

# Cumberland Local Environmental Plan 2021

[2021-651]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

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

### About this plan

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

### Authorisation

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

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New South Wales

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# Cumberland Local Environmental Plan 2021



## Part 1 Preliminary

### 1.1 Name of Plan

This Plan is [Cumberland Local Environmental Plan 2021](#).

### 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 Cumberland 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 a comprehensive planning framework for the sustainable development of land in Cumberland,
  - (b) to provide for a range of land uses and development in appropriate locations to meet community needs,
  - (c) to facilitate economic growth and employment opportunities within Cumberland,
  - (d) to conserve and maintain the natural, built and cultural heritage of Cumberland,
  - (e) to provide for community facilities and services in Cumberland to meet the needs of residents, workers and visitors,
  - (f) to promote development that is environmentally sustainable.

### 1.3 Land to which Plan applies

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

#### **1.4 Definitions**

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

#### **1.5 Notes**

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

#### **1.6 Consent authority**

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

#### **1.7 Maps**

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

**Note—**

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

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

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

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

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

### **1.9 Application of SEPPs**

- (1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 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—

### **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 biodiversity certification conferred under the *Biodiversity Conservation Act 2016*, Part 8, or
  - (c) to any private land conservation agreement within the meaning of the *Biodiversity Conservation Act 2016*, or
  - (d) to any relevant instrument within the meaning of the *Crown Land Management Act 2016*, section 13.4, or
  - (e) to the relevant provisions of a land management (native vegetation) code (and the necessary mandatory code compliant certificate) with respect to a set aside area under the *Local Land Services Act 2013*, Part 5A, or
  - (f) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
  - (g) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003* that is continued in force by the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*, or
  - (h) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001* that is continued in force by the *Biodiversity Conservation (Savings and*



*Transitional) Regulation 2017, or*

- (i) to any planning agreement within the meaning of the Act, Division 7.1.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under the Act, section 3.16, the Governor, before the making of this clause, approved of subclauses (1)–(3).

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

### **2.1 Land use zones**

The land use zones under this Plan are as follows—

#### **Residential Zones**

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

#### **Employment Zones**

- E1 Local Centre
- E2 Commercial Centre
- E3 Productivity Support
- E4 General Industrial

#### **Mixed Use Zones**

- MU1 Mixed Use

#### **Special Purpose Zones**

- SP1 Special Activities
- SP2 Infrastructure

#### **Recreation Zones**

- RE1 Public Recreation
- RE2 Private Recreation

#### **Conservation Zones**

- C2 Environmental Conservation

## **Waterway Zones**

### W1 Natural Waterways

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

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

## **2.3 Zone objectives and Land Use Table**

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

### **Notes—**

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

## **2.4 Unzoned land**

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

and

- (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

## 2.5 Additional permitted uses for particular land

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

## 2.6 Subdivision—consent requirements

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

### Notes—

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

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

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

### Note—

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

## 2.7 Demolition requires development consent

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

### Note—

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

## 2.8 Temporary use of land

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

## 2.9 Canal estate development prohibited

- (1) Canal estate development is prohibited on land to which this Plan applies.
- (2) In this Plan, **canal estate development** means development that involves—
  - (a) a constructed canal, or other waterway or waterbody, that—
    - (i) is inundated by surface water or groundwater movement, or
    - (ii) drains to a waterway or waterbody by surface water or groundwater movement, and
  - (b) the erection of a dwelling, and

(c) one or both of the following—

- (i) the use of fill material to raise the level of all or part of the land on which the dwelling will be erected to comply with requirements for residential development in the flood planning area,
- (ii) excavation to create a waterway.

(3) Canal estate development does not include development for the purposes of drainage or the supply or treatment of water if the development is—

- (a) carried out by or with the authority of a person or body responsible for the drainage, supply or treatment, and
- (b) limited to the minimum reasonable size and capacity.

(4) In this clause—

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

## Land Use Table

### Note—

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

[State Environmental Planning Policy \(Housing\) 2021](#)

[State Environmental Planning Policy \(Transport and Infrastructure\) 2021](#), Chapter 2—relating to infrastructure facilities, including air transport, correction, education, electricity generating works and solar energy systems, health services, ports, railways, roads, waste management and water supply systems

[State Environmental Planning Policy \(Resources and Energy\) 2021](#), Chapter 2

[State Environmental Planning Policy \(Resilience and Hazards\) 2021](#), Chapter 3

[State Environmental Planning Policy \(Industry and Employment\) 2021](#), Chapter 3

[State Environmental Planning Policy \(Primary Production\) 2021](#), Chapter 2

## Zone 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 encourage residential development that maintains the amenity of the surrounding area.

- To ensure that non-residential land uses are located in a setting that minimises impacts on the amenity of a low-density residential environment.

## **2 Permitted without consent**

Home occupations

## **3 Permitted with consent**

Bed and breakfast accommodation; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Early education and care facilities; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Hospitals; Hostels; Neighbourhood shops; Oyster aquaculture; Pond-based aquaculture; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Seniors housing; Semi-detached dwellings; Tank-based aquaculture; Water recycling 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 ensure that non-residential land uses are located in a setting that minimises impacts on the amenity of a medium density residential environment.
- To encourage residential development that maintains the amenity of the surrounding area.

## **2 Permitted without consent**

Home occupations

## **3 Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Early education and care facilities; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Home businesses; 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); Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Tank-based aquaculture; Water recycling facilities

## **4 Prohibited**

Any other development not specified in item 2 or 3

### **Zone R4 High Density Residential**

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

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that non-residential land uses are located in a setting that minimises impacts on the amenity of a high density residential environment.
- To encourage residential development that maintains the amenity of the surrounding area.

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

Home occupations

### **3 Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Home industries; Hostels; Kiosks; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Residential flat buildings; Respite day care centres; Roads; Seniors housing; Shop top housing; Water recycling facilities; Any other development not specified in item 2 or 4

### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Dwelling houses; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Port facilities; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

## **Zone E1 Local Centre**

### **1 Objectives of zone**

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.



- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To promote active street frontages on the ground floor of buildings that attract pedestrian traffic and that facilitate active and vibrant centres with inviting public domain areas.

## **2 Permitted without consent**

Home occupations

## **3 Permitted with consent**

Amusement centres; Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Group homes; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation facilities (indoor); Respite day care centres; Service stations; Shop top housing; Tank-based aquaculture; Veterinary hospitals; Any other development not specified in item 2 or 4

## **4 Prohibited**

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

Wholesale supplies

## **Zone E2 Commercial Centre**

### **1 Objectives of zone**

- To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.
- To encourage investment in commercial development that generates employment opportunities and economic growth.
- To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.
- To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.

### **2 Permitted without consent**

Home occupations

### **3 Permitted with consent**

Amusement centres; Artisan food and drink industries; Backpackers' accommodation; Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Group homes; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Mortuaries; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Shop top housing; Tank-based aquaculture; Vehicle repair stations; Veterinary hospitals; Any other development not specified in item 2 or 4

### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism

boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Port facilities; Recreation facilities (major); Research stations; Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

### **Zone E3 Productivity Support**

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

- To provide a range of facilities and services, light industries, warehouses and offices.
- To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.
- To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.
- To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.
- To provide opportunities for new and emerging light industries.
- To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.

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

Nil

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

Animal boarding or training establishments; Boat building and repair facilities; Building identification signs; Business identification signs; Business premises;

Centre-based child care facilities; Community facilities; Depots; Food and drink premises; Function centres; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Kiosks; Landscaping material supplies; Light industries; Local distribution premises; Markets; Mortuaries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Rural supplies; Service stations; Specialised retail premises; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies; Any other development not specified in item 2 or 4

#### **4 Prohibited**

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

### **Zone E4 General Industrial**

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

- To provide a range of industrial, warehouse, logistics and related land uses.
- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.

- To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.

## **2 Permitted without consent**

Nil

## **3 Permitted with consent**

Centre-based child care facilities; Depots; Food and drink premises; Freight transport facilities; Garden centres; General industries; Goods repair and reuse premises; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Liquid fuel depots; Local distribution premises; Markets; Neighbourhood shops; Oyster aquaculture; Plant nurseries; Rural supplies; School-based child care; Take away food and drink premises; Tank-based aquaculture; Timber yards; Warehouse or distribution centres; Any other development not specified in item 2 or 4

## **4 Prohibited**

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

### **Zone MU1 Mixed Use**

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

- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
- To ensure that new development provides diverse and active street frontages

to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.

- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.

## **2 Permitted without consent**

Home occupations

## **3 Permitted with consent**

Amusement centres; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Hostels; Information and education facilities; Light industries; Local distribution premises; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Any other development not specified in item 2 or 4

## **4 Prohibited**

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

## **Zone SP1 Special Activities**

### **1 Objectives of zone**

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

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Aquaculture; Building identification signs; Business identification signs; Cemeteries; Community facilities; Crematoria; Depots; Environmental facilities; Environmental protection works; Funeral homes; Kiosks; Markets; Mortuaries; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); 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**

Nil

### **3 Permitted with consent**

Aquaculture; Car parks; Community facilities; Depots; Environmental facilities; Environmental protection works; Freight transport facilities; Funeral homes;

Kiosks; Markets; Mortuaries; Passenger transport facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads; Signage; 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.

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

Environmental protection works; Flood mitigation works

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

Aquaculture; Centre-based child care facilities; Community facilities; Depots; Environmental facilities; Function centres; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Signage; Take away food and drink premises; Water recreation structures; Water recycling 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; Flood mitigation works

## **3 Permitted with consent**

Aquaculture; Centre-based child care facilities; Community facilities; Depots; Emergency services facilities; Entertainment facilities; Environmental facilities; Food and drink premises; Function centres; Home businesses; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restaurants or cafes; Roads; Signage; Take away food and drink premises; Tourist and visitor accommodation; Water recreation structures; Water recycling facilities

## **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone C2 Environmental Conservation**

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

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

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

Environmental protection works; Flood mitigation works

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

Building identification signs; Business identification signs; Environmental facilities; Information and education facilities; Oyster aquaculture; Recreation areas; Roads

#### **4 Prohibited**

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

Environmental protection works; Flood mitigation works

### **3 Permitted with consent**

Aquaculture; Building identification signs; Business identification signs; Environmental facilities; Roads

### **4 Prohibited**

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

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

### **3.1 Exempt development**

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

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

**Note—**

See *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 2 and the *Local Land Services Act 2013*, Part 5A.

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

### **3.2 Complying development**

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

**Note—**

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

- (3) To be complying development, the development must—
- (a) be permissible, with development consent, in the zone in which it is carried out, and

- (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
  - (c) have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.
- (4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out or referred to in Part 2 of that Schedule.
- (5) A heading to an item in Schedule 3 is part of that Schedule.

### 3.3 Environmentally sensitive areas excluded

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.
- (2) For the purposes of this clause—

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

- (a) the coastal waters of the State,
- (b) a coastal lake,
- (c) land within the coastal wetlands and littoral rainforests area (within the meaning of the *Coastal Management Act 2016*),
- (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
- (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
- (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
- (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
- (h) land reserved under the *National Parks and Wildlife Act 1974* or land acquired under Part 11 of that Act,
- (i) land reserved or dedicated under the *Crown Land Management Act 2016* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
- (j) land that is a declared area of outstanding biodiversity value under the *Biodiversity*

*Conservation Act 2016* or declared critical habitat under Part 7A of the *Fisheries Management Act 1994*,

(ja) land shown as “Remnant Native Vegetation” on the [Biodiversity Map](#).

## **Part 4 Principal development standards**

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

- (1) The objectives of this clause are as follows—
  - (a) to ensure that new lots are able to accommodate development that is consistent with development controls including adequate areas for vehicle and pedestrian access, private open space and landscaping,
  - (b) to prevent fragmentation of land that would preclude the achievement of the land uses or development desired in a given locality,
  - (c) to ensure that new subdivisions reflect characteristic lot sizes and patterns of the area.
- (2) This clause applies to a subdivision of any land shown on the [Lot Size Map](#) that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
  - (3A) If a lot is a battleaxe lot, or other lot with an access handle, the area of the access handle is not to be included when calculating the size of the lot for the purposes of this clause.
  - (3B) The minimum lot size for dwelling houses is—
    - (a) if the minimum lot size shown on the [Lot Size Map](#) is 550 square metres—550 square metres,
    - (b) otherwise—450 square metres.
  - (3C) The minimum lot size for development on land shown edged blue and identified as “Former Lidcombe Hospital Site” on the [Lot Size Map](#) is as follows in relation to development for the purposes of—
    - (a) dwelling houses—
      - (i) 350 square metres, or
      - (ii) if a garage will be accessed from the rear of the property—290 square metres,

or

- (iii) if the dwelling house will be on a zero lot line—270 square metres,
  - (b) semi-detached dwellings—270 square metres,
  - (c) multi dwelling housing—170 square metres for each dwelling,
  - (d) attached dwellings—170 square metres.
- (4) This clause does not apply in relation to the subdivision of any land—
- (a) by the registration of a strata plan or strata plan of subdivision under the *Strata Schemes Development Act 2015*, or
  - (b) by any kind of subdivision under the *Community Land Development Act 2021*.

#### **4.1AA Minimum subdivision lot size for community title schemes**

- (1) The objectives of this clause are as follows—
- (a) to ensure that land is not fragmented by subdivisions that create additional dwelling entitlements.
- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the *Community Land Development Act 2021* of land in any of the following zones—
- (a) Zone R2 Low Density Residential,
- but does not apply to a subdivision by the registration of a strata plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the *Community Land Development Act 2021*) is not to be less than the minimum size shown on the *Lot Size Map* in relation to that land.
- (4) This clause applies despite clause 4.1.

#### **4.1A Exceptions to minimum subdivision lot sizes for certain residential development**

- (1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.
- (2) Development consent must not be granted for the subdivision of land to create a lot of a size that is less than the minimum size shown on the *Lot Size Map* in relation to the land unless—
- (a) the subdivision is for the purposes of dual occupancies or semi-detached dwellings, or

- (b) there is an existing dual occupancy situated on the land that was lawfully erected in accordance with an environmental planning instrument before this Plan commenced and each resulting lot from the subdivision will contain a single dwelling.
- (3) The minimum lot size for dual occupancies and semi-detached dwellings under clause 4.1B applies to development involving subdivision for the purposes of dual occupancies and semi-detached dwellings referred to in subclause (2)(a).
- (4) A single development consent may be granted to development that involves both—
  - (a) the subdivision of land into 3 or more lots, and
  - (b) the erection of an attached dwelling or a semi-detached dwelling on each lot resulting from the subdivision.

**4.1B Minimum lot sizes for dual occupancies and semi-detached dwellings in Zones R2 and R3**

- (1) The objectives of this clause are as follows—
  - (a) to achieve planned residential density in certain zones,
  - (b) to ensure that lot sizes are consistent with the predominant lot size pattern of the area,
  - (c) to maintain a low and medium density residential character in existing neighbourhoods,
  - (d) to ensure adequate road and transport infrastructure,
  - (e) to minimise any adverse impact on local amenity.
- (2) This clause applies to development for the purposes of the erection of a dual occupancy or semi-detached dwelling on land in the following zones—
  - (a) Zone R2 Low Density Residential,
  - (b) Zone R3 Medium Density Residential.
- (3) Development consent must not be granted to development to which this clause applies unless the area of the lot is equal to or greater than 550 square metres.

**4.1C Minimum lot sizes for places of public worship in Zones R3 and R4**

- (1) The objectives of this clause are as follows—
  - (a) to ensure that the size of lots for places of public worship on land in Zone R3 Medium Density Residential and Zone R4 High Density Residential is compatible with the character of the locality,

- (b) to ensure that places of public worship do not have a significant adverse effect on the amenity of the surrounding residential area,
  - (c) to ensure that places of public worship are large enough to provide for the needs of the community.
- (2) This clause applies to development for the purposes of a place of public worship on land in the following zones—
- (a) Zone R3 Medium Density Residential,
  - (b) Zone R4 High Density Residential.
- (3) Development consent must not be granted to development to which this clause applies unless—
- (a) the area of the lot is equal to or greater than 2,000 square metres, and
  - (b) the consent authority is satisfied that—
    - (i) the development will be compatible with the character, scale and streetscape of the locality, and
    - (ii) the vehicular or pedestrian traffic generated by the development will not have a significant adverse effect on the amenity of the surrounding area.

#### **4.2 Rural subdivision**

[Not applicable]

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

- (1) The objectives of this clause are as follows—
- (a) to establish a maximum height of buildings to enable appropriate development density,
  - (b) to ensure that the height of buildings is compatible with the character of the locality,
  - (c) to minimise the visual impact of development,
  - (d) to ensure sufficient solar access and privacy for neighbouring properties.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).
- (2A) The maximum height of office premises and hotel or motel accommodation in the “Parramatta Road Precinct”, shown edged orange on the [Height of Buildings Map](#), is 27 metres.



#### 4.4 Floor space ratio

- (1) The objectives of this clause are as follows—
  - (a) to establish a maximum floor space ratio to enable appropriate development density,
  - (b) to ensure that development intensity reflects its locality.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#).
- (2A) The maximum floor space ratio for development for the purposes of multi dwelling housing on land other than land in the “Former Lidcombe Hospital Site”, shown edged black on the [Floor Space Ratio Map](#), is as follows—
  - (a) for a site that is less than 1,300 square metres—0.75:1,
  - (b) for a site that is 1,300 square metres or greater but less than 1,800 square metres—0.8:1,
  - (c) for a site that is 1,800 square metres or greater—0.85:1.
- (2B) The maximum floor space ratio for the following development on land in Zone E3 Productivity Support in the “Parramatta Road Precinct”, shown edged orange on the [Floor Space Ratio Map](#), is as follows—
  - (a) 1.5:1 for specialised retail premises, entertainment facilities, function centres and registered clubs,
  - (b) 3:1 for office premises and hotel or motel accommodation.
- (2C) The maximum floor space ratio for retail premises on land in Zone E3 Productivity Support in the “Commercial Precinct”, shown edged green on the [Floor Space Ratio Map](#), is 1.5:1.
- (2D) For development on land in Zone E1 Local Centre in the “Lidcombe Mixed Use Precinct”, shown edged blue on the [Floor Space Ratio Map](#)—
  - (a) the floor space ratio for the part of the buildings used for non-residential purposes must not be less than 0.4:1, and
  - (b) the maximum floor space ratio may exceed the floor space ratio shown on the map for the land by 0.3:1 if the floor space ratio for the part of the buildings used for non-residential purposes is not less than 0.6:1.
- (2E) The maximum floor space ratio for a building on a site area that is wholly on land shown as “Area A” on the [Floor Space Ratio Map](#) and on land for which the maximum floor space ratio is as specified in Column 1 of the Table to this subclause is—

- (a) if the site area is at least 1,200 square metres, but no more than 1,500 square metres—the ratio specified in Column 2, and
- (b) if the site area is more than 1,500 square metres—the ratio specified in Column 3.

**Table—Maximum FSR in Area A**

Column 1	Column 2	Column 3
2.5:1	5.5:1	7.5:1
3:1	6:1	8:1
3.5:1	6.5:1	8.5:1

- (2F) If a building on a site area on land shown as “Area B” on the [Floor Space Ratio Map](#) is used for the purposes of residential accommodation or tourist and visitor accommodation, or both, the maximum floor space ratio for the part of the building used for the purposes is—

where—

**$FSR_{max}$**  is the maximum floor space ratio in accordance with this clause.

- (2G) The minimum floor space ratio for a building on land shown as “Area C” on the [Floor Space Ratio Map](#) used for non-residential purposes is 0.5:1.

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

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

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

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

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

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

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

- (4) **Exclusions from site area** The following land must be excluded from the site area—
  - (a) land on which the proposed development is prohibited, whether under this Plan or any other law,
  - (b) community land or a public place (except as provided by subclause (7)).
- (5) **Strata subdivisions** The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.
- (6) **Only significant development to be included** The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.
- (7) **Certain public land to be separately considered** For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.
- (8) **Existing buildings** The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.
- (9) **Covenants to prevent “double dipping”** When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.
- (10) **Covenants affect consolidated sites** If—

(a) a covenant of the kind referred to in subclause (9) applies to any land (**affected land**), and

(b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

(11) **Definition** In this clause, **public place** has the same meaning as it has in the [Local Government Act 1993](#).

#### 4.6 Exceptions to development standards

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

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless—

(a) the consent authority is satisfied that—

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is

consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

- (b) the concurrence of the Planning Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Planning Secretary must consider—
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
  - (b) the public benefit of maintaining the development standard, and
  - (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
  - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following—
- (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,
  - (c) clause 5.4,
  - (caa) clause 5.5.

## Part 5 Miscellaneous provisions

### 5.1 Relevant acquisition authority

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

**Note—**

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

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

Type of land shown on Map	Authority of the State
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 2.5 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Transport for NSW
Zone C1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <a href="#">National Parks and Wildlife Act 1974</a>
Zone R2 Low Density Residential and marked "Local road widening"	Council
Zone R4 High Density Residential and marked "Local road"	Council
Zone E1 Local Centre and marked "Local road widening"	Council
Zone E1 Local Centre and marked "Local road widening"	Council
Zone E3 Productivity Support and marked "Local road"	Council

Zone SP2 Infrastructure and marked “Local road”	Council
Zone SP2 Infrastructure and marked “Drainage”	Council
Zone C2 Environmental Conservation and marked “Local environmental conservation”	Council

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

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

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

<b>Column 1</b>	<b>Column 2</b>
<b>Land</b>	<b>Development</b>
Zone RE1 Public Recreation and marked “Local open space”	Recreation areas
Zone SP2 Infrastructure and marked “Classified road”	Roads
Zone R2 Low Density Residential and marked “Local road widening”	Roads
Zone R4 High Density Residential and marked “Local road”	Roads
Zone E1 Local Centre and marked “Local road widening”	Roads
Zone E2 Commercial Centre and marked “Local road widening”	Roads

Zone E3 Productivity Support and marked “Local road”	Roads
Zone SP2 Infrastructure and marked “Local road”	Roads
Zone SP2 Infrastructure and marked “Drainage”	Drainage
Zone C2 Environmental Conservation and marked “Local environmental conservation”	Environmental facilities

## 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 C1 National Parks and Nature Reserves, Zone C2 Environmental Conservation, Zone C3 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 3 bedrooms.

**Note—**

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

- (2) **Home businesses** If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 30 square metres of floor area.
- (3) **Home industries** If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 30 square metres of floor area.
- (4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed—
  - (a) 10% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
  - (b) 400 square metres,whichever is the lesser.
- (5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms in buildings.
- (6) **Kiosks** If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 50 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 80 square metres.
- (7AA) **Neighbourhood supermarkets** If development for the purposes of a neighbourhood supermarket is permitted under this Plan, the gross floor area must not exceed 1,000 square metres.
- (8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 9 square metres.
- (9) **Secondary dwellings on land other than land in a rural zone** If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—
  - (a) 60 square metres,
  - (b) 10% of the total floor area of the principal dwelling.

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

(a) 10% 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**

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

(a) to encourage innovative and high quality design for new buildings,

(b) to allow varying roof forms that contribute positively to the streetscape,

(c) to ensure that new development is consistent with the existing neighbourhood character,

(d) to ensure that a decorative roof element does not detract from the architectural design of the building.

(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.

(3) Development consent must not be granted to any such development unless the consent authority is satisfied that—

(a) the architectural roof feature—

(i) comprises a decorative element on the uppermost portion of a building, and

(ii) is not an advertising structure, and

(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and

(iv) will cause minimal overshadowing, and

(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the

roof feature is fully integrated into the design of the roof feature.

### 5.7 Development below mean high water mark

[Not applicable]

### 5.8 Conversion of fire alarms

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

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

### 5.9 Dwelling house or secondary dwelling affected by natural disaster

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.

- (2) This clause applies to land in the following zones—
- (a) R2 Low Density Residential,
  - (b) R3 Medium Density Residential,
  - (c) RE1 Public Recreation,
  - (d) C2 Environmental Conservation.
- (3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
- (a) the dwelling house or secondary dwelling was lawfully erected, and
  - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

#### **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 Cumberland,
  - (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
  - (c) to conserve archaeological sites,
  - (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.
- (2) **Requirement for consent** Development consent is required for any of the following—
- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—
    - (i) a heritage item,
    - (ii) an Aboriginal object,
    - (iii) a building, work, relic or tree within a heritage conservation area,

- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
  - (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
  - (d) disturbing or excavating an Aboriginal place of heritage significance,
  - (e) erecting a building on land—
    - (i) on which a heritage item is located or that is within a heritage conservation area, or
    - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
  - (f) subdividing land—
    - (i) on which a heritage item is located or that is within a heritage conservation area, or
    - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.
- (3) **When consent not required** However, development consent under this clause is not required if—
- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—
    - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
    - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
  - (b) the development is in a cemetery or burial ground and the proposed development—
    - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
    - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in

- the form of grave goods, or to an Aboriginal place of heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
  - (d) the development is exempt development.
- (4) **Effect of proposed development on heritage significance** The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).
- (5) **Heritage assessment** The consent authority may, before granting consent to any development—
- (a) on land on which a heritage item is located, or
  - (b) on land that is within a heritage conservation area, or
  - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.
- (6) **Heritage conservation management plans** The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.
- (7) **Archaeological sites** The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the [Heritage Act 1977](#) applies)—
- (a) notify the Heritage Council of its intention to grant consent, and
  - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (8) **Aboriginal places of heritage significance** The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—
- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the

place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and

(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) **Demolition of nominated State heritage items** The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—

(a) notify the Heritage Council about the application, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) **Conservation incentives** The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—

(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and

(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and

(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and

(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and

(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

### 5.11 Bush fire hazard reduction

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

**Note—**

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



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

- (1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2.
- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

### **5.13 Eco-tourist facilities**

[Not applicable]

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

[Not adopted]

### **5.15 Defence communications facility**

[Not adopted]

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

[Not applicable]

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

[Not applicable]

### **5.18 Intensive livestock agriculture**

[Not applicable]

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

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

consent to carry out development for the purpose of pond-based aquaculture or tank-based aquaculture unless the consent authority is satisfied of the following—

- (a) that the development complies with the site location and operational requirements set out in Part 1 of Schedule 6 for the development,
  - (b) in the case of—
    - (i) pond-based aquaculture in Zone RU5 Village, Zone RU6 Transition, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone E1 Local Centre, Zone E2 Commercial Centre, Zone E3 Productivity Support, Zone E4 General Industrial, Zone E5 Heavy Industrial or Zone MU1 Mixed Use—that the development is for the purpose of small scale aquarium fish production, and
    - (ii) pond-based aquaculture in Zone C3 Environmental Management or Zone C4 Environmental Living—that the development is for the purpose of extensive aquaculture, and
    - (iii) tank-based aquaculture in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone C3 Environmental Management or Zone C4 Environmental Living—that the development is for the purpose of small scale aquarium fish production, and
    - (iv) pond-based aquaculture or tank-based aquaculture in Zone W1 Natural Waterways, Zone W2 Recreational Waterways or Zone W3 Working Waterways—that the development will use waterways to source water.
- (3) The requirements set out in Part 1 of Schedule 6 are minimum requirements and do not limit the matters a consent authority is required to take into consideration under the Act or the conditions that it may impose on any development consent.
- (4) **Extensive pond-based aquaculture permitted without consent in certain zones**  
Development for the purpose of pond-based aquaculture, that is also extensive aquaculture, may be carried out without development consent if—
- (a) the development is carried out in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots or Zone RU6 Transition, and
  - (b) the development complies with the site location requirements and operational requirements set out in Part 2 of Schedule 6.
- (5) **Oyster aquaculture—additional matters that consent authority must consider in determining a development application** In determining a development application for

development for the purpose of oyster aquaculture, the consent authority must consider—

- (a) any provisions of any aquaculture industry development plan that are relevant to the subject of the development application, and
- (b) the *NSW Oyster Industry Sustainable Aquaculture Strategy*.

(6) **Oyster aquaculture permitted without consent in priority oyster aquaculture areas**

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

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

(7) **Definitions** In this clause—

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

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

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

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

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

- (1) The consent authority must not refuse consent to development in relation to licensed premises on the following grounds—
  - (a) the playing or performance of music, including the following—
    - (i) the genre of music played or performed, or
    - (ii) whether the music played or performed is live or amplified, or
    - (iii) whether the music played or performed is original music, or
    - (iv) the number of musicians or live entertainment acts playing or performing, or

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

### 5.21 Flood planning

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

- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
- (3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—
  - (a) the impact of the development on projected changes to flood behaviour as a result of climate change,
  - (b) the intended design and scale of buildings resulting from the development,
  - (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,
  - (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.
- (4) A word or expression used in this clause has the same meaning as it has in the *Considering Flooding in Land Use Planning Guideline* unless it is otherwise defined in this clause.
- (5) In this clause—

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

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

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

## **5.22 Special flood considerations**

[Not adopted]

## **5.23 Public bushland**

[Not adopted]

## **5.24 Farm stay accommodation**

[Not adopted]

## **5.25 Farm gate premises**

[Not adopted]

## Part 6 Additional local provisions

### 6.1 Acid sulfate soils

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

Class of land	Works
1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works more than 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—
  - (a) prepared for the works in accordance with the *Acid Sulfate Soils Manual*, and
  - (b) provided to the consent authority.
- (4) Development consent is not required under this clause for the carrying out of works if—
  - (a) a preliminary assessment of the works prepared in accordance with the *Acid Sulfate Soils Manual* indicates that an acid sulfate soils management plan is not required for the works, and
  - (b) the preliminary assessment has been provided to the consent authority, and

- (c) the consent authority has confirmed the assessment by written notice to the person proposing to carry out the works.
- (5) Development consent is not required under this clause for the carrying out of the following works by a public authority, including ancillary work such as excavation, construction of access ways or the supply of power—
  - (a) emergency work that involves the repair or replacement of the works of the public authority required to be carried out urgently because the works—
    - (i) have been damaged, or
    - (ii) have ceased to function, or
    - (iii) pose a risk to the environment or to public health and safety,
  - (b) routine maintenance work that involves the periodic inspection, cleaning, repair or replacement of the works of the public authority, other than work that involves the disturbance of more than 1 tonne of soil,
  - (c) minor work that costs less than \$20,000, other than drainage work.
- (6) Development consent is not required under this clause to carry out works that—
  - (a) involve the disturbance of less than 1 tonne of soil, and
  - (b) are not likely to lower the watertable.

## **6.2 Earthworks**

- (1) The 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) In deciding whether to grant development consent for earthworks, or for development involving ancillary earthworks, the consent authority must consider the following matters—

- (a) the likely disruption of, or the detrimental effect on, drainage patterns and soil stability in the locality of the development,
- (b) the effect of the development on the likely future use or redevelopment of the land,
- (c) the quality of the fill and the soil to be excavated,
- (d) the effect of the development on the existing and likely amenity of adjoining properties,
- (e) the source of the fill material and the destination of the excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to, and potential for adverse impacts on, a waterway, drinking water catchment or environmentally sensitive area,
- (h) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

**Note—**

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

### **6.3 Limited development on foreshore area**

- (1) The objective of this clause is to ensure that development in the foreshore area will not—
  - (a) impact on natural foreshore processes, or
  - (b) affect the significance and amenity of the area.
- (2) This clause applies to land shown as “Foreshore Area” on the [Foreshore Building Line Map](#).
- (3) Development consent must not be granted for development on land to which this clause applies except for the following purposes—
  - (a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,
  - (b) the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,
  - (c) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).



- (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 will contribute to achieving the objectives for the zone in which the land is located, and
  - (b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and
  - (c) the development will not cause environmental harm such as—
    - (i) pollution or siltation of the waterway, or
    - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or
    - (iii) an adverse effect on drainage patterns, and
  - (d) the development will not cause congestion or generate conflict between people using open space areas or the waterway, and
  - (e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and
  - (f) the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and
  - (g) for development for the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and
  - (h) sea level rise and change of flooding patterns as a result of climate change have been considered.

#### **6.4 Essential services**

- (1) Development consent must not be granted to development unless the consent authority is satisfied that the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—
- (a) the supply of water,
  - (b) the supply of electricity,
  - (c) the disposal and management of sewage,
  - (d) stormwater drainage or on-site conservation,

(e) suitable vehicular access.

(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing an essential service referred to in this clause.

## **6.5 Biodiversity**

(1) The objective of this clause is to maintain terrestrial and aquatic biodiversity, including the following—

(a) protecting native fauna and flora,

(b) protecting the ecological processes necessary for their continued existence,

(c) encouraging the recovery of native fauna and flora and their habitats.

(2) This clause applies to land shown as “Remnant Native Vegetation” on the [Biodiversity Map](#).

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

(a) whether the development is likely to have—

(i) an adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and

(ii) an adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and

(iii) the potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and

(iv) an adverse impact on the habitat elements providing connectivity on the land, and

(b) 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 an adverse environmental impact, or

(b) if an adverse environmental impact cannot be avoided—the development is designed, sited and will be managed to minimise the impact, or

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

## 6.6 Riparian land and watercourses

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

## **6.7 Stormwater management**

- (1) The objectives of this clause are as follows—
  - (a) to minimise the impacts of urban stormwater on properties, native vegetation and receiving waters,
  - (b) to avoid adverse impacts on soils and land stability,
  - (c) to protect the environmental values of water identified for urban waterways in the Sydney Harbour and Parramatta River and Georges River catchments.
- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—
  - (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and
  - (b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and
  - (c) avoids significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if the impact cannot be reasonably avoided, minimises and mitigates the impact.

## **6.8 Location of sex services premises**

- (1) The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.
- (2) Development consent must not be granted for the purpose of sex services premises unless, when measured from the boundary of the lot on which the premises will be used, the development will be located—
  - (a) more than 200 metres from land in a residential zone, and
  - (b) more than 200 metres from a place of public worship, hospital, school, centre-based child care facility, community facility or recreation area, and
  - (c) more than 50 metres from a public utility undertaking, such as a railway station entrance, bus stop, taxi rank, ferry terminal or the like.
- (3) In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider the following—
  - (a) whether the operation of the sex services premises will be likely to cause a disturbance in the relevant neighbourhood because of its size, location, hours of operation, clients or employees or other people working in the premises,

- (b) whether the operation of the sex services premises will be likely to interfere with the amenity of the neighbourhood,
- (c) whether the operation of the sex services premises will be likely to cause a disturbance in the neighbourhood, taking into account the number of sex services premises already operating in the neighbourhood and involving similar hours of operation,
- (d) the impact of the development and its hours of operation on a place likely to be regularly frequented by children for educational, recreational or cultural activities that can be viewed from the development.

## **6.9 Salinity**

- (1) The objective of this clause is to provide for—
  - (a) the appropriate management of land subject to salinity, and
  - (b) the minimisation and mitigation of adverse impacts from development that contributes to salinity.
- (2) This clause applies to land shown as “Known Salinity”, “High Salinity Potential” or “Moderate Salinity Potential” on the [Salinity Map](#).
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following—
  - (a) whether the development is likely to have an adverse impact on salinity processes on the land,
  - (b) whether salinity is likely to have an impact on the development,
  - (c) 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 a significant adverse environmental impact, or
  - (b) if a significant adverse environmental impact cannot be avoided—the development is designed, sited and will be managed to minimise the impact, or
  - (c) if a significant adverse environmental impact cannot be minimised—the development will be managed to mitigate the impact.

### **6.10 Buffer area between Zone E4 and residential zones**

- (1) The objectives of this clause are as follows—
  - (a) to maintain an adequate separation between general industrial land uses and residential land uses,
  - (b) to prevent any likely adverse impacts of outputs of industrial land uses on adjacent residential dwellings, including noise, vibrations, odours, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil,
  - (c) to ensure that neighbouring residents can enjoy a reasonable level of amenity without preventing the operation of general industrial land uses,
  - (d) to provide visual separation of the primary buildings and structures on industrial land from neighbouring residential dwellings.
- (2) This clause applies to land shown as “Industrial-residential buffer area” on the [Site Specific Provisions Map](#).
- (3) Development must not be carried out on land to which this clause applies other than—
  - (a) if the land is in Zone R2 Low Density Residential—development permitted on land in that zone in the Land Use Table, excluding residential accommodation, or
  - (b) if the land is in Zone E4 General Industrial—development permitted on land in that zone in the Land Use Table, but only if the consent authority is satisfied that the development is consistent with the objectives of this clause.

### **6.11 Restricted premises**

- (1) Development consent must not be granted for development for the purposes of restricted premises if the premises will be located on land that adjoins land, or is separated only by a road from land, in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential or Zone RE1 Public Recreation.
- (2) Development consent must not be granted for development for the purposes of restricted premises unless the consent authority is satisfied that—
  - (a) no part of the restricted premises, other than an access corridor, will be located within 1.5 metres, measured vertically, from an adjoining footpath, roadway, arcade or other public thoroughfare, and
  - (b) no part of the restricted premises or building in which the premises will be situated will be used as a dwelling unless separate access will be available to the dwelling, and

- (c) the size, shape and content of the signage related to the premises will not interfere with the amenity of the locality, and
  - (d) no other objects, products or goods related to the restricted premises will be visible from outside the premises.
- (3) In deciding whether to grant development consent for the purposes of restricted premises, the consent authority must consider the impact of the development on a place that is regularly frequented by children for educational, recreational or cultural activities.

### 6.12 Urban heat

- (1) The objective of this clause is to ensure new development incorporates effective design and ongoing operation to—
- (a) reduce and remove urban heating from the environment, and
  - (b) protect community health and wellbeing.
- (2) In deciding whether to grant development consent for the purposes of commercial premises, industries or residential accommodation, the consent authority must consider whether—
- (a) the facade and roof of the proposed building and paved surfaces are designed to reduce adverse effects of solar heat on the surrounding land, including private open space and the public domain, and
  - (b) the awnings and eaves of the building are designed to provide shelter from the sun and improve public comfort at street level, and
  - (c) the heating, ventilation and air conditioning systems of the building are designed to minimise the release of heat in the direction of private open space and the public domain, and
  - (d) the development maximises the use of green infrastructure that is strategically designed and managed to support a good quality of life in an urban environment, and
  - (e) the development accommodates sufficient tree canopy, open space and deep soil zones to achieve urban cooling benefits, and
  - (f) the building is designed to achieve high passive thermal performance.
- (3) In this clause—
- deep soil zone—**
- (a) means the soft landscaped part of a site area used for growing trees, plants and

grasses that—

- (i) is unimpeded by buildings or structures above and below ground, and
  - (ii) provides opportunities for groundwater infiltration and canopy trees, and
- (b) does not include basement car parks, services, swimming pools, tennis courts and impervious surfaces including car parks, driveways and roof areas.

**green infrastructure** means the network of green spaces, natural systems and semi-natural systems that support sustainable communities and includes waterways, bushland, tree canopy and green ground cover, parks and open spaces.

**solar heat** means radiant heat contained in the full spectrum of sunlight.

### **6.13 Ground floor development in Zones E1, E2 and MU1**

- (1) The objective of this clause is to ensure that active uses are provided at the street level in certain employment and mixed use zones to encourage the presence and movement of people.
- (2) This clause applies to land in the following zones—
  - (a) Zone E1 Local Centre,
  - (b) Zone E2 Commercial Centre,
  - (c) Zone MU1 Mixed Use.
- (3) Development consent must not be granted to development for the purposes of commercial premises, mixed use development that includes commercial premises or a change of use of a building to commercial premises on land to which this clause applies unless the consent authority is satisfied that the ground floor of the building—
  - (a) will not be used for the purposes of residential accommodation or serviced apartments, and
  - (b) will not be used for a car park or to provide ancillary car parking spaces, and
  - (c) will provide for uses and building design elements that encourage interaction between the inside of the building and the external public areas adjoining the building.
- (4) Subclause (3)(b) does not apply to a site that—
  - (a) is greater than 60 metres in depth from all street frontages, or
  - (b) has a gradient steeper than 15%, measured from boundary to boundary, or
  - (c) is owned by a public authority and is to be used as a public or commuter car park.



- (5) Subclause (3)(c) does not apply to a part of a building that—
- (a) faces a service lane that does not require active street frontages, or
  - (b) is used for one or more of the following purposes—
    - (i) a lobby for a commercial, residential, serviced apartment or hotel part of the building,
    - (ii) access for fire services,
    - (iii) vehicular access.

#### **6.14 Design excellence**

- (1) The objective of this clause is to ensure that development to which this clause applies exhibits the highest standard of architectural and urban design as part of the built environment.
- (2) This clause applies to development involving the construction of a new building, or external alterations to an existing building, that will result in—
- (a) a building that is greater than 30 metres in height on land shown as “Area 1” on the [Design Excellence Map](#), or
  - (b) a building that is greater than 55 metres in height on land shown as “Area 2” on the [Design Excellence Map](#), or
  - (c) a building that is on land shown as “Area 3” on the [Design Excellence Map](#).
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence.
- (4) In considering whether the development exhibits design excellence, the consent authority must consider the following matters—
- (a) whether the development has been endorsed by the Cumberland Design Excellence Panel as exhibiting design excellence,
  - (b) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
  - (c) whether the form and external appearance of the development will improve the quality and amenity of the public domain,
  - (d) whether the development detrimentally impacts on view corridors,
  - (e) how the development addresses the following matters—

- (i) the suitability of the land for development,
  - (ii) existing and proposed uses and use mix,
  - (iii) heritage issues and streetscape constraints,
  - (iv) the location of any proposed tower, having regard to the need to achieve an acceptable relationship with other existing or proposed towers on the same site or on a neighbouring site in terms of separation, setbacks, amenity and urban form,
  - (v) bulk, massing and modulation of buildings,
  - (vi) street frontage heights,
  - (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
  - (viii) the achievement of the principles of ecologically sustainable development,
  - (ix) pedestrian, cycle, vehicular and service access and circulation requirements,
  - (x) the impact on, and proposed improvements to, the public domain.
- (5) The height of a building to which this clause applies may exceed the maximum height shown for the land on the [Height of Buildings Map](#) by an amount, to be determined by the consent authority, of up to 10% of the amount shown on that map.
- (6) The floor space ratio of a building to which this clause applies may exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#) by an amount, to be determined by the consent authority, of up to 0.5:1.

#### **6.15 Development for certain land in Wentworthville Town Centre**

- (1) The objectives of this clause are to promote—
- (a) employment opportunities in Wentworthville Town Centre, and
  - (b) Wentworthville Town Centre as a health services precinct.
- (2) This clause applies to land shown edged green and identified as “Area C” on the [Floor Space Ratio Map](#).
- (3) The maximum floor space ratio for a building on land to which this clause applies may exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#) by an amount, to be determined by the consent authority, of up to 0.5:1, but only if the consent authority is satisfied that—
- (a) the land to which this clause applies is identified as having a maximum building height of greater than 30 metres on the [Height of Buildings Map](#), and

- (b) the additional floor space provided under this clause is not to be used for the purposes of residential accommodation, and
  - (c) the building is eligible for additional floor space under clause 6.14, and
  - (d) the entire first floor of the building is to be used for the purposes of commercial premises or health services facilities or both.
- (4) Each amount of additional floor space permitted by subclause (3) is in addition to each other amount of additional floor space permitted by clause 6.14.

#### **6.16 Development in the Commercial Precinct**

- (1) This clause applies to the land known as the Commercial Precinct, shown edged dark blue and identified as “Commercial Precinct” on the [Key Sites Map](#).
- (2) Retail premises are permitted with development consent on land to which this clause applies in Zone E3 Productivity Support.

#### **6.17 Development of certain land at 1A and 1B Queen Street, Auburn**

- (1) This clause applies to Lots 1 and 2, DP 1160950, 1A and 1B Queen Street, Auburn.
- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether—
  - (a) the height of the building is compatible with the existing and likely future scale of development in the immediate vicinity, and
  - (b) the height of the building adequately transitions to adjoining residential accommodation, and
  - (c) the development provides an appropriate level of solar access to common open spaces, and
  - (d) the development results in a visually interesting and varied built form.

#### **6.18 Development of land at 42-44 Dunmore Street, Wentworthville**

- (1) This clause applies to Lot 11, DP 746514, 42-44 Dunmore Street, Wentworthville.
- (2) The floor space ratio of a building on land to which this clause applies may exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#) by an amount, to be determined by the consent authority—
  - (a) if at least 4,400 square metres of floor space above the ground floor of the building is used for the purposes of commercial premises or a health services facility—of up to 0.5:1, and
  - (b) if at least 4,000 square metres of floor space in the building is used for the

purposes of a supermarket—of up to 1:1.

- (3) Each amount of additional floor space permitted by subclause (2) is in addition to each other amount of additional floor space permitted by subclause (2) or by clause 6.14.

#### **6.19 Development of land at Woodville Road, Merrylands**

- (1) This clause applies to the following land at Merrylands—
  - (a) Lot A, DP 379850, 244 Woodville Road,
  - (b) Lots B and C, DP 379850, 246 Woodville Road,
  - (c) Lot 2, DP 204284, 248 Woodville Road,
  - (d) Lot 1, DP 433824 and Lots 4–7, DP 128586, 256 Woodville Road,
  - (e) Lot 2581, DP 803841, 258 Woodville Road.
- (2) In calculating the gross floor area of development on land to which this clause applies for the purpose of applying a floor space ratio, the consent authority may exclude the floor area of enclosed balconies with a frontage on to Woodville Road.

#### **6.20 Development of land at 1 Crescent Street, Holroyd—general**

- (1) This clause applies to Lot 700, DP 1241836, 1 Crescent Street, Holroyd (the ***subject land***).
- (2) Development consent must not be granted to development on the subject land unless a development control plan that provides for all of the following applies to the land—
  - (a) design principles drawn from an analysis of the land and its context,
  - (b) the objectives for development on the land,
  - (c) built form controls, including the maximum number of storeys and minimum setbacks for buildings,
  - (d) measures to ensure development of the land does not negatively impact on the character of surrounding land,
  - (e) encouragement of sustainable transport, including the following—
    - (i) connectivity to, and increased use of, public transport,
    - (ii) safe and effective pedestrian access and cycling,
    - (iii) road access, the circulation network, car parking provision and integrated options to reduce car use,

- (f) landscaping of open space,
- (g) impact on, and improvements to, the public domain.

(3), (4) (Repealed)

(5) Development consent must not be granted to development on the subject land if—

(a) the development results in the ground or first floor of a building being used for the purposes of residential accommodation, and

(b) the building—

(i) is on land in Zone MU1 Mixed Use, and

(ii) has frontage to Woodville Road.

(6) (Repealed)

#### **6.21 Development of land at 1 Crescent Street, Holroyd—gross floor area and car parking**

- (1) This clause applies to Lot 700, DP 1241836, 1 Crescent Street, Holroyd (the **subject land**).
- (2) The maximum gross floor area for all commercial premises on the subject land, other than retail premises, is 5,000m<sup>2</sup>.
- (3) The maximum gross floor area for all retail premises on the subject land is 2,500m<sup>2</sup>.
- (4) The maximum number of car parking spaces permitted in connection with the following uses of the subject land is as follows—
  - (a) for commercial premises other than retail premises—1 space per 70m<sup>2</sup> of gross floor area used for that purpose,
  - (b) for retail premises—1 space per 50m<sup>2</sup> of gross floor area used for that purpose,
  - (c) for residential accommodation—
    - (i) 0.6 spaces per studio dwelling, and
    - (ii) 0.9 spaces per dwelling with 1 bedroom, and
    - (iii) 1.2 spaces per dwelling with 2 bedrooms, and
    - (iv) 1.5 spaces per dwelling with 3 or more bedrooms, and
    - (v) 1 visitor car parking space per 5 dwellings.
- (5) If the total number of car parking spaces under subclause (4) is not a whole number, the total must be rounded down to the next whole number.

(6) In this clause—

**car parking space** means a space for the parking of motor vehicles that is ancillary to another land use, but does not include a place primarily used for—

- (a) the washing of vehicles, or
- (b) the loading or unloading of goods, or
- (c) the storage of bicycles.

**visitor car parking space** means a car parking space for use by visitors to, and not residents of, a building.

## Schedule 1 Additional permitted uses

(Clause 2.5)

### 1 Use of certain land at 9 and 11 Gelibolu Parade, Auburn

- (1) This clause applies to Lots B and C, DP 374304, 9 and 11 Gelibolu Parade, Auburn, shown as “1” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of restaurants or cafes is permitted with development consent if the total gross floor area of the development does not exceed 80 square metres.

### 2 Use of certain land at 265 Parramatta Road, Auburn

- (1) This clause applies to Lot 10, DP 870562, 265 Parramatta Road, Auburn, shown as “2” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of shops is permitted with development consent if the total gross floor area of the development does not exceed 4,600 square metres.

### 3 Use of certain land at 2 Percy Street, Auburn

- (1) This clause applies to Part Lot 14 and Lots 15–21, Section 1, DP 2647, Lot 1, DP 721683 and Lot 1, DP 76735, 2 Percy Street, Auburn, shown as “3” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of educational establishments is permitted with development consent.

### 4 Use of certain land at 67-73 St Hilliers Road, Auburn

- (1) This clause applies to Lot 1, DP 220080, 67-73 St Hilliers Road, Auburn, shown as “4” on the [Additional Permitted Uses Map](#).
- (2) (Repealed)

- (3) Development for the purposes of educational establishments is permitted with development consent if the total gross floor area of the development does not exceed 800 square metres.

#### **5 Use of certain land at Girraween**

- (1) This clause applies to land at Girraween, shown as “5” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of sex services premises is permitted with development consent.

#### **6 Use of certain land known as “Gipps Road Sporting Complex” at Greystanes**

- (1) This clause applies to the following land known as “Gipps Road Sporting Complex”, shown as “6” on the [Additional Permitted Uses Map](#)—
  - (a) Lot 10, DP 817980, 2 Hyland Road,
  - (b) Lot 2, DP 1129303, 2A Hyland Road,
  - (c) Lot 6, DP 188593, 2W Hyland Road,
  - (d) Lots 38 and 39, DP 3082, 4 and 6 Hyland Road,
  - (e) Lot 1, DP 1129303, 8 Hyland Road.
- (2) Development for the purposes of food and drink premises and function centres is permitted with development consent.

#### **7 Use of certain land at 615 Great Western Highway, Greystanes**

- (1) This clause applies to Lots 44 and 45, DP 833604, Lot 6, DP 802794 and Lot 5, DP 794341, 615 Great Western Highway, Greystanes, shown as “7” on the [Additional Permitted Uses Map](#).
- (2) Development for the following purposes is permitted with development consent—
  - (a) animal boarding or training establishments,
  - (b) function centres,
  - (c) highway service centres,
  - (d) hotel or motel accommodation,
  - (e) medical centres,
  - (f) (Repealed)
  - (g) veterinary hospitals.

### **8 Use of certain land at 11 Byron Road, Guildford**

- (1) This clause applies to Lot 1, DP 169485, 11 Byron Road, Guildford, known as “Linnwood”, shown as “8” on the [Additional Permitted Uses Map](#).
- (2) Development for the following purposes is permitted with development consent—
  - (a) food and drink premises,
  - (b) information and education facilities,
  - (c) office premises.

### **9 Use of certain land at 150 Rawson Road, Guildford**

- (1) This clause applies to Lot 6, DP 18288 and Lot 1, DP 23249, 150 Rawson Road, Guildford, shown as “9” on the [Additional Permitted Uses Map](#).
- (2) Development for the following purposes is permitted with development consent—
  - (a) a bottle shop, but only if the gross floor area of the bottle shop does not exceed 1,350 square metres,
  - (b) hotel or motel accommodation.
- (3) In this clause—

**bottle shop** means retail premises, being licensed premises under the [Liquor Act 2007](#), the principal purpose of which is the retail sale of liquor in sealed containers for consumption away from the premises.

### **10 Use of certain land at 332 Woodville Road, Guildford**

- (1) This clause applies to Lot B, DP 366981, 332 Woodville Road, Guildford, shown as “10” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of restaurants or cafes is permitted with development consent.

### **11 Use of certain land known as “Holroyd Gardens” at Holroyd**

- (1) This clause applies to the following land at Holroyd known as “Holroyd Gardens”, shown as “11” on the [Additional Permitted Uses Map](#)—
  - (a) Lot 3, DP 600621,
  - (b) part of Lot 1001, DP 1037793,
  - (c) Lot 316, DP 1087645,
  - (d) Lot 414, DP 1087853,



(e) Lot 2052, DP 1135275.

(2) Development for the purposes of food and drink premises and function centres is permitted with development consent.

**12 Use of certain land at 32 Walpole Street, Holroyd**

(1) This clause applies to part of Lot 1001, DP 1037793, 32 Walpole Street, corner Pitt Street, Holroyd, shown as “12” on the [Additional Permitted Uses Map](#).

(2) Development for the following purposes is permitted with development consent—

- (a) business premises,
- (b) food and drink premises,
- (c) function centres,
- (d) office premises.

**13 Use of certain land at 2 Bachell Avenue, Lidcombe**

(1) This clause applies to Lot 2, DP 219413, 2 Bachell Avenue, Lidcombe, shown as “13” on the [Additional Permitted Uses Map](#).

(2) Development for the following purposes is permitted with development consent—

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

(3) Development consent must not be granted under this clause if it would result in more than 7,000 square metres of gross floor area of all buildings on the land to which this clause applies being used for the purposes specified in subclause (2).

**14 Use of certain land known as “Central Gardens” at Merrylands Road, Merrylands**

(1) This clause applies to the following land at Merrylands Road, Merrylands, known as “Central Gardens”, shown as “14” on the [Additional Permitted Uses Map](#)—

- (a) Lots 9A and 9B, DP 315747,
- (b) Lot 2, DP 230342,
- (c) Lot 1, DP 723964,
- (d) part of Lot 8, DP 2138.

(2) Development for the purposes of food and drink premises and function centres is permitted with development consent.

**15 Use of certain land known as “Merrylands Park” at 367P Merrylands Road, Merrylands**

- (1) This clause applies to Lot 1031, DP 900744, 367P Merrylands Road, corner Burnett Street, Merrylands, known as “Merrylands Park”, shown as “15” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of food and drink premises is permitted with development consent.

**16 Use of certain land at 348 and 350 Merrylands Road, Merrylands**

- (1) This clause applies to Lots 44 and 45, DP 628, 348 and 350 Merrylands Road, Merrylands, shown as “16” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of hardware and building supplies is permitted with development consent.

**17 Use of certain land at 459 Merrylands Road, Merrylands**

- (1) This clause applies to Lot W, DP 391056, 459 Merrylands Road, Merrylands, shown as “17” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of take away food and drink premises is permitted with development consent if the gross floor area of the take away food and drink premises does not exceed 100 square metres.

**18 Use of certain land at 528-530 Great Western Highway, Pendle Hill**

- (1) This clause applies to Lot 1, DP 659683 and Lot 1, DP 1004778, 528-530 Great Western Highway, Pendle Hill, shown as “18” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of multi dwelling housing is permitted with development consent.

**19 Use of certain land at 55 Fox Hills Crescent, Toongabbie**

- (1) This clause applies to Lot 100, DP 834672, 55 Fox Hills Crescent, Toongabbie, shown as “19” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of health services facilities is permitted with development consent.

**20 Use of certain land at Aurelia Street and Junia Avenue and Toongabbie Road, Toongabbie**

- (1) This clause applies to the following land at Toongabbie, shown as “20” on the [Additional Permitted Uses Map](#)—
  - (a) Lots 30-35, Section C, DP 10697, 47-61 Aurelia Street,

- (b) Lots 1 and 2, DP 1043958, 63–65 Aurelia Street,
- (c) Lots 19–25, Section B, DP 10697, 78–90 Aurelia Street,
- (d) Lots 11–13, Section C, DP 10697, 11–13 Junia Avenue,
- (e) Lots 41–43, Section B, DP 10697, 23–27 Toongabbie Road.

- (2) Development for the purposes of business premises and retail premises, excluding pubs, is permitted with development consent.

**21 Use of certain land at 55-57 Station Street, Wentworthville**

- (1) This clause applies to Lots 1A, 2A and 3A, DP 305764, 55–57 Station Street, Wentworthville, shown as “21” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of residential flat buildings is permitted with development consent if the consent authority is satisfied that the development—
  - (a) does not include a dwelling on the ground floor, and
  - (b) includes a gymnasium that—
    - (i) is located on the ground floor, and
    - (ii) is for use only by the occupants of the residential flat buildings, and
    - (iii) has a gross floor area that does not exceed 100 square metres.

**22 (Repealed)**

**23 Use of certain land at Yennora**

- (1) This clause applies to land at Yennora, shown as “23” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of sex services premises is permitted with development consent.

**24 Use of certain land at Mays Hill, Merrylands, Pendle Hill and Westmead**

- (1) This clause applies to land in Zone E2 Commercial Centre or Zone E3 Productivity Support in Mays Hill, Merrylands, Pendle Hill and Westmead, shown as “24” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of shop top housing is permitted with development consent.

**25 Use of certain land in the Parramatta Road Precinct**

- (1) This clause applies to land in Zone E3 Productivity Support, shown as “Parramatta

Road Precinct” on the [Floor Space Ratio Map](#) and shown as “25” on the [Additional Permitted Uses Map](#).

- (2) Development for the purposes of entertainment facilities and registered clubs is permitted with development consent.

#### **26 Use of certain land at 45 Barcom Street, Merrylands West**

- (1) This clause applies to land at 45 Barcom Street, Merrylands West, Lot 5, DP 701151, Lot 8, DP 732058 and Lot 11, DP 1075418, identified as “26” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of commercial premises is permitted with development consent.
- (3) Development consent must not be granted under this clause to development that results in more than 1,480 square metres of the gross floor area of all buildings on the land being used for the purposes of commercial premises.

#### **27 Use of certain land at 106-128 Woodpark Road, Smithfield**

- (1) This clause applies to Lots 10 and 11, DP 1007432, 106-128 Woodpark Road, Smithfield, shown as “27” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of neighbourhood supermarkets is permitted with development consent.
- (3) Development for the purposes of office premises is permitted with development consent if the gross floor area of the office premises does not exceed 7,000 square metres.

#### **28 Use of certain land at 268-280 Dunmore Street, Pendle Hill**

- (1) This clause applies to Lot A, DP 335578, 268-280 Dunmore Street, Pendle Hill, shown as “28” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of food and drink premises is permitted with development consent.

### **Schedule 2 Exempt development**

(Clause 3.1)

#### **Note 1—**

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

#### **Note 2—**

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

### **Markets**

- (1) Must be carried out on land owned or managed by the Council.
- (2) A building installed for the markets—
  - (a) must not exceed the lesser of a total floor area of 20% of the site area or 350 square metres, and
  - (b) must be structurally adequate, and
  - (c) must not exceed a height of 4 metres, and
  - (d) must be at least 3 metres from a property boundary, and
  - (e) must not be used for residential purposes or the storage or display of flammable or hazardous materials, and
  - (f) must be set up and dismantled on a day on which the market is held between 7am and 5pm.

### **Security grills, screens or shutters—commercial purposes**

- (1) Must not open onto a road reserve, public footpath or other public space.
- (2) Must not be a roller shutter or roller door.
- (3) If installed in ground floor retail or office premises—must be transparent grills or screens.
- (4) Must be the same colour as the window frame or door frame to which it is attached.
- (5) If installed on land at or below the flood planning level—must be located above natural ground level.
- (6) Must be removable or retractable.

### **Temporary use of land for community events and fundraising events**

- (1) Must take place on land owned and managed by the Council, on land used as a school or on land used as a place of public worship.
- (2) If conducted on land used as a school or on land used as a place of public worship—the use must not exceed 2 consecutive days.
- (3) Maximum period of use—52 days in a period of 12 months.

- (4) Must operate only between 8am and 10pm.

## 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

### Subdivision for dual occupancies

- (1) Subdivision layout must not contravene the development consent for the dual occupancy.
- (2) Development consent for the dual occupancy must have been issued no more than 5 years before the subdivision.
- (3) An occupation certificate for the dual occupancy must have been issued before the subdivision.

## Part 2 Complying development certificate conditions

### Note—

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

### General conditions

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

## Schedule 4 Classification and reclassification of public land

(Clause 5.2)

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

Column 1	Column 2
Locality	Description
Nil	

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

**changed**

<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**

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Auburn	St Joseph's Hospital (former Duncraggan Hall)	Southwest corner of Alice Street and Normanby Road	Lots 101 and 102, DP 850653	Local	11
Auburn	Eucalyptus <i>mollucana</i> , Auburn Public School	Northeast corner of Auburn Road and Beatrice Street located in the grounds of Auburn Public School	Lots 13-26, Section 12, DP 1389; Lots A and B, DP 345876; Lots 1 and 2, DP 515598; Lots 1-8, 11, 12, 38-44, 47 and 48, Section 11, DP 982836; Lot B, DP 380954	Local	12
Auburn	Jack Lang Plaque	4 Auburn Road	Lot 1, DP 66358; Lot 1, DP 119916	Local	13
Auburn	Dwelling	245 Auburn Road	Lot B, DP 388606	Local	14
Auburn	Auburn Botanic Gardens	Chisholm Road	Lot 36, Section 8, DP 7097; Lot 12, Section 8, DP 7097; Lot 1, DP 222366; Lots 1 and 2, DP 235351; Lots 26-29, DP 6713; Lot 1, DP 938994	Local	15

Auburn	Dwelling	258 Cumberland Road	Lot 14, DP 19559	Local	16
Auburn	Dwelling	31 Gelibolu Parade	Lot A, DP 350976	Local	17
Auburn	St Phillips Anglican Family Church	48 Hall Street (corner of Macquarie Road and Hall Street)	Lots 28-30, Section 11, DP 995	Local	18
Auburn	Auburn Baptist Church	16 Harrow Road	Lot 23, DP 1084033; Lot 1, DP 1136463	Local	19
Auburn	Victorian Dwelling	25 Harrow Road	Lot 9, DP 75059	Local	110
Auburn	Uniting Church Auburn Parish and adjacent Victory Hall	Northeast corner of Helena Street and Harrow Road	Lot 24, Section 11, DP 68372; Lots 25-27, Section 11, DP 982836	Local	111
Auburn	Dwelling	3 Kihilla Street	Lot A, DP 313590	Local	112
Auburn	Dwelling	8 Mary Street	Lot 1, DP 505982	Local	113
Auburn	Lea's Temperance Hall (former)	24 Mary Street	Lot A, DP 73573	Local	114
Auburn	Electricity Substation No 167	93 Parramatta Road and 2 Silverwater Road	Lot 167, DP 610769; Lots A and C, DP 347473	State	11790
Auburn	Auburn North Public School and <i>Ficus macrophylla</i> , Moreton Bay Fig Tree	153-159 Parramatta Road	Lot 1, DP 631976; Lots 1-4, DP 782325; Lot 416, DP 821067; Lots 7-18, DP 9688; Lots 1-4, DP 182006; Lots 11 and 12, DP 1127373; Lot 2, DP 706849	Local	115
Auburn	Dwelling	16 Queen Street	Lot 1, DP 921837	Local	116
Auburn	Auburn Ambulance Station	54 Queen Street	Lot 1, DP 196515	Local	117
Auburn	Keighery Hotel	51 Rawson Street	Lot 1, DP 655963; Lot 1, DP 978290	Local	118
Auburn	Grey Box Reserve	Corner of St Johns and Park Roads	Lot 1, DP 828311	Local	119
Auburn	Horse trough	Corner of Water Street and Auburn Road		Local	120
Auburn	Inter War Dwelling	21 Yillowra Street	Lot 1, DP 798097	Local	121



Berala	Berala Public School	Corner of Clarke Street, Harrow Road and Auburn Road	Lot 495, DP 729392; Lots 15–27, Section 2, DP 6776; Lots 37–54, Section 2, DP 6776	Local	I22
Berala	St Peter Chanel School Hall, Church and Rectory	60–66 Kingsland Road	Lots A and B, DP 323658; Lots 1 and 2, DP 589907	Local	I23
Berala	Brush Box street trees	Lidbury Street		Local	I24
Chester Hill	Everley Park	1 Everley Road	Lot 1, DP 222670; Lot B, DP 415520	Local	I25
Girraween	Targo Mahal, Federation bungalow	156 Targo Road	Lot 3114, DP 849493; SP 66230	Local	I26
Girraween	Urana, late Victorian/Federation bungalow	26 Tungarra Road	Lot 36, DP 1033519	Local	I27
Granville	Stone cottages	15 and 17 Bennalong Street	Lot 1, DP 784483; Lot 1, DP 195775	Local	I28
Granville	Crest Theatre	157 Blaxcell Street	Lot 2, DP 217971	State	I01664
Granville	Granville Town Hall	10 Carlton Street	Lot 1, DP 910484	State	I01679
Granville	Nallabrae	17–21 Carlton Street	Lots 4 and 5, Section 2, DP 829	Local	I29
Granville	Charles Street Group	3, 5 and 9 Charles Street	Lot 5, DP 712427; Lots 6–9 Section 3, DP 976445	Local	I30
Granville	Single storey residence	7 Daniel Street	Lot 7, DP 1106584	Local	I31
Granville	Single storey residence	9 Daniel Street	Lot 9, DP 1106585	Local	I32
Granville	Single storey residence	11 Daniel Street	Lot A, DP 318178	Local	I33
Granville	Single storey residence	32 Elizabeth Street	Lot 2, DP 884277	Local	I34
Granville	Former shop	6–8 Factory Street	Lot 1, DP 844490	Local	I35
Granville	Cottage	37 Fifth Street	Lot 210, DP 1090741	Local	I36
Granville	Single storey residence	8 Florrie Street	Lot 1, DP 113288	Local	I37

Granville	Cottage	10 Florrie Street	Lot 2, DP 113288	Local	138
Granville	Scout Hall	1A Glen Street	Lot C, DP 355997	Local	139
Granville	Grimwood Street Group	23, 27, 28 and 30 Grimwood Street	Lot 1, DP 558217; Lot 19, DP 74437; Lot 7, DP 1010338; Lot 11, DP 843684	Local	140
Granville	Holy Trinity Church Group	40 Grimwood Street	Lot 1, DP 1049144	Local	141
Granville	Semi-detached cottages	43 and 45 Grimwood Street	Lots A and B, DP 310736	Local	142
Granville	Single storey residence	4 Hewlett Street	Lot 15, DP 1067637	Local	143
Granville	Single storey residence	6-8 Hewlett Street	Part Lot 14, Section D, DP 975348	Local	144
Granville	Single storey residence	18 Hewlett Street	Lot 1, DP 998959	Local	145
Granville	Single storey residence	20 Hewlett Street	Lot 3, DP 775950	Local	146
Granville	Single storey residence	21 Hewlett Street	Lot 9, DP 3071	Local	147
Granville	Single storey residence	23 Hewlett Street	Lot 8, DP 3071	Local	148
Granville	Granville Police Station	12 Hutchinson Street	Lots 29 and 30, Section 1, DP 976382	Local	149
Granville	Knox Presbyterian Church	14 Hutchinson Street	Lot 1, DP 1050714	Local	150
Granville	Terrace housing	6, 8, 10, 12 and 14 Jamieson Street	Lots 1-5, DP 778262	Local	151
Granville	Single storey residence	17 Jamieson Street	Lot 18, Section 1, DP 4013	Local	152
Granville	Conjoined residences	22 and 24 Jamieson Street	Lots 1 and 2, DP 550210	Local	153
Granville	Conjoined residences	26 and 28 Jamieson Street	Lots 101 and 102, DP 775235	Local	154
Granville	Two storey residence	29 Jamieson Street	Lot 1, DP 744216	Local	155
Granville	Single storey residence	30 Jamieson Street	Lot 1, DP 963437; Lot 6, Section 2, DP 4013	Local	156

Granville	Conjoined residences	32 and 34 Jamieson Street	Lots 4A and 4B, DP 106295	Local	157
Granville	St Mark's Anglican Church, Hall and Rectory	39 Jamieson Street	Lot 10, DP 604547	Local	158
Granville	Two storey residence	40 Jamieson Street	Lot 1, DP 455505; Lot 1, Section 2, DP 4013	Local	159
Granville	Single storey residence	53 John Street	Lot 35, Section 2, DP 947	Local	160
Granville	Conjoined residences	55 and 57 John Street	Lot 1, DP 103190; Lot 1, DP 850572	Local	161
Granville	Cottage	2 Lisgar Street	Lot 6, Section 1, DP 1788	Local	162
Granville	Single storey residence	5 Margaret Street	Lot 1, DP 115160	Local	163
Granville	Single storey residence	8 Margaret Street	Lot 20, DP 975668	Local	164
Granville	Tuena	14 Margaret Street	Lot B, DP 82513	Local	165
Granville	Single storey residence	24 Margaret Street	Lot 1, DP 724062; Lot B, DP 966304	Local	166
Granville	Single storey residence	8 Mary Street	SP 20693	Local	167
Granville	Granville Boys High School	10 Mary Street	Lot 1, DP 795136	Local	168
Granville	Cottage	21 Membrey Street	Lot 11, DP 850956	Local	169
Granville	Granville Swimming Pool	1 Memorial Drive	Lot 1, DP 430693; Lot 1, DP 510570; Lots 21-34, DP 17572; Lot 9, DP 262830	Local	170
Granville	Granville War Memorial	1 Memorial Drive	Lot 1, DP 430693	Local	171
Granville	Granville RSL Club	5 Memorial Drive	Lot 100, DP 813998	Local	172
Granville	Monuments	5 Memorial Drive, grounds of Granville RSL Club		Local	173
Granville	Cottage	28 Mimosa Street	Lot 104, DP 6784	Local	174

Granville	New York Street Group	12, 13, 14, 18, 20, 22 and 24 New York Street	Lot 102, DP 827912; Lot 1, DP 152709; Lot A, DP 318121; Lots 1 and 2, DP 137124; Lot 10, DP 1037057; Lot 11, DP 84371; Lot 14, DP 999601	Local	175
Granville	Conjoined residences	9 and 11 Queen Street	Lots A and B, DP 442619	Local	176
Granville	Conjoined residences	13 and 15 Queen Street	Lots A and B, DP 107465	Local	177
Granville	Single storey residence	62 Railway Parade	Lots 9 and 10, Section 1, DP 4013; Lot A, DP 301239	Local	178
Granville	Wendover	64 Railway Parade	Lots 6-8, Section 1, DP 4013	Local	179
Granville	Single storey residence	70 Railway Parade	Lots 2 and 3, Section 1, DP 4013	Local	180
Granville	Conjoined residences	2 and 4 Russell Street	Lots 1 and 2, DP 509380	Local	181
Granville	Conjoined residences	10 Russell Street	Lots 1 and 2, DP 127379	Local	182
Granville	Conjoined residences	12 Russell Street	Lot 1, DP 900090; Lot 1, DP 900091	Local	183
Granville	Cottage	41 and 43 Sixth Street	Lot 2, DP 625679; Lot 11, DP 828651	Local	184
Granville	Young's Buildings	11, 13, 17 and 19 South Street	Lots 2-6, DP 28178	Local	185
Granville	Royal Hotel	16-20 South Street	Lot 100, DP 747211	Local	186
Granville	Chateau Blanc	51 South Street	Lot 1, DP 361441	Local	187
Granville	Granville Technical College	80 South Street	Lot 1, DP 582173	Local	188
Granville	Shops	82, 86 and 88 South Street	Lots A and B, DP 162902; Lot 1, DP 1005779	Local	189
Granville	Uniting Church	104 South Street	Lot 1, DP 90266; Lot A, DP 315642	Local	190
Granville	Single storey residence	14 Spring Garden Street	Lot 8, Section 3, DP 975187	Local	191

Granville	Conjoined residences	24 and 26 Spring Garden Street	Lot 1, DP 770225; Lot 1, DP 112835	Local	I92
Granville	Conjoined residences	28 and 30 Spring Garden Street	Lots 12A and 12B, DP 447591	Local	I93
Granville	Single storey residence	28 The Avenue	Lot 1, DP 779440	Local	I94
Granville	Single storey residence	36 The Avenue	Lot 12, DP 537381	Local	I95
Granville	Single storey residence	42 The Avenue	Lot 1, DP 995184	Local	I96
Granville	Conjoined residences	52 and 54 The Avenue	Lots C and D, DP 401005	Local	I97
Granville	Single storey residence	58 The Avenue	Lot B, DP 341740	Local	I98
Granville	Single storey residence	60 The Avenue	Lot 1, DP 610108	Local	I99
Granville	Single storey residences	66 The Avenue	Lot 6, DP 128858; Lot 7, DP 938	Local	I100
Granville	Single storey residence	74 The Avenue	Lot 1, DP 985119	Local	I101
Granville	Single storey residence	83 The Avenue	Lot 1, DP 936365	Local	I102
Granville	Single storey residence	85 The Avenue	Lot 1, DP 934361	Local	I103
Granville	Stone Bridge	113 and 115 The Avenue (near)		Local	I104
Granville	The Trongate Victorian Group	90, 92, 94, 96, 98 and 100-102 The Trongate	Lots 1-3, DP 219451; Lots A and B, DP 106943; Lot 1, DP 983817	Local	I105
Granville	Kerb and guttering	Length of Walter Street		Local	I106
Granville	Single storey residence	4 Walter Street	Lot 2, DP 222135	Local	I107
Granville	Single storey residence	10 Walter Street	Lot B, DP 154077	Local	I108
Granville	Single storey residence	11 Walter Street	Lot 1, DP 998953	Local	I109
Granville	Single storey residence	26 Walter Street	Lot 2, DP 775950	Local	I110

Granville	Single storey residence	28 Walter Street	Lot 1, DP 775950	Local	I111
Granville	Single storey residence	30 Walter Street	Lot 30, DP 998946	Local	I112
Granville	Single storey residence	32 Walter Street	Lot 1, DP 742150	Local	I113
Granville	Evesham	102 William Street	Lot 2, DP 544383	Local	I114
Granville	Timber cottage group	115, 117 and 119 William Street	Lot 1, DP 933493; Lot 1, DP 935521; Lot B, DP 326631	Local	I115
Granville	Single storey residence	123 William Street	Lots 1 and 2, DP 126844	Local	I116
Granville	Granville Public School	133 William Street (Lena Street)	Closed road; Lot 1, DP 66624; Lots 1-3, DP 795085; Lot 1, DP 905172	Local	I117
Granville	Single storey residence	152 William Street	Lot 6, Section A, DP 282	Local	I118
Granville	William Street Group	170, 172, 174, 176 and 178 William Street	Lots A-E, DP 19167	Local	I119
Granville	Cottage	183 William Street	Lot 11, DP 732991	Local	I120
Granville	Railway memorial	Woodville Road (corner Crescent Street)		Local	I121
Granville	Single storey residence	15 Woodville Road	Lot 1, DP 653764	Local	I122
Greystanes	Late Victorian/Federation cottage	15 Bayfield Road	Lot 33, DP 250266	Local	I123
Greystanes	Remnant tree stands	Damien Avenue	Lot 10, DP 216141; Lot 75, DP 218384; Lot 8, DP 212933; Lot 183, DP 209054	Local	I124
Greystanes	Milestone group, Parramatta to Greystanes	Great Western Highway		Local	I125
Greystanes	House and farm buildings	Hyland Road	Lot 10, DP 817980	Local	I126

Greystanes	Lower Prospect Canal Reserve	Macquarie Road (between Alpha Road and Dahlia Street)	Lot 1, DP 225808	State	I01945
Greystanes	Ringrose Primary School	18-36 Ringrose Avenue	Lot 11, DP 832083	Local	I127
Guildford	Footbridge over Lower Prospect Canal	Albert Street	Lot 2, DP 865978	Local	I128
Guildford	Victorian/ Georgian cottage	48 Albert Street	Lot 6, DP 27045	Local	I129
Guildford	Federation/ Queen Anne cottage	12 Amherst Street	Lot C, DP 949414	Local	I130
Guildford	Guildford Public School, circa 1915	1A Apia Street	Lots 69, 69A and 70, Section A, DP 5018; Lots 1-6, DP 797894; Lot 415, DP 820561	Local	I131
Guildford	Glencoe	3 Barbers Road	Lot 2, DP 226836	Local	I132
Guildford	Water pipeline	9 Barbers Road, 67A Campbell Hill Road, 368A Railway Terrace and 579A Woodville Road	Lot 1, DP 225815; Lots 1-3, DP 225816; Lot 1, DP 599509; Lot 1, DP 225815	Local	I133
Guildford	Kelvin, Federation/ Queen Anne bungalow	67 Berwick Street	Lots 7 and 8, Section 10, DP 734	Local	I134
Guildford	Federation bungalow	77 Berwick Street	Lots 31 and 32, Section 5, DP 734	Local	I135
Guildford	Swift's House	36 Bolton Street	Lot 4, Section 10, DP 4047	Local	I136
Guildford	Bolton Street Group	45, 47 and 49 Bolton Street	Lots 16-18, Section 2, DP 1647; Lot 6, DP 1085567	Local	I137
Guildford	Electrical substation	Bright Park	Lots 27 and 28, DP 1112619	Local	I138
Guildford	Linnwood	11 Byron Road	Lot 1, DP 169485; Lot 1, DP 183017	State	I01661
Guildford	Guildford School of Arts, community building, circa 1901-1925	1 Calliope Street	Lot 46, DP 9748	Local	I139

Guildford	Electricity substation	83 Cardigan Street	Lot 34, Section 3, DP 734	Local	I140
Guildford	House	10 Cross Street	Lot 1, DP 381894	Local	I141
Guildford	Wingello	55 Cross Street	Lot 2, DP 208503	Local	I142
Guildford	Cottage	66 Cross Street	Lot 3, DP 4907	Local	I143
Guildford	Kia Ora, Federation/ Queen Anne cottage	138 Fowler Road	Lot 43, DP 9006	Local	I144
Guildford	Pipehead, water supply canal and associated works	Frank Street (primary), Bowden Street (alternate), Parkes Street (alternate), Palmer Street (alternate)	Part of Lot 1, DP 865978	State	I01629
Guildford	St Mary's Anglican Church Group	246A Guildford Road	Lots 1-4, Section 1, DP 4047	Local	I145
Guildford	Guildford Fire Station	263 Guildford Road	Lot 24, Section 3, DP 683	Local	I146
Guildford	Guildford Shop Group	317, 323, 327, 329, 331, 333, 335, 337, 345 and 347 Guildford Road	Lot 1, DP 514685; Lot 42, DP 503291; Lots A-C, DP 403299; Lot 2, DP 504315; Lots 1 and 2, DP 626032; Lots 22 and 23, DP 129060	Local	I147
Guildford	Hazeldene, late Victorian/ Federation/ Queen Anne cottage	379 Guildford Road West	Lot 3, DP 212724	Local	I148
Guildford	George McCredie Memorial Church, Federation church, circa 1905	486 Guildford Road West	Lot 78, Section A, DP 2403	Local	I149
Guildford	Carsons, Federation period cottage	128 Harris Street	Lot 247, DP 628	Local	I150
Guildford	Late Victorian cottage	121 Hawksview Street	Lot 22, DP 24620	Local	I151
Guildford	Viaduct carrying main pipelines	Military Road		Local	I152
Guildford	House	73 Milner Road	Lot 17, Section 9, DP 4047	Local	I153



Guildford	Fibro and weatherboard cottage, circa 1938-1946	11 O'Connor Street	Lots 56-58, Section 2, DP 886	Local	I154
Guildford	Myrnville, late Victorian period cottage	45 O'Neill Street	Lots 13 and 14, Section 32, DP 875	Local	I155
Guildford	Late Victorian cottage	63 O'Neill Street	Lot 7B, DP 350173	Local	I156
Guildford	Former bakery	332 Railway Terrace	Lot 4, DP 661097	Local	I157
Guildford	House	346 Railway Terrace	Lot 2, DP 504399	Local	I158
Guildford	Cottage	39 Rosebery Road	Lot 18, Section 1, DP 4047	Local	I159
Guildford	Catherine	55 Rosebery Road	Lot 101, DP 610924	Local	I160
Guildford	House	77 Rosebery Road	Lot B, DP 302615	Local	I161
Guildford	Cloverdale	29 Salisbury Road	Lot 38, Section 3, DP 4047	Local	I162
Guildford	House	45 Station Street	Lot 11, Section 4, DP 1647	Local	I163
Guildford	Talbot Road Precinct	11-23 and 12-24 Talbot Road	Lots 1 and 2, DP 126838; Lot 20, DP 665153; Lot 1, DP 964044; Lot A, DP 332730; Lot 3, DP 330485; Lot B, DP 332730; Lot 4, DP 330485; Lot B, DP 332578; Lot 6, DP 330485; Lot 1, DP 957333; Lot 1, DP 128842; Lot 1, DP 959726	Local	I164
Guildford	Late Victorian/ Federation residence	9A Tennyson Parade	Lot 1, DP 1100976; SP 78005	Local	I165
Guildford	Inter-war bungalow	33 Tennyson Parade (also known as 33 Woodpark Road)	Lot 3, DP 786707	Local	I166
Guildford	Federation period cottage	20A The Esplanade	Lot 445, DP 1039110; SP 73518	Local	I167
Guildford	Cottage	27 Woodstock Street	Lot 46, Section 3, DP 990	Local	I168

Guildford	Granville South Public School	276 Woodville Road	Lot 1, DP 724137; Lot 14, DP 2727; Lot 2, DP 558682; Lot 7, Local DP 2727; Lot A, DP 381722		I169
Guildford	Electrical substation	467A Woodville Road	Lot B, DP 388453	Local	I170
Guildford	Milestone	Adjacent to 488 Woodville Road		Local	I171
Holroyd	Goodlet & Smith (brickmaking plant and chimney and Hoffman kiln and chimney)	23-25 Brickworks Drive	Lots 1001 and 1002, DP 1037793	Local	I172
Holroyd	Pitt Cottage, late Victorian cottage	114 Pitt Street	Lot A, DP 377100	Local	I173
Lidcombe	Hotel Lidcombe	Church Street (corner of John Street)	Lot 1, DP 83241	Local	I174
Lidcombe	Wyatt Park, Haslams Creek, Lidcombe Pool, Lidcombe Oval, Stormwater Drain	(Main entrance) at Church Street	Park bounded by Olympic Drive and Boorea Street, Percy and Church Streets	Local	I175
Lidcombe	Lidcombe Fire Station	37 Church Street	Lot 1, DP 73883	Local	I176
Lidcombe	The Gables	59 East Street	Lot 25, Section 2, DP 6508	Local	I177
Lidcombe	Dwelling	24 James Street	Lot 1, DP 868904	Local	I178
Lidcombe	Lidcombe Public School and Infants Department	Corner of John Street, Doodson Avenue and Mill Street	Lot 1, DP 1095078	Local	I179
Lidcombe	St Joachims Catholic Church, Parish Hall and School	John Street and 7 Mary Street	Lot 1, DP 782402; Lot 1, DP 85960; Lot 1, DP 732890; Lot 1, DP 88171; Lot 102, DP 853968	Local	I180
Lidcombe	Lidcombe Police Station	11 John Street	Lot 300, DP 1142325	Local	I181

Lidcombe	Nurses Quarters Buildings (Nurse's Homes 1, 2 and 3), Former Lidcombe Hospital Site	Joseph Street, Lidcombe	Lot 8, DP 270688	Local	I182
Lidcombe	Minali Special School (early twentieth century residence)	Off Joseph Street	Lot 4, DP 1046678	Local	I183
Lidcombe	Railway Hotel	4 Joseph Street (southwest corner of Joseph and Railway Streets)	Lot 28, DP 655869; Lot 3, DP 814762	Local	I184
Lidcombe	Fenton House	35-47 Joseph Street	Lot 35, DP 1018049	Local	I185
Lidcombe	Dwelling	53-55 Kerrs Road	Lots 9 and 10, Section 5, DP 3424	Local	I186
Lidcombe	Stand of <i>Eucalyptus microcorys</i>	Olympic Drive		Local	I187
Lidcombe	Stand of <i>Eucalyptus longifolia</i>	Corner of Parramatta and Hill Roads		Local	I188
Lidcombe	Royal Oak Hotel	46-50 Railway Street	Lot 1, DP 962844; Lot 6, Section 1, DP 846	Local	I189
Lidcombe	Lidcombe Post Office	1A Taylor Street	Lot 2, DP 817962	Local	I190
Lidcombe	Clive E Evatt Commemorative Plaque	Corner of Yarram and Boorea Street		Local	I191
Merrylands	Hampden, Federation period cottage	10 Alfred Street	Lot 18, Section B, DP 976883	Local	I192
Merrylands	Former Council Chambers, circa 1914	3 Arcadia Street	Lots 3-8, DP 220890	Local	I193
Merrylands	Semi-detached cottages	23 and 25 Augustus Street	Lot 1, DP 523623; Lot 1, DP 983786	Local	I194
Merrylands	Cottage	29 Bertha Street	Lot 34, Section 2, DP 1260	Local	I195
Merrylands	Homes for Unemployed cottage	46 Bertha Street	Lot 25, Section 4, DP 1260	Local	I196

Merrylands	Semi-detached cottage	14 and 16 Cohen Street	Lots A and B, DP 441254	Local	I197
Merrylands	Semi-detached cottage	18 and 20 Cohen Street	Lots 1 and 2, DP 540690	Local	I198
Merrylands	House	3 Earl Street	Lot 165, DP 926	Local	I199
Merrylands	Late Victorian period cottage	11 Hilltop Road	Lot X, DP 405801	Local	I200
Merrylands	Greek Orthodox Church	29 Holroyd Road	Lots 30-32, Section 10, DP 2020	Local	I201
Merrylands	Late Victorian cottage, Cumberland Model Farms Estate	130 Jersey Road	Lot 3, DP 213691	Local	I202
Merrylands	House	30 Lansdowne Street	Lot 21, DP 881750	Local	I203
Merrylands	Boori, Victorian Italianate residence and grounds	20 Ledger Road	Lot 10, DP 712035	Local	I204
Merrylands	Merrylands Public School	49 Matthew Street	Lots 299-318, DP 628	Local	I205
Merrylands	Merrylands Uniting Church, inter-war church, circa 1928	7 Memorial Avenue	Lot 9B, DP 321378	Local	I206
Merrylands	The Lodge	56 Merrylands Road	Lot 32, DP 9814	Local	I207
Merrylands	Cottage	59 Merrylands Road	Lot 30, Section 1, DP 979564	Local	I208
Merrylands	Electrical substation	285 Merrylands Road	Lot 501, DP 1032775	Local	I209
Merrylands	Merrylands School of Arts, community building, circa 1917-1925	289 Merrylands Road	Lot 1, DP 534341	Local	I210
Merrylands	Fire station (inter-war period)	340 Merrylands Road	Lot 62, DP 628	Local	I211
Merrylands	Merrylands Railway Station	Military Road		Local	I212
Merrylands	Baby health care centre, circa 1947	10-15 Military Road	Part of Lot 10, DP 1068467	Local	I213
Merrylands	Merrylands East Primary School, circa 1928	Myee Street	Lots 6 and 7, DP 4652	Local	I214

Merrylands	Lawson Square Reserve	Price Street	Lot 379, DP 628; Lots 1 and 2, DP 250732	Local	I215
Merrylands	Victorian cottage	25 Reid Street	Lot 42, Section 5, DP 1118	Local	I216
Merrylands	Federation period bungalow	56 St Ann Street	Lot 3, DP 236496	Local	I217
Merrylands	Federation period (Art Nouveau detailing) residence	7 Villiers Street	Lot 35B, DP 399461; Lots 36–38, Section 2, DP 2628	Local	I218
Merrylands	Federation period cottage	33 Walker Street	Lot A, DP 435743	Local	I219
Merrylands	Milestone	Adjacent to 198 Woodville Road		Local	I220
Merrylands West	Memorial reserve, historic memorial and cannon	48 Arthur Street (corner Arcadia Street)	Lot 17, Section E, DP 2733	Local	I221
Merrylands West	Sherwood Scrubs, residence and service wing, summer house, garden, setting and outbuildings	102 Kenyons Road (also known as 74 Sherwood Road)	Lot 12, DP 1075418	Local	I222
Merrylands West	Late Victorian cottage	42 Paton Street	Lot 100, DP 1067085	Local	I223
Parramatta	Carrington, Victorian Italianate residence and grounds	8 Ledger Road	Lot 1, DP 613256	Local	I224
Pemulwuy	Aboriginal flaked stone artefacts	Clunies Ross Street	Part of Lot 496, DP 1137079	Local	I225
Pemulwuy	Prospect Hill	Clunies Ross Street (primary), Butu Wargun Drive (alternate), Reconciliation Road (alternate), Great Western Highway (alternate)	Lots 201 and 202, DP 1121844; Lot 669, DP 1148337; part of Lot 107, DP 1028208; part of Lot 901, DP 1078814	State	I01662
Pemulwuy	Main gate—Boral (formerly known as the Greystanes Gates, circa 1830)	Greystanes Road	Lot 141, DP 1061621	Local	I226

Pendle Hill	Bonds administrative building, storage building, cutting room and cotton bale stores	190-220 Dunmore Street	Lot 1, DP 735207	Local	I227
Pendle Hill	Former Bonds Bobbin Mill facade	211-215 Dunmore Street	Lot 65, DP 881163	Local	I228
Pendle Hill	Dunmore, Victorian Italianate residence and garden setting	222-266 Dunmore Street	Lot 3, DP 554208	Local	I229
Pendle Hill	Ashwood House, Inter-war Georgian Revival residence	268-280 Dunmore Street	Lot A, DP 335578	Local	I230
Pendle Hill	Pendle Hill Railway Station	Pendle Way		Local	I231
Prospect	Prospect Reservoir and surrounding area	1 Picrite Close	Part of Lot 304, DP 1122291; part of Lots 1 and 18, DP 270644	State	I01370
Regents Park	Commercial building	20 Amy Street	Lot 11, DP 12804	Local	I232
Regents Park	Regents Park railway station	Park Road	Lot 1, DP 217930; Lot 1, DP 789065	Local	I233
Rookwood	No 1 Section buildings, relics and place	Bounded by East and Railway Streets		State	I00718
Rookwood	Rookwood Cemetery or Necropolis	Bounded by East and Railway Streets		State	A00718
South Granville	Colquhoun Park, including palm trees and monument	196 Blaxcell Street	Lot 1, DP 136166; Lot 11, DP 136168; Lots 11, 52 and 53, DP 192747	Local	I234
South Granville	Houses built for Housing Commission	347, 349, 351, 353, 355, 357, 359 and 361 Blaxcell Street	Lots 13-16 and 35-38, DP 35007	Local	I235
South Granville	Electrical substation	415-417 Blaxcell Street	Lot 19, DP 11886	Local	I236
South Granville	Houses built for Housing Commission	27, 29, 33, 35, 37, 39, 41, 43 and 47 Chiswick Road	Lots 39, 41-46 and 48-50, DP 35007	Local	I237

South Granville	Houses built for Housing Commission	278, 286 and 288 Clyde Street	Lot 2, DP 877380; Lots 53 and 54, DP 35007	Local	I238
South Granville	Dellwood Shopping Centre	12 Dellwood Street	SP 43874	Local	I239
South Granville	Acrow Building	7-11 Ferndell Street	Lot 4, DP 541981	Local	I240
South Granville	Houses built for Housing Commission	2-24 and 7-29 Montgomery Avenue	Lots 17-25, 55-66, 68 and 69, DP 35007; Lot B, DP 413055	Local	I241
South Granville	Stone cottage	24 Nobbs Street	Lot 35, DP 1305	Local	I242
South Granville	Houses built for Housing Commission	6, 8, 10, 12, 14, 16 and 26 Oakleigh Avenue	Lots 12 and 28-33, DP 35007	Local	I243
South Wentworthville	The Wattles, Victorian/ Georgian residence	245 Great Western Highway	Lot 100, DP 878926	Local	I244
South Wentworthville	Rosedale, late Victorian cottage, Cumberland Model Farms Estate	50 Jersey Road	Lot 2, DP 553544	Local	I245
Toongabbie	St Edna's Church Hall (inter-war hall, circa 1929)	27-33 Aurelia Street	Lots 42-45, Section C, DP 10697	Local	I246
Toongabbie	Toongabbie Railway Station	Cornelia Road		Local	I247
Toongabbie	Portico Park	Portico Parade		Local	I248
Toongabbie	Railway viaduct	Portico Parade (Toongabbie Railway Station)		Local	I249
Wentworthville	Federation bungalow	3 Bennett Street	Lot 43, DP 7330	Local	I250
Wentworthville	Yoorooga, late Victorian cottage	54 Bridge Road	Lot 1, DP 418951	Local	I251
Wentworthville	Former post office, circa 1926	63 Dunmore Street	Lots 8 and 9, DP 9296	Local	I252
Wentworthville	Inter-war bungalow	6 Fullagar Road	Lot 54, DP 10054	Local	I253
Wentworthville	Late Victorian cottage	7 Fullagar Road	Lot 239, DP 7383	Local	I254
Wentworthville	Inter-war bungalow	8 Fullagar Road	Lot 53, DP 10054	Local	I255

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Wentworthville	Inter-war bungalow	10 Fullagar Road	Lot 52, DP 10054	Local	I256
Wentworthville	Inter-war bungalow	12 Fullagar Road	Lot 51, DP 10054	Local	I257
Wentworthville	Inter-war bungalow	14 Fullagar Road	Lot 50, DP 10054	Local	I258
Wentworthville	Inter-war bungalow	16 Fullagar Road	Lot 49, DP 10054	Local	I259
Wentworthville	Inter-war bungalow	18 Fullagar Road	Lot 48, DP 10054	Local	I260
Wentworthville	Inter-war bungalow	20 Fullagar Road	Lot 47, DP 10054	Local	I261
Wentworthville	Inter-war bungalow	22 Fullagar Road	Lot 46, DP 10054	Local	I262
Wentworthville	Inter-war bungalow	24 Fullagar Road	Lot 45, DP 10054	Local	I263
Wentworthville	Inter-war bungalow	26 Fullagar Road	Lot 44A, DP 10054	Local	I264
Wentworthville	Inter-war bungalow	30 Fullagar Road	Lot 43, DP 10054	Local	I265
Wentworthville	Inter-war bungalow	32 Fullagar Road	Lot 42, DP 10054	Local	I266
Wentworthville	Inter-war bungalow	38 Fullagar Road	Lot 39, DP 10054	Local	I267
Wentworthville	Electricity substation	62 Fullagar Road	Lot 0, SP 61875	Local	I268
Wentworthville	Federation Arts and Crafts shop building	17 Garfield Street	Lot 31A, DP 305323	Local	I269
Wentworthville	Masonic Temple	26 Garfield Street	Lot 19, DP 7330	Local	I270
Wentworthville	Inter-war bungalow	32 Garfield Street	Lot 2, DP 565430	Local	I271
Wentworthville	Federation period/ Queen Anne style bungalow	38 Garfield Street	Lot 38, DP 7330	Local	I272
Wentworthville	Inter-war cottage	41 Garfield Street	Lot 29C, DP 325228	Local	I273
Wentworthville	Nelyambo, Federation period bungalow	42 Garfield Street	Lots 55 and 56, DP 1129817	Local	I274
Wentworthville	Federation period residence	45 Garfield Street	Lot 101, DP 830675	Local	I275
Wentworthville	Federation period cottage	26 Jordan Street	Lot 91B, DP 373242	Local	I276
Wentworthville	Federation cottage	42 Lane Street	Lot 17, Section 1, DP 963	Local	I277
Wentworthville	St Andrew's Presbyterian Church, Federation Carpenter Gothic church, circa 1923	5A McKern Street	Lot 4, DP 7330	Local	I278

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Wentworthville	Federation period cottage	30 Monash Street	Lot 64, Section 4, DP 963	Local	I279
Wentworthville	Inter-war shopfront with Federation influences	2 and 4 Station Street	Lots G and H, DP 393510	Local	I280
Wentworthville	Dobson House, Federation/Inter-war period shopfront	6 and 8 Station Street	Lots 1 and 2, DP 803586	Local	I281
Wentworthville	Wentworthville Railway Station	The Kingsway		Local	I282
Wentworthville	Memorial fountain	The Kingsway		Local	I283
Wentworthville	Inter-war bungalow	16 Veron Street	Lot 34A, DP 302430	Local	I284
Wentworthville	Dalremos, Federation/ Queen Anne bungalow	44 Veron Street	Lot 26B, DP 321872	Local	I285
Wentworthville	Federation/ Queen Anne bungalow	57 Veron Street	Lot 1, DP 1063853	Local	I286
Westmead	Allengreen, Federation bungalow	1 Amos Street (also known as 14 The Park or 1 Thomas May Place)	Lot 4, DP 15214	Local	I287
Westmead	Inter-war bungalow	15 Austral Avenue	Lot 192, DP 13731	Local	I288
Westmead	Inter-war bungalow	17 Austral Avenue	Lot 191, DP 13731	Local	I289
Westmead	Inter-war bungalow	19 Austral Avenue	Lot 190, DP 13731	Local	I290
Westmead	Essington	2-8 Bridge Road (primary), Great Western Highway (alternate)	Lot 57B, DP 357142; Lot 58, DP 33085; Lot 1, DP 34635	State	I00204
Westmead	Late Victorian cottage	2 Drew Street	Lot 32, DP 976885	Local	I291
Westmead	The Firs, Victorian Picturesque Gothic residence	24 Good Street	Lot 101, DP 1155270	Local	I292
Westmead	Westmead Progress Association Hall	43 Hassall Street	Lots 31 and 32, Section C, DP 1409	Local	I293
Westmead	Deskford, Cabrini Nursing Home, circa 1876-1900	41 Hawkesbury Road	Lots 6 and 7, DP 15726	Local	I294
Westmead	Westmead Public School, circa 1917	150 Hawkesbury Road	Lot 1, DP 881383	Local	I295

Westmead	Victorian/ Georgian cottage	43 Houison Street	Lot 6, DP 22224	Local	I296
Westmead	Federation residence	20 Lichen Place (also known as 20 The Park)	Lot 2, DP 523943	Local	I297
Westmead	Inter-war bungalow	5 Moree Avenue	Lot 135, DP 13731	Local	I298
Westmead	Inter-war bungalow	7 Moree Avenue	Lot 134, DP 13731	Local	I299
Westmead	Silver Grove, Inter-war bungalow	9 Moree Avenue	Lot 133, DP 13731	Local	I300
Westmead	Girraween, Inter-war bungalow	11 Moree Avenue	Lot 132, DP 13731	Local	I301
Westmead	Maxville, Inter-war bungalow	13 Moree Avenue	Lot 131, DP 13731	Local	I302
Westmead	Inter-war bungalow	15 Moree Avenue	Lot 130, DP 13731	Local	I303
Westmead	Inter-war bungalow	19 Moree Avenue	Lot 128, DP 13731	Local	I304
Westmead	Federation period cottage	1 Oakes Street	Lot 1, DP 846379	Local	I305
Westmead	Attached residence	29 Parkside Lane (also known as 29 The Park)	Lot 1, DP 37436	Local	I306
Westmead	Attached residence	30 Parkside Lane (also known as 30 The Park)	Lot 2, DP 37436	Local	I307
Westmead	Inter-war (Mediterranean influences) apartment block	15-17 The Park (also known as 15-17 Thomas May Place)	Lot 765, DP 884317	Local	I308
Yennora	Yennora Railway Station	Nelson Road		Local	I309

## Part 2 Heritage conservation areas

Description	Identification on <a href="#">heritage map</a>	Significance	Item no
Blaxcell Estate Conservation Area	Shown as "Blaxcell Estate Conservation Area"	Local	C1
Fullagar Road Conservation Area	Shown as "Fullagar Road Conservation Area"	Local	C2
Former Lidcombe Hospital Site	Shown as "Former Lidcombe Hospital Site"	State	C07144
Granville Conservation Area—Civic Precinct	Shown as "Granville Conservation Area—Civic Precinct"	Local	C3

Granville Conservation Area—Residential Precinct	Shown as “Granville Conservation Area—Residential Precinct”	Local	C4
Toohey’s Palm Estate Group Conservation Area	Shown as “Toohey’s Palm Estate Group Conservation Area”	Local	C5

### Part 3 Archaeological sites

Suburb	Item name	Address	Property description	Significance	Item no
Auburn	Auburn War Memorial	Northumberland Road, RSL car park (opposite the Auburn RSL)	Lots 1–5, Section 11, DP 995	Local	A1
Auburn	Parramatta Road Milestone	South side of Parramatta Road between Dartbrook and Station Roads		Local	A2
Auburn	Parramatta Road Milestone	South side of Parramatta Road, east of Station Road, east of Delhi Street, east side of railway bridge abutments near Birnie Street		Local	A3
Auburn	Clyde Marshalling Yards	Rawson Street	Part Lot 52, DP 1097362; Lots 1–4, DP 1007656; Lot 6, DP 1007656; Lot 2, DP 806999; Part Lot 1, DP 833989; Lot 3, DP 833989; Lot 2, DP 827674; Lots 1 and 2, DP 775808; Lot 201, DP 1007683	Local	A4
Auburn	Auburn Signal Box	Rawson Street, opposite Karrabah Road	Lot 4, DP 1007656	State	A01023
Berala	Berala railway station	Campbell Street	Lot 2, DP 803675	Local	A5
Greystanes	Former Farm, Hyland Road Inn and former post office	Hyland Road	Lot 10, DP 817980	Local	A6

Lidcombe	Canalisation of Haslams Creek south of Parramatta Road	Haslams Creek at Parramatta Road	Near Parramatta Road overbridge	Local	A7
Lidcombe	Railway overpass over Olympic Drive	Olympic Drive at Church Street and the Main Suburban Line		Local	A8
Lidcombe	Parramatta Road, road bridge over Haslams Creek	Parramatta Road at Haslams Creek		Local	A9
Lidcombe	Lidcombe Signal Box	Railway Street, between Mark and East Streets (south side of railway lines)		Local	A10
Lidcombe	Water supply pipeline	South Boundary of LGA, Duck River to Joseph Street		Local	A11
Lidcombe	Lidcombe War Memorial statue	Wellington Park (corner of James and Joseph Streets)	Wellington Park	Local	A12
Merrylands	Central Gardens	Merrylands Road	Lots 9A and 9B, DP 315747; part of Lot 8, DP 2138; Lot 1, DP 723964; Lot 2, DP 230342	Local	A13
Pendle Hill	Bonds site	190-220 Dunmore Street	Lot 1, DP 735207	Local	A14
Prospect	Prospect Reservoir and surrounding area	1 Picrite Close	Part of Lot 304, DP 1122291; part of Lots 1 and 18, DP 270644	State	A01370
Regents Park	Auburn Road, bridge over water pipeline	Auburn Road at the Water Supply Mains		Local	A15
Rookwood	Rookwood Cemetery or Necropolis	Bounded by East and Railway Streets		State	A00718
Toongabbie	Railway viaduct site	Portico Parade (Toongabbie Railway Station)		Local	A16

## Part 4 Aboriginal objects and Aboriginal places of heritage

## significance

Name of Aboriginal object or Aboriginal place of heritage significance	Identification on Heritage Map	Item no
Aboriginal scarred tree and Aboriginal flaked stone artefacts	Shown as "AH1"	AH1
Grey Box Reserve and Aboriginal scarred trees	Shown as "AH2"	AH2
Aboriginal scarred tree	Shown as "AH3"	AH3

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

(Clause 5.19)

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

#### Division 1 Site location requirements

##### 1 Conservation exclusion zones

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

##### Note—

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

## Division 2 Operational requirements

### 2 Species selection

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

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

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

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

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

### 5 Outlets from culture ponds etc

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

### 6 Definition

In this Division—

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

## Part 2 Extensive pond-based aquaculture

### Division 1 Site location requirements

#### 7 Conservation exclusion zones

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

**Note—**

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

## 8 Flood liability

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

## Division 2 Operational requirements

### 9 Species selection

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

### 10 Pond design

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

### 11 Culture water

Must use freshwater.

## Dictionary

(Clause 1.4)

**Aboriginal object** means any deposit, object or other material evidence (not being a 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 [Cumberland Local Environmental Plan 2021 Acid Sulfate Soils Map](#).

**Additional Permitted Uses Map** means the [Cumberland Local Environmental Plan 2021 Additional Permitted Uses Map](#).

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

**Note—**

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

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

**Note—**

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

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

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

**Note—**

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

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

**Note—**

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

**agriculture** means any of the following—

- (aaa) agritourism,
- (a) aquaculture,
- (b) extensive agriculture,
- (c) intensive livestock agriculture,



(d) intensive plant agriculture.

**Note—**

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

**agritourism** means the following—

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

**Note—**

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

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

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

**Note—**

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

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

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

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

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

**aquaculture** has the same meaning as in the *Fisheries Management Act 1994*. It includes oyster aquaculture, pond-based aquaculture and tank-based aquaculture.

**Note—**

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

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

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

- (a) a retail area for the sale of the products,

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

**Note—**

See clause 5.4 for controls in certain zones relating to the retail floor area of an artisan food and drink industry. Artisan food and drink industries are a type of **light industry**—see the definition of that term in this Dictionary.

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

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

**Note—**

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

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

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

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

**Note—**

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

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

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

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

**Note—**

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

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

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

**Note—**

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

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

**Biodiversity Map** means the [Cumberland Local Environmental Plan 2021 Biodiversity Map](#).

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

**Note—**

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

**boarding house** means a building or place—

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

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

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

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

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

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

**Note—**

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

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

**Note—**

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

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

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

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

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

**Note—**

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

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

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

whichever distance is the shortest.

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

**Note—**

The term is defined as follows—

**bush fire hazard reduction work** means—

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

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

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

**Note—**

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

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

**business identification sign** means a sign—

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

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

**Note—**

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

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

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

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

**Note—**

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

**camping ground** means an area of land, with access to communal amenities, used for the short term placement of campervans, tents, annexes or other similar portable and lightweight temporary shelters for accommodation and includes a primitive camping ground but does not include—

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

**canal estate development**—see clause 2.9.

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

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

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

**Note—**

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

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

**Note—**

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

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

**centre-based child care facility** means—

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

**Note—**

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

but does not include—

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

**Note—**

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

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

**classified road** has the same meaning as in the [Roads Act 1993](#).

**Note—**

The term is defined as follows—

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

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

(See [Roads Act 1993](#) for meanings of these terms.)

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

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

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

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

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

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

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

**co-living housing** means a building or place that—

- (a) has at least 6 private rooms, some or all of which may have private kitchen and bathroom facilities, and

- (b) provides occupants with a principal place of residence for at least 3 months, and
- (c) has shared facilities, such as a communal living room, bathroom, kitchen or laundry, maintained by a managing agent, who provides management services 24 hours a day,

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

**Note—**

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

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

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

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

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

**commercial premises** means any of the following—

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

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

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

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

**correctional centre** means—



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

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

**Council** means the Cumberland Council.

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

**Note—**

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

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

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

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

**Note—**

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

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

**Note—**

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

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

**Note—**

Data centres are a type of **high technology industry**—see the definition of that term in this Dictionary.

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

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

**Design Excellence Map** means the [Cumberland Local Environmental Plan 2021 Design Excellence Map](#).

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

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

**Note—**

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

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

**Note—**

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

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

**Note—**

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

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

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

**Note—**

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

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

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

**earthworks** means excavation or filling.

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

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

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and

- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

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

**Note—**

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

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

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

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

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

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

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

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

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

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

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

**environmental protection works** means works associated with the rehabilitation of land towards its

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

**estuary** has the same meaning as in the [Water Management Act 2000](#).

**Note—**

The term is defined as follows—

**estuary** means—

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

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

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

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

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

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

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

**Note—**

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

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

stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

**Note—**

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

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

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

**farm experience premises** means a building or place—

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

**Note—**

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

**farm gate premises—**

- (a) means a building or place—
  - (i) on a commercial farm, and
  - (ii) ancillary to the farm, and
  - (iii) used to provide visitors to the farm, on a commercial basis, with agricultural products predominantly from the farm, supplemented by products from other farms in the region, or with services or activities related to the products, including the following—
    - (A) processing, packaging and sale of the products, but not the processing of animals,
    - (B) the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided,
    - (C) tastings or workshops,
    - (D) the provision of information or education related to the products, and

(b) includes cellar door premises.

**Note—**

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

**farm stay accommodation** means a building or place—

(a) on a commercial farm, and

(b) ancillary to the farm, and

(c) used to provide temporary accommodation to paying guests of the farm, including in buildings or moveable dwellings.

**Note—**

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

**feedlot** means a confined or restricted area that is operated on a commercial basis to rear and fatten cattle, sheep or other animals, but does not include a poultry farm, dairy or pig farm.

**Note—**

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

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

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

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

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

(a) still photography, or

(b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or

(c) recording images as a visitor or tourist for non-commercial purposes, or

(d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

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

**Note—**

The term is defined as follows—

**Definition of “fish”**

(1)

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

(2)

**Fish** includes—

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

(3)

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

(4)

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

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

**floor space ratio**—see clause 4.5.

**Floor Space Ratio Map** means the [Cumberland Local Environmental Plan 2021 Floor Space Ratio Map](#).

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

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

**Note—**

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

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

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

**Foreshore Building Line Map** means the [Cumberland Local Environmental Plan 2021 Foreshore Building Line Map](#).

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

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

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

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

**Note—**

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

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

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

**Note—**

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

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

**Note—**

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

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

**Note—**

Goods repair and reuse premises are a type of **business premises**—see the definition of that term in this Dictionary.

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



- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,  
but excludes—
- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement—
  - (i) storage, and
  - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

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

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

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

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

**Note—**

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

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

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

but does not include development to which [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 3, Part 5 applies.

**Note—**

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

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

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

but does not include development to which [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 3, Part 5 applies.

**Note—**

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

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

**Note—**

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

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

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

**Note—**

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

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

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

**Note—**

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

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

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

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

**Note—**

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

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

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

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

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

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

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

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

**Note—**

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

**Height of Buildings Map** means the [Cumberland Local Environmental Plan 2021 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 [Cumberland Local Environmental Plan 2021 Heritage Map](#).

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

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

- (a) electronic or micro-electronic systems, goods or components,
  - (b) information technology (such as computer software or hardware),
  - (c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,
  - (d) biological, pharmaceutical, medical or paramedical systems, goods or components,
  - (e) film, television or multi-media technologies, including any post production systems, goods or components,
  - (f) telecommunications systems, goods or components,
  - (g) sustainable energy technologies,
  - (h) any other goods, systems or components intended for use in a science or technology related field,
- and includes a data centre, but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.

**Note—**

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

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

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

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

**Note 1—**

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

**Note 2—**

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

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

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

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

**Note—**

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

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

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

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

**Note—**

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

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

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

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or

- (d) the exhibition of any signage (other than a business identification sign), or
  - (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,
- but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

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

- (a) the employment of persons other than those residents, or
  - (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
  - (c) the exhibition of any signage, or
  - (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,
- but does not include a home business or sex services premises.

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

**Note—**

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

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

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

(j) mortuaries.

**Note—**

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

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

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

**Note—**

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

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

- (a) comprises rooms or self-contained suites, and
  - (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,
- but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

**Note—**

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

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

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

but does not include a hostel.

**Note—**

Independent living units are a type of **seniors housing**—see the definition of that term in this Dictionary.

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

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



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

but does not include a warehouse or distribution centre.

**Note—**

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

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

**Industry** means any of the following—

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

but does not include—

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

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

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

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

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

**Note—**

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

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

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

**Note—**

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

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

**Key Sites Map** means the [Cumberland Local Environmental Plan 2021 Key Sites Map](#).

**kiosk** means premises that are used for the purposes of selling food, light refreshments and other small convenience items.

**Note—**

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

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

**Land Application Map** means the [Cumberland Local Environmental Plan 2021 Land Application Map](#).

**Land Reservation Acquisition Map** means the [Cumberland Local Environmental Plan 2021 Land Reservation Acquisition Map](#).

**Land Zoning Map** means the [Cumberland Local Environmental Plan 2021 Land Zoning Map](#).

**landholding** means an area of land—

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

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

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

**Note—**

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

**light industry** means a building or place used to carry out an industrial activity that does not

interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following—

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

**Note—**

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

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

**Note—**

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

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

**Note—**

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

**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.

**Lot Size Map** means the [Cumberland Local Environmental Plan 2021 Lot Size Map](#).

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

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

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

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

storage facility,

(e) any berthing or mooring facilities.

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

**Note—**

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

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

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

**Note—**

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

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

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

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

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

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

**Note—**

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

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

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

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

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

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

**Note—**

The term is defined as follows—

**moveable dwelling** means—

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

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

**Note—**

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

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

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

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

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

**neighbourhood shop** means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, but does not include neighbourhood supermarkets or restricted premises.

**Note—**

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

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

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

**Note—**

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

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

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

- (a) has been identified as an item of State significance in a publicly exhibited heritage study adopted by the Council, and

(b) the Council has, by notice in writing to the Heritage Council, nominated as an item of potential State significance.

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

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

**Note—**

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

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

**Note—**

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

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

**Note—**

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

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

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

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

**Note—**

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

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

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

**people who are socially disadvantaged** means—

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

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

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

**Note—**

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

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

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

**Note—**

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

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

**Note—**

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

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

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

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

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

**Note—**

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

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

**Note—**

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

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

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

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

**Note—**

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

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

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

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

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

**public utility undertaking** means any of the following undertakings carried on or permitted to be carried on by or by authority of any Public Service agency or under the authority of or in pursuance of any Commonwealth or State Act—

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

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



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

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

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

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

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

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

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

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

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

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

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

**Note—**

The term is defined as follows—

**relic** means any deposit, artefact, object or material evidence that—

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

**research station** means a building or place operated by a public authority for the principal purpose

of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation.

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

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

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

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

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

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

**Note—**

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

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

**Note—**

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

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

**Note—**

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

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

**restaurant or cafe** means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided, but does not include the preparation and serving of food and drink to people that occurs as part of—

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

**Note—**

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

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

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

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

- (a), (b) (Repealed)
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,

- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (la) specialised retail premises,
- (m) timber yards,
- (n) vehicle sales or hire premises,

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

**Note—**

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

**Riparian Lands and Watercourses Map** means the [Cumberland Local Environmental Plan 2021 Riparian Lands and Watercourses Map](#).

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

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

**Note—**

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

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

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

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

**Note—**

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

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

**Note—**

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

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

**Note—**

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

**Salinity Map** means the [Cumberland Local Environmental Plan 2021 Salinity Map](#).

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

**Note—**

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

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

**Note—**

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

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

**Note 1—**

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

**Note 2—**

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

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

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

**Note—**

See clauses 5.4 and 5.5 for controls relating to the total floor area of secondary dwellings.

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

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

**Note—**

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

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

**Note—**

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

**seniors housing** means a building or place that is—

- (a) a residential care facility, or
- (b) a hostel within the meaning of *State Environmental Planning Policy (Housing) 2021*, Chapter 3, Part 5, or
- (c) a group of independent living units, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),  
and that is, or is intended to be, used permanently for—
- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

**Note—**

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

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

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

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

**Note—**

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

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

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

**Note—**

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

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

**Note—**

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

**sewerage system** means any of the following—

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

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

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

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

**Note—**

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

**shop top housing** means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.

**Note—**

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

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

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

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

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

**Note—**

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

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

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

**Site Specific Provisions Map** means the [Cumberland Local Environmental Plan 2021 Site Specific Provisions Map](#).

**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, local distribution premises 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.

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

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

**Note—**

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

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

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

but does not include—

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

**transport depot** means a building or place used for the parking or servicing of motor powered or

motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.

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

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

**Note—**

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

**underground mining** means—

- (a) mining carried out beneath the earth's surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and
- (b) shafts, drill holes, gas and water drainage works, surface rehabilitation works and access pits associated with that mining (whether carried out on or beneath the earth's surface),

but does not include open cut mining.

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

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

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

**Note—**

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

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

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

**Note—**

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

**warehouse or distribution centre** means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, but does not include 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.

**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.