—

***relevant designated State public infrastructure*** means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds—

- (a) State and regional roads,
- (b) bus interchanges and bus lanes,
- (c) land required for regional open space,
- (d) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).

#### **5.13B Public utility infrastructure**

- (1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.
- (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

#### **5.13C Relationship between Part and remainder of Plan**

A provision of this Part prevails over any other provision of this Plan to the extent of any inconsistency.

## Part 6 Additional local provisions

### 6.1 Acid sulfate soils

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

<b>Class of land</b>	<b>Works</b>
1	Any works.
2	Works below the natural ground surface. 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 if—
- (a) the works involve the disturbance of less than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins), foundations or flood mitigation works, or
  - (b) the works are not 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 requiring separate development consent.
- (2) Development consent is required for earthworks unless—
- (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or
  - (b) the earthworks are ancillary to 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 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 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) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area,
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

**Note—**

The [National Parks and Wildlife Act 1974](#), particularly section 86, deals with disturbing or excavating land and Aboriginal objects.

**6.3 (Repealed)**

**6.4 Terrestrial biodiversity**

- (1) The objective of this clause is to maintain terrestrial biodiversity by—
  - (a) protecting native fauna and flora, and
  - (b) protecting the ecological processes necessary for their continued existence, and
  - (c) encouraging the conservation and recovery of native fauna and flora and their habitats.
- (2) This clause applies to land identified as “Significant vegetation” and “Connectivity between significant vegetation” on the [Terrestrial Biodiversity Map](#).
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—
  - (a) whether the development—
    - (i) is likely to have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and
    - (ii) is likely to have any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and
    - (iii) has any potential to fragment, disturb or diminish the biodiversity structure,



function and composition of the land, and

(iv) is likely to have any adverse impact on the habitat elements providing connectivity on the land.

(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or

(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

## **6.5 Wetlands**

(1) The objective of this clause is to ensure that wetlands are preserved and protected from the impacts of development.

(2) This clause applies to land identified as “Wetlands” on the [Wetlands Map](#).

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—

(a) whether or not the development is likely to have any significant adverse impact on the following—

(i) the condition and significance of the existing native fauna and flora on the land,

(ii) the provision and quality of habitats on the land for indigenous and migratory species,

(iii) the surface and groundwater characteristics of the land, including water quality, natural water flows and salinity,

(iv) the growth and survival of native fauna and flora,

(v) any wetlands in the vicinity of the development, and

(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

(4) Development consent must not be granted to development on land to which this

clause applies unless the consent authority is satisfied that—

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

## **6.6 Development in areas subject to aircraft noise**

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

- (a) to prevent certain noise sensitive developments from being located near the RAAF Base Richmond and its flight paths,
- (b) to assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,
- (c) to ensure that land use and development in the vicinity of that airport do not hinder or have any other adverse impacts on the ongoing, safe and efficient operation of that airport.

(2) This clause applies to development that—

- (a) is on land that—
  - (i) is near the RAAF Base Richmond, and
  - (ii) is in an ANEF contour of 20 or greater, and
- (b) the consent authority considers is likely to be adversely affected by aircraft noise.

(3) Before determining a development application for development to which this clause applies, the consent authority—

- (a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and
- (b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2000, and
- (c) must be satisfied the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000.

(4) In this clause—

**ANEF contour** means a noise exposure contour shown as an ANEF contour on the Noise Exposure Forecast Contour Map for the RAAF Base Richmond prepared by the Department of the Commonwealth responsible for airports.

**AS 2021—2000** means AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction*.

### 6.7 Essential services

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

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

### 6.8 Arrangements for designated State public infrastructure

- (1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure, before the land to which this clause applies is subdivided, to satisfy needs that arise from development on the land.
- (2) This clause applies to the land identified as “Density Control” on the [Pitt Town Subdivision and Designated State Public Infrastructure Map](#).
- (3) This clause does not apply—
  - (a) unless the subdivision would result in the density controls shown on that map being exceeded, or
  - (b) if all or any part of the land is in a special contributions area (as defined by section 7.1 of the Act).
- (4) Development consent must not be granted for the subdivision of land to which this clause applies unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that land.
- (5) Subclause (4) does not apply to—

- (a) any lot identified in the certificate as a residue lot, or
- (b) any lot to be created by a subdivision of land that was the subject of a previous development consent granted in accordance with this clause, or
- (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or
- (d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.

### **6.9 Additional requirements for subdividing in Pitt Town Heritage Area**

- (1) This clause applies to land identified as a “Potential archaeological site” or a “Potential place of Aboriginal heritage significance” on the [Pitt Town Heritage Map](#).
- (2) Development consent must not be granted for the subdivision of land to which this clause applies unless the consent authority has, in addition to any other requirement specified by this Plan—
  - (a) considered a heritage impact statement that explains how the development will affect the conservation of the site and any relic or Aboriginal object known or reasonably likely to be located at the site, and
  - (b) in relation to any potential place of Aboriginal heritage significance—notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent.
- (3) This clause does not apply to the subdivision of land to which clause 5.10(2)(f) applies.

#### **Note—**

Before the development is carried out, it may also be necessary to obtain an excavation permit under the [Heritage Act 1977](#) and consent or permission under the [National Parks and Wildlife Act 1974](#).

### **6.10 Certain development on Lot 1, DP 827148, Hawkesbury Valley Way, Clarendon**

- (1) This clause applies to Lot 1, DP 827148, Hawkesbury Valley Way, Clarendon.
- (2) Despite any other provision of this Plan, development consent must not be granted for the carrying out of development on the land to which this clause applies unless the consent authority has consulted with the Department of Defence about the following matters and has taken into consideration any submission made by the Department of Defence within 28 days of the consultation—
  - (a) the effect the development may have on the aircraft operations of the RAAF Base

Richmond,

- (b) the height of any proposed building, having regard to any Obstruction Clearance Surfaces (OCS) applying to the land as determined by the Department of Defence from time to time,
- (c) the reflectivity of materials to be used on any building,
- (d) whether any building to be erected satisfies AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction*,
- (e) birdlife attraction,
- (f) any other matter the Department of Defence considers relevant.

#### **6.11 Residential accommodation at Johnston and New Streets, Windsor**

- (1) Despite any other provision of this Plan, development consent must not be granted for the purpose of residential accommodation, on any lot described in the Table to this clause, if that development would increase the number of dwellings on that lot, unless—
  - (a) no dwelling is lawfully situated on that lot, and
  - (b) the relevant lot is suitable for residential accommodation, and
  - (c) the development is for the erection of no more than one dwelling.

(2) In this clause—

**residential accommodation** does not include hostels or rural workers' dwellings.

#### **Property description**

#### **Address**

Part Lot 20, DP 1114152	Land on the south western side of Johnston Street, Windsor (off 227 George Street including the walkway to New Street)
Lot 1, DP 70063	17 Johnston Street, Windsor
SP 49911	19 Johnston Street, Windsor
Lot 1, DP 800664	25 Johnston Street, Windsor
Lots 11 and 12, DP 854037	2 New Street, Windsor
Lot 1, DP 1114150	4 New Street, Windsor
Lot 6, DP 1066233	6 New Street, Windsor
Lot 8, DP 1066324	8 New Street, Windsor

## **6.12 Certain development at Richmond Lowlands**

- (1) This clause applies to that part of the following land that is within Zone RU2 Rural Landscape—
  - (a) Lot 1, DP 70128,
  - (b) Lot 1, DP 77207,
  - (c) Lot 1, DP 120794,
  - (d) Lot A, DP 365391,
  - (e) Lot 27, DP 566434,
  - (f) Lot 1, DP 659412,
  - (g) Lot 25, DP 663770,
  - (h) Lot 1, DP 797310,
  - (i) Lot 1, DP 972649,
  - (j) Lot 1, DP 997086,
  - (k) Lots 1-3, DP 997087,
  - (l) Lot 25, DP 1100252,
  - (m) Lots 4 and 5, DP 1120860,
  - (n) Lots 1 and 2, DP 1168610.
- (2) The objective of this clause is to facilitate development in connection with the World Polo Championship 2017.
- (3) Consent may be granted to development on land to which this clause applies for the purposes of recreation facilities (major) (including associated car parking facilities, horse training and stabling areas, exhibition and hospitality areas, and events promotion areas).
- (4) Development consent must not be granted under this clause unless the consent authority is satisfied that—
  - (a) the development is for the purposes of the World Polo Championship 2017 only, and
  - (b) the land will, as far as practicable, be restored to its existing condition after the World Polo Championship 2017.
- (5) Development consent must not be granted under this clause to development that is

likely to increase visitation to the land to which this clause applies, unless the consent authority is satisfied that a risk management and evacuation plan has been prepared in consultation with the State Emergency Service.

(6) This clause ceases to apply on 31 December 2017.

**6.13 Development of land at 2A and 4-8 Hawkesbury Valley Way and 383-395 George Street, Windsor**

(1) This clause applies to the following land—

- (a) 2A and 4-8 Hawkesbury Valley Way, Windsor, being Lot A, DP 108510 and Lots 11-13, DP 16626,
- (b) 383-395 George Street, Windsor, being Lot 13, DP 1089172 and Lots 7-12, DP 1093.

(2) Development consent must not be granted for the purpose of shop top housing on land to which this clause applies if the development would result in more than 10 dwellings on the land.

**6.14 Temporary use of structures for “Tutti Fruitti Cafe” on certain land at Kurrajong Heights**

(1) This clause applies to development on land at 1917 Bells Line of Road, Kurrajong Heights, known as the site of the “Tutti Fruitti Cafe”.

(2) Development for the following purposes is exempt development on land to which this clause applies—

- (a) the installation and temporary use of a shipping container,
- (b) the installation and temporary use of a storage shed, including an associated roof structure and awning,
- (c) the installation and use of an outbuilding for the purpose of providing amenities.

(3) To be exempt development under this clause, the development must—

- (a) be removed no later than 2 years after it is installed, and
- (b) not be used for a purpose other than a restaurant or cafe, and
- (c) have appropriate foundations and structural support to ensure that it is safe and stable, and
- (d) for the cumulative total size of the shipping containers and storage shed taken together, not exceed the following—
  - (i) a length of 12m,

- (ii) a height of 4.5m,
- (iii) a width of 9m, and
- (e) not result in more than 2 shipping containers, 1 storage shed and 1 outbuilding installed on the land to which this clause applies, and
- (f) not affect the means of egress from a building in an emergency, and
- (g) be installed so that roof water is disposed of without causing a nuisance to adjoining owners, and
- (h) not be installed over an easement, and
- (i) not be installed over drainage pipes or house drainage pipelines unless access to the inspection openings is maintained at all times, and
- (j) if it contains plumbing fixtures—have those fixtures connected to an approved waste water treatment device or an approved connection to the sewer, and
- (k) not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent, and
- (l) be installed in accordance with the manufacturer's specifications, if applicable.

**Note—**

The [Food Act 2003](#), and the regulations under that Act, may contain additional requirements in relation to premises used by a food business in connection with the handling of food intended for sale.

## **Schedule 1 Additional permitted uses**

(Clause 2.5)

### **1 Use of certain land at 15B Racecourse Road, Clarendon**

- (1) This clause applies to land at 15B Racecourse Road, Clarendon, being Lot 2, DP 1110480.
- (2) Development for the purposes of tourist and visitor accommodation is permitted with consent.

### **2 Use of certain land at 3351 Singleton Road, Colo Heights**

- (1) This clause applies to land at 3351 Singleton Road, Colo Heights, being Lot 69, DP 753774.
- (2) Development for the purposes of a service station is permitted with consent.



**3 Use of certain land at 23 Coromandel Road, Ebenezer**

- (1) This clause applies to land at 23 Coromandel Road, Ebenezer, being Lot 1, DP 824014.
- (2) Development for the purposes of a dwelling house is permitted with consent.

**4 Use of certain land at part of Hawkesbury River as shown on the [Additional Permitted Uses Map](#)**

- (1) This clause applies to land at part of Hawkesbury River identified as “1” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of extractive industry is permitted with consent.

**5 Use of certain land at 77-79 Old Bells Line of Road, Kurrajong**

- (1) This clause applies to land at 77-79 Old Bells Line of Road, Kurrajong, being Lots 11 and 12, DP 1003591.
- (2) Development for the purposes of a restaurant or cafe and shop is permitted with consent.

**6 Use of certain land at 8 Groves Avenue, Mulgrave**

- (1) This clause applies to land at 8 Groves Avenue, Mulgrave, being Lot 1, DP 1038365.
- (2) Development for the purposes of shops is permitted with consent.

**7 Use of certain land at 60 Bells Line of Road, North Richmond**

- (1) This clause applies to land at 60 Bells Line of Road, North Richmond, being Lot 1, DP 783403 (formally known as Lot B, DP 158512).
- (2) Development for the purposes of office premises is permitted with consent.

**8 Use of certain land at 81-87 Bells Line Of Road, North Richmond**

- (1) This clause applies to land at 81-87 Bells Line Of Road, North Richmond, being Lot 1, DP 834702.
- (2) Development for the purposes of a service station is permitted with consent.

**9 Use of certain land at Pitt Town as shown on the [Additional Permitted Uses Map](#)**

- (1) This clause applies to land at Pitt Town identified as “2” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of community facilities is permitted with consent.

**10 Use of certain land at 87 Windsor Street, Richmond**

- (1) This clause applies to land at 87 Windsor Street, Richmond, being Lot 4, DP 507956.
- (2) Development for the purposes of office premises is permitted with consent.

**11 Use of certain land at 739 George Street, South Windsor**

- (1) This clause applies to land at 739–741 George Street, South Windsor, being Lots 11 and 12, DP 1184975.
- (2) Development for the purposes of a service station is permitted with consent.

**12 Use of certain land at 5A Curtis Road, Vineyard**

- (1) This clause applies to land at 5A Curtis Road, Vineyard, being Lot 6, DP 270412.
- (2) Development for the purposes of shops is permitted with consent.

**13 Use of certain land at 5B Curtis Road, Vineyard**

- (1) This clause applies to land at 5B Curtis Road, Vineyard, being SP 73477.
- (2) Development for the purposes of shops is permitted with consent.

**14 Use of certain land at 535 Wilberforce Road, Wilberforce**

- (1) This clause applies to land at 535 Wilberforce Road, Wilberforce, being Lot 1, DP 846501.
- (2) Development for the purposes of a service station is permitted with consent.

**15 Use of certain land at 122–130 Macquarie Street, Windsor**

- (1) This clause applies to land at 122–130 Macquarie Street, Windsor, being Lot 381, DP 595952, Lot 380, DP 818974, Lot 1, DP 797152 and Lot 1, DP 613929.
- (2) Development for the purposes of office premises and a medical centre is permitted with consent.

**16 Use of certain land at Windsor Downs as shown on the [Additional Permitted Uses Map](#)**

- (1) This clause applies to land at Windsor Downs identified as “3” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of a dual occupancy (attached) is permitted with consent.

**17 Use of certain land at 389 Old Hawkesbury Road, Vineyard**

- (1) This clause applies to land at 389 Old Hawkesbury Road, Vineyard, being part of Lot

53, DP 593354, identified as “4” on the [Additional Permitted Uses Map](#).

- (2) Development for the purposes of sawmill or log processing works, timber yards and associated car parking is permitted with consent if the total area of the land on which that development is carried out is not greater than 10,000m<sup>2</sup>.
- (3) Subclause (2) does not apply to a development application lodged more than 2 years after the commencement of the [Hawkesbury Local Environmental Plan 2012 \(Amendment No 3\)](#).

#### **18 Use of certain land at 541 Windsor Road, Vineyard**

- (1) This clause applies to land at 541 Windsor Road, Vineyard, being part of Lot 5, DP 536674, identified as “5” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of light industries that relate to saw manufacturing and repairs, industrial retail outlets and associated car parking is permitted with consent if the total area of the land on which that development is carried out is not greater than 3,000m<sup>2</sup>.
- (3) Development consent under subclause (2) must not be granted for the purposes of industrial retail outlets if the total gross floor area of the development is greater than 150m<sup>2</sup>.
- (4) Subclause (2) does not apply to a development application lodged more than 2 years after the commencement of the [Hawkesbury Local Environmental Plan 2012 \(Amendment No 3\)](#).

#### **19 Use of certain land at 541-547 Windsor Road, Vineyard**

- (1) This clause applies to land at 541-547 Windsor Road, Vineyard, being part of Lot 5, DP 536674 and Lots 10 and 11, DP 1080426, identified as “6” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of hardware and building supplies, vehicle sales or hire premises (but only in relation to the hire of trailers) and associated car parking is permitted with consent if the total area of the land on which that development is carried out is not greater than 5,000m<sup>2</sup>.
- (3) Development consent under subclause (2) must not be granted—
  - (a) for the purposes of hardware and building supplies if the total gross floor area of the development is greater than 250m<sup>2</sup>, or
  - (b) for the purposes of vehicle sales or hire premises if the total gross floor area of the development is greater than 325m<sup>2</sup>.
- (4) Subclause (2) does not apply to a development application lodged more than 2 years

after the commencement of the *Hawkesbury Local Environmental Plan 2012 (Amendment No 3)*.

## 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.

**Community event or festival involving parades, stalls, amusement devices and public entertainment (and includes fairs and fundraising events carried out by charitable and non-profit organisations) but only if carried out for not more than 14 days in any calendar year on land in public ownership**

- (1) No amplified noise.
- (2) Daylight hours only.

### Signs—general requirements

- (1) Must not be moving, illuminated or flashing.
- (2) Must not be placed above awnings or on the roof of buildings.
- (3) Must be at least 600mm from any public road.
- (4) Must be at least 2.6m above any public footpath.
- (5) Must relate to the lawful use of the premises (except temporary signs).
- (6) Must be within the boundary of the property to which it applies, unless in a business or an industrial zone.
- (7) Must have the consent of the owner of the property on which the sign is located.

### Signs—business identification signs for businesses other than sex services premises in business and industrial zones

- (1) **Under awning sign**
  - (a) Must be attached to the underside of an awning other than a fascia or return end.
  - (b) Must meet the general requirements for signs.

- (c) 1 sign per ground floor premises with street frontage.
- (d) Maximum length—2.5m.
- (e) Maximum height—0.5m.

**(2) Flush wall sign**

- (a) Must be attached to the wall of a building (other than the transom of a doorway or display window) and not projecting more than 300mm.
- (b) Must meet the general requirements for signs.
- (c) Maximum area—2.5m<sup>2</sup>.

**(3) Top hamper sign**

- (a) Must be attached to the transom of a doorway or display window of a building.
- (b) Must meet the general requirements for signs.
- (c) Maximum area—2.5m<sup>2</sup>.

**(4) Fascia signs**

- (a) Must be attached to the fascia or return of the awning.
- (b) Must meet the general requirements for signs.
- (c) Must not project over, or more than 50mm out from, the fascia or return end of the awning to which it is attached.

**(5) Pylon signs**

- (a) Must meet the general requirements for signs.
- (b) 1 pole or pylon sign per premises (including any directory board for multiple occupancies).
- (c) Maximum height of sign—6m.
- (d) Must be within 5m of any public entry point to the premises.

**Signs—business identification signs in residential, rural and environmental protection zones**

- (1) Must meet the general requirements for signs.
- (2) 1 sign per premises.
- (3) Maximum area—0.75m<sup>2</sup>.

- (4) Maximum height—2.5m.

**Signs—in a site, but not visible from outside of that site (other than sex services premises)**

Must meet the general requirements for signs.

**Signs—real estate signs (advertising land development)**

- (1) Must meet the general requirements for signs.
- (2) Maximum area—6m<sup>2</sup> for each 25 lots.

**Signs—real estate signs (advertising premises or land for sale or rent) in business or industrial zones**

- (1) Must meet the general requirements for signs.
- (2) Maximum area—4m<sup>2</sup>.
- (3) Maximum height—3m.
- (4) Must be within the boundary of the advertised property.
- (5) Must be removed within 14 days after the premises or land is sold or let.

**Signs—real estate signs (advertising premises or land for sale or rent) in residential, rural or environmental protection zones**

- (1) Must meet the general requirements for signs.
- (2) 1 sign per street/road frontage.
- (3) Maximum area—2.5m<sup>2</sup>.
- (4) Maximum height—2m.
- (5) Must be within the boundary of the advertised property.
- (6) Must be removed within 14 days after the premises or land is sold or let.

**Signs—shop window signs in business and industrial zones (other than sex services premises)**

- (1) Must meet the general requirements for signs.
- (2) Must not occupy more than 25% of the area of the window.

**Signs—temporary signs for religious, cultural, social or recreational events**

- (1) Must meet the general requirements for signs.
- (2) 1 sign per street frontage.

- (3) Maximum area—2.5m<sup>2</sup> and maximum height—2m in residential, rural and environmental protection zones.
- (4) Maximum area—4m<sup>2</sup> and maximum height—3m in business and industrial zones.
- (5) Must not include commercial advertising apart from name of event sponsor.
- (6) Must not be displayed earlier than 14 days before, or later than 2 days after, the event.
- (7) Must not be used in relation to weekly or monthly recurring events.

**Signs—sandwich boards (A frame)**

- (1) If located on private property in business and industrial zones—
  - (a) maximum area 2.4m<sup>2</sup> on each of the 2 faces, and
  - (b) maximum of 1 sign per business.
- (2) If located on council property and public places—
  - (a) maximum area 1.2m<sup>2</sup> on each of the 2 faces, and
  - (b) must not to be placed so as to obstruct pedestrians or the view of drivers of motor vehicles, and
  - (c) must be located no more than 5m from the business to which it relates, and
  - (d) maximum of 1 sign per business.

**Markets**

- (1) Must take place on the following—
  - (a) public land owned by, or under the control of, the Council,
  - (b) a public road for which the Council is the roads authority under the [Roads Act 1993](#).
- (2) Must have access and egress for pedestrians and emergency vehicles.
- (3) Must not include the erection of a permanent structure.

**Recreation areas**

- (1) Must only be used for the purposes of concerts, events, festivals, functions, exhibitions, parades and weddings.
- (2) Must take place on the following—
  - (a) public land owned by, or under the control of, the Council,

(b) a public road for which the Council is the roads authority under the [Roads Act 1993](#).

- (3) Must have access and egress for pedestrians and emergency vehicles.
- (4) Must not include the erection of a permanent structure.
- (5) Must not permanently occupy the land or road.
- (6) Must not involve any permanent physical change to the land or road.

## Schedule 3 Complying development

(Clause 3.2)

### Note—

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

## Part 1 Types of development

### Building alterations and additions (external) to industrial buildings in Zones IN1 and IN2

- (1) Total area of all additions must not exceed 1,000m<sup>2</sup>.
- (2) Must not be carried out on land—
  - (a) in Zone E2 Environmental Conservation, or within 20 metres of land so zoned, or
  - (b) that is lower than 1.2m below the 1 in 100 year flood level for the land, or
  - (c) that is significantly contaminated land within the meaning of the [Contaminated Land Management Act 1997](#), or
  - (d) that is on a register maintained by the Council as land that is subject to landslip, or
  - (e) that is identified on the [Acid Sulfate Soils Map](#) as land containing potential acid sulfate soils of Class 1, 2 or 3, or
  - (f) that is identified as a scenic area of the riverine corridor or as a conservation area sub-catchment under [Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River \(No 2—1997\)](#).
- (3) Maximum height above ground level (existing)—9m.
- (4) Must be set back from the front property boundary—
  - (a) on classified roads—15m, and



- (b) on all other roads—10m.
- (5) Must not be on a corner lot or a lot that is adjacent to land in a residential or recreation zone.
- (6) Earthworks must not extend more than—
  - (a) 900mm above ground level (existing), or
  - (b) 600mm below ground level (existing).
- (7) Must provide and maintain, adjacent to any street boundary, a landscaped area with a minimum width of 5m that is designed by a suitably qualified landscape architect. Car parking spaces are not to be provided for in this area.
- (8) Must ensure that there are in each landscaped area at least 3 trees (that grow to a mature height of over 5m), 6 shrubs (that grow to a mature height of over 1.5m) and 20 smaller plants.
- (9) Building facades to street frontages must be constructed predominantly of face brick, concrete panels or pre-coloured masonry blocks (not standard concrete blocks) or glazing.
- (10) Roller shutters and loading docks must not face the street frontage.
- (11) Maximum reflectivity index permissible for any external glazing—20%.
- (12) The colour scheme and design features must unify all additions to the premises.
- (13) Any fencing must be provided behind the landscaped area and must not be prepainted solid metal fencing.
- (14) Must provide car parking spaces for additions to building area of at least—
  - (a) 4 car parking spaces for any part of the first 300m<sup>2</sup> of additional gross floor area, and
  - (b) 1 car parking space for each additional 90m<sup>2</sup>, or part thereof, of additional gross floor area.
- (15) Must provide at least 1 car parking space for each 30m<sup>2</sup>, or part thereof, of additional gross floor area proposed to be used for the purpose of office premises.
- (16) Car parking spaces must be perpendicular to the driveway and at least 5.5m long and 2.6m wide with a minimum driveway width of 6.7m.
- (17) Any additional driveway must be at least 1m from the closest property boundary.
- (18) On-site manoeuvring areas must be of sufficient size to permit all vehicles to enter

and exit the site in a forward direction.

- (19) Garbage and storage areas must be located behind the building line and be screened from the road and adjoining land.
- (20) Any additional roof or surface drainage area must have a gravity fed drainage system that—
- (a) captures the water from the additional roof or surface drainage area, and
  - (b) discharges that water into the inter-allotment or street stormwater drainage system, and
  - (c) limits the rate of that discharge into Council's kerb and gutter to less than 20 litres per second per outlet, and
  - (d) is constructed of Rolled Hollow Section (RHS) not greater than 100mm in height with not more than two outlets located adjacent to each other, and
  - (e) does not permit the post-development flow rate to exceed the pre-development flow rate for all recurrence intervals from the 1 year event to the 100 year event.
- (21) All additions must be connected to a reticulated sewerage system.

## **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*.

### **Conditions relating to building alterations and additions (external) to industrial building in Zones IN1 and IN2**

**Required payments** Evidence of any payments required in relation to any of the following must be provided to the Council on or before the lodging of the complying development certificate with the Council—

- (a) developer, sewerage, drainage or stormwater contributions,
- (b) road reserve deposits,
- (c) opening of roads,
- (d) inspections,

(e) long service levy.

### Conditions applying during the works

#### Note—

The *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Noise Control) Regulation 2008* contain provisions relating to noise.

**Survey—industrial buildings and additions** The building must be set out by a registered surveyor. The survey certificate of the building showing the position of the external walls under construction and in compliance with the approved plans must be lodged with the principal certifying authority.

### Construction requirements

**Parking, driveways and turning areas** Off-street car parking spaces, together with access driveways and turning areas, must be constructed, paved, line marked, signposted and maintained.

### Before issue of occupation certificate

Where required—

- (a) a Section 73 Certificate from Sydney Water must be submitted to the principal certifying authority,
- (b) written clearance from Integral Energy must be submitted to the principal certifying authority.

## 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
Bligh Park, 11A Peter Place	Lot 102, DP 849072
McGraths Hill	Lot 249, DP 1150102
McGraths Hill, 254 Windsor Road	Lot 8, DP 804460
North Richmond, 23 Bells Line of Road	Lot 1, DP 832969
North Richmond, 31 Bells Line of Road	Lot 10, DP 801727
North Richmond, 33 Bells Line of Road	Lot 19, Section A, DP 17017

North Richmond, 39A Bells Line of Road	Lot 6, DP 748866
North Richmond, 47A Bells Line of Road	Lot 122, DP 771719
North Richmond, 49B Bells Line of Road	Lot 102, DP 776172
North Richmond, 22 Elizabeth Street	Lots 56-59, DP 236754
North Richmond, 3 Grose Vale Road	Lot 2, DP 748866
North Richmond, 3A Grose Vale Road	Lot 4, DP 748866
North Richmond, 3B Grose Vale Road	Lot 101, DP 776172
North Richmond, 5 Grose Vale Road	Lot 82, DP 634539
North Richmond, 9 Grose Vale Road	Lot 1, DP 1127035
North Richmond, 2 Riverview Street	Lot 17, Section B, DP 17017
North Richmond, 4 Riverview Street	Lot 18, Section B, DP 17017
North Richmond, 10A Riverview Street	Lot 3, DP 748082
North Richmond, 20 Riverview Street	Lot 9, Section B, DP 17017
North Richmond, 22 Riverview Street	Lot 8, Section B, DP 17017
North Richmond, 24A Riverview Street	Lot 123, DP 774812
North Richmond, 32A Riverview Street	Lot 104, DP 785779
Richmond, 11 East Market Street	Lot 18, DP 236567
Richmond, 11A East Market Street	Lot 17, DP 236567
Richmond, 11B East Market Street	Lot 2, DP 561996
Richmond, 11C East Market Street	Lot 15, DP 236567
Richmond, 11D East Market Street	Lot 12, DP 236567
Richmond, 11E East Market Street	Lot 11, DP 236567
Richmond, 11F East Market Street	Lot 10, DP 236567
Richmond, 11G East Market Street	Lot 9, DP 236567
Richmond, 11H East Market Street	Lot 14, DP 236567
Richmond, 11I East Market Street	Lot 13, DP 236567
Richmond, 122 Francis Street	Lot 1, DP 567637
Richmond, 124 Francis Street	Lot 14, DP 578972
Richmond, 126 Francis Street	Lot 7, DP 738003
Richmond, 128A Francis Street	Lot 2, DP 1008837
Richmond, 110 March Street	Lot 6, DP 560899

Richmond, 5 Mussen Lane	Lot 4, DP 223656
Richmond, 8 Mussen Lane	Lot 4, DP 738084
Richmond, 7 West Market Street	Lot 3, DP 1173020
Richmond, 12 West Market Street	Lot 1, DP 236567
Richmond, 12A West Market Street	Lot 4, DP 236567
Richmond, 12B West Market Street	Lot 5, DP 236567
Richmond, 12C West Market Street	Lot 6, DP 236567
Richmond, 12D West Market Street	Lot 7, DP 236567
Richmond, 12E West Market Street	Lot 8, DP 236567
Richmond, 12F West Market Street	Lot 3, DP 236567
Richmond, 14B West Market Street	Lot 221, DP 1088937
Richmond, 14D West Market Street	Lot 222, DP 1088938
Richmond, 23 West Market Street	Lot 6, DP 738084
Richmond, 185A Windsor Street	Lot 2, DP 554317
Richmond, 255A Windsor Street	Lot 223, DP 1088987
Richmond, 263A Windsor Street	Lot 102, DP 870478
South Windsor, 22 Berger Road	Lot 336, DP 752061
St Albans, 1672 St Albans Road	Lot 7303, DP 1157507
Windsor, George Street	Lots 102 and 103, DP 737270
Windsor, 45 Macquarie Street	Lot 5, DP 259300
Windsor Downs, 23 Burnside Grove	Lot 698, DP 835336
Windsor Downs, 18 Nutwood Drive	Lot 1137, DP 834695

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

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

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

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

Nil

## Schedule 5 Environmental heritage

(Clause 5.10)

### Part 1 Heritage items

Suburb	Item name	Address	Property description	Significance	Item no
Agnes Banks	"Bronte"	248 Castlereagh Road	Lot 46, DP 1113776	Local	I444
Agnes Banks	House	333 Castlereagh Road	Lot 5, DP 236076	Local	I445
Agnes Banks	House	354 Castlereagh Road	Part Lot 1, DP 383981	Local	I501
Agnes Banks	House	2 Price Lane	Lot 1, DP 593577	Local	I500
Agnes Banks	"Blue Gardens"	254 Yarramundi Lane	Lot 220, DP 808633	Local	I446
Berambing	"Bulga Matta"	57 Bulgamatta Road	Lot 1, DP 195276	Local	I416
Blaxlands Ridge	"Kooroowal"	173 Blaxlands Ridge Road	Lot 4, DP 738221	Local	I505
Blaxlands Ridge	Blaxlands Ridge Public School	227-231 Blaxlands Ridge Road	Lots 72 and 73, DP 751658	Local	I447
Bowen Mountain	"Bowen Hut"	110-112 Lt Bowen Drive	Lots 476 and 477, DP 210305	Local	I327
Cattai	"Ukamurra"	439 Cattai Road	Part Lot 258, DP 752050	Local	I323
Cattai	House	268 Pebbly Hill Road	Lot 3, DP 226309	Local	I324
Cattai	"Macquarie Retreat"	143 Threlkeld Drive	Lot 16, DP 259650	Local	I325
Central MacDonald	Jurd's Private Cemetery	987 Settlers Road	Lot 76, DP 755258	Local	I430
Central MacDonald	Slab-built dwelling	1202 Settlers Road	Lot 1, DP 789303	Local	I424
Central MacDonald	St Jude's Cemetery	1231 St Albans Road	Lot 1, DP 633910	Local	I417
Clarendon	"Prestonville"	120-162 Hawkesbury Valley Way	Lots 2 and 3, DP 700263	Local	I322

Clarendon	"Rhodesia"	210 Hawkesbury Valley Way	Lot B, DP 160847	Local	I321
Clarendon	House	211 Hawkesbury Valley Way	Part Lot 1, DP 745143	Local	I319
Clarendon	Former hotel	216 Hawkesbury Valley Way	Lot 10, DP 624818	Local	I318
Clarendon	Former inn	221 Hawkesbury Valley Way	Lot 1, DP 1017298	Local	I320
Clarendon	"Jonlyn"	130-144 Percival Street	Lots 12 and 13, DP 563483	Local	I255
East Kurrajong	House	829 Putty Road	Lot 773, DP 787251	Local	I448
Ebenezer	Uniting Church (including former schoolhouse) and Uniting Church Cemetery	95 Coromandel Road	Lot 2, Part A, DP 740305	State	I00138
Ebenezer	"Port Erringhi"	53 Port Erringhi Road	Lot 21, DP 232576	Local	I332
Ebenezer	"Portland Head Farm"	147 Portland Head Road	Lot B, DP 161016	Local	I333
Ebenezer	House	368 Sackville Road	Lot 2, DP 1035246	Local	I336
Ebenezer	"Kinlew"	477 Sackville Road	Lot 51, DP 804631	Local	I337
Ebenezer	Former public school	664 Sackville Road	Lot 12, DP 603763	Local	I340
Ebenezer	"Coromandel"	665 Sackville Road	Lot 1, DP 1008634	Local	I334
Ebenezer	"Rockleigh"	695 Sackville Road	Lot 42, DP 1071916	Local	I335
Ebenezer	"Pickwick Park"	799 Sackville Road	Lot 1, DP 533774	Local	I338
Ebenezer	Cottage	812 Sackville Road	Lot 102, DP 1001775	Local	I339
Ebenezer	House	75 Tizzana Road	Lot 1, DP 1003326	Local	I343
Ebenezer	"Ebenezer Villa"	105 Tizzana Road	Lot 1, DP 997974	Local	I342
Ebenezer	Tizzana Winery	518 Tizzana Road	Lot 5, DP 227211	Local	I375
Fernances	Slab-built dwelling	1269 Wollombi Road	Lot 32, DP 832093	Local	I437
Freemans Reach	House and barn	11 Blacktown Road	Lot 202, DP 872566	Local	I328
Freemans Reach	War Memorial in public reserve	194 Blacktown Road	Lot 475, DP 751665	Local	I344

Freemans Reach	House and barn	353 Freemans Reach Road	Lot 4, DP 538611	Local	I347
Freemans Reach	House and slab barns	375 Freemans Reach Road	Lot 2, DP 77951	Local	I346
Freemans Reach	"Sunny Farm"	435 Freemans Reach Road	Lot 7, DP 1117693	Local	I345
Freemans Reach	"Reibycroft"	32-94 Smiths Lane	Lots 5 and 6, DP 247875; Lot 4, DP 847231	Local	I348
Freemans Reach	"Bridgeview"	27 Wilberforce Road	Lot A, DP 370895	Local	I274
Grose Vale	"Buena Vista"	5 Bowen Mountain Road	Lot 1, DP 546192	Local	I449
Grose Vale	"La Tosca"	6 Bowen Mountain Road	Lot 2, DP 876389	Local	I453
Grose Vale	"Calool"	33 Carters Road	Lot 201, DP 707842	Local	I450
Grose Vale	"Pleasant Way"	62 Carters Road	Lot 2, DP 879572	Local	I326
Grose Vale	House	663 Grose Vale Road	Lot 32, DP 1004590	Local	I451
Grose Vale	House	767 Grose Vale Road	Lot 1, DP 808258	Local	I503
Grose Vale	"Cooraba"	816 Grose Vale Road	Lot 1, DP 828723	Local	I452
Grose Vale	"Westbury"	15 Westbury Road	Lot 3, DP 232606	Local	I454
Higher MacDonald	Slab-built dwelling	2180 Upper MacDonald Road	Lot 11, DP 755206	Local	I423
Higher MacDonald	Higher MacDonald Church	3053 Upper MacDonald Road	Lot 1, DP 753827	Local	I421
Kurmond	"Inverary"	340 Bells Line of Road	Lot 16, DP 218801	Local	I455
Kurmond	"Longleat"	74 Longleat Lane	Part Lot 3, DP 747089	Local	I458
Kurrajong	House	114 Comleroy Road	Lot 1, DP 72843	Local	I456
Kurrajong	"Vanay"	463 Comleroy Road	Lot 3, DP 1039892	Local	I457
Kurrajong	"Ridgeacre"	941 Grose Vale Road	Lot 1, DP 502131	Local	I354
Kurrajong	St Stephen the Martyr Anglican Church	1005 Grose Vale Road	Lot 133, DP 603158	Local	I352



Kurrajong	Cemetery and manse	1005 Grose Vale Road	Lot 133, DP 603158	Local	I353
Kurrajong	"Curraweena"	1033 Grose Vale Road	Lot 1, DP 1153901	Local	I515
Kurrajong	House	1040 Grose Vale Road	Lot 1, DP 745040	Local	I355
Kurrajong	"Arthona"	1046 Grose Vale Road	Lot 1, DP 562514	Local	I351
Kurrajong	The Collectors Theatre	101 Old Bells Line of Road	Lot B, DP 349803	Local	I358
Kurrajong	"Goldfinders" (former inn)	164 Old Bells Line of Road	Lot 123, DP 1063011	Local	I357
Kurrajong Heights	House	36 Bellbird Avenue	Lot 101, DP 806616	Local	I365
Kurrajong Heights	House	1229 Bells Line of Road	Lot 1, DP 576199	Local	I364
Kurrajong Heights	Former St James' Anglican Church	1235 Bells Line of Road	Lot 1, DP 723931	Local	I363
Kurrajong Heights	St David's Uniting Church	1251 Bells Line of Road	Lot 100, DP 807610	Local	I362
Kurrajong Heights	Former post office and store	1255 Bells Line of Road	Lot 2, DP 706131	Local	I361
Kurrajong Heights	"Allambie"	1256-1258 Bells Line of Road	Lots A and B, DP 14931	Local	I504
Kurrajong Heights	"Ivy Cottage" (formerly "Lochiel")	1259 Bells Line of Road	Lot 1, DP 558605	Local	I360
Kurrajong Heights	"Patricks Pressoir"	1271-1275 Bells Line of Road	Lots 1-3, DP 1091218	Local	I370
Kurrajong Heights	"Rainridge"	1 Burrellow Road	Lot C, DP 164492	Local	I368
Kurrajong Heights	"The Hermitage" (formerly "Fernmount")	89 Burrellow Road	Lot 1, DP 1084814	Local	I366
Kurrajong Heights	Shop and residence	1A Warks Hill Road	Lot 204, DP 839939	Local	I369
Kurrajong Heights	"Surinam" (formerly "Belmore Lodge")	9 Warks Hill Road	Lot 2, DP 785631	Local	I367
Kurrajong Hills	"Beechwood"	41 Baileys Lane	Lot 51, DP 1045434	Local	I349

Kurrajong Hills	House	968-970 Bells Line of Road	Lot 2, DP 582139; Lot 1, DP 791743	Local	I350
Kurrajong Hills	"Loxley"	993 Bells Line of Road	Lot 22, DP 867849	Local	I502
Kurrajong Hills	"Sunnyside"	49 Hermitage Road	Lot 12, DP 634076	Local	I356
Kurrajong Hills	"Bernilla"	93 Hermitage Road	Lot 103, DP 1068395	Local	I507
Kurrajong Hills	"Springrove"	55 Springrove Lane	Lot 11, DP 834958	Local	I359
Kurrajong Hills	Public school	1 Stone Terrace and 1030 Bells Line of Road	Lot 1, DP 194010; Lot 1, DP 588702	Local	I371
Lower MacDonald	Davidson's Dairy	335 Settlers Road	Lot 1, DP 1138319	Local	I425
Lower MacDonald	"Penrose", ruins	707-707A Settlers Road	Lots 13 and 14, DP 755258	Local	I431
Lower Macdonald	Wooden mile post	St Albans Road	Adjacent to Lot 81, DP 753828	Local	I418
Lower MacDonald	St Joseph's Catholic Church (ruins)	1029 St Albans Road	Part Lot 1, DP 605179	Local	I427
Lower MacDonald	St Joseph's Cemetery	1029 St Albans Road	Part Lot 1, DP 605179	Local	I428
Lower Portland	"Hawkesbury Retreat"	78 Greens Road	Lot 1, DP 862897	Local	I511
Lower Portland	Monument to Aboriginal people	239 Laws Farm Road	Lot 201, DP 824060	Local	I372
Lower Portland	"Ventiaville"	1235 West Portland Road	Lot 101, DP 739219	Local	I518
Lower Portland	"Riverside", slab-barn	1280 West Portland Road	Lot 1, DP 586231	Local	I508
Lower Portland	Lower Portland Public School	1930 Wheelbarrow Ridge Road	Lot 1, DP 794605	Local	I509
Lower Portland	St John's Anglican Church	1932 Wheelbarrow Ridge Road	Lot 1, DP 1022812	Local	I510
McGraths Hill	"Spring Hill Farm" (house and barn)	21 Beddeck Street	Lot 1, DP 743108	Local	I311
McGraths Hill	Cemetery	5 Charles Street	Lot 249, 1150102	Local	I312
McGraths Hill	"McGraths Hill Inn"	1 Pitt Town Road	Lot 1, DP 702263	Local	I315
McGraths Hill	Cottage	96 Pitt Town Road	Lot 3, DP 242319	Local	I314

McGraths Hill	Pair of cottages	109-113 Windsor Road	Lot 10, DP 1037789; Lot 1, DP 986076	Local	I316
Mogo Creek	Slab-built dwelling	2500 Wollombi Road	Lot 3, DP 755236	Local	I429
Mulgrave	Railway stationmaster's residence	Mulgrave Road		Local	I403
Mulgrave	Railway station	Mulgrave Road		Local	I404
Mulgrave	"Tall Trees"	124 Mulgrave Road	Lot 13, DP 736138	Local	I405
North Richmond	Former police station and residence	39 Bells Line of Road	Lot 1, DP 1124671	Local	I406
North Richmond	Seventh Day Adventist Church	54 Bells Line of Road	Part Lot 120, DP 751637	Local	I407
North Richmond	House	91 Bells Line of Road	SP 64373	Local	I410
North Richmond	House	101A Bells Line of Road	Lot 1, DP 1021039	Local	I493
North Richmond	St Phillip's Anglican Church and cemetery	151 Bells Line of Road	Lot 1, DP 870269	Local	I408
North Richmond	"Hill Crest"	219 Bells Line of Road	Lot 87, DP 1040092	Local	I409
North Richmond	"Rouse Farm"	266 Crooked Lane	Lot 9, DP 595333	Local	I411
North Richmond	House	15 Grose Vale Road	Lot 12, DP 719031	Local	I495
North Richmond	St John of God Hospital (former "Belmont Park", mansion, garden, building, gatehouse and curtilage)	177-235 Grose Vale Road	Lots 11 and 12, DP 1134453	Local	I412
North Richmond	"Sunnyside" (former O'Dea's dairy)	21 Pitt Lane	Lot 1, DP 749146	Local	I413
North Richmond	"The Terraces"	227 Terrace Road	Lot 410, DP 715738	Local	I415
Oakville	"Killarney Homestead"	23 Clare Crescent	Lot 4, DP 247391	Local	I313
Pitt Town	"Bona Vista" (house and slab barns)	11 Amelia Grove	Lot 131, DP 1025876	Local	I286
Pitt Town	Cottage	22 Bathurst Street	Lot 1, DP 986055	Local	I277

Pitt Town	Former "Bird in the Hand Inn"	81 Bathurst Street	Lot 1, DP 786863	State	I00373
Pitt Town	Pitt Town Hardware Produce and Fuel store	85 Bathurst Street	Lot 3, DP 627983	Local	I280
Pitt Town	House	94 Bathurst Street	Lot 1, DP 719885	Local	I287
Pitt Town	Scots Uniting Church	99 and 99A Bathurst Street	Lots D and F, DP 392264	Local	I281
Pitt Town	"Macquarie Arms Inn" complex (former inn and slab barn)	104 Bathurst Street	Lot 2, DP 515997	State	I00282
Pitt Town	St James' Anglican Church	112 Bathurst Street	Lot 1, DP 1061612	Local	I283
Pitt Town	"Myrtle Cottage" and slab barn	126 Bathurst Street	Lot 1, DP 999548	Local	I284
Pitt Town	"Vine House"	132 Bathurst Street	Lot 1, DP 1000076	Local	I285
Pitt Town	Slab cottage and slab barn	132-134 Bathurst Street	Lots 1 and 2, DP 1000076	Local	I468
Pitt Town	Slab barn	140 Bathurst Street	Lot 1, DP 779079	Local	I1007
Pitt Town	Slab barn	142 Bathurst Street	Part Lot 2602, DP 1003585	Local	I288
Pitt Town	House	142 Bathurst Street	Part Lot 2602, DP 1003585	Local	I1006
Pitt Town	Pitt Town Public School and residence	17 Buckingham Street	Lot 51, DP 851875	Local	I291
Pitt Town	"Strathmore" (cottage and slab barn)	20-22 Buckingham Street	Lot 101, DP 1150587	Local	I290
Pitt Town	Slab barn	26A Buckingham Street	Lot 1, DP 1180284	Local	I292
Pitt Town	House, former shop and former slab barn	8 Chatham Street	Lot 1, DP 785736	Local	I293
Pitt Town	"Royville"	38 Eldon Street	Lot 1, DP 777853	Local	I294
Pitt Town	"Grenville Cottage"	10 Grenville Street	Lot 1, DP 741079	Local	I296
Pitt Town	"Cleary's House"	14-18 Hall Street	Lots 11 and 12, DP 997997	Local	I297

Pitt Town	“Wilbows Stone Cottage”	102 Hall Street	Lot 15, DP 793787	Local	I298
Pitt Town	“Lone Acre”	10-14 Hawkesbury Street	Lots 103-105, DP 1056832	Local	I299
Pitt Town	“Samuel Cox’s House”	16 Lagoon Road	Lot 1, DP 708230	Local	I278
Pitt Town	Cemetery	60 Old Pitt Town Road	Lot 2, DP 544186	Local	I302
Pitt Town	Cemetery	524 Old Stock Route Road	Lot 7010, DP 1030967	Local	I301
Pitt Town	“Lynwood”	4 Pitt Town Bottoms Road	Lot 3, DP 546915	Local	I303
Pitt Town	“Huxley’s Blacksmith Shop”	292 Pitt Town Bottoms Road	Lot 11, DP 10192	Local	I304
Pitt Town	Former manse and farm house	1 Punt Road	Lot 101, DP 635129	Local	I310
Pitt Town Bottoms	Slab barn	163 Pitt Town Bottoms Road	Lot 1, DP 1014860	Local	I270
Pitt Town Bottoms	House and slab barns	231 Pitt Town Bottoms Road	Lot 21, DP 730869	Local	I461
Pitt Town Bottoms	House and slab barn	251 Pitt Town Bottoms Road	Lot 16, DP 776017	Local	I462
Pitt Town Bottoms	House and slab barn	259 Pitt Town Bottoms Road	Lot 9, DP 1079633	Local	I463
Pitt Town Bottoms	Slab barn	265 Pitt Town Bottoms Road	Lot 8, DP 1079633	Local	I464
Pitt Town Bottoms	Slab barn	284 Pitt Town Bottoms Road	Lot 2, DP 202281	Local	I306
Pitt Town Bottoms	Slab barns	293 Pitt Town Bottoms Road	Lot 101, DP 1154658	Local	I307
Pitt Town Bottoms	Slab barn	303 Pitt Town Bottoms Road	Lot 26, DP 1125833	Local	I465
Pitt Town Bottoms	House and slab barn	313 Pitt Town Bottoms Road	Lot 1, DP 778704	Local	I466
Pitt Town Bottoms	House and slab barn	333 Pitt Town Bottoms Road	Lot 1, DP 774609	Local	I308
Pitt Town Bottoms	House and slab barns	343 Pitt Town Bottoms Road	Lot 3, DP 618213	Local	I309

Pitt Town Bottoms	House and slab barn	353 Pitt Town Bottoms Road	Lot 1, DP 569711	Local	I467
Richmond	House	21 Bosworth Street	Lot 6, DP 1087132	Local	I1
Richmond	House	24 Bosworth Street	Lot 1, DP 598169	State	I00681
Richmond	House	25-29 Bosworth Street	Lots 7-9, DP 5905	Local	I3
Richmond	House	35 Bosworth Street	Lot 2, DP 518997	Local	I4
Richmond	"Mortimers Cottage"	42 Bosworth Street	Lot 1, DP 564874	Local	I5
Richmond	House	51 Bosworth Street	Lot B, DP 153561	State	I00753
Richmond	House	55 Bosworth Street	Lot 18, DP 770857	Local	I486
Richmond	"The Presbytery"	1A Bourke Street	Lot 1, DP 874822	Local	I7
Richmond	St Monica's Roman Catholic Church	1A Bourke Street	Lot 1, DP 874822	Local	I132
Richmond	East Richmond Railway Station	32 Bourke Street	Lot 1, DP 1126383	Local	I11
Richmond	House	35 Bourke Street	Lots 4 and 5, DP 210175	Local	I12
Richmond	House	8 Burgess Street	Lot B, Section 15, DP 158162	Local	I13
Richmond	Avenue of trees east and west side of street	Chapel Street		Local	I18
Richmond	"Josieville"	2 Chapel Street	Lot 1, DP 634986	Local	I15
Richmond	"Inew Cottage"	7 Chapel Street	Lot 1, DP 564060	Local	I16
Richmond	House	9 Chapel Street	Lot 1, DP 199910	Local	I17
Richmond	Administrative block, blacksmith shop and stable square	2 College Street	Lot 2, DP 1051798	Local	I9
Richmond	Grandstand	2 College Street	Lot 2, DP 1051798	Local	I10
Richmond	House	13 Conrad Street	Lot 1, DP 734066	Local	I19
Richmond	House	15 Conrad Street	Lot 1, DP 742918	Local	I20
Richmond	"Clarendon" (servants' quarters)	96 Dight Street	Lot 2, DP 542738	Local	I21
Richmond	McMahon Homestead	26 Drift Road	Lot 1, DP 737688	Local	I82

Richmond	House	5 Francis Street	Lot 9, DP 863991	Local	I26
Richmond	House	7 Francis Street	Lot 81, DP 1009285	Local	I27
Richmond	House	13 Francis Street	Lot 5, Section 26, DP 758881	Local	I28
Richmond	"Tara"	21 Francis Street	Lot 17, DP 525067	Local	I29
Richmond	House	26 Francis Street	Lot 1, DP 549235	Local	I30
Richmond	House	60 Francis Street	Lot 2, DP 508876	Local	I31
Richmond	"Benson House"	61 Francis Street	Lots 1 and 2, DP 212262	Local	I32
Richmond	House	87A Francis Street	Lot 570, DP 859752	Local	I33
Richmond	House	119 Francis Street	Lot 3, DP 563230	Local	I34
Richmond	"Rosmoynes"	128 Francis Street	Lot 1, DP 1008837	Local	I35
Richmond	"Kialla"	130 Francis Street	Lot 1, DP 1089582	Local	I36
Richmond	"Zeta"	132 Francis Street	Lot 1, DP 513769	Local	I37
Richmond	"Clear Oaks"	135 Francis Street	Lot 100, DP 789415	State	I00058
Richmond	House	142 Francis Street	Lot 1, DP 112529	Local	I39
Richmond	"Mountain View"	22 Inalls Lane	Lot 12, DP 588570	State	I00044
Richmond	House	32 Inalls Lane	Lot 2, DP 874920	Local	I41
Richmond	"Hobartville" (including outbuildings)	36-86 Inalls Lane	Lot 3, DP 596558	State	I00035
Richmond	Grounds and landscaping surrounding "Hobartville"	36-86 Inalls Lane	Lots 1 and 2, DP 596558	Local	I14
Richmond	Cemetery	16 Jersey Street	Lot 1, DP 724131	Local	I22
Richmond	House	35 Lennox Street	Lot 2, DP 862014	Local	I484
Richmond	House	56 Lennox Street	Lot 2, DP 511504	Local	I42
Richmond	House	72 Lennox Street	Lot 1, DP 160850	Local	I44
Richmond	House	74 Lennox Street	Lot 1, DP 1080999	Local	I45
Richmond	House	80 Lennox Street	Lot 221, DP 864634	Local	I491
Richmond	"Carsisle"	82 Lennox Street	Lot 21, DP 567749	Local	I46
Richmond	House	88 Lennox Street	Lot 1, DP 986429	Local	I47
Richmond	House	90 Lennox Street	Lot 1, DP 198910	Local	I48

Richmond	House	102 Lennox Street	Lot 2, DP 207974	Local	149
Richmond	House	112 Lennox Street	Lot 2, DP 802849	Local	150
Richmond	House	114 Lennox Street	Lot 1, DP 802849	Local	151
Richmond	House	122 Lennox Street	Lot 6, DP 997061	Local	152
Richmond	Former railway cottage	1 March Street	Lot 1, DP 836577	Local	18
Richmond	House	8 March Street	Lot 1, DP 745386	Local	1481
Richmond	House	9 March Street	Lot 12, DP 828171	Local	154
Richmond	House	16 March Street	Lot 21, DP 1031945	Local	155
Richmond	House	20 March Street	Lot 1, DP 1040293	Local	156
Richmond	House	22 March Street	Lot 4, DP 997295	Local	157
Richmond	House	52 March Street	Lot 1, DP 1135622	Local	1487
Richmond	House	56 March Street	Lot 102, DP 1155675	Local	158
Richmond	Richmond Railway Station	61 March Street	Lot 1, DP 815813	State	101236
Richmond	Cottage	78 March Street (formerly 63 March Street)	Part Lot 21, DP 872925	Local	143
Richmond	Cottage	78 March Street (formerly 64 March Street)	Part Lot 21, DP 872925	Local	159
Richmond	Cottage	78 March Street (formerly 66 March Street)	Part Lot 21, DP 872925	Local	160
Richmond	Cottage	78 March Street (formerly 67 March Street)	Part Lot 21, DP 872925	Local	1480
Richmond	Cottage	78 March Street (formerly 70 March Street)	Part Lot 21, DP 872925	Local	161
Richmond	Cottage	78 March Street	Part Lot 21, DP 872925	Local	1488
Richmond	Cottage	78 March Street (formerly 80 March Street)	Part Lot 21, DP 872925	Local	162



Richmond	Cottage	78 March Street (formerly 82 March Street)	Part Lot 21, DP 872925	Local	1489
Richmond	House	102 March Street	Lot 7, DP 1101571	Local	164
Richmond	House	104 March Street	Lot 9, DP 560756	Local	163
Richmond	House	106 March Street	Lot 7, DP 519019	Local	165
Richmond	"Pangelis"	118 March Street	Lot 6, DP 558573	Local	166
Richmond	House	120 March Street	Lot 2, DP 567636	Local	167
Richmond	House	130 March Street	Lot 2, DP 1078198	Local	168
Richmond	House	155 March Street	Lot 2, DP 774156	Local	171
Richmond	"Rutherglen"	158 March Street	Lot A, Section 6, DP 152400	Local	169
Richmond	House	160 March Street	Lot 101, DP 700887	Local	1482
Richmond	House	162 March Street	Lot 2, Section 6, DP 151321	Local	1483
Richmond	Former house	190 March Street	Lot 1, DP 199860	Local	172
Richmond	House	21 Moray Street	Lot 10, DP 1040208	Local	174
Richmond	House	24 Moray Street	Lot B, Section 23, DP 161177	Local	175
Richmond	Residence and iron works	3 Paget Street	Lot 7, DP 3770; Lot 1, DP 1034091	Local	176
Richmond	House	9 Paget Street	Lot 4, Section 11, DP 3770	Local	177
Richmond	Former Methodist Church	10 Paget Street	Lot 1, DP 995840	Local	1492
Richmond	House	59 Paget Street	Lot 8, DP 634613	Local	178
Richmond	House	31 Pitt Street	Lot A, DP 337953	Local	179
Richmond	House	34 Teviot Street	Lot 1, DP 803737	Local	180
Richmond	House	46 Teviot Street	Lot 1, DP 1100473	Local	181
Richmond	House	12 Toxana Street	Lot 22, DP 4906	Local	183
Richmond	House	2 West Market Street	Lot 1, DP 1044430	Local	1478
Richmond	Hall at rear of former Masonic Temple	24 West Market Street	Part Lot A, Section 8, DP 182902	Local	186

Richmond	Former Masonic Temple	24 West Market Street	Part Lot A, Section 8, DP 182902	Local	187
Richmond	St Andrew's Uniting Church Hall	25 West Market Street	Part Lot 1, DP 196617	Local	188
Richmond	St Andrew's Uniting Church	25 West Market Street	Part Lot 1, DP 196617	Local	189
Richmond	School of Arts	26 West Market Street	Lot 1, DP 880771	Local	184
Richmond	Former Richmond Rest Home	Corner 27 West Market Street and 139 March Street	Lot 1, DP 313724; Lot 192, DP 1111231	Local	185
Richmond	Former Richmond Council Chambers	29 West Market Street	Lot A, DP 313725	Local	170
Richmond	House	30 West Market Street	Lot 1, DP 198726	Local	191
Richmond	House	38 West Market Street	Lot 2, DP 38231	Local	192
Richmond	Avenue of plane trees along eastern approach to Richmond	Windsor Street		Local	193
Richmond	House	61 Windsor Street	Lot 3, DP 527542	Local	194
Richmond	House	63 Windsor Street	Lot 13, DP 547659	Local	195
Richmond	House	65 Windsor Street	Lot 2, DP 513998	Local	196
Richmond	House	Corner 67 Windsor Street and 14 Bourke Street	Lots B and C, DP 372517	Local	197
Richmond	House	70 Windsor Street	Lot A, DP 375626	Local	198
Richmond	House	82 Windsor Street and 13 William Street	Lots D and E, DP 164971	Local	1490
Richmond	House	89 Windsor Street	Lot 6, DP 519411	Local	199
Richmond	Gate post at "Kamilario" at entrance to Richmond Public School	103 Windsor Street	Lot 16, DP 13068	Local	1100
Richmond	"Vicky's House"	106 Windsor Street	Lot 3, DP 270031	Local	1101
Richmond	House	117 Windsor Street	Lot 1, DP 71437	Local	1102

Richmond	House	122 Windsor Street	Lot 3, DP 18568	Local	I103
Richmond	House	125 Windsor Street	Lot 3, DP 3770	Local	I104
Richmond	House	126 Windsor Street	Lot 21, DP 713157	State	I00045
Richmond	House	127 Windsor Street	Lot 2, DP 3770	Local	I106
Richmond	House	129 Windsor Street	Lot 1, DP 3770	Local	I107
Richmond	House	131 Windsor Street	Lot 25, DP 4906	Local	I108
Richmond	House	133 Windsor Street	Lot 24, DP 4906	Local	I109
Richmond	House	135 Windsor Street	Lot 23, DP 4906	Local	I110
Richmond	Regent Theatre	145 Windsor Street	Lot 2, DP 514053	Local	I111
Richmond	"Toxana"	147 Windsor Street	Lot C, DP 330610	State	I00014
Richmond	Royal Hotel	167 Windsor Street	Lot 1, DP 123560	Local	I131
Richmond	House	179 Windsor Street	Lot 40, DP 1040134	Local	I112
Richmond	Richmond Park Pavilion and statue	180 Windsor Street	Lot 81, DP 1153844	State	I01808
Richmond	Shop	187 Windsor Street	Lot 1, DP 544317	Local	I113
Richmond	Commercial Hotel	193 Windsor Street	Lot 1, DP 577982	Local	I114
Richmond	Shop	201-205 Windsor Street	Lot 1, DP 232921; Lots 11 and 12, DP 609265	Local	I115
Richmond	Westpac Bank	237 Windsor Street	Lot A, DP 83011	Local	I116
Richmond	Shop (former barn)	239 Windsor Street	Lot 1, DP 770613	Local	I90
Richmond	"Chalmers Building"	239 Windsor Street	Lot 1, DP 770613	Local	I117
Richmond	House	245 Windsor Street	Lot 2, DP 270402	Local	I118
Richmond	Shops	255-257 Windsor Street	Lot 1, DP 714745; Part Lot 1, DP 798313	State	I00610
Richmond	Post and telegraph office and stables	286 Windsor Street	Lot 180, DP 41869	State	I01410
Richmond	Court house and police station	288 Windsor Street	Lot 701, DP 1125383	Local	I121
Richmond	Bank and stables	294 Windsor Street	Lot 1, DP 905037	Local	I136
Richmond	Shop	295 Windsor Street	Lot 1, SP 33332	Local	I122
Richmond	House	312 Windsor Street	Lot 1, DP 67973	Local	I123

Richmond	"The cottage"	313-315 Windsor Street	Lots 1 and 2, DP 1037730	Local	I124
Richmond	"Eltham"	317 Windsor Street	Lot 1, DP 817350	Local	I125
Richmond	Former "Black Horse Inn"	334-340 Windsor Street	Lots A and B, DP 335179; Lot A, DP 154628	Local	I130
Richmond	House	335 Windsor Street	Lot 1, DP 744729	Local	I126
Richmond	House	337 Windsor Street	Lot 1, DP 743154	Local	I127
Richmond	House	339 Windsor Street	SP 60767	Local	I128
Richmond	Anglican church hall and cemetery	347, 347A and 349 Windsor Street	Lot 2, DP 547256; Lot 1, DP 1033368; Lot 1, DP 1033136	Local	I129
Richmond	"Bowman House"	368-370 Windsor Street	Part Lot 11, DP 629453	State	I00468
Richmond	St Peter's Anglican Church	384 Windsor Street	Lot 8, DP 238149; Lot 1, DP 1024037	Local	I134
Richmond Lowlands	Hawkesbury Agricultural College River Farm	173 Cornwells Lane	Lot 19, DP 752032	Local	I23
Richmond Lowlands	Georgian farmhouse	216 Edwards Road	Lots 1 and 2, DP 229549	Local	I25
Sackville	Residence and barn	888 Sackville Road	Lot 4, DP 616167	Local	I373
Sackville	St Thomas' Anglican Church	597 Tizzana Road	Part Lot 500, DP 751665	Local	I374
Sackville	St Thomas' Anglican Cemetery	614 Tizzana Road	Lot 503, DP 751665	Local	I376
Sackville	House	742 Tizzana Road	Lot 241, DP 616673	Local	I377
Sackville	"Lilburndale"	413 West Portland Road	Lot 18, DP 1096890	Local	I512
Scheyville	Scheyville National Park	Scheyville Road		State	I01817
South Windsor	Windsor Presbyterian Cemetery	8 Church Street	Lot 7305, DP 1154151	Local	I155
South Windsor	House	440 George Street	Lot 6, DP 38768	Local	I224
South Windsor	House	450 George Street	Lot 1, DP 38768	Local	I471
South Windsor	House	456 George Street	Lot 1, DP 838389	Local	I225
South Windsor	House	458 George Street	Lot 3, DP 1087379	Local	I226

South Windsor	House	464 George Street	Lot 1, SP 69563	Local	I472
South Windsor	"Glenroy"	465-465B George Street	Lots 15 and 16, Section O, DP 759096; Lot 1, DP 195535	Local	I227
South Windsor	Houses	482-486 George Street	Lots 1-3, DP 736578	Local	I228
South Windsor	House	540 George Street	Lot 21, DP 871420	Local	I230
South Windsor	House	546 George Street	Lot 1, SP 36706	Local	I231
South Windsor	"Mountain View"	550 George Street	Lot B, DP 421200	Local	I232
South Windsor	Former Windsor Grammar School	607 George Street	Lot 1, DP 546895	Local	I233
South Windsor	House	202 Macquarie Street	Lot 1, DP 225681	Local	I474
South Windsor	House	204 Macquarie Street	Lot 2, DP 225681	Local	I475
South Windsor	House	205 Macquarie Street	Lot 1, DP 511364	Local	I469
South Windsor	House	209 Macquarie Street	Lot 200, DP 1010515	Local	I473
St Albans	Old Great North Road	Old Great North Road between Devines Hill and Mount Manning		State	I00991
St Albans	Old General Cemetery (Settlers Cemetery)	1626 Settlers Road	Lot 72, DP 755258	Local	I439
St Albans	St Albans Bridge over MacDonald River	St Albans Road		State	I01480
St Albans	Gaol, courthouse and stables	19 Upper MacDonald Road	Lot 55, DP 753793	Local	I440
St Albans	Price Morris' Cottage	37 Upper MacDonald Road	Lot 26, DP 753793	State	I01444
St Albans	Fernance Property Graves	313 Upper MacDonald Road	Lot 1, DP 574341	Local	I420
St Albans	Ruins of "Our Lady of Loretto" Chapel and Cemetery	477 Upper MacDonald Road	Lot 2, DP 1001852	Local	I419

St Albans	Settlers Arm Inn	1-5 Wharf Street and 6-8 Bulga Street	Lots 3-7, DP 710647	Local	I436
St Albans	St Albans Anglican Church	26 Wharf Street	Lot 1A, Section 3, DP 758924	Local	I432
St Albans	St Albans Permanent Common	Wollombi Road	Lots 7301-7306, DP 1140079	Local	I438
St Albans	"Industrial Settler" Group ("Bailey's" homestead grave site, slab-built dwelling—Aaron Walter's Cottage)	135A and 135B Wollombi Road	Lot 4, DP 806902; Lot 2, DP 707535	Local	I433
St Albans	St Albans New General Cemetery	140-170 Wollombi Road	Lots 1-16, Section 10, DP 758924	Local	I434
St Albans	"The Glen" Homestead and "Governor Bailey's" burial ground	252 Wollombi Road	Lot 571, DP 1057735	Local	I435
Tennyson	House	269 Tennyson Road	Lot 2, DP 563819	Local	I460
The Slopes	"Coonawarra Lodge"	564 Slopes Road	Lot 11, DP 556607	Local	I414
Upper MacDonald	Slab-built dwelling	1349 Upper MacDonald Road	Lot 16, DP 753827	Local	I422
Vineyard	"Rosemont"	87 Level Crossing Road	Lot 1, DP 59145	Local	I459
Webbs Creek	Disused section of Main Road 181		Adjacent to Lot 32, DP 753828	Local	I426
Wilberforce	House and barn	201 Argyle Reach Road	Lot 23, DP 856258	Local	I378
Wilberforce	St John's General Cemetery (former Anglican Cemetery)	39-55 Clergy Road	Lots 7015 and 7016, DP 1032360; Land adjoining and to the south west of Lot 7016, DP 1032360	Part Local/ Part State	I01837
Wilberforce	Uniting Church (formerly Methodist Church)	2 David Street	Lot A, DP 327443	Local	I398
Wilberforce	"No Mathatha"	14 George Road	Lot B, DP 334004	Local	I379
Wilberforce	House	43 George Road	Lot 4, DP 568208	Local	I499

Wilberforce	War Memorial, Wilberforce Park	47 George Road	Lot 346, DP 751665	State	101868
Wilberforce	House and former shop	66 George Road	Lot 31, DP 816015	Local	1380
Wilberforce	"Stoneleigh"	108 Grono Farm Road	Lot 2, DP 1064649	Local	1331
Wilberforce	"Milby Grange"	127 Grono Farm Road	Lot 276, DP 751665	Local	1381
Wilberforce	House	9 King Road	Lot 1, DP 195883	Local	1382
Wilberforce	House	24 King Road	Lot 1, DP 834561	Local	1497
Wilberforce	House	43 King Road	Lot 2, DP 703055	Local	1383
Wilberforce	The Butcher's Shop	52 King Road	Lot 1, DP 196502	Local	1496
Wilberforce	St John's Anglican Church and schoolhouse	43 Macquarie Road	Lot 1, DP 771362	Part Local/ Part State	101836
Wilberforce	"Harmony Farm"	108 Pitt Town Ferry Road	Lot 1, DP 588784	Local	1388
Wilberforce	House	1 Putty Road	Lot 1, DP 603382	Local	1384
Wilberforce	"Primrose Cottage"	5 Putty Road	Lot 1, DP 799507	Local	1394
Wilberforce	"Pareora"	7 Putty Road	Lot 1, DP 505696	Local	1393
Wilberforce	"Rocky Hall"	546 Putty Road	Lot 1, DP 245757	Local	1395
Wilberforce	"Rose Cottage"	18 Rose Street	Lot 21, DP 829589	State	100358
Wilberforce	House	26 Rose Street	Lot 3, DP 706517	Local	1391
Wilberforce	"Barrabadeen"	52 Salters Road	Lot 287, DP 1082730	Local	1392
Wilberforce	"Stannix Park" House, cattle tanks and site	103 Stannix Park Lane	Lot 11, DP 789975	State	100598
Wilberforce	Barn	87 Wilberforce Road	Lot 616, DP 863291	Local	1275
Wilberforce	Cottage	446 Wilberforce Road	Lot 2, DP 595299	Local	1498
Wilberforce	Australiana Pioneer Village	496 Wilberforce Road	Lot 22, DP 829589	State	101683
Wilberforce	"Karoola"	530 Wilberforce Road	Lot 5, DP 791448	Local	1397
Wilberforce	Former Police Station	534 Wilberforce Road	Lot 61, DP 1009304	Local	1396

Wilberforce	House	541 Wilberforce Road	Lot 4, DP 1135286	Local	I399
Windsor	"Anschau House"	1 Anschau Crescent	Lot 2, DP 31098	Local	I138
Windsor	House	9 Baker Street	Lot 1, DP 871860	Local	I140
Windsor	House	11 Baker Street	Lot 1, DP 111632	Local	I141
Windsor	Houses	1-3 Brabyn Street	Lot 1, DP 1130843; Lot 1, DP 197170	Local	I142
Windsor	House	9 Brabyn Street	SP 71136	Local	I143
Windsor	House	15 Brabyn Street	Lot 5, DP 520176	Local	I144
Windsor	House	18 Brabyn Street	Lot 21, DP 1092348	Local	I145
Windsor	Railway cottage	21 Brabyn Street	Lot 1, DP 736139	Local	I146
Windsor	House	4 Bridge Street	Lot 10, DP 666894	State	Part of I00126
Windsor	House	8 Bridge Street	Lot 1, DP 995391	State	Part of I00126
Windsor	House	10 Bridge Street	Part Lot A, DP 381403	State	Part of I00126
Windsor	Former School of Arts	14 Bridge Street and 1 and 2/52 George Street	Lot 1, DP 136637; Lots 1 and 2, DP 1127620	State	Part of I00126
Windsor	House	17 Bridge Street	Lot 1, DP 555685	State	Part of I00126
Windsor	House	20 Bridge Street	Part Lot 2, DP 420926	Local	I147
Windsor	"The Windsor Tavern"	25-27 Bridge Street	Part Lot 101, DP 1151845; Lots 102 and 103, DP 1151845	Local	I151
Windsor	"Lock Up" ruins	32 Bridge Street	Lot 7017, DP 1030415	Local	I148
Windsor	Former Barrack Wall	32 Bridge Street	Lot 7017, DP 1030415	Local	I157
Windsor	Stables at rear of police station	32 Bridge Street	Lot 7017, DP 1030415	State	I01018
Windsor	The Toll House	40 Bridge Street	Lot 1, DP 583229	Local	I150
Windsor	House	2-4 Catherine Street	Lots 371 and 372, DP 813236	Local	I152



Windsor	House	5-7 Catherine Street	Lot 1, DP 573726; Lot 7, DP 1105572	Local	I153
Windsor	"Claremont Cottage"	16 Claremont Crescent	Lot 11, DP 816462	State	I00738
Windsor	Windsor Roman Catholic Cemetery	Corner George Street, Richmond Road and Macquarie Street	Lots 101-104, DP 1101551	Local	I259
Windsor	"Windsor Court House"	34 Court Street	Lot 7018, DP 1060980	State	I00804
Windsor	"Trevallyn"	10 Day Street	Lot 50, DP 1137999	Local	I158
Windsor	Public school	2-6 Dight Street and 328 George Street	Lot 1, DP 724345; Lot 359, DP 729849; Lot 1, DP 122886	Local	I159
Windsor	"Fairfield House"	21 Fairfield Avenue	Lot 8, DP 556639	Local	I256
Windsor	House	1 Fitzgerald Street	Lot 1, DP 731707	Local	I160
Windsor	"Sunny Brae"	12 Fitzgerald Street	Lot 21, DP 603166	Local	I161
Windsor	"Mackenzie House"	29 Fitzgerald Street	Lot 2, DP 580289	State	Part of I00735
Windsor	House	12 Forbes Street	Lot 1, DP 199020	Local	I164
Windsor	House	16 Forbes Street	Lot 1, DP 572164	Local	I165
Windsor	Hannabas Dairy	27 George Street	Lot 2, DP 212542	Local	I166
Windsor	House	31 George Street	Lot 3, DP 1119195	Local	I167
Windsor	House	32 George Street	Lot 1, DP 136623	Local	I168
Windsor	House	34 George Street	Lot 34, DP 742262	Local	I169
Windsor	House	35 George Street	Lot 2, DP 770964	Local	I170
Windsor	House	40 George Street	Lot 1, DP 713478	Local	I171
Windsor	House	41 George Street	Lot 1, DP 995355	State	I01843
Windsor	House	43 George Street	Lot 1, DP 203668	Local	I174
Windsor	House	45 George Street	Lot 45, DP 1113935	Local	I173
Windsor	House	48 George Street	Lot 3, Section 10, DP 759096	Local	I175
Windsor	Houses	62-68 George Street	Lots 1 and 2, DP 555685	State	Part of I00126
Windsor	Shop	70 George Street	Lot 1, DP 1011887	State	Part of I00126

Windsor	Shop	74 George Street	Lot 1, DP 87241	State	Part of I00126
Windsor	Shop	80-82 George Street	Lots 10 and 11, DP 630209	State	Part of I00126
Windsor	Macquarie Arms Hotel	81 George Street	Lot 1, DP 864088	State	I00041
Windsor	Shop	84 and 88 George Street	Lot 1, DP 223433; Lot 2, DP 233054	State	Part of I00126
Windsor	Shop	109 George Street and 9B Baker Street	Lots 111 and 112, DP 739120	Local	I176
Windsor	Former house	117 George Street	Lot 101, DP 737270	Local	I177
Windsor	Former house	123 George Street	Lot 104, DP 737270	Local	I178
Windsor	"Loder House"	126 George Street	Lot 1, DP 580752	State	I00003
Windsor	House and shop	127 George Street	Lot 8, DP 607128	Local	I180
Windsor	Shop	131 George Street	Lot B, DP 32825	Local	I181
Windsor	Shop	135 George Street	Lot A, DP 32825	Local	I182
Windsor	House and shop	136 George Street	Lot 2, DP 659668	Local	I183
Windsor	Former house	137 George Street	Lot 1, DP 448270	Local	I184
Windsor	Bank	141 George Street	Lot A, DP 160933	Local	I185
Windsor	Bank	146 George Street	Lot 4, DP 558970	Local	I186
Windsor	"Bussell Bros"	153 George Street	Lot C, DP 394938	Local	I192
Windsor	Bank	156 George Street	Lot 3, DP 558970	Local	I187
Windsor	Shop	160-160A George Street	Lot 1, DP 742050; Lot 2, DP 537539	Local	I189
Windsor	"Fitzroy Hotel"	161 George Street	Lot 1, DP 83287	Local	I188
Windsor	Shop	162-166 George Street	Lots X and N, DP 161323; Lot 3, DP 259300	Local	I190
Windsor	Shop	167-169 George Street	Lot 1, DP 199771	Local	I191
Windsor	Former Windsor Post Office	180 George Street	Lot 1, DP 771874	Local	I235
Windsor	Shop	181 George Street	Lot 1, DP 227084	Local	I193
Windsor	Shop	189 George Street	Lot 11, DP 876951	Local	I194
Windsor	Former shop	194 George Street	Lot 1, DP 1008865	Local	I195

Windsor	Shop	199 George Street	Lot 4, DP 1072197	Local	I197
Windsor	Former shop	200 George Street	Lot 1, DP 75108	Local	I196
Windsor	Royal Exchange Hotel	203-207 George Street	Lots 1 and 2, DP 1094217	Local	I199
Windsor	Shop	206 George Street	Lot 1, DP 596806	Local	I198
Windsor	Simmons Hardware Store	226 George Street	Lot 12, DP 1159754	State	I00667
Windsor	O'Brien's Building	242 George Street	Lot 1, DP 566382	Local	I201
Windsor	Former inn	265 George Street	Lot 2, DP 82467	Local	I202
Windsor	"The Royal Theatre" (former)	266 George Street	Lot 1, DP 435893	Local	I203
Windsor	House	267 George Street	Lot 2, DP 602252	Local	I204
Windsor	House	268 George Street	Lot 22, DP 1148530	Local	I205
Windsor	House	271 George Street	Lot 271, DP 1106015	Local	I207
Windsor	House	275 George Street	Lot B, DP 155672	Local	I208
Windsor	House	279 George Street	Lot 1, DP 702967	Local	I209
Windsor	House	283 George Street	Lot 1, DP 784340	Local	I210
Windsor	Residence and surgery	287 George Street	Lot 3, DP 70337	Local	I211
Windsor	House	291 George Street	Lot 2, DP 226437	Local	I212
Windsor	House	301 George Street	Lot 301, DP 1105735	Local	I213
Windsor	House	303 George Street	Lot 3, DP 702966	Local	I214
Windsor	House	307 George Street	Lot 1, DP 198135	Local	I215
Windsor	Former house	308 George Street	Lot 49, DP 875355	Local	I516
Windsor	Former house	310 George Street	Lot B, DP 159779	Local	I517
Windsor	"Mrs Cope's Cottage"	312 George Street	Lot 1, DP 605013	Local	I217
Windsor	Shop	319 George Street	Lot 21, DP 830445	Local	I216
Windsor	Dedication stone, Hawkesbury Hospital	320 George Street	Lot 50, DP 1035291	Local	I245

Windsor	Main Hospital block, brick fence and Ashlar Morgue Building	320 George Street	Lot 50, DP 1035291	Local	I513
Windsor	Well structure	320 George Street	Lot 50, DP 1035291	Local	I514
Windsor	Former Windsor Council Chambers	325 George Street	Lot 4, Section 12, DP 759096	Local	I219
Windsor	"Tates Hotel"	339 George Street	Lot A, DP 84001	Local	I220
Windsor	"The Reverend Turner Cottage" (formerly "Oxalis Cottage")	360-360A George Street	Part Lot 1, DP 998012	State	I00202
Windsor	Bandstand rotunda	361 George Street	Lot 1, DP 556829	Local	I218
Windsor	"Learholm"	391-393 George Street	Lots 8 and 9, DP 1093	Local	I222
Windsor	Shop	394 George Street	Lot 2, DP 499865	Local	I223
Windsor	Shop	396 George Street	Lot 73, DP 1045497	Local	I477
Windsor	McQuade Park	361 George Street	Lot 1, DP 556829	State	I01851
Windsor	Railway Hotel	419 George Street	Lot 1, Section D, DP 1093	Local	I229
Windsor	Windsor Railway Station	425 George Street	Lot 1, DP 1022444	State	I01287
Windsor	Former inn	29 Greenway Crescent	Lot 2, DP 816755	Local	I237
Windsor	House and outbuildings	22 Hawkesbury Valley Way	Lot 6, DP 654301	Local	I258
Windsor	Fairfield House Gateway	52 Hawkesbury Valley Way	Lot 1, DP 243057	Local	I257
Windsor	House	25 Johnston Street	Lot 1, DP 800664	State	I00075
Windsor	"Uralla"	6 Kable Street	Lot 1, DP 1005845	Local	I139
Windsor	Former Masonic Hall	22 Kable Street	Lot 1, DP 998061	Local	I239
Windsor	Houses	1-3 Little Church Street	Lot 21, DP 1085640; Lot 1, DP 742156	Local	I240
Windsor	The Bell Inn	2-4 Little Church Street	Lots 1 and 2, SP 56964	Local	I154
Windsor	St Matthew's Roman Catholic Church	8 Little Church Street	Lot 1, DP 872759	Local	I262

Windsor	House	17 Little Church Street	Lot 16, Section 13, DP 759096	Local	I241
Windsor	House	21 Little Church Street	Lot 11, DP 1043426	Local	I242
Windsor	House	23 Little Church Street	Lot 1, DP 743317	Local	I243
Windsor	"Elourea"	33 Macquarie Street	Lot 3, DP 2995	Local	I476
Windsor	Former Methodist Parsonage	49 Macquarie Street	Lot 16, DP 809182	State	Part of I00735
Windsor	Uniting Church and hall	53 Macquarie Street	Lot 1, DP 34642	State	Part of I00735
Windsor	Shop and dwelling	95 Macquarie Street	Lot 1, DP 1053061	Local	I246
Windsor	House	8 Mileham Street	Lot B, DP 373884	Local	I247
Windsor	"Woodside" (former Melville Cottage)	39 Mileham Street	Lot 18, DP 998546	Local	I248
Windsor	St Matthew's Anglican Church, rectory, cemetery and stables	1 Moses Street	Lot 1, DP 1034515; Lot 17, DP 37952	State	I00015
Windsor	House	1 New Street	Lot 1, DP 783338	Local	I251
Windsor	Former St Matthew's School	7 New Street	Lot 1, DP 194342	Local	I252
Windsor	House	25 North Street	Lot 201, DP 593790	State	I00150
Windsor	House	26-28 North Street	Lot 1, DP 749299	State	I00108
Windsor	House	29 North Street	Lot 200, DP 593790	State	I00107
Windsor	Houses	31-33 North Street	Lot 19, DP 745851	State	I00142
Windsor	House	35 North Street	Lot 181, DP 593791	State	I00109
Windsor	Former Peninsula Inn	37-39 North Street	Lot 182, DP 593791	State	I00110
Windsor	Public reserve	3 Old Bridge Street	Lot 345, DP 752061	State	Part of I00126
Windsor	"Peninsula House" and observatory	51 Palmer Street	Lot 1, DP 731655	State	I00028
Windsor	"Fitzroy Cottage"	2 Tebbutt Street	Lot 1, DP 734005	Local	I260
Windsor	House	4 Tebbutt Street	Lot 4, DP 1117674	Local	I261
Windsor	House	6 Tebbutt Street	Lot 1, DP 124494	Local	I470

Windsor	Thompson Square	The Terrace, George Street and Bridge Street	Lot 7007, DP 1029964	State	Part of I00126
Windsor	House	74 The Terrace	Lot 2, DP 816331	Local	I263
Windsor	"Crescentville"	80 The Terrace	Lot 1, DP 816331	Local	I264
Windsor	"Riverview Cottage"	86 The Terrace	Lot 10, DP 882748	Local	I265
Windsor	"Hill Crest"	88 The Terrace	Lot 11, DP 882748	Local	I266
Windsor	House	92 The Terrace	Lot 15, DP 1105638	Local	I271
Windsor	"Lindfield House"	94 The Terrace	Lot 16, DP 1105530	Local	I267
Windsor	"Fairview"	98 The Terrace	Lot 1, DP 745516	Local	I268
Windsor	House	100 The Terrace	Lot 1, DP 712383	Local	I269
Windsor	House	105 and 105A The Terrace	Lots 1 and 2, DP 12710	Local	I272
Windsor	"The Doctor's House"	1-3 Thompson Square	Lot B, DP 161643; Lot 1, DP 196531	State	Part of I00126
Windsor	House	5 Thompson Square	Lot 1, DP 745036	State	I00005
Windsor	Former Coffey's Inn	7 Thompson Square	Lot 1, DP 60716	State	Part of I00126
Windsor	Windsor Bridge	Wilberforce Road		Local	I276

## Part 2 Heritage conservation areas

Name of area	Identification of area	Significance
Pitt Town Conservation Area	Shown by red hatching and labelled "C1" on the <a href="#">Heritage Map</a>	Local
St Albans' Conservation Area	Shown by red hatching and labelled "C2" on the <a href="#">Heritage Map</a>	Local
North Street Conservation Area	Shown by red hatching and labelled "C3" on the <a href="#">Heritage Map</a>	State
Thompson Square Conservation Area	Shown by red hatching and labelled "C4" on the <a href="#">Heritage Map</a>	State

## Schedule 6 Pond-based and tank-based aquaculture

(Clause 5.19)

### Part 1 Pond-based and tank-based aquaculture

#### Division 1 Site location requirements

##### 1 Conservation exclusion zones

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

**Note—**

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

#### Division 2 Operational requirements

##### 2 Species selection

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

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

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

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

For pond-based aquaculture and tank-based aquaculture that is also intensive

aquaculture—no discharge of freshwater used to intensively cultivate or keep fish to natural waterbodies or wetlands is permitted, except freshwater discharge from open flow through systems.

## **5 Outlets from culture ponds etc**

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

## **6 Definition**

In this Division—

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

# **Part 2 Extensive pond-based aquaculture**

## **Division 1 Site location requirements**

### **7 Conservation exclusion zones**

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

#### **Note—**

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

### **8 Flood liability**

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

## **Division 2 Operational requirements**

### **9 Species selection**

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



## 10 Pond design

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

## 11 Culture water

Must use freshwater.

## Dictionary

(Clause 1.4)

### Note—

The Act and the [Interpretation Act 1987](#) contain definitions and other provisions that affect the interpretation and application of this Plan.

**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 [Hawkesbury Local Environmental Plan 2012 Acid Sulfate Soils Map](#).

**Additional Permitted Uses Map** means the [Hawkesbury Local Environmental Plan 2012 Additional Permitted Uses Map](#).

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

**Note—**

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

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

**Note—**

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

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

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

**Note—**

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

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

**Note—**

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

**agriculture** means any of the following—

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

**Note—**

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

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

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

- (a) a retail area for the sale of the products,
- (b) a restaurant or cafe,
- (c) facilities for holding tastings, tours or workshops.

**Note—**

See clause 5.4 for controls in industrial or rural zones relating to the retail floor area of an artisan food and drink industry.

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

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

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

**Note—**

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

**attic** means any habitable space, but not a separate dwelling, contained wholly within a roof above

the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

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

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

**Note—**

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

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

**battle-axe lot** means a lot that has access to a road by an access handle.

**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.

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

**Note—**

The term is defined as follows—

**bush fire hazard reduction work** means—

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

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

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

**Note—**

The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 10.3(2) of the Act.

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

**business identification sign** means a sign—

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

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

**Note—**

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

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

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

(b) a service is provided directly to members of the public on a regular basis,

and includes 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.

**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 highway,
- (b) a main road,
- (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 Hawkesbury 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.

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

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

**Note—**

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

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

**Note—**

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

**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.

**designated State public infrastructure** means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds—

- (a) State and regional roads,
- (b) land required for regional open space.

**drainage** means any activity that intentionally alters the hydrological regime of any locality by

facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

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

**Note—**

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

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

**Note—**

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

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

**Note—**

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

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

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

**Note—**

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

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

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

**earthworks** means excavation or filling.

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

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

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

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

**Note—**

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

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

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

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

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

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

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

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

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

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

**Environmental Constraints Area Map** means the [Hawkesbury Local Environmental Plan 2012 Environmental Constraints Area Map](#).

**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.

**Exceptions to Development Standards Map** means the [Hawkesbury Local Environmental Plan 2012 Exceptions to Development Standards Map](#).

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

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

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

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

**Note—**

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

**extractive industry** means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing,

sawing or separating, but does not include turf farming.

**Note—**

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

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

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

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

**Note—**

Feedlots are a type of **intensive livestock agriculture**. Intensive livestock agriculture does not include **extensive agriculture**. See the definitions of those terms in this Dictionary.

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

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

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

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

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

**Note—**

The term is defined as follows—

**Definition of “fish”**

(1)

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

(2)

**Fish** includes—

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

(3)

**Fish** also includes any part of a fish.

(4)

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

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

**floor space ratio**—see clause 4.5.

**Floor Space Ratio Map** means the *Hawkesbury Local Environmental Plan 2012 Floor Space Ratio Map*. [Not adopted. See clause 4.4]

**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.

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

**freight transport facility** means a facility used principally for the bulk handling of goods for

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

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

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

**Note—**

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

**garden centre** means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may include a restaurant or cafe and the sale of any of the following—

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

**Note—**

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

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

**Note—**

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

**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 [Hawkesbury Local Environmental Plan 2012 Height of Buildings Map](#).

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

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

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

**Note—**

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

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

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

**heritage conservation management plan** means a document prepared in accordance with guidelines prepared by the 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 [Hawkesbury Local Environmental Plan 2012 Heritage Map](#).

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

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

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

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

**Note—**

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 \(NSW\)](#).

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

- (a) the employment of more than 2 persons other than the residents,
- (b) interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
- (c) the exposure to view, from adjacent premises or from a public place, of unsightly matter,
- (d) the exhibition of signage, other than a business identification sign,
- (e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing,

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

**Note—**

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

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

- (a) the employment of more than 2 persons other than the residents,
- (b) interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
- (c) the exposure to view, from adjacent premises or from a public place, of unsightly matter,
- (d) the exhibition of signage, other than a business identification sign,
- (e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing,

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

**Note—**

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

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

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

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

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

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

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

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

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

**Note—**

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

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

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

**Note—**

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

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

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

**Note—**

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

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

that—

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

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

**Note—**

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

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

**Industrial retail outlet** means a building or place that—

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

but does not include a warehouse or distribution centre.

**Note—**

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

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

**Industry** means any of the following—

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

but does not include—

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



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

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

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

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

**Note—**

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

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

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

**Note—**

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

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

**kiosk** means premises that are used for the purposes of selling food, light refreshments and other small convenience items 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 [Hawkesbury Local Environmental Plan 2012 Land Application Map](#).

**Land Reservation Acquisition Map** means the [Hawkesbury Local Environmental Plan 2012 Land Reservation Acquisition Map](#).

**Land Zoning Map** means the [Hawkesbury Local Environmental Plan 2012 Land Zoning Map](#).

**landscaped area** means a part of a site used for growing plants, grasses and trees, but does not

include any building, structure or hard paved area.

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

**Note—**

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

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

- (a) high technology industry,
- (b) home industry,
- (c) artisan food and drink industry.

**Note—**

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

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

**Note—**

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

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

**Note—**

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

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

**Note—**

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

**Lot Averaging Map** means the [Hawkesbury Local Environmental Plan 2012 Lot Averaging Map](#).

**Lot Size Map** means the [Hawkesbury Local Environmental Plan 2012 Lot Size Map](#).

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

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

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

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

**Note—**

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

**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 neighbourhood supermarkets or restricted premises.

**Note—**

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

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

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

**Note—**

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

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

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

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

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

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

**Note—**

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

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

**Note—**

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

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

**Note—**

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

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

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

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

**Note—**

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

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

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

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

**Note—**

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

**Pitt Town Heritage Map** means the [Hawkesbury Local Environmental Plan 2012 Pitt Town Heritage Map](#).

**Pitt Town Subdivision and Designated State Public Infrastructure Map** means the [Hawkesbury Local Environmental Plan 2012 Pitt Town Subdivision and Designated State Public Infrastructure Map](#).

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

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

**Note—**

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

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

**Note—**

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

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

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,

- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

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

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

**Note—**

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

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

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

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

**Note—**

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

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

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

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

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

**public utility infrastructure**, in relation to an urban release area, includes infrastructure for any of the following—

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage.

**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 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 Lot Yield Map** means the [Hawkesbury Local Environmental Plan 2012 Restricted Lot Yield Map](#).

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

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

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

- (a) (Repealed)
- (b) 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,
- (la) specialised retail premises,
- (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.

**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 and neighbourhood supermarket, but does not include food and drink premises or restricted premises.

**Note—**

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

**shop top housing** means one or more dwellings located above 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.

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

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

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

**Note—**

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

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

**stock and sale yard** means a building or place that is used on a commercial basis for the purpose of

offering livestock or poultry for sale and that may be used for the short-term storage and watering of stock.

**Note—**

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

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

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

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

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

**Note—**

The term is defined as follows—

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

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

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

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

**Note—**

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

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

**Note—**

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

**telecommunications facility** means—

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



(c) any other thing used in or in connection with a telecommunications network.

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

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

**Note—**

The term is defined as follows—

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

**Terrestrial Biodiversity Map** means the [Hawkesbury Local Environmental Plan 2012 Terrestrial Biodiversity Map](#).

**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.

**urban release area** means the area of land identified as “Urban Release Area” on the [Urban Release Area Map](#).

**Urban Release Area Map** means the [Hawkesbury Local Environmental Plan 2012 Urban Release Area Map](#).

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

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

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

**Note—**

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

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

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

**Note—**

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

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

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

waste after its disposal.

**Note—**

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

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

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

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

**Note—**

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

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

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

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

**Note—**

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

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

**Note—**

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

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

**Note—**

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

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

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

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

**Note—**

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

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

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

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

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

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

**wetland** means—

- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgeland, 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, sedgeland 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.

**Wetlands Map** means the [Hawkesbury Local Environmental Plan 2012 Wetlands Map](#).

**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 receival, 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.