

# Canada Bay Local Environmental Plan 2013

[2013-389]



New South Wales

## Status Information

### Currency of version

Current version for 23 February 2024 to date (accessed 18 April 2024 at 5:00)

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

### Provisions in force

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

### About this plan

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

### Authorisation

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

File last modified 23 February 2024

# Canada Bay Local Environmental Plan 2013



New South Wales

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# Canada Bay Local Environmental Plan 2013



New South Wales

## Part 1 Preliminary

### 1.1 Name of Plan

This Plan is *Canada Bay Local Environmental Plan 2013*.

### 1.1AA Commencement

This Plan commences 14 days after 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 Canada Bay 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 create a land use framework for controlling development in Canada Bay that—
    - (i) allows detailed provisions to be made in any development control plan made by the Council, and
    - (ii) is consistent with the Canada Bay Local Strategic Planning Statement adopted by the Council on 15 October 2019,
  - (b) to maintain and enhance the existing amenity and quality of life of the local community by providing for a balance of development that caters for the housing, employment, entertainment, cultural, welfare and recreational needs of residents and visitors,
  - (c) to achieve high quality urban form by ensuring that new development reflects the existing or desired future character of particular localities,
  - (d) to promote sustainable transport, reduce car use and increase use of public

transport, walking and cycling,

(e) to provide high quality open spaces and a range of recreational facilities,

(f) to conserve the environmental heritage of Canada Bay,

(g) to promote ecologically sustainable development,

(h) to facilitate public access to foreshore land.

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

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

(1A) (Repealed)

### **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.

**Note—**

The following local environmental plans are repealed under this provision—

[Canada Bay Local Environmental Plan 2008](#)

[Concord Local Environmental Plan No 103 \(Heritage\)](#)

- (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**

- (1) 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.
- (2) If a development application has been made before the commencement of [Canada Bay Local Environmental Plan 2013 \(Amendment No 15\)](#) in relation to land to which that Plan applies and the application has not been finally determined before that commencement, the application must be determined as if that Plan had not commenced.
- (3) If a development application has been made, but not finally determined, before the commencement of [Canada Bay Local Environmental Plan 2013 \(Amendment No 20\)](#), the application must be determined as if that Plan had not commenced.
- (4) A development application made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Flood Planning) 2023* must be determined as if that policy had not commenced.

**Note—**

However, under Division 3.5 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant development is appropriately amended or if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the

development at the same time, or as closely together as is practicable.

### **1.9 Application of SEPPs**

- (1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 3.28 of the Act.
- (2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies—

*State Environmental Planning Policy (Precincts—Central River City) 2021*, Chapter 4.

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

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply—
  - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
  - (b) to any relevant instrument within the meaning of section 13.4 of the *Crown Land Management Act 2016*, or
  - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
  - (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
  - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
  - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or
  - (g) to any planning agreement within the meaning of Subdivision 2 of Division 7.1 of the Act.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 3.16 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

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

### **2.1 Land use zones**

The land use zones under this Plan are as follows—

#### **Residential Zones**

- R1 General Residential
- 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**

- SP2 Infrastructure
- SP4 Enterprise

#### **Recreation Zones**

- RE1 Public Recreation
- RE2 Private Recreation

#### **Conservation Zones**

- C2 Environmental Conservation

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

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

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

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

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

**Notes—**

- 1** Schedule 1 sets out additional permitted uses for particular land.
- 2** Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act.
- 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 R1 General Residential

### 1 Objectives of zone

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

### 2 Permitted without consent

Environmental protection works; Home occupations

### 3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat building and repair facilities; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Commercial premises; Community facilities; Dwelling houses; Environmental facilities; Exhibition homes; Group homes; Hostels; Information and education facilities; Jetties; Light industries; Marinas; Mooring pens; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Public administration buildings; Recreation areas; Residential accommodation; Residential flat buildings; Respite day care

centres; Roads; Schools; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Tank-based aquaculture; Vehicle repair stations; Water recycling facilities

#### **4 Prohibited**

Hardware and building supplies; Landscaping material supplies; Plant nurseries; Rural supplies; Rural workers' dwellings; Specialised retail premises; Timber yards; Vehicle sales or hire premises; Any other development not specified in item 2 or 3

### **Zone R2 Low Density Residential**

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

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

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

Environmental protection works; Home occupations

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

Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Group homes; Health consulting rooms; Jetties; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Schools; 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.

## **2 Permitted without consent**

Environmental protection works

## **3 Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Environmental facilities; Exhibition homes; Group homes; Jetties; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation areas; Residential accommodation; Respite day care centres; Roads; Schools; Seniors housing; Tank-based aquaculture; Water recycling facilities

## **4 Prohibited**

Rural workers' dwellings; Shop top housing; 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.

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

Environmental protection works

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

Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Environmental facilities; Exhibition homes; Exhibition villages; Local distribution premises; Multi dwelling

housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Public administration buildings; Residential flat buildings; Respite day care centres; Roads; Seniors housing; Shop top housing; Water recycling facilities; Water supply systems

#### **4 Prohibited**

Any other development not specified in item 2 or 3

### **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 provide for a range of small-scale services and employment opportunities within walking distance of residential housing.

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

Environmental protection works

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

Amusement centres; Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Light industries; 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**

Advertising structures; Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; 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 training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Resource recovery facilities; Restricted premises; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water supply systems; 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**

Environmental protection works

### **3 Permitted with consent**

Amusement centres; Artisan food and drink industries; Backpackers' accommodation; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Home industries; 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; Tank-based aquaculture; Vehicle repair stations; Veterinary hospitals; Any other development not specified in item 2 or 4

### **4 Prohibited**

Advertising structures; Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Home-based child care; Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Recreation facilities (major); Residential accommodation; Resource recovery facilities; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water supply systems

## **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.
- To provide for residential uses, but only as part of mixed use development.

## **2 Permitted without consent**

Environmental protection works

## **3 Permitted with consent**

Animal boarding or training establishments; Boat building and repair facilities; Business premises; Centre-based child care facilities; Community facilities; Depots; Function centres; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; 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; Residential flat buildings; Respite day care centres; Rural supplies; Service stations; Shop top housing; 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**

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Biosolids treatment facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage

establishments; Helipads; Highway service centres; Home occupations (sex services); Home-based child care; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Registered clubs; Residential accommodation; Resource recovery facilities; Restricted premises; Rural industries; Sewage treatment plants; Sex services premises; Tourist and visitor accommodation; Transport depots; Truck depots; Waste disposal 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**

Environmental protection works

### **3 Permitted with consent**

Depots; Freight transport facilities; Garden centres; General industries; Goods repair and reuse premises; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Light industries; Local distribution premises; Neighbourhood shops; Oyster aquaculture; Take away food and drink premises; Tank-based aquaculture; Warehouse or distribution centres; 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; Centre-based child care facilities; Charter and tourism boating facilities; Commercial premises; Community facilities; Correctional centres; Crematoria; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Extractive industries; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments;

Heavy industries; Helipads; Highway service centres; Home businesses; Home occupations; Home occupations (sex services); Home-based child care; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Public administration buildings; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Sex services premises; Tourist and visitor accommodation; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

## **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**

Environmental protection works

### **3 Permitted with consent**

Amusement centres; Boarding houses; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; 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; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Electricity generating works; 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 training facilities; Industries; Jetties; Moorings; Open cut mining; Recreation facilities (major); Recreation facilities (outdoor); Residential accommodation; Resource recovery facilities; Rural industries; Sewage treatment plants; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water supply systems

## **Zone SP2 Infrastructure**

### **1 Objectives of zone**

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To ensure that works are compatible with and protect the biodiversity values of the natural environment.

### **2 Permitted without consent**

Environmental protection works

### **3 Permitted with consent**

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

### **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone SP4 Enterprise**

### **1 Objectives of zone**

- To provide for development and land uses that support enterprise and productivity.



- To provide a range of office and light industrial uses.
- To encourage employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To encourage the erection of buildings suited to development requiring large floor areas, and to discourage small scale uses unless they are of an ancillary or service nature.
- To facilitate public access throughout the zone.

## **2 Permitted without consent**

Environmental protection works

## **3 Permitted with consent**

Building identification signs; Business identification signs; Garden centres; Hardware and building supplies; Light industries; Neighbourhood shops; Office premises; Oyster aquaculture; Take away food and drink premises; Tank-based aquaculture; Any other development not specified in item 2 or 4

## **4 Prohibited**

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Community facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Places of public worship; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Resource recovery facilities; Restricted premises; Rural industries; Service stations; Sewage treatment plants; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport

depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Waste disposal facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

## **Zone RE1 Public Recreation**

### **1 Objectives of zone**

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To facilitate public access to and along the foreshore.
- To conserve public open space that enhances the scenic and environmental quality of Canada Bay.

### **2 Permitted without consent**

Environmental protection works

### **3 Permitted with consent**

Aquaculture; Biosolids treatment facilities; Boat sheds; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Environmental facilities; Information and education facilities; Jetties; Kiosks; Marinas; Markets; Mooring pens; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Take away food and drink premises; 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.

- To conserve private open space that enhances the scenic and environmental quality of Canada Bay.

**2 Permitted without consent**

Environmental protection works

**3 Permitted with consent**

Aquaculture; Biosolids treatment facilities; Boat sheds; Car parks; Community facilities; Environmental facilities; Flood mitigation works; Jetties; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Roads; 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

**3 Permitted with consent**

Environmental facilities; Information and education facilities; Jetties; Oyster aquaculture; Roads; Water recreation structures

**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

## Part 3 Exempt and complying development

### 3.1 Exempt development

- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
- (2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.
- (3) To be exempt development, the development—
  - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia* or, if there are no such relevant provisions, must be structurally adequate, and
  - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
  - (c) must not be designated development, and
  - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.
- (4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2-9 is exempt development only if—
  - (a) the building has a current fire safety certificate or fire safety statement, or
  - (b) no fire safety measures are currently implemented, required or proposed for the building.
- (5) To be exempt development, the development must—
  - (a) be installed in accordance with the manufacturer's specifications, if applicable, and
  - (b) not involve the removal, pruning or other clearing of vegetation that requires a permit, development consent or other approval unless it is undertaken in accordance with a permit, development consent or other approval.

**Note—**

See *State Environmental Planning Policy (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 that is in Zone C2 Environmental Conservation,
- (jb) land identified as “Environmentally Sensitive Land” on the [Environmentally Sensitive Land 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 subdivision reflects and reinforces the predominant subdivision pattern of the area,
  - (b) to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,
  - (c) to ensure that lot sizes and dimensions are able to accommodate development,
  - (d) to maintain visual amenity and character of the area,
  - (e) to retain residential amenity through the provision of suitable landscaped areas and vehicular access.
- (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 battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size.
- (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**

[Not adopted]

#### **4.1AB Minimum lot sizes for multi dwelling housing (terraces)**

- (1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.
- (2) This clause applies to land in the following zones—
  - (a) Zone R1 General Residential,
  - (b) Zone R3 Medium Density Residential,
  - (c) Zone R4 High Density Residential.
- (3) Despite any other provision of this Plan, development consent must not be granted for the subdivision of land on which multi dwelling housing (terraces) is erected, or proposed to be erected, unless each resulting lot is at least—
  - (a) 225m<sup>2</sup>, and
  - (b) 6m wide at the front building line.

#### **4.1A Minimum lot sizes for certain dwellings**

- (1) The objective of this clause is to achieve planned residential density in certain zones.
- (2) Development consent may be granted to development on a lot in a zone shown in Column 2 of the Table to this clause for a purpose shown in Column 1 if—
  - (a) the area of the lot is equal to or greater than the area specified in Column 3, and
  - (b) the width of the lot at the front building line is equal to or greater than the width specified in Column 4.

(3) Despite subclause (2), development consent may be granted for development for the purposes of dual occupancies (detached) on a lot that is at least 14m wide at the front building line if—

- (a) the lot is a corner lot or a parallel road lot, and
- (b) each dwelling fronts, and can be accessed from, a different road.

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
Dual occupancies (attached)	Zone R1, Zone R2, Zone R3	450m <sup>2</sup>	14m
Dual occupancies (detached)	Zone R1, Zone R2, Zone R3	800m <sup>2</sup>	17m
Multi dwelling housing, other than multi dwelling housing (terraces)	Zone R1, Zone R3	800m <sup>2</sup>	20m
Multi dwelling housing, other than multi dwelling housing (terraces)	Zone R4	1,500m <sup>2</sup>	20m
Residential flat buildings, other than manor houses	Zone R1, Zone R3	800m <sup>2</sup>	20m
Residential flat buildings, other than manor houses	Zone R4	1,500m <sup>2</sup>	20m
Boarding houses, other than development involving the change of use to a boarding house	Zone R2	800m <sup>2</sup>	20m
Multi dwelling housing (terraces)	Zone R1, Zone R3	600m <sup>2</sup>	18m
Multi dwelling housing (terraces)	Zone R4	1,500m <sup>2</sup>	18m
Manor houses	Zone R1, Zone R3	600m <sup>2</sup>	18m



## 4.2 Rural subdivision

[Not applicable]

## 4.3 Height of buildings

- (1) The objectives of this clause are as follows—
  - (a) to ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality and positively contribute to the streetscape and public spaces,
  - (b) to protect the amenity of residential accommodation, neighbouring properties and public spaces in terms of—
    - (i) visual and acoustic privacy, and
    - (ii) solar access and view sharing,
  - (c) to establish a transition in scale between medium and high density centres and adjoining lower density and open space zones to protect local amenity,
  - (d) to ensure that buildings respond to the natural topography of the area.
- (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](#).
- (3) Despite subclause (2), the maximum height for a building on an internal lot in Zone R1 General Residential, Zone R2 Low Density Residential or Zone R3 Medium Density Residential is 5.4m.

### 4.3A Exceptions to height of buildings in Five Dock Town Centre

- (1) The objectives of this clause are as follows—
  - (a) to encourage the consolidation of certain land in the Five Dock Town Centre,
  - (b) to encourage the provision of a pedestrian walkway.
- (2) The height of a building on land identified as “Area 1” on the [Height of Buildings Map](#) may exceed the maximum height shown for the land on that map if—
  - (a) the height of the building does not exceed 24 metres, and
  - (b) the building has a site area of at least 1,000 square metres, and
  - (c) the building has a street frontage of at least 20 metres.
- (3) The height of a building on land identified as “Area 2” on the [Height of Buildings Map](#) may exceed the maximum height shown for the land on that map if—

- (a) the height of the building does not exceed 15 metres, and
- (b) the lots comprising the land are consolidated into a single lot, and
- (c) the development will include a pedestrian walkway that is at least 4 metres wide across the land comprising 1 East and 2 West Streets, Five Dock, being Lots 1 and 12, Section 2, DP 7680.

**4.3B Exception to height of buildings for land at 63–69 Victoria Road, Drummoyne**

- (1) This clause applies to land at 63–69 Victoria Road, Drummoyne, being Lot 10, DP 625084.
- (2) The height of a building on the land may exceed the maximum height shown for the land on the [Height of Buildings Map](#) if—
  - (a) the height of the building does not exceed 20 metres, and
  - (b) the building has a site area of at least 2,500 square metres.

**4.3C Exception to height of buildings for secondary dwellings and dual occupancies**

Despite clause 4.3, development consent must not be granted for development for the purposes of secondary dwellings or dual occupancies if—

- (a) for a secondary dwelling in a building separate from the building containing the principal dwelling—the building containing the secondary dwelling—
  - (i) is more than 5.4m in height, and
  - (ii) does not have a street frontage, and
- (b) for a secondary dwelling attached to the principal dwelling—the part of the building containing the secondary dwelling—
  - (i) is more than 5.4m in height, and
  - (ii) does not have a street frontage, and
- (c) for a dual occupancy (detached)—the building containing the dwelling—
  - (i) is more than 5.4m in height, and
  - (ii) does not have a street frontage, and
- (d) for a dual occupancy (attached)—the part of the building containing the dwelling—
  - (i) is more than 5.4m in height, and
  - (ii) does not have a street frontage.

#### **4.3D Exception to height of buildings for multi dwelling housing (terraces)**

- (1) This clause applies to land in the following zones—
  - (a) Zone R1 General Residential,
  - (b) Zone R3 Medium Density Residential,
  - (c) Zone R4 High Density Residential.
- (2) Despite clause 4.3, development consent may be granted for development for the purposes of multi dwelling housing (terraces) on land to which this clause applies if the consent authority is satisfied that the development will not result in a building that—
  - (a) exceeds 9m in height,
  - (b) has a third storey or attic that includes habitable spaces other than bedrooms,
  - (c) projects higher than an incline plane that—
    - (i) starts at the front building line at 7m above ground level (existing), and
    - (ii) extends upwards in the direction of the land's rear boundary at an angle of 45°,
  - (d) projects higher than an incline plane that—
    - (i) starts at the rear building line at 7m above ground level (existing), and
    - (ii) extends upwards in the direction of the land's front boundary at an angle of 45°.

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

- (1) The objectives of this clause are as follows—
  - (a) to ensure that buildings are compatible with the bulk, scale, streetscape and desired future character of the locality,
  - (b) to provide a suitable balance between landscaping and built form,
  - (c) to minimise overshadowing of, and loss of privacy to, neighbouring properties,
  - (d) to maximise solar access and amenity for public places,
  - (e) to manage the visual impact of development when viewed from public places, including the Parramatta River.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#).

(2A) Despite subclause (2), the maximum floor space ratio for multi dwelling housing or a residential flat building on land identified as “Area 1” on the [Floor Space Ratio Map](#) is 0.7:1 if the land—

- (a) is not land that comprises, or on which there is, a heritage item or a draft heritage item, or
- (b) is not within a heritage conservation area or a draft heritage conservation area.

(2B) (Repealed)

(2C) Despite subclause (2), the maximum floor space ratio for a building on land identified as “Area 2” on the [Floor Space Ratio Map](#) with a site area within the range specified in Column 1 of the table to this subclause must not exceed the ratio specified opposite in Column 2 of the table—

<b>Column 1</b>	<b>Column 2</b>
<b>Site area</b>	<b>Floor space ratio</b>
< 1,000 square metres	2.0:1
1,000 square metres–1,500 square metres	2.25:1
> 1,500 square metres–2,000 square metres	2.5:1
> 2,000 square metres–2,500 square metres	2.75:1
> 2,500 square metres–3,000 square metres	3.0:1
> 3,000 square metres–3,500 square metres	3.25:1
> 3,500 square metres	3.5:1

(2D) Despite subclause (2), the maximum floor space ratio for a building on land identified as “Area 3” on the [Floor Space Ratio Map](#) with a site area within the range specified in Column 1 of the table to this subclause must not exceed the ratio specified opposite in Column 2 of the table—

<b>Column 1</b>	<b>Column 2</b>
<b>Site area</b>	<b>Floor space ratio</b>
< 1,000 square metres	2.0:1
1,000 square metres–1,250 square metres	2.25:1

> 1,250 square metres–1,500 square metres	2.5:1
> 1,500 square metres–2,000 square metres	2.75:1
> 2,000 square metres	3.0:1

- (2E) Despite subclause (2), the maximum floor space ratio for development that is used for the purposes of commercial premises, light industries or vehicle repair stations on land identified as “Area 4” on the [Floor Space Ratio Map](#) must not exceed 1:1.
- (2F) Despite subclause (2), the maximum floor space ratio for development (other than for the purpose of a dwelling house or a semi-detached dwelling) on land identified as “Area 5” on the [Floor Space Ratio Map](#) with a site area of 1,000 square metres and a street frontage of at least 20 metres is 2.7:1 if the consent authority is satisfied that the development—
- (a) is designed to be compatible with the desired future character of the area and with the height, bulk, scale, massing and modulation of surrounding buildings, and
  - (b) has a form and external appearance that will improve the quality and amenity of the public domain, such as new pedestrian connections and open space, and
  - (c) promotes the sharing of view corridors, and
  - (d) relates appropriately to surrounding heritage items, and
  - (e) minimises environmental impacts such as overshadowing, wind and reflectivity, and
  - (f) incorporates the principles of ecologically sustainable development, and
  - (g) encourages the use of public transport, walking and cycling, and
  - (h) achieves excellence in urban design, while relating to the local context.
- (2G) Despite subclause (2), the maximum floor space ratio for development on land identified as “Area 6” on the [Floor Space Ratio Map](#) with a site area of at least 2,500 square metres is 2.25:1.

#### 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 to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—
- (a) compliance with the development standard is unreasonable or unnecessary in the

circumstances, and

- (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

**Note—**

The *Environmental Planning and Assessment Regulation 2021* requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).

- (4) The consent authority must keep a record of its assessment carried out under subclause (3).
- (5) (Repealed)
- (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.

**Note—**

When this Plan was made it did not include all of these zones.

- (7) (Repealed)
- (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,
    - (ca) clauses 6.4 and 6.5,
    - (cb) clause 6.10,



(cc) clauses 7.3 and 7.8(2)(a)–(c).

## 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 R3 Medium Density Residential and marked “Local road”	Council
Zone R4 High Density Residential and marked “Local road”	Council
Zone E3 Productivity Support and marked “Local road”	Council
Zone SP2 Infrastructure and marked “Local road”	Council

Zone R4 High Density Residential and marked "Classified road"	Transport for NSW
Zone MU1 Mixed Use and marked "Classified Transport for NSW Road"	Transport for NSW
Zone R3 Medium Density Residential and marked "Classified Transport for NSW Road"	Transport for NSW
Zone RE1 Public Recreation and marked "Classified Transport for NSW Road"	Transport for NSW

**Note—**

When this Plan was made it did not include all of these zones.

- (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—
- (a) identified on the [Land Reservation Acquisition Map](#) and specified in Column 1 of the table to this clause, and
  - (b) that has not been acquired by the relevant authority of the State specified for the land in the table to 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 opposite the land in Column 2 of the table.

<b>Column 1</b>	<b>Column 2</b>
<b>Land</b>	<b>Development</b>
Zone MU1 Mixed Use and marked "Classified Transport for NSW Road"	Roads
Zone R3 Medium Density Residential and marked "Classified Transport for NSW Road"	Roads
Zone RE1 Public Recreation and marked "Classified Transport for NSW Road"	Roads

## 5.2 Classification and reclassification of public land

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

**Note—**

Under the *Local Government Act 1993*, “public land” is generally land vested in or under the control of a council (other than roads 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 25 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.

**Note—**

When this Plan was made it did not include all of these zones.

- (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 50 square metres of floor area.

- (3) **Home industries** If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 50 square metres of floor area.
- (4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed—
- (a) 43% 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 30 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) 43% 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) 43% 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 allow minor architectural roof features to exceed height limits,
  - (b) to ensure that any architectural roof feature does not cause an adverse visual impact or adversely affect the amenity of neighbouring properties,
  - (c) to ensure that architectural roof features are considered in the design of a building and form an integral part of a building's design.
- (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**

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

## 5.8 Conversion of fire alarms

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

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

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

[Not adopted]

## 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 Canada Bay,
- (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 Flood Risk Management Manual.

**Flood Risk Management Manual** means the *Flood Risk Management Manual*, ISBN 978-1-923076-17-4, published by the NSW Government in June 2023.

## 5.22 Special flood considerations

- (1) The objectives of this clause are as follows—
  - (a) to enable the safe occupation and evacuation of people subject to flooding,
  - (b) to ensure development on land is compatible with the land's flood behaviour in the event of a flood,
  - (c) to avoid adverse or cumulative impacts on flood behaviour,
  - (d) to protect the operational capacity of emergency response facilities and critical infrastructure during flood events,
  - (e) to avoid adverse effects of hazardous development on the environment during flood events.
- (2) This clause applies to—
  - (a) for sensitive and hazardous development—land between the flood planning area and the probable maximum flood, and
  - (b) for development that is not sensitive and hazardous development—land the consent authority considers to be land that, in the event of a flood, may—
    - (i) cause a particular risk to life, and
    - (ii) require the evacuation of people or other safety considerations.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development—
  - (a) will affect the safe occupation and efficient evacuation of people in the event of a flood, and
  - (b) incorporates appropriate measures to manage risk to life in the event of a flood, and
  - (c) will adversely affect the environment in the event of a flood.
- (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**—see clause 5.21(5).

**flood planning area**—see clause 5.21(5).

**Flood Risk Management Manual**—see clause 5.21(5).

**probable maximum flood** has the same meaning as in the Flood Risk Management Manual.

**sensitive and hazardous development** means development for the following purposes—

- (a) boarding houses,
- (b) caravan parks,
- (c) correctional centres,
- (d) early education and care facilities,
- (e) eco-tourist facilities,
- (f) educational establishments,
- (g) emergency services facilities,
- (h) group homes,
- (i) hazardous industries,
- (j) hazardous storage establishments,
- (k) hospitals,
- (l) hostels,
- (m) information and education facilities,
- (n) respite day care centres,
- (o) seniors housing,
- (p) sewerage systems,
- (q) tourist and visitor accommodation,
- (r) water supply systems.

### 5.23 Public bushland

- (1) The objective of this clause is to protect and ensure the ecological viability of bushland, including rehabilitated areas in urban areas, by—
  - (a) preserving biodiversity, habitat corridors and links between public bushland and other nearby bushland, and
  - (b) preserving bushland as a natural stabiliser of the soil surface, and
  - (c) preserving existing hydrological landforms, processes and functions, including natural drainage lines, watercourses, wetlands and foreshores, and
  - (d) preserving the recreational, educational, scientific, aesthetic, environmental, ecological and cultural values and potential of bushland, and
  - (e) mitigating disturbance caused by development.
- (2) Development that will disturb, or is reasonably likely to disturb, public bushland is permitted with development consent.
- (3) Development consent must not be granted to development that will disturb, or is reasonably likely to disturb, public bushland unless the consent authority is satisfied of the following—
  - (a) the disturbance of the bushland is essential for a purpose in the public interest,
  - (b) there is no reasonable alternative to the disturbance,
  - (c) the development minimises the amount of bushland to be disturbed,
  - (d) the development includes measures to remediate the disturbed bushland.
- (4) Despite subclause (2), development that will disturb, or is reasonably likely to disturb, public bushland is permitted without development consent if the development is for the following purposes—
  - (a) the construction, operation or maintenance of pipelines to carry water, sewerage or gas or pipelines licensed under the *Pipelines Act 1967*,
  - (b) the construction, operation or maintenance of electricity or telecommunication lines,
  - (c) bush fire hazard reduction,
  - (d) the construction or maintenance of classified roads,
  - (e) facilitating the recreational use of the public bushland.
- (5) Development specified in subclause (4)(e) is permitted without development consent

only if it is carried out in accordance with a plan of management for the public bushland, adopted by the Council in the same way a plan of management is required to be adopted for community land under the *Local Government Act 1993*, Chapter 6, Part 2, Division 2, that includes measures for the following—

- (a) the recreational use of the land,
  - (b) bush fire hazard reduction,
  - (c) the prevention of degradation, including the alteration of drainage patterns, rubbish dumping, vehicle intrusion and infestation with weeds or non-native plants,
  - (d) the remediation of degraded public bushland.
- (6) This clause does not require development consent for clearing of native vegetation if the clearing is of a kind that is authorised under the *Local Land Services Act 2013*, section 600.
- (7) In deciding whether to grant development consent to development on land adjoining public bushland, the consent authority must consider the following—
- (a) the need to retain public bushland adjoining the site of the development,
  - (b) the likely effect of the development on public bushland, including the following—
    - (i) the erosion of soil,
    - (ii) the siltation of streams and waterways,
    - (iii) the spread of weeds and non-native plants within public bushland,
  - (c) other matters the consent authority considers relevant to the protection and preservation of public bushland.
- (8) This clause does not apply to the following land that is public bushland—
- (a) land in Zone RU1, RU2, RU3, RU4 or RU5,
  - (b) land reserved, dedicated or acquired under the *National Parks and Wildlife Act 1974*,
  - (c) land within a State forest, flora reserve or timber reserve within the meaning of the *Forestry Act 2012*,
  - (d) land to which *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, Chapter 7 applies.
- (9) In this clause—

**disturb** public bushland means—

- (a) remove vegetation from public bushland, or
- (b) cause a change in the natural ecology of public bushland that results in the destruction or degradation of the public bushland.

**non-native plant** means a plant that is not native vegetation.

**public bushland** means land—

- (a) on which there is vegetation that is—
  - (i) a remainder of the natural vegetation of the land, or
  - (ii) representative of the structure and floristics of the natural vegetation of the land, and
- (b) that is owned, managed or reserved for open space or environmental conservation by the Council or a public authority.

#### 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.

<b>Class of land</b>	<b>Works</b>
1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.

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

- (3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.
- (4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if—
- (a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and
  - (b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.
- (5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power)—
- (a) emergency work, being the repair or replacement of the works of the public authority, required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,
  - (b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),
  - (c) minor work, being work that costs less than \$20,000 (other than drainage work).
- (6) Despite subclause (2), development consent is not required under this clause to carry out any works where both of the following criteria are met—
- (a) the works involve the disturbance of less than 1 tonne of soil,
  - (b) the works are not likely to lower the watertable.

## 6.2 Earthworks

- (1) The objective of this clause is 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.
- (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 development that is permitted without consent under this Plan or to development for which development consent has been given.
- (3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—
  - (a) the likely disruption of, or any 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 or the soil to be excavated, or both,
  - (d) the effect of the development on the existing and likely amenity of adjoining properties,
  - (e) the source of any fill material and the destination of any excavated material,
  - (f) the likelihood of disturbing relics,
  - (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
  - (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

**Note—**

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

## 6.3 Environmentally sensitive land

- (1) The objective of this clause is to protect environmentally sensitive land by—
  - (a) protecting native fauna and flora, and
  - (b) protecting the ecological processes necessary for their continued existence, and

- (c) encouraging the conservation and recovery of native fauna and flora and their habitats.
- (2) This clause applies to the following land—
    - (a) land in Zone C2 Environmental Conservation,
    - (b) land identified as “Environmentally Sensitive Land” on the [Environmentally Sensitive Land Map](#).
  - (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—
    - (a) whether the development is likely to have—
      - (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and
      - (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and
      - (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
      - (iv) any adverse impact on the habitat elements providing connectivity on the land, and
    - (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
  - (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—
    - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
    - (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or
    - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

#### **6.4 Limited development on foreshore area**

- (1) The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.
- (2) Development consent must not be granted for development on land in the foreshore

area except for the following purposes—

- (a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,
- (b) the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,
- (c) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).

(3) Development consent must not be granted under subclause (2) unless the consent authority is satisfied that—

- (a) the development will contribute to achieving the objectives for the zone in which the land is located, and
- (b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and
- (c) the development will not cause environmental harm such as—
  - (i) pollution or siltation of the waterway, or
  - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, 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) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and
- (g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and
- (h) sea level rise or change of flooding patterns as a result of climate change has been considered.

(4) In deciding whether to grant consent for development in the foreshore area, the consent authority must consider whether and to what extent the development would



encourage the following—

- (a) continuous public access to and along the foreshore through or adjacent to the proposed development,
- (b) public access to link with existing or proposed open space,
- (c) public access to be secured by appropriate covenants, agreements or other instruments registered on the title to land,
- (d) public access to be located above mean high water mark,
- (e) the reinforcing of the foreshore character and respect for existing environmental conditions.

(5) In this clause—

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

**foreshore building line** means—

- (a) the line that is landward of, and at the distance specified on the [Foreshore Building Line Map](#) from, the mean high water mark of the nearest natural waterbody shown on that map, or
- (b) if no distance is specified, the line shown as the foreshore building line on that map.

## 6.5 Active street frontages

- (1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages.
- (2) This clause applies to land identified as “Active street frontage” on the [Active Street Frontages Map](#).
- (3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.
- (4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following—
  - (a) entrances and lobbies (including as part of mixed use development),
  - (b) access for fire services,

(c) vehicular access.

- (5) In this clause, a building has an **active street frontage** if all premises on the ground floor of the building facing the street are used for the purposes of amusement centres, centre-based child care facilities, commercial premises, community facilities, educational establishments, entertainment facilities, function centres, industrial retail outlets, information and education facilities, light industries, medical centres, mortuaries, public administration buildings, recreation facilities (indoor), registered clubs or veterinary hospitals.

### **6.6 Residential accommodation in Zone E3**

- (1) The objective of this clause is to ensure a high level of residential amenity for residents in close proximity to Parramatta Road.
- (2) This clause applies to land in Zone E3 Productivity Support identified as “Area B” on the [Land Zoning Map](#).
- (3) Development consent must not be granted to the erection of, or a change of use to, residential accommodation that is within 20 metres of Parramatta Road and on land to which this clause applies unless the consent authority has considered whether—
- (a) reasonable residential amenity for residents will be provided, having regard to noise, vibration, odour and air quality, and
  - (b) direct access to natural ventilation is provided for all residential units at all times.

### **6.7 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) 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 premises will be located on land that adjoins, is directly opposite or is separated only by a local road from land—
    - (i) in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or
    - (ii) used for the purposes of a centre-based child care facility, a community facility, a school or a place of public worship,
  - (b) the impact of the proposed development and its hours of operation on any place likely to be regularly frequented by children—
    - (i) that adjoins the land on which the premises will be located, or

- (ii) that can be viewed from the land on which the premises will be located, or
- (iii) from which a person can view the land on which the premises will be located.

### **6.8, 6.9 (Repealed)**

### **6.10 Public utility infrastructure**

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

***intensive urban development area*** means the land identified as “Intensive Urban Development Area” on the [Intensive Urban Development Area Map](#).

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

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

### **6.11 Mix of dwelling sizes in residential flat buildings and mixed use development**

- (1) The objectives of this clause are as follows—
  - (a) to ensure the provision of a mix of dwelling types in residential flat buildings and provide housing choice for different demographics, living needs and household budgets,
  - (b) to promote development that accommodates a range of household sizes.
- (2) This clause applies to development for the following purposes that results in at least 10 dwellings—
  - (a) residential flat buildings,
  - (b) mixed use development that includes shop top housing.
- (3) Development consent must not be granted to development to which this clause applies unless—

- (a) at least 20% of the dwellings, to the nearest whole number of dwellings, in the development will be studio or 1 bedroom dwellings, and
- (b) at least 20% of the dwellings, to the nearest whole number of dwellings, in the development will have at least 3 bedrooms.

### 6.12 Affordable housing

- (1) This clause applies to development on land in an affordable housing contribution area that involves—
  - (a) the erection of a new building with a gross floor area of more than 200 square metres, or
  - (b) alterations to an existing building that will result in the creation of more than 200 square metres of gross floor area that is intended to be used for residential purposes, or
  - (c) the demolition of existing floor area and the subsequent creation, whether for the same or a different purpose, of more than 100 square metres of gross floor area.
- (2) The consent authority may, when granting development consent to development to which this clause applies, impose a condition requiring a contribution equivalent to the applicable **affordable housing levy contribution** for the development specified in subclauses (2A)–(6A).
- (2A) The affordable housing levy contribution for development in Area 4 is 3.5% of the relevant floor area that exceeds the floor space achieved by applying a floor space ratio of 1.76:1.
- (3) The affordable housing levy contribution for development in the following affordable housing contribution areas is 4% of the relevant floor area—
  - (a) the Burwood affordable housing contribution area,
  - (b) the Homebush affordable housing contribution area, except for 3 King Street, Concord West and 176–184 George Street, Concord West,
  - (c) the Kings Bay affordable housing contribution area.
- (4) The affordable housing levy contribution for development on land at 3 King Street, within the Homebush affordable housing contribution area, is 5% of the relevant floor area that exceeds the floor space achieved by applying a floor space ratio of 0.5:1.
- (5) The affordable housing levy contribution for development on land at 176–184 George Street, Concord West, within the Homebush affordable housing contribution area, is 5% of the relevant floor area that exceeds the floor space achieved by applying a floor space ratio of 1.0:1.

- (5A) The affordable housing levy contribution for development in the 160 Burwood Road Concord affordable housing contribution area is 10% of the relevant floor area.
- (6) The affordable housing levy contribution for development in the following affordable housing contribution areas is 5% of the relevant floor area—
- (a) the Rhodes East affordable housing contribution area,
  - (b) the 1 Ramsay Road Five Dock affordable housing contribution area.
- (6A) The affordable housing levy contribution for development on land in the Rhodes West affordable housing contribution area, except for Area 4, is 5% of the relevant floor area that exceeds the floor space achieved by applying the maximum floor space ratio that was shown for the land on the [Floor Space Ratio Map](#) immediately before the commencement of this subclause.
- (7) A condition imposed under this clause must provide for the affordable housing levy contribution to be satisfied—
- (a) by dedication in favour of the Council of land comprising—
    - (i) 1 or more dwellings, each having a gross floor area of not less than 50 square metres, with any remainder paid as a monetary contribution to the Council, or
    - (ii) other land approved by the Council in accordance with the Affordable Housing Contributions Scheme, with any remainder paid as a monetary contribution to the Council, or
  - (b) if the person chooses, by monetary contribution paid to the Council.
- (8) The rate at which a dedication of land or monetary contribution is taken to be equivalent to the relevant floor area for the purposes of the affordable housing levy contribution is to be calculated in accordance with the Affordable Housing Contributions Scheme.
- (9) To avoid doubt—
- (a) it does not matter whether the floor area, to which a condition under this clause relates, was in existence before, or is created after, the commencement of this clause, or whether the floor area concerned replaces an existing area, and
  - (b) the demolition of a building, or a change in the use of land, does not give rise to a claim for a refund of an affordable housing contribution.
- (10) In this clause—

**affordable housing contribution area** means the following areas shown on the [Affordable Housing Contribution Scheme Map](#)—

- (a) Burwood affordable housing contribution area,
- (b) 160 Burwood Road Concord affordable housing contribution area,
- (c) Homebush affordable housing contribution area,
- (d) Kings Bay affordable housing contribution area,
- (e) Rhodes East affordable housing contribution area,
- (f) Rhodes West affordable housing contribution area,
- (g) 1 Ramsay Road Five Dock affordable housing contribution area.

**Affordable Housing Contributions Scheme** means the Affordable Housing Contributions Scheme adopted by the Council on 28 March 2023.

**Area 4** means the land identified as “Area 4” on the [Additional Local Provisions Map](#).

**relevant floor area** of a building means the gross floor area of the building that is to be used for residential purposes excluding the floor area that is—

- (a) to be used to provide affordable housing or public housing, or
- (b) to be used for community facilities, schools, public roads or public utility undertakings, or
- (c) on land in Zone E4 General Industrial.

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

- (1) The objectives of this clause are as follows—
  - (a) to prevent certain noise sensitive developments from being located near the Kingsford Smith Airport and its flight paths,
  - (b) to assist in minimising the impact of aircraft noise from the airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,
  - (c) to ensure that land use and development in the vicinity of the airport do not hinder or have other adverse impacts on the ongoing, safe and efficient operation of that airport.
- (2) This clause applies to development that—
  - (a) is on land near the Kingsford Smith Airport and in an ANEF contour of 20 or greater, and
  - (b) the consent authority considers is likely to be adversely affected by aircraft noise,

and

(c) involves one or more of the following—

(i) the erection of a new building,

(ii) a substantial alteration or addition to an existing building,

(iii) an alteration or addition to a building that is required by a development consent to be compliant with AS 2021:2015,

(iv) the change of use of part of a building to a centre-based child care facility, educational establishment, entertainment facility, health services facility, place of public worship, public administration building or residential accommodation,

(v) the change of use of part of a building on land that is in an ANEF contour of 25 or greater to business premises, a hostel, office premises, retail premises or tourist and visitor accommodation,

(vi) the change of use of part of a building on land that is in an ANEF contour of 30 or greater to light industry.

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

(a) must consider whether the development will result in the creation of a new dwelling, or an increase in the number of dwellings or people, affected by aircraft noise, and

(b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021:2015, and

(c) must be satisfied the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021:2015.

(4) In this clause—

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

**AS 2021:2015** means AS 2021:2015, *Acoustics—Aircraft noise intrusion—Building siting and construction*.

#### 6.14 Design excellence

(1) The objective of this clause is to deliver the highest standard of sustainable

architecture and urban design.

(2) This clause applies to development—

- (a) on land identified as “Design Excellence Area” on the [Design Excellence Map](#), and
- (b) involving the erection of a new building, or external alterations to an existing building, that—
  - (i) is higher than 12m or 3 storeys, or both, or
  - (ii) will be as a result of the development.

(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 have regard to the matters specified in clause 7.2(3).

(5) Development consent must not be granted to development to which this clause applies that involves a building higher than 28m or 8 storeys, or both, unless—

- (a) a competitive design process is held in relation to the development, and
- (b) the consent authority takes into account the results of the competitive design process.

(6) Subclause (5) does not apply if—

- (a) the consent authority certifies in writing that a competitive design process is not required, and
- (b) a design review panel reviews the development, and
- (c) the consent authority takes into account the findings of the design review panel.

(7) (Repealed)

#### **6.15 Development at 160 Burwood Road, Concord**

(1) This clause applies to the following land at 160 Burwood Road, Concord—

- (a) Lot 5, DP 129325,
- (b) Lot 2, DP 230294,
- (c) Lots 398 and 399, DP 752023.

(2) Development consent must not be granted to development on the land unless the consent authority is satisfied of the following—



- (a) the total gross floor area of all buildings on the land, other than car parks, hotel or motel accommodation and residential accommodation, will be at least 7,500m<sup>2</sup>,
  - (b) the gross floor area of the parts of buildings used for light industries will be at least 3,000m<sup>2</sup>,
  - (c) the upper and lower ground floors of the central roasting hall in the former Bushells factory will be used wholly or partly for light industries,
  - (d) the floor to ceiling height of the parts of buildings used for light industries will be at least 4.5m,
  - (e) the gross floor area of each single shop on the land will not exceed 1,000m<sup>2</sup>.
- (3) The floor space ratio for a building on land identified as “Area 7” on the [Floor Space Ratio Map](#) may exceed the floor space ratio shown for the land on the map by an additional 2:1 if the consent authority is satisfied development on the land provides for the adaptive reuse of the central roasting hall in the former Bushells factory.

## **Part 7 Rhodes Precinct**

### **7.1 Objectives of Part**

The objectives of this Part are as follows—

- (a) to achieve the highest standard of architectural and urban design in the Rhodes Precinct by ensuring that new development exhibits design excellence, including excellence in sustainably managing the environmental impact of the development on existing and future populations,
- (b) to allow for a mix of land uses that will—
  - (i) provide an appropriate balance between residential, retail, commercial and other land uses within the Rhodes Precinct, and
  - (ii) encourage the provision of a range of services and facilities to help meet the needs of the population and users of the Rhodes Precinct, and
  - (iii) generate employment in the Rhodes Precinct, and
  - (iv) establish a significant new people-oriented public domain and foreshore area and other vibrant public plazas and public spaces,
- (c) to support growth in the Rhodes Precinct by ensuring the provision of appropriate infrastructure that is sensitive to environmental impacts.

### **7.2 Design excellence in Rhodes Precinct**

- (1) This clause applies to development in the Rhodes Precinct involving the erection of a

new building, or external alterations to an existing building, that is, or as a result of the development will be, higher than 12 metres or 3 storeys, or both.

- (2) Development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence.
- (3) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—
  - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
  - (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,
  - (c) whether the development detrimentally impacts on view corridors,
  - (d) how the development addresses the following matters—
    - (i) the requirements of a development control plan made by the Council and applying to the land on the commencement of this clause,
    - (ii) the suitability of the land for development,
    - (iii) existing and proposed uses and use mix,
    - (iv) heritage issues and streetscape constraints,
    - (v) the relationship of the development with other development, existing or proposed, on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
    - (vi) bulk, massing and modulation of buildings,
    - (vii) street frontage heights,
    - (viii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
    - (ix) the achievement of the principles of ecologically sustainable development,
    - (x) pedestrian, cycle, vehicular and service access, circulation and requirements,
    - (xi) the impact on, and any proposed improvements to, the public domain,
    - (xii) achieving appropriate interfaces at ground level between the building and the public domain,
    - (xiii) excellence and integration of landscape design.

- (4) Development consent must not be granted to development to which this clause applies unless—
  - (a) a competitive design process is held in relation to the development, and
  - (b) the consent authority takes into account the results of the competitive design process.
- (5) Subclause (4) does not apply—
  - (a) to development that relates to a building not higher than 28 metres or 8 storeys, or both, or
  - (b) to development involving only alterations or additions to an existing building, or
  - (c) in relation to an application to modify an existing development consent, or
  - (d) if the consent authority certifies in writing that a competitive design process need not be held.
- (6) If subclause (4) does not apply, development consent must not be granted unless—
  - (a) a design review panel reviews the development, and
  - (b) the consent authority takes into account the findings of the design review panel.
- (7) (Repealed)

### 7.3 Overshadowing of public places in Rhodes Precinct

- (1) Development consent must not be granted to development that results in a building causing additional overshadowing of a public place identified on the [Sun Access Protection Map](#) on 21 June in any year, during the time specified for the public place in the following table—

<b>Public place</b>	<b>Time during which additional overshadowing prohibited</b>
Brays Bay Reserve	8:30am-12:30pm
King George V Park	8:30am-12:30pm
Leeds Street Open Space	8:30am-12:30pm
McIlwaine Park Primary Zone	8:30am-2pm
McIlwaine Park Secondary Zone	8:30am-12:30pm
Peg Patterson Park	Midday-2pm
Uhrs Reserve	8:30am-12:30pm
Union Square	9am-2pm

- (2) Subclause (1) does not prevent the granting of development consent to development that results in a building in Area 4 causing additional overshadowing of Union Square on 21 June in any year, between 1:30pm and 2pm.
- (3) Development results in a building causing additional overshadowing of a public place if the overshadowing of the public place during the specified times is greater after the development is carried out than the overshadowing of the public place during the specified times caused by buildings on the commencement of this clause.
- (4) Development consent must not be granted to development that results in a building causing overshadowing of more than half of Leeds Street Open Space on 21 June in any year, between 12:30pm and 3pm.
- (5) In this clause—

**Area 4** means the land identified as “Area 4” on the [Additional Local Provisions Map](#).

#### **7.4 Minimum non-residential floor space in Rhodes Precinct**

- (1) The minimum percentage of the gross floor area of a building on land in the Rhodes Precinct that must be used for non-residential purposes for development consent to be granted to development in relation to the building is specified on the [Non-residential Floor Space Map](#).
- (2) In this clause—

**non-residential purposes** means purposes other than the following—

- (a) residential accommodation, excluding seniors housing,
- (b) serviced apartments, but only if there are, or as a result of the development will be, fewer than 50 serviced apartments on the land,
- (c) car parks,
- (d) telecommunications facilities.

#### **7.5 Minimum building separation and maximum floor areas above building podiums in Rhodes Precinct**

- (1) Development consent must not be granted to development that results in a building in the Rhodes Precinct being separated from another building by less than—
  - (a) for a building higher than 14 storeys but not higher than 20 storeys—24 metres,  
or
  - (b) for a building higher than 20 storeys—40 metres.
- (2) Development consent must not be granted to development that results in the gross floor area of a floor of a building in the Rhodes Precinct exceeding 750 square metres.

(3) This clause does not apply in relation to the podium of a building in the Rhodes Precinct.

(4) Subclause (2) does not apply in relation to a building on Lot 101, DP 624798, 34 Walker Street, Rhodes.

#### **7.6 Maximum height of building podiums in Rhodes Precinct**

Development consent must not be granted to development that results in the podium of a building in the Rhodes Precinct being higher than 16 metres.

#### **7.7 Maximum number of dwellings in Rhodes Precinct**

(1) Development consent must not be granted to development that results in more than 3,000 dwellings in the Rhodes Precinct.

(2) The following dwellings are to be disregarded for subclause (1)—

(a) dwellings that existed before 30 October 2021,

(b) dwellings permitted by a development consent granted before 30 October 2021.

#### **7.8 Maximum number of car parking spaces for uses of land in Rhodes Precinct**

(1) Development consent must not be granted to development that results in the number of car parking spaces provided in connection with a use of land in the Rhodes Precinct exceeding the maximum specified in this clause.

(2) The maximum number of car parking spaces is as follows—

(a) for commercial premises other than retail premises—1 space per 150 square metres of gross floor area used for that purpose,

(b) for retail premises other than restaurants or cafes—1 space per 100 square metres of gross floor area used for that purpose,

(c) for restaurants or cafes—1 space per 150 square metres of gross floor area used for that purpose,

(d) for dual occupancies, multi dwelling housing, residential flat buildings and shop top housing—

(i) 0.6 spaces per studio dwelling, and

(ii) 0.6 spaces per dwelling with 1 bedroom, and

(iii) 0.9 spaces per dwelling with 2 bedrooms, and

(iv) 1.4 spaces per dwelling with 3 or more bedrooms, and

(v) 1 visitor car parking space per 7 dwellings.

(3) If the total number of car parking spaces under this clause is not a whole number, the total is to be rounded down to the next whole number.

(4) 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.

### **7.9 Water reticulation systems for buildings in Rhodes Precinct**

Development consent must not be granted to the erection of a building in the Rhodes Precinct unless the building utilises a dual water reticulation system containing pipes for potable water and recycled water for all internal and external water uses.

### **7.10 Site area of proposed development in Rhodes Precinct includes dedicated land**

The site area of proposed development on land in the Rhodes Precinct is, for the purpose of applying a floor space ratio under clause 4.5, taken to include land that—

- (a) is dedicated to the Council for a public purpose or otherwise set aside as publicly accessible open space or as a pedestrian link, and
- (b) would have been part of the site area if it had not been dedicated or set aside.

### **7.11 Additional floor space for certain BASIX affected buildings in Rhodes Precinct**

(1) A BASIX affected building on land in the Cavell Avenue Character Area, Leeds Street Character Area or Station Gateway East Character Area may exceed the maximum floor space ratio shown for the land on the [Floor Space Ratio Map](#) by 5% if the building—

- (a) exceeds the BASIX commitment for energy for the building by at least 15 points, and
- (b) exceeds the BASIX commitment for water for the building by at least 20 points.

(2) In this clause—

**BASIX affected building** has the same meaning as in the [Environmental Planning and Assessment Regulation 2000](#).

**BASIX commitment** means a commitment set out in a BASIX certificate within the meaning of the [Environmental Planning and Assessment Regulation 2000](#).

#### **7.12 Building frontages in Cavell Avenue Character Area**

- (1) This clause applies to a part of a building in the Cavell Avenue Character Area that is within 4 metres of the building's frontage to a road (the **front part of the building**).
- (2) Development consent must not be granted to development that results in the front part of the building exceeding a building height of 10 metres.
- (3) Development consent must not be granted to development for the purposes of a dwelling in the front part of the building unless the dwelling has an individual entrance from the road.

#### **7.13 Additional building height for certain land in Cavell Avenue Character Area**

A building on land in the Cavell Avenue Character Area that is between Blaxland Avenue and Cavell Avenue may exceed the maximum building height shown for the land on the [Height of Buildings Map](#) by 5 metres if development in connection with the building results in the opening of a public road that connects Blaxland Avenue and Cavell Avenue.

#### **7.14 Additional floor space for multi dwelling housing (terraces) in Cavell Avenue Character Area**

- (1) Multi dwelling housing (terraces) on land in the Cavell Avenue Character Area may exceed the maximum floor space ratio shown for the land on the [Floor Space Ratio Map](#) by 5%.
- (2) (Repealed)

#### **7.15 Additional building height and floor space in Area 1**

- (1) If development in connection with the erection of a building on land in Area 1 results in the provision of at least 2,000 square metres of publicly accessible open space—
  - (a) the building may exceed the maximum building height shown for the land on the [Height of Buildings Map](#) by 10.5 metres, and
  - (b) the building may exceed the maximum floor space ratio shown for the land on the [Floor Space Ratio Map](#) by 10%.
- (2) In this clause—

**Area 1** means the land identified as "Area 1" on the [Additional Local Provisions Map](#).

#### **7.16 Additional floor space and overshadowing in Area 2**

- (1) The following provisions apply to a building on land in Area 2 that is used for purposes that include community facilities, emergency services facilities and seniors housing—

- (a) the building may exceed the maximum floor space ratio shown for the land on the [Floor Space Ratio Map](#) by 10%,
- (b) clause 7.3(1) does not prevent the granting of development consent to development that results in the building causing additional overshadowing of Union Square on 21 June in any year, between 9am and 9:30am.

(2) In this clause—

**Area 2** means the land identified as “Area 2” on the [Additional Local Provisions Map](#).

### **7.17 Building height and floor space in Area 3**

(1) (Repealed)

(2) The maximum building height for a building in Area 3 is 36 metres.

(3) The maximum floor space ratio for a building in Area 3 is 2.3:1.

(4) Development consent must not be granted to development that results in a building on land in Area 3 exceeding the maximum building height shown for the land on the [Height of Buildings Map](#), or exceeding the maximum floor space ratio shown for the land on the [Floor Space Ratio Map](#), unless—

- (a) the site area of the development is at least 6,000 square metres, and
- (b) at least 26% of the gross floor area of all buildings in Area 3 is used for the following purposes—
  - (i) centre-based child care facilities,
  - (ii) community facilities,
  - (iii) health services facilities,
  - (iv) office premises,
  - (v) respite day care centres,
  - (vi) seniors housing.

(5) In this clause—

**Area 3** means the land identified as “Area 3” on the [Additional Local Provisions Map](#).

### **7.18 (Repealed)**

### **7.19 Minimum site area in Leeds Street Character Area**

(1) The minimum site area for development in the Leeds Street Character Area is specified in the following table—



<b>Part of Leeds Street Character Area</b>	<b>Minimum site area</b>
Site A	11,675 m <sup>2</sup>
Site B	12,000 m <sup>2</sup>
Site C	9,000 m <sup>2</sup>
Site D	10,000 m <sup>2</sup>

(2) In this clause—

**Site A** means the land identified as “Site A” on the [Additional Local Provisions Map](#).

**Site B** means the land identified as “Site B” on the [Additional Local Provisions Map](#).

**Site C** means the land identified as “Site C” on the [Additional Local Provisions Map](#).

**Site D** means the land identified as “Site D” on the [Additional Local Provisions Map](#).

#### **7.20 Minimum lot size for shop top housing in Station Gateway East Character Area**

Development consent must not be granted to development for the purposes of shop top housing on a lot in the Station Gateway East Character Area unless the area of the lot is equal to or greater than 1,500 square metres.

#### **7.21 Seniors housing in Station Gateway East Character Area**

Despite clause 6.5(3), an active street frontage is not required for seniors housing in the Station Gateway East Character Area.

### **Part 8 Burwood-Concord, Homebush North and Kings Bay Precincts**

#### **8.1 Application of Part**

- (1) This Part applies to land identified as “Burwood-Concord Precinct”, “Homebush North Precinct” or “Kings Bay Precinct” on the [Key Sites Map](#).
- (2) A reference in this Part to a numbered Area is a reference to the Area with that number on the [Key Sites Map](#).

#### **8.2 (Repealed)**

#### **8.3 Additional floor space ratio and building heights for Areas 1-35**

- (1) This clause applies to development involving the erection of a building in Areas 1-35 if the consent authority is satisfied the requirements specified in clauses 8.4-8.8 will be met in relation to the development.
- (2) The maximum floor space ratio for a building is the floor space ratio shown on the [Incentive Floor Space Ratio Map](#) for the land.

(3) The maximum height of a building is the height shown on the [Incentive Height of Buildings Map](#) for the land.

#### 8.4 Minimum site area requirements

Column 2 of the following table specifies the minimum site area for each Area specified in Column 1—

<b>Column 1</b>	<b>Column 2</b>
<b>Area</b>	<b>Minimum site area</b>
Area 1	3,548m <sup>2</sup>
Area 2	127m <sup>2</sup>
Area 3	559m <sup>2</sup>
Area 4	5,488m <sup>2</sup>
Area 5	1,793m <sup>2</sup>
Area 6	2,215m <sup>2</sup>
Area 7	3,489m <sup>2</sup>
Area 8	1,960m <sup>2</sup>
Area 9	12,818m <sup>2</sup>
Area 10	7,379m <sup>2</sup>
Area 11	4,567m <sup>2</sup>
Area 12	10,476m <sup>2</sup>
Area 13	8,506m <sup>2</sup>
Area 14	2,087m <sup>2</sup>
Area 15	6,135m <sup>2</sup>
Area 16	7,007m <sup>2</sup>
Area 17	4,096m <sup>2</sup>
Area 18	853m <sup>2</sup>
Area 19	4,763m <sup>2</sup>
Area 20	13,651m <sup>2</sup>
Area 21	4,694m <sup>2</sup>
Area 22	4,224m <sup>2</sup>

Area 23	2,058m <sup>2</sup>
Area 24	1,753m <sup>2</sup>
Area 25	9,016m <sup>2</sup>
Area 26	1,901m <sup>2</sup>
Area 27	1,901m <sup>2</sup>
Area 28	1,495m <sup>2</sup>
Area 29	1,764m <sup>2</sup>
Area 30	1,744m <sup>2</sup>
Area 31	1,744m <sup>2</sup>
Area 32	30,792m <sup>2</sup>
Area 33	3,009m <sup>2</sup>
Area 34	2,626m <sup>2</sup>
Area 35	18,248m <sup>2</sup>

### 8.5 Public open space

The requirements for public open space are as follows—

- (a) for Area 4—at least 2,280m<sup>2</sup> of public open space at 40, 42 and 44 Burton Street, Concord,
- (b) for Area 10—at least 2,276m<sup>2</sup> of public open space at 12, 14, 14A and 16 Burton Street, Concord and 19 Parramatta Road, Concord,
- (c) for Area 13—at least 1,170m<sup>2</sup> of public open space on land that fronts Regatta Road, Five Dock,
- (d) for Area 16—at least 1,115m<sup>2</sup> of public open space at 24-28 Spencer Street, Five Dock,
- (e) for Area 32—at least 2,290m<sup>2</sup> of public open space on land at 57 Queens Street, Five Dock that fronts William Street, Five Dock,
- (f) for Area 35—at least 2,090m<sup>2</sup> of public open space on land that fronts Queens Road, Five Dock.

### 8.6 Setback requirements

The minimum setback requirements are as follows—

- (a) for Areas 4 and 8—a 4.5m wide setback on land that fronts Burwood Road, Concord,

- (b) for Areas 5–9, 11, 12, 19, 20, 32, 34 and 35—a 6m wide setback from the “Building Setback Outline” identified on the [Building Setback Map](#),
- (c) for Area 5—a 3m wide setback on land that fronts Broughton Street, Concord,
- (d) for Area 9—a 5m wide setback on land that fronts Burwood Road, Concord,
- (e) for Areas 13, 14, 25 and 29–32—a 3m wide setback on land that fronts Queens Road, Five Dock,
- (f) for Areas 15 and 16—a 3m wide setback on land that fronts Queens Road, Five Dock and land that fronts Spencer Street, Five Dock,
- (g) for Area 17—
  - (i) an 8m wide setback on land that fronts William Street, Five Dock, and
  - (ii) a 3m wide setback on land that fronts Queens Road, Five Dock and land that fronts Spencer Street, Five Dock,
- (h) for Areas 18 and 19—a 3m wide setback on land that fronts Spencer Street, Five Dock,
- (i) for Area 20—
  - (i) an 8m wide setback on land that fronts William Street, Five Dock, and
  - (ii) a 3m wide setback on land that fronts Spencer Street, Five Dock.

### **8.7 Pedestrian link and road requirements**

- (1) The pedestrian link and road requirements are as follows—
  - (a) for Area 6—a 9m wide pedestrian link along the eastern boundary of Area 6 that connects Burton Street Park and Parramatta Road, Concord,
  - (b) for Area 7—a 3m wide pedestrian link along the western boundary of Area 7 that connects Burton Street Park and Parramatta Road, Concord,
  - (c) for Area 9—
    - (i) a 12m wide pedestrian link that connects Burton Street, Concord and Parramatta Road, Concord, and
    - (ii) a 6m wide pedestrian link that connects the access way referred to in clause 8.8(c)(i) and Parramatta Road, Concord,
  - (d) for Area 11—the service access way,
  - (e) for Area 12—
    - (i) the service access way, and

- (ii) a 6m wide pedestrian link that connects the service access way and Parramatta Road, Five Dock,
  - (f) for Area 13—
    - (i) the service access way, and
    - (ii) a 6m wide pedestrian link that connects the rear of 3 Regatta Road and Queens Road, Five Dock,
  - (g) for Area 16—a 12m wide pedestrian link along the western boundary of Area 16 that connects the rear of 24–28 Spencer Street and Queens Road, Five Dock,
  - (h) for Area 20—a 12m wide pedestrian link that connects Spencer Street and Parramatta Road, Five Dock,
  - (i) for Area 25—a 6m wide pedestrian link along the eastern boundary of Area 25 that connects Queens Road and Kings Road, Five Dock,
  - (j) for Area 32—
    - (i) an 18m wide road connecting Spencer Street, Five Dock to the eastern boundary of Area 32 (the **Spencer Street extension**), and
    - (ii) a 12m wide pedestrian link along the eastern boundary of Area 32 that connects the Spencer Street extension and Parramatta Road, Five Dock, and
    - (iii) an 18m wide road along the eastern boundary of Area 32 that connects the Spencer Street extension and Queens Road, Five Dock,
  - (k) for Area 35—a 6m wide pedestrian link that connects Kings Bay East Park and Parramatta Road, Five Dock.
- (2) In this clause—

**pedestrian link** includes the following—

- (a) a footpath,
- (b) a shared cycle and pedestrian pathway,
- (c) a shared zone within the meaning of the [Road Rules 2014](#).

**service access way** means—

- (a) for Area 11—an 18m wide road on the northern boundary of Area 11 that connects the rear of 225 Parramatta Road and Walker Street, Five Dock, and
- (b) for Area 12—an 18m wide road on the northern boundary of Area 12 that connects the rear of 235 Parramatta Road and 15–17 Regatta Road, Five Dock, and

- (c) for Area 13—an 18m wide road that connects the rear of 3 Regatta Road and Regatta Road, Five Dock.

### **8.8 Service access way requirements**

The service access way requirements are as follows—

- (a) for Area 5—
  - (i) a 40m<sup>2</sup> extension of Frankie Lane, Concord that connects to 49 Parramatta Road, Concord, and
  - (ii) a 146m<sup>2</sup> expansion of Frankie Lane, Concord for a truck turning bay that is 7m by 26m,
- (b) for Area 8—a 32m<sup>2</sup> expansion of Neichs Lane, Concord with a minimum turning radius of 8m,
- (c) for Area 9—
  - (i) an access way in Concord, at the rear of 3, 7 and 13 Parramatta Road and through 19 Parramatta Road, that connects Loftus Street to Burton Street and is at least 12m wide, and
  - (ii) an access way in Concord, at the southern boundary of 1 Loftus Street, that connects Loftus Street to 3 Parramatta Road and is at least 3.6m wide, and
  - (iii) an access way in Concord, at the northern boundary of 1 Parramatta Road, that connects Loftus Street to 3 Parramatta Road and is at least 8.4m wide.

### **8.9 Additional floor space for BASIX buildings**

- (1) A BASIX building on land to which this Part applies may exceed the maximum permissible FSR by up to 5% if the building—
  - (a) exceeds the BASIX commitment for energy for the building by at least 15 points, and
  - (b) exceeds the BASIX commitment for water for the building by at least 20 points.
- (2) Development consent must not be granted under subclause (1) unless the consent authority is satisfied that—
  - (a) the development will not adversely impact adjoining land or the amenity of the neighbourhood, considering visual bulk and overshadowing, and
  - (b) the additional floor space will not be used for the purposes of car parks.
- (3) In this clause—

**BASIX building** has the same meaning as in the *Environmental Planning and*

*Assessment (Development Certification and Fire Safety) Regulation 2021.*

**BASIX commitment** means a commitment listed on a BASIX certificate, within the meaning of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

**maximum permissible FSR**, for a building on land—

- (a) means the maximum floor space ratio shown on the [Floor Space Ratio Map](#) or the [Incentive Floor Space Ratio Map](#) for the land, and
- (b) includes further floor space permitted under clause 4.6.

#### **8.10 Other development standards**

- (1) Development consent must not be granted to development on land to which this Part applies unless the consent authority—
  - (a) is satisfied that planning and design measures are incorporated to reduce the urban heat island effect, and
  - (b) is satisfied the development will improve the quality and amenity of the public domain, for example, by including landscaped areas, pedestrian walkways or cycleways, and
  - (c) for the erection of a new building—is satisfied the building has a dual water reticulation system containing pipes for potable water and recycled water for all internal and external water uses.

- (2) In this clause—

**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.

**urban heat island effect** means the effect resulting from conditions that contribute to higher temperatures in urban areas, including—

- (a) use of roads, car parks, pavements, roofs, walls and other hard and dark surfaces, and
- (b) activities that generate heat, including waste air from mechanical cooling systems, and
- (c) reduction in green infrastructure.

#### **8.11 Maximum number of car parking spaces**

- (1) Development consent must not be granted to development that results in the number of car parking spaces exceeding the maximum specified in this clause.

- (2) The maximum number of car parking spaces is as follows—
- (a) for commercial premises other than retail premises—1 space per 100m<sup>2</sup> of gross floor area,
  - (b) for retail premises—1 space per 70m<sup>2</sup> of gross floor area,
  - (c) for dual occupancies, multi dwelling housing, residential flat buildings and shop top housing—
    - (i) 0.3 spaces per studio dwelling, and
    - (ii) 0.5 spaces per dwelling with 1 bedroom, and
    - (iii) 0.9 spaces per dwelling with 2 bedrooms, and
    - (iv) 1.2 spaces per dwelling with 3 or more bedrooms, and
    - (v) 0.1 visitor car parking spaces per dwelling.
- (3) If the total number of car parking spaces under this clause is not a whole number, the total must be rounded down to the next whole number.
- (4) In this clause—
- car parking space*** has the same meaning as in clause 7.8.
- visitor car parking space*** has the same meaning as in clause 7.8.

## Schedule 1 Additional permitted uses

(Clause 2.5)

### **1 Use of certain land at 378 and 380 Great North Road, Abbotsford and Abbotsford House, 2 Abbotsford Cove Drive, Abbotsford**

- (1) This clause applies to the following land at Abbotsford, identified as “APU 1” on the [Additional Permitted Uses Map](#)—
- (a) Lot 22, DP 270127, 378 Great North Road, known as the Clubhouse Pavilion,
  - (b) Lot 1, DP 862198, 380 Great North Road, known as Chatham House,
  - (c) Lot 19, DP 270127, 2 Abbotsford Cove Drive, known as Abbotsford House.
- (2) Development for the following purposes is permitted with development consent—
- (a) office premises,
  - (b) restaurants or cafes.



**2 Use of certain land at 123 Peninsula Drive, Breakfast Point**

- (1) This clause applies to land at 123 Peninsula Drive, Breakfast Point, being Lot 46, DP 270347, identified as “APU 2” on the [Additional Permitted Uses Map](#).
- (2) Development for the following purposes is permitted with development consent—
  - (a) retail premises,
  - (b) business premises.

**3 Use of certain land at 1 and 2 Shore Road and 2 Bechert Road, Chiswick**

- (1) This clause applies to land at 1 and 2 Shore Road and 2 Bechert Road, Chiswick, being Part Lots 1, 2, 63, 64 and 73, SP 64846 and Part Lots 6 and 7, SP 69974, identified as “APU 3” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of commercial premises is permitted with development consent.

**4 Use of certain land at Concord Oval, 8 Gipps Street, Concord**

- (1) This clause applies to land at Concord Oval, 8 Gipps Street, Concord, being Lots 10-17, DP 1226181, identified as “APU 4” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of advertising structures, but only for the purposes of sponsorship advertising, is permitted with development consent.

**5 Use of certain land at Killoola Street, Concord West**

- (1) This clause applies to land at Killoola Street, Concord West (Rhodes Park), being Lots 9-12 and Lots 21-25, DP 20309 and Lot 2, DP 1111329, identified as “APU 5” on the [Additional Permitted Uses Map](#).
- (2) Development for the following purposes is permitted with development consent—
  - (a) centre-based child care facilities,
  - (b) community facilities,
  - (c) respite day care centres,
  - (d) restaurants or cafes,
  - (e) schools.

**6 Use of certain land at 64 Victoria Avenue, Concord West**

- (1) This clause applies to land at 64 Victoria Avenue, Concord West, being Lot 5, DP 778667, identified as “APU 6” on the [Additional Permitted Uses Map](#).

- (2) Development for the purpose of advertising structures is permitted with development consent.

**7 Use of certain land at Drummoyne Oval, Drummoyne**

- (1) This clause applies to land at Drummoyne Oval, Drummoyne, being Lot 1, DP 1163343, identified as “APU 7” on the [Additional Permitted Uses Map](#).
- (2) Development for the purpose of advertising structures, but only for the purpose of sponsorship advertising, is permitted with development consent.

**8 Use of certain land at 162-166 Victoria Road, Drummoyne**

- (1) This clause applies to land at 162-166 Victoria Road, Drummoyne, being SP 95173, identified as “APU 8” on the [Additional Permitted Uses Map](#).
- (2) Development for the purpose of a car park on land in Zone R2 Low Density Residential is permitted with development consent, but only in association with development on land in Zone MU1 Mixed Use.
- (3) Subclause (2) applies only in association with a development on land to which this clause applies that is Zone MU1 Mixed Use.

**9 Use of certain land at 30-34 St Georges Crescent, Drummoyne**

- (1) This clause applies to land at 30-34 St Georges Crescent, Drummoyne, being Lot 1, DP 864334, SP 93695 and Lot 2, DP 1213145, identified as “APU 9” on the [Additional Permitted Uses Map](#).
- (2) Development for the purpose of marinas is permitted with development consent.

**10 Use of certain land at 380 Victoria Place, Drummoyne**

- (1) This clause applies to land at 380 Victoria Place, Drummoyne, being Lot 1, DP 430123, Lot B, DP 401843 and Lot 1, DP 549352, identified as “APU 10” on the [Additional Permitted Uses Map](#).
- (2) Development for the purpose of marinas is permitted with development consent.

**11 Use of certain land at 13 Bevin Avenue, Five Dock**

- (1) This clause applies to land at 13 Bevin Avenue, Five Dock, being Lot 1, DP 1204491, identified as “APU 11” on the [Additional Permitted Uses Map](#).
- (2) Development for the following purposes is permitted with development consent if the use is associated with the adjacent Canada Bay Club—
  - (a) car parks,
  - (b) serviced apartments.

**12 Use of certain land at Bevin Avenue, Five Dock**

- (1) This clause applies to land at Bevin Avenue, Five Dock, being Lot 1, DP 1136926, Lot 4, DP 536187 and Lot 2, DP 527649, identified as “APU 12” on the [Additional Permitted Uses Map](#).
- (2) Development for the purpose of a registered club is permitted with development consent.

**12A Use of land at 8 Bevin Avenue, Five Dock**

- (1) This clause applies to land at 8 Bevin Avenue, Five Dock, being Lot 3, DP 527649, identified as “APU 12A” on the [Additional Permitted Uses Map](#).
- (2) Development for the purpose of a car park associated with the adjacent Canada Bay Club is permitted with development consent.

**13 Use of certain land at 104 and 104A William Street, Five Dock**

- (1) This clause applies to land at 104 and 104A William Street, Five Dock, being SP 73162, SP 73163 and SP 75689, identified as “APU 13” on the [Additional Permitted Uses Map](#).
- (2) Development for the following purposes is permitted with development consent—
  - (a) commercial premises,
  - (b) light industries.

**14 Use of certain land at 49-51 Queens Road, Five Dock**

- (1) This clause applies to land at 49-51 Queens Road, Five Dock, being SP 83068, identified as “APU 14” on the [Additional Permitted Uses Map](#).
- (2) Development for the following purposes is permitted with development consent—
  - (a) medical centres,
  - (b) office premises.

**14A (Repealed)**

**15 Use of certain land at 21-27 Regatta Road, Five Dock**

- (1) This clause applies to land at 21-27 Regatta Road, Five Dock, being lots 1-3, DP 1034085, identified as “APU 15” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of vehicle sales or hire premises is permitted with development consent.

**15A (Repealed)**

**16 Use of certain land at 27-29 George Street, North Strathfield**

- (1) This clause applies to SP 92113, 27-29 George Street, North Strathfield, identified as “APU 16” on the [Additional Permitted Uses Map](#).
- (2) Development for the purpose of commercial premises is permitted with development consent.

**17 Use of certain land at 159 Parramatta Road, North Strathfield**

- (1) This clause applies to land at 159 Parramatta Road, North Strathfield, being Lot 27, DP 719909, identified as “APU 17” on the [Additional Permitted Uses Map](#).
- (2) Development for the purpose of advertising structures is permitted with development consent.

**18 Use of certain land at 211 Parramatta Road, North Strathfield**

- (1) This clause applies to land at 211 Parramatta Road, North Strathfield, being Lots 1 and 2, DP 1023863, identified as “APU 18” on the [Additional Permitted Uses Map](#).
- (2) Development for the purpose of an advertising structure is permitted with development consent.

**19 Use of land in Zone R4**

- (1) This clause applies to land identified as “APU 19” on the [Additional Permitted Uses Map](#).
- (2) Development for the purpose of commercial premises is permitted with development consent on the ground floor of residential flat buildings.

**20 Use of certain land at 355-359 Lyons Road, Five Dock**

- (1) This clause applies to land at 355-359 Lyons Road, Five Dock, being Lots 40 and 41, DP 9978 and Lot 1, DP 319424, identified as “APU 20” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of residential flat buildings is permitted with development consent.

**21 Use of certain land at Units 1 and 2, 2 Bechert Road, Chiswick**

- (1) This clause applies to Lots 1 and 2, SP 69974, Units 1 and 2, 2 Bechert Road, Chiswick, identified as “APU 21” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of business premises is permitted with development consent on Lots 1 and 2, SP 69974.

- (3) However, Lot 2, SP 69974 must only be used for storage ancillary to the business premises on Lot 1, SP 69974.

## **22 Use of certain land at Kings Bay Precinct**

- (1) This clause applies to land identified as “APU 22” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of commercial premises and light industries is permitted with development consent on the ground floor of a residential flat building.

## **23 Use of certain land at 28-30 and 32-40 Burton Street, Concord**

- (1) This clause applies to the part of Lots 1-4, DP 10928, 28-30 and 32-40 Burton Street, Concord that fronts Burwood Road or Neichs Lane, identified as “APU 23” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of commercial premises is permitted with development consent on the ground floor of a residential flat building.

## **24 Use of certain land at 7 and 15-17 Regatta Road, Five Dock**

- (1) This clause applies to the following land at Five Dock, identified as “APU 24” on the [Additional Permitted Uses Map](#)—
  - (a) Lot 1, DP 172956, 7 Regatta Road,
  - (b) Lots 12 and 13, DP 826063, 15-17 Regatta Road.
- (2) Development for the purposes of depots is permitted with development consent.

## **25 Use of certain land at 1 and 7 Ramsay Road and 5 and 7 Harrabrook Road, Five Dock**

- (1) This clause applies to the following land in Five Dock, identified as “APU 25” on the [Additional Permitted Uses Map](#)—
  - (a) Lots A, B and D, DP 415618, Lot 5, DP 310522 and Lot 1, DP 241337, 1 and 7 Ramsay Road,
  - (b) part of Lots 1 and 2, DP 310522, 5 and 7 Harrabrook Avenue.
- (2) Development for the purposes of residential flat buildings is permitted with development consent.

## **26 Use of certain land at 2 and 2C Cavell Avenue and 57-61 Blaxland Road, Rhodes**

- (1) This clause applies to the following land at Rhodes, identified as “APU 26” on the [Additional Permitted Uses Map](#)—
  - (a) Lots 45-47, DP 5923, 2 and 2C Cavell Avenue,

(b) Lots 23–25, DP 5923, 57–61 Blaxland Road.

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

- (a) health services facilities,
- (b) office premises.

### **27 Use of certain land at Leeds Street, Rhodes**

(1) This clause applies to land identified as “APU 27” on the [Additional Permitted Uses Map](#).

(2) Development for the purposes of residential flat buildings is permitted with development consent.

### **28 Use of certain land in Zone R1 on Tennyson Road and Edwin Street, Mortlake**

(1) This clause applies to land identified as “APU 28” on the [Additional Permitted Uses Map](#).

(2) Development for the purposes of recreation facilities (indoor) is permitted with development consent.

### **29 Use of certain land at 160 Burwood Road, Concord**

(1) This clause applies to land identified as “Former Bushells Factory Additional Permitted Uses Area” on the [Key Sites Map](#).

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

- (a) office premises,
- (b) restaurants or cafes,
- (c) shops.

## **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.

**Development on footpath (associated with commercial premises or industrial retail outlet)**

- (1) Must have an approval or be authorised to use the footpath under Part 9 of the *Roads Act 1993* or, if on public land, under Division 2 of Part 2 of Chapter 6 of the *Local Government Act 1993*.

**Note—**

Part 5 of the *Crown Land Management Act 2016* may also apply.

- (2) Must be associated with an adjacent or nearby commercial premises (not including food and drink premises) or industrial retail outlet for which development consent has been granted.

**Outdoor dining (associated with food and drink premises)**

- (1) Must have an approval or be authorised to use the footpath under Part 9 of the *Roads Act 1993* or if on public land, under Division 2 of Part 2 of Chapter 6 of the *Local Government Act 1993*.

**Note—**

Part 5 of the *Crown Land Management Act 2016* may also apply.

- (2) Must be associated with an adjacent food and drink premises for which development consent has been granted.

**Signage—bus shelter advertising**

- (1) Must not extend beyond the perimeter of the bus shelter.
- (2) Only 1 advertising panel per bus shelter that may comprise an advertisement on 2 sides.
- (3) Must not contain flashing or neon signage.

**Signage—business identification signs**

- (1) In residential zones—
  - (a) maximum area—0.75m<sup>2</sup>, and
  - (b) must only identify the approved use of the premises to which the sign is affixed and not promote products, and
  - (c) must not be illuminated or exhibit changing light and colour effects, and
  - (d) must not be erected on a heritage item or land within the curtilage of a heritage item.
- (2) (Repealed)

## Schedule 3 Complying development

(Clause 3.2)

### Note—

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

### Part 1 Types of development

(When this Plan was made this Part was blank)

### Part 2 Complying development certificate conditions

#### Note—

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
Cabarita, Cabarita Road	Lot 44, DP 14206 (Vol 14651 Fol 225)
Cabarita, Collingwood Avenue	Lot 45, DP 14206 (Vol 14651 Fol 225)
Concord, 1 Beaconsfield Lane	Lot 2, DP 984914 (Vol 4549 Fol 34)
Concord, 3 Beaconsfield Lane	Lot 1, DP 1161664
Concord, Cross Street	Lot 10, DP 19533
Concord, 2 Denison Lane	Lot 2, DP 1049615
Concord, 48 Majors Bay Road	Lot 2, DP 1001791
Concord, 138 Majors Bay Road	Lots 59–62, DP 13820
Concord, 10 Thornleigh Avenue	Lots 8–11, DP 7594
Concord, 9–11 Wellbank Street	Lot 1, DP 942221 (Vol 2374 Fol 50)



Concord, 11 Wellbank Street	Lot 2, DP 942221 (Vol 2374 Fol 53)
Concord, 11 Wellbank Street	Lot 4, Section 2, DP 1875 (Vol 4843 Fol 46)
Concord West, 176Z George Street	Lot, 3 DP 218758 (Vol 9535 Fol 177)
Concord West, 46 Hospital Road	Lots 1-3, Section K, DP 11871 (Vol 4156 Fol 149)
Concord West, 8A Myall Street	Lot 96, Section D, DP 10188
Concord West, 64-66 Victoria Avenue	Lot 5, DP 778667 and Lot 2, DP 218758
Drummoyne, 6 Bayswater Street	Lot 1, DP 1130563 (Vol 2115 Fol 64)
Drummoyne, 39 Bowman Street	Lot 1, DP 917861 (Vol 1244 Fol 233)
Drummoyne, 9 College Street	Lot 3, DP 1070742
Drummoyne, 64-66 Formosa Street	Lot 273, DP 531444 (Vol 10962 Fol 216)
Drummoyne, 64-66 Formosa Street	Lot 1, DP 705622
Drummoyne, 64-66 Formosa Street	Lot 1, DP 536276 (Vol 11092 Fol 128)
Drummoyne, 64-66 Formosa Street	Lot 3, DP 552170 (Vol 11729 Fol 210)
Drummoyne, 70 Formosa Street	Lot 1, DP 201127 (Vol 3530 Fol 182)
Drummoyne, 70 Formosa Street	Lot 1, DP 500502 (Vol 9526 Fol 200)
Drummoyne, 70 Formosa Street	Lot 2, DP 201127
Drummoyne, 70 Formosa Street	Lot 2, DP 500502 (Vol 9526 Fol 201)
Drummoyne, 70 Formosa Street	Lot 3, DP 201127
Drummoyne, 70 Formosa Street	Lot 2, DP 508407 (Vol 9711 Fol 65)
Drummoyne, 70 Formosa Street	Lot 4, DP 505569 (Vol 9536 Fol 78)
Drummoyne, 70 Formosa Street	Lot 2, DP 203898 (Vol 9023 Fol 93)
Drummoyne, 70 Formosa Street	Lot 1, DP 219591 (Vol 9949 Fol 49)
Drummoyne, 89 Formosa Street	Lot 1, DP 432029 (Vol 5926 Fol 204)
Drummoyne, 107/52 Lyons Road	Lot 23, DP 81760
Drummoyne, 54 Lyons Road	Lot 2, DP 657666
Drummoyne, 56 Lyons Road	Lot 1, DP 669097 (Vol 4383 Fol 227)
Drummoyne, 56 Lyons Road	Lot 1, DP 936800 (Vol 2109 Fol 190)
Drummoyne, 56 Lyons Road	Lot 2, DP 936800 (Vol 12961 Fol 135)
Drummoyne, 1A Marlborough Street	Lot 1, DP 724469
Drummoyne, 1A Marlborough Street	Lot 1, DP 1091309 (Vol 1774 Fol 33)
Drummoyne, 1A Marlborough Street	Lot 2, DP 1091309 (Vol 1774 Fol 33)

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Drummoyne, 4-8 Marlborough Street	Lot 10, DP 628349 (Vol 15113 Fol 154)
Drummoyne, Ullathorne Street	Lot 3, DP 1094579
Drummoyne, 231 Victoria Road	Lot 1, DP 518568 (Vol 10471 Fol 248)
Five Dock, 121Z First Avenue, Five Dock	Lot 5, DP 224319
Five Dock, 4-12 Garfield Street	Lot 2, DP 1062325
Five Dock, 106 Great North Road	Lot B, DP 347359 (Vol 5356 Fol 123)
Five Dock, 2-6 Kings Road	Lot 11, DP 6513 (Vol 2593 Fol 111)
Five Dock, 2-6 Kings Road	Lot 12, DP 6513 (Vol 13040 Fol 91)
Five Dock, 2-6 Kings Road	Lot A, DP 305313 (Vol 3400 Fol 61)
Five Dock, 2-6 Kings Road	Lot 10, DP 668565 (Vol 6164 Fol 244)
Five Dock, 7 Regatta Road	Lot 1, DP 172956
Five Dock, 15-17 Regatta Road	Lot 12, DP 826063
Five Dock, 15-17 Regatta Road	Lot 13, DP 826063
Five Dock, 3 Second Avenue	Lot 2, DP 537010 (Vol 11151 Fol 117)
Five Dock, 1 Waterview Street	Lot 7, DP 236750 (Vol 11619 Fol 158)
Five Dock, 9 Waterview Street	Lot 21, Section 5, DP 884
Five Dock, 21 Waterview Street	Lot C, DP 338480
Mortlake, Bennett Street	Lot 13, DP 747109
Mortlake, 12-16 Edwin Street (Tom Murphy Reserve)	Lot 43, DP 1937 (Vol 4839 Fol 202)
Mortlake, 12-16 Edwin Street (Tom Murphy Reserve)	Lot 44, DP 1937 (Vol 4839 Fol 202)
Mortlake, Hilly Street	Lot 11, DP 747109
Mortlake, 1 Hilly Street	Lot 210, DP 566285 (Vol 12424 Fol 162)
Mortlake, 13 Hilly Street	Lot 1, DP 84893
Mortlake, 1 McDonald Street	Lot 212, DP 566285 (Vol 12424 Fol 164)
North Strathfield, 27-29 George Street	Lots 1-16, DP 82070
Rhodes, Cavell Avenue	Lot 163, DP 6401 (Vol 7031 Fol 135)
Rhodes, Cropley Street	Lot 164, DP 6401 (Vol 7031 Fol 135)
Rhodes, Llewellyn Street	Lot 159, DP 6401 (Vol 7031 Fol 135)
Rhodes, Llewellyn Street	Lot 161, DP 6401 (Vol 7031 Fol 135)
Rhodes, Llewellyn Street	Lot 162, DP 6401 (Vol 7031 Fol 135)

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Rhodes, Llewellyn Street	Lot 166, DP 6401 (Vol 7031 Fol 135)
Strathfield, 30F Cooper Street	Lot 7, DP 708073
Strathfield, 39 Cooper Street	Lots 6, 8, 9 and 16, DP 81539
Strathfield, 44-50 Cooper Street	Lots 1, 3 and 43, DP 82089

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

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

Nil

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

Column 1	Column 2
Locality	Description
Five Dock, 151P Great North Road (Fred Kelly Reserve)	Lots 2 and 3, DP 811036
Mortlake, 37 Hilly Street (Punt Park)	Lot 61, DP 773329

## Schedule 5 Environmental heritage

(Clause 5.10)

### Part 1 Heritage items

Suburb	Item name	Address	Property description	Significance	Item no
Abbotsford	Abbotsford House	2 Abbotsford Cove Drive	Lot 19, DP 270127	Local	11
Abbotsford	Battersea Park	Battersea Street	Lots 7016, 7017 and 7018, DP 1074188; Lot 1071, DP 1074188; Lots 20 and 21, DP 57637; Lot 17, DP 77464; Lots 11, 12 and 22, DP 939734; Lots 14 and 16, DP 3790; Lot 15, DP 57112; Lot 13, DP 58560; Lot 20, DP 182467	Local	116
Abbotsford	House	25 Battersea Street	Lot 76, DP 3790	Local	117

Abbotsford	Electric street lights	Great North Road		Local	I220
Abbotsford	Sandstone kerbing	Great North Road		Local	I222
Abbotsford	Tram lines	Great North Road		Local	I218
Abbotsford	Abbotsford Public School and Abbotsford Community Centre	348 Great North Road	Lot 102, DP 808766	Local	I231
Abbotsford	House, "Mona"	373 Great North Road	Lot B, DP 358000	Local	I233
Abbotsford	Tram shelter shed	378 Great North Road		Local	I219
Abbotsford	Clubhouse pavilion	378 Great North Road	Lot 22, DP 270127	Local	I234
Abbotsford	Chatham House	380 Great North Road	Lot 1, DP 862198	Local	I235
Abbotsford	House, "Coniston"	396 Great North Road	Lots X and Y, DP 377880	Local	I236
Abbotsford	House	432 Great North Road	Lot 9, Section B, DP 4669	Local	I237
Abbotsford	Tippett Memorial Presbyterian Church and hall	443-447 Great North Road	Lot 1, DP 4238; Lot 1, DP 128555; Lots 51 and 52, DP 13548	Local	I238
Abbotsford	Sydney Rowing Club—Boatshed	613 Great North Road	Lot 100, DP 1049800	Local	I239
Abbotsford	Abbotsford Point Boatshed	617 Great North Road	Part Lot 1, DP 52972	Local	I221
Abbotsford	House	1 Poolman Street	Lot B, DP 320921	Local	I385
Abbotsford	House	3 Poolman Street	Lot A, DP 320921	Local	I386
Abbotsford	House, "Gloaming"	14 Raynor Avenue	Lot 30, DP 14102	Local	I406
Abbotsford	Animal Quarantine Station (former)	50P Spring Street	Lot 1, DP 957603; Lot 7052, DP 93782	Local	I80
Abbotsford	MWS and DB Pumping Station	73 St Albans Street	Lots 1 and 2, DP 717220	Local	I414
Abbotsford	Werrell Park	2P Teviot Street		Local	I443

Abbotsford	Stone steps	Corner of Walton Crescent and Marmion Road, in front of 43 Walton Crescent		Local	1480
Abbotsford	House	40 Walton Crescent	Lot 12, Section A, DP 4669	Local	1481
Abbotsford	House	55 Walton Crescent	Lot 19, Section B, DP 4669	Local	1482
Abbotsford	Port Jackson Fig trees (4)	Wymston Parade		Local	1518
Breakfast Point	AGL Blacksmiths' Shop (former)	123 Peninsula Drive	Lot 46, DP 270347	Local	1382
Breakfast Point	AGL (former) fence to Tennyson Road, entrance gates and entry pavilion	Tennyson Road (east side) between Peninsula Drive and Emily Street to Magnolia Drive		Local	1437
Breakfast Point	AGL Office No 1 (former)	19-21 Tennyson Road	Lot 1, DP 270347	Local	1438
Breakfast Point	AGL Main Meter Readers' Office (former)	19-21 Tennyson Road	Lot 64, DP 270347	Local	1439
Breakfast Point	AGL Plumbers' Workshop (former)	15 Woodlands Avenue	Lot 6, DP 280052	Local	1545
Cabarita	House "Correys"	1 Bayside Terrace	Lot 1, DP 270282	Local	1179
Cabarita	Cabarita Park—landscape, rotunda and swimming pool	Cabarita Road	Lot 7081, DP 93923; Crown Lot 1, DP 126394; Lot 291, DP 752023	Local	158
Cabarita	Federation Pavilion, Cabarita Park	Cabarita Road	Lot 1, DP 126394	State	1543
Cabarita	Inter-war California bungalow	116 Cabarita Road	Lot 42, DP 5167	Local	160
Cabarita	Inter-war California bungalows	118 Cabarita Road	Lot 43, DP 5167	Local	1526
Cabarita	House	18 Collingwood Avenue	Lot 15, DP 14206	Local	194
Cabarita	Kendall Reserve—landscape	1P Kendall Street	Lot 64, DP 752023	Local	159

Cabarita	House	10 Kendall Street	Lot 2, Section 2, DP 6536	Local	1271
Cabarita	House	31 Phillips Street	Lot 280, DP 499696; Lot 1, DP 564192	Local	1384
Cabarita	House "Strathroy" (located on former Dulux site)	1 Strathroy Close	Lot 63, DP 270282	Local	1423
Canada Bay	House	1 Renown Street	Lot 12, DP 2165	Local	1407
Canada Bay	One of a pair of terrace houses	140 Queens Road	Lot 101, DP 826625	Local	1401
Canada Bay	One of a pair of terrace houses	142 Queens Road	Lot 100, DP 826625	Local	1402
Canada Bay	House	18 Walker Street	Lot 13, DP 736853	Local	1479
Chiswick	AWI office building	54 Blackwall Point Road	SP 91803	Local	123
Chiswick	Shop and residence	92 Blackwall Point Road	Lot 2, DP 859664	Local	124
Chiswick	Chiswick Steps and retaining wall	Chiswick Street		Local	181
Chiswick	Entry gates	16A Chiswick Street	Lot C, DP 363811	Local	182
Chiswick	House	18 Chiswick Street	Lot A, DP 363811	Local	183
Chiswick	House	2 Fortescue Street	Lot 3, DP 28476	Local	1204
Concord	Street tree	Corner of Ada and Coles Streets		Local	17
Concord	House, "Marathon"	3 Ada Street	Lot C, DP 326687	Local	12
Concord	Federation house	4 Ada Street	Lot B, DP 927042	Local	13
Concord	House and garden	6 Ada Street	Lot C, DP 927042	Local	14
Concord	House	7 Ada Street	Lot 2, DP 114957	Local	15
Concord	House	28 Addison Avenue	Lot 14, DP 6827	Local	18
Concord	House	2 Alton Avenue	Lot A, DP 414636	Local	19
Concord	Mortlake Public School—grounds	15 Archer Street	Lot 1, DP 782153; Lot 1, DP 729864; Lots 180–191, DP 7564	Local	110
Concord	Sub-station	1A Arthur Street	Lot 2, DP 100697	Local	111
Concord	Inter-war bungalow	17 Arthur Street	Lots 18, DP 13702	Local	112

Concord	Inter-war bungalow	19 Arthur Street	Lots 17, DP 13702	Local	I527
Concord	House	5 Bayview Street	Lot 15, DP 16276	Local	I14
Concord	House	12 Bent Street	Lot 21, Section 1, DP 1875	Local	I20
Concord	House	24 Bent Street	Lot 15, Section 1, DP 1875	Local	I21
Concord	House	1 Braddon Street	Lot B, DP 308928	Local	I30
Concord	House	14 Brays Road	Lot A, DP 354933	Local	I32
Concord	Substation	40A Brays Road	Lot 1, DP 321453	Local	I33
Concord	St Mary's Anglican Church and grounds	54 Brays Road	Lots 1 and 2, DP 1964; Lot 1, DP 113024	Local	I34
Concord	Queen Elizabeth Park—landscape	Broughton Street	Part Lot 1, DP 117862	Local	I35
Concord	House	32 Broughton Street	Lot 9, DP 7625	Local	I36
Concord	House	36 Broughton Street	Lot B, DP 405683	Local	I37
Concord	St Luke's Anglican Church and grounds	19 Burton Street	Lots 2 and 4, DP 538607	Local	I40
Concord	House, "Lansdowne"	25 Burton Street	Lot 3, Section 1, DP 8045	Local	I41
Concord	Houses "Melaleuca" and "Clewer"—pair of terrace houses, fences and garden	31-33 Burton Street	Lots E and D, DP 405877	Local	I42
Concord	House, "Loretto"	46 Burton Street	Lot 19, Section 2, DP 939757	Local	I43
Concord	St Mary's Church and school	56-60 Burton Street	Lots 1, 2 and 4, DP 455681; Lots 1-3, DP 130919	Local	I44
Concord	Street trees	Burwood Road (between Crane Street and Duke Avenue)		Local	I56
Concord	Post office building (former)	22 Burwood Road	Lot 1, DP 85034	Local	I45
Concord	Sandstone kerbing (west side, adjacent)	22-26 Burwood Road		Local	I55

Concord	Anglican Rectory building (former)	24 Burwood Road	Lot Y, DP 163687	Local	146
Concord	House	33 Burwood Road	Lots 6 and 7, DP 2931	Local	147
Concord	House	35 Burwood Road	Lot 5, DP 2931	Local	148
Concord	Concord Primary School and grounds	66 Burwood Road	Lot 1, DP 194308; Lot 2, Section 12, DP 758623; Lots 9-14, Section 1, DP 975955	Local	149
Concord	House	104 Burwood Road	Lot 43, DP 6790	Local	150
Concord	House	106 Burwood Road	Lot A, DP 301443	Local	151
Concord	House	108 Burwood Road	Lot 41, DP 6790	Local	152
Concord	House	110 Burwood Road	Lot 3, DP 6790	Local	153
Concord	Former Bushells factory, including the central roasting hall, chimney stack, eastern "B" façade and landscape garden setting	160 Burwood Road	Lot 5, DP 129325; Lot 2, DP 230294; Lots 398 and 399, DP 752023	Local	1547
Concord	Bayview Park	166P Burwood Road	Lot 16, DP 2063	Local	154
Concord	House and shop	13 Cabarita Road	Lot 4, DP 5531	Local	161
Concord	House, "Allenby"	36 Cabarita Road	Lot 2, DP 9414	Local	162
Concord	Street trees	Castlereagh Street		Local	174
Concord	"Linden", Inter-war bungalow	2 Clermont Avenue	Lot 63, DP 8972	Local	184
Concord	"Swinford", Inter-war bungalow	4 Clermont Avenue	Lot 64, DP 8972	Local	1528
Concord	Inter-war bungalow	7 Clermont Avenue	Lot 57, DP 12418	Local	185
Concord	House	8 Clermont Avenue	Lot 66, DP 8972	Local	186
Concord	Inter-war bungalow	9 Clermont Avenue	Lot 26, DP 8972	Local	1529
Concord	Inter-war bungalow	11 Clermont Avenue	Lot 25, DP 8972	Local	1530
Concord	House	28 Clermont Avenue	Lot 34, DP 8972	Local	187
Concord	House, "Ardill"	31 Clermont Avenue	Lots 13-15, DP 8972; Lot A, DP 977893	Local	188
Concord	House	36 Clermont Avenue	Lot 38, DP 8972	Local	189



Concord	Wesley Uniting Church and hall	81 Concord Road	Lot 1, DP 310934; Lot 3, DP 130820; Lot A, DP 900413	Local	I99
Concord	House	99 Concord Road	Lot 4, DP 34203	Local	I100
Concord	House	11 Corby Avenue	Lot 13, DP 130490	Local	I122
Concord	House	12 Corby Avenue	Lot 23, DP 9583	Local	I123
Concord	House	13 Corby Avenue	Lot 12, DP 9583	Local	I124
Concord	Presbyterian Church	14 Cormiston Avenue	Lots 10 and 11, DP 16147	Local	I125
Concord	House	23 Cormiston Avenue	Lot A, DP 955442	Local	I126
Concord	House, "Trierieffe"	42 Cormiston Avenue	Lot 8, Section A, DP 6538	Local	I127
Concord	House	51 Cormiston Avenue	Lot 11, Section B, DP 6538	Local	I128
Concord	House	10 Correys Avenue	Lot 10, DP 13820	Local	I129
Concord	House	16 Correys Avenue	Lot 7, DP 13820	Local	I130
Concord	House	22 Correys Avenue	Lot 4, DP 13820	Local	I131
Concord	House	24 Correys Avenue	Lot 3, DP 13820	Local	I132
Concord	House, "Berhilma"	103 Correys Avenue	Lot 63, DP 9221	Local	I133
Concord	House	109 Correys Avenue	Lot 66, DP 9221	Local	I134
Concord	House	111 Correys Avenue	Lot 67, DP 9221	Local	I135
Concord	Rothwell Park	25P Crane Street	Lot 81A, DP 752023; Lot 262, DP 752023	Local	I333
Concord	Shop and residence	28 Crane Street	Lot 1, DP 324177	Local	I136
Concord	Shops	42-46 Crane Street	Lots 1, 2 and 3, DP 13862	Local	I137
Concord	House	1 Creewood Street	Lot 4, DP 13884	Local	I138
Concord	House	2 Creewood Street	Lot C, DP 316685	Local	I139
Concord	House	3 Creewood Street	Lot 5, DP 13884	Local	I140
Concord	House	4 Creewood Street	Lot B, DP 316685	Local	I141
Concord	House	5 Creewood Street	Lot 6, DP 13884	Local	I142
Concord	House	6 Creewood Street	Lot A, DP 316685	Local	I143
Concord	House	7 Creewood Street	Lot 7, DP 13884	Local	I144

Concord	House	8 Creewood Street	Lot 11, DP 13884	Local	I145
Concord	House	9 Creewood Street	Lot 1, DP 183407	Local	I146
Concord	House	10 Creewood Street	Lot 12, DP 13884	Local	I147
Concord	House	11 Creewood Street	Lot 1, DP 15085	Local	I148
Concord	House	12 Creewood Street	Lot 13, DP 13884	Local	I149
Concord	House	13 Creewood Street	Lot 2, DP 15085	Local	I150
Concord	House	14 Creewood Street	Lot 14, DP 13884	Local	I151
Concord	House	15 Creewood Street	Lot 3, DP 15085	Local	I152
Concord	House	17 Creewood Street	Lot 4, DP 15085	Local	I153
Concord	House	19 Creewood Street	Lot 5, DP 15085	Local	I154
Concord	House	21 Creewood Street	Lot 6, DP 15085	Local	I155
Concord	House	8 Daly Avenue	Lot 16, DP 12739	Local	I165
Concord	House	89 Davidson Avenue	Lot 47, DP 16249	Local	I166
Concord	House	3 Denison Street	Lot 26, DP 18879	Local	I174
Concord	Street trees	Edward Street		Local	I182
Concord	House, "Kelvin"	1A Edward Street	Lot C, DP 311446	Local	I180
Concord	House	16 Edward Street	Lot 1, DP 943601	Local	I181
Concord	House	3 Empire Avenue	Lots 9 and 10, DP 7503	Local	I183
Concord	House	44 Empire Avenue	Lot 2, DP 14810	Local	I184
Concord	House	48 Empire Avenue	Lot 4, DP 14810	Local	I185
Concord	House	52 Empire Avenue	Lot 6, DP 14810	Local	I186
Concord	House, "Marsham"	56 Empire Avenue	Lot 8, DP 14810	Local	I187
Concord	House	19 Excelsior Street	Lot B, DP 311832	Local	I190
Concord	House	22 Excelsior Street	Lot 2, DP 311776	Local	I191
Concord	House	18 Fairview Street	Lot 1, Section 3, DP 749	Local	I192
Concord	Henley Park—landscape	Flavelle Street	Lots 6281 and 6282, DP 3000; Crown Lots 201–210 and 278–284, DP 752023	Local	I199
Concord	Adventist Church	7 Flavelle Street	Lot 40, DP 6827	Local	I196

Concord	House	24 Flavelle Street	Lot 12, DP 501281	Local	I197
Concord	House	52 Flavelle Street	Lot 13, DP 5777	Local	I198
Concord	Concord Library grounds	60 Flavelle Street	Lot 5, DP 35624	Local	I493
Concord	House	1 Forster Street	Lot 1, DP 512663	Local	I203
Concord	Street trees	Franklyn Street		Local	I207
Concord	House	6 Franklyn Street	Lot 14, DP 12301	Local	I205
Concord	House, "Wangi"	21 Franklyn Street	Lot 6, DP 12739	Local	I206
Concord	House	3 Frederick Street	Lot A, DP 392351	Local	I208
Concord	St Patrick's Church, presbytery and grounds	33 Gale Street	Lots 62-75, DP 2302	Local	I209
Concord	Victorian house	37 Gale Street	Lots 60 and 61, DP 2302	Local	I210
Concord	Goddard Park	52P Gipps Street	Part Lot 1, DP 117862	Local	I214
Concord	House, "Myraville"	74 Gipps Street	Lot 61, DP 7594	Local	I215
Concord	Inter-war Moderne house	12 Gloucester Street	Lot 117, DP 7564	Local	I216
Concord	Inter-war Moderne house	14 Gloucester Street	Lot 118, DP 7564	Local	I531
Concord	House	22 Gloucester Street	Lot 1, DP 948504	Local	I217
Concord	House	2 Homedale Avenue	Lot 80, DP 7353	Local	I255
Concord	Massey Park Golf Course grounds and Sanders Reserve	1 Ian Parade (also known as 1C and 1P Ian Parade)	Lot B, DP 392351; Part Lot 22, DP 56134; Lot 18, DP 5531; Lot 21060, DP 3000	Local	I259
Concord	House	8 Jellicoe Street	Lot 58, DP 8278	Local	I270
Concord	House, "Unalea"	14 Keppel Avenue	Lot 28, DP 7594	Local	I272
Concord	House, "Ypres"	14 La Mascotte Avenue	Lot 34, DP 6790	Local	I278
Concord	House	24 La Mascotte Avenue	Lot 29, DP 6790	Local	I279
Concord	House	16 Lancelot Street	Lot 241, DP 7564	Local	I281
Concord	Street trees	Lansdowne Street		Local	I282

Concord	House	1 Lindfield Avenue	Lot 4, DP 15402	Local	I286
Concord	House	2 Lindfield Avenue	Lot 1, DP 15402	Local	I287
Concord	House	3 Lindfield Avenue	Lot 5, DP 15402	Local	I288
Concord	House, "Norwich"	4 Lindfield Avenue	Lot 2, DP 15402	Local	I289
Concord	House	5 Lindfield Avenue	Lot 6, DP 15402	Local	I290
Concord	House	11 Lindfield Avenue	Lot 9, DP 322322	Local	I291
Concord	Street trees	Links Avenue		Local	I300
Concord	House	64 Links Avenue	Lot 97, DP 9221	Local	I292
Concord	House	65 Links Avenue	Lot 34, DP 521048	Local	I293
Concord	House	66 Links Avenue	Lot 96, DP 9221	Local	I294
Concord	House	67 Links Avenue	Lot 2, DP 319226	Local	I295
Concord	House	99 Links Avenue	Lot 17, DP 9221	Local	I296
Concord	House	103 Links Avenue	Lot 15, DP 9221	Local	I297
Concord	House, "Tarrant"	107 Links Avenue	Lot 13, DP 9221	Local	I298
Concord	House, "Janibar"	129 Links Avenue	Lot 2, DP 9221	Local	I299
Concord	House	24 Lloyd George Avenue	Lot B, DP 307951	Local	I307
Concord	St Luke's Park gateway/entrance—gates and trees only	Loftus Street	Lot 13, DP 1226181	Local	I308
Concord	Inter-war Moderne house	45 Macnamara Avenue	Lot 19, DP 15739	Local	I328
Concord	Inter-war Moderne house	47 Macnamara Avenue	Lot 20, DP 15739	Local	I532
Concord	House	62 Macnamara Avenue	Lot 6, DP 15502	Local	I329
Concord	Concord Golf Course grounds	Majors Bay Road	Lot 147, DP 752023; Lots 10–16, DP 132751	Local	I332
Concord	Street trees in median strip	Majors Bay Road		Local	I334
Concord	Post office	48 Majors Bay Road	Lot 2, DP 1001791	Local	I330
Concord	Concord Memorial Hall	138 Majors Bay Road	Lots 59, 60, 61 and 62, DP 13820	Local	I331

Concord	House	8 Melbourne Street	Lot 3, DP 8664	Local	I345
Concord	House	34 Melbourne Street	Lot 16, DP 8664	Local	I346
Concord	House	33 Noble Street	Lot 160, DP 7564	Local	I364
Concord	House, "Netherby" and garden	2 Park Avenue	Lot A, DP 326934	Local	I368
Concord	House	8 Park Avenue	Lot 1, DP 567218	Local	I369
Concord	House	14 Park Avenue	Lot 1, DP 15297	Local	I370
Concord	House	2 Patterson Street	Lot 22, DP 6827	Local	I374
Concord	Inter-war bungalow	13 Patterson Street	Lots 2, DP 16147	Local	I375
Concord	Inter-war bungalow	15 Patterson Street	Lots 3, DP 16147	Local	I533
Concord	Inter-war bungalow	17 Patterson Street	Lot 20, DP 16147	Local	I534
Concord	House	21 Patterson Street	Lots 21 and 22, DP 16147	Local	I376
Concord	House	32 Patterson Street	Lot 46, DP 7594	Local	I377
Concord	House	44 Patterson Street	Lot 26, DP 7594	Local	I378
Concord	House	59 Patterson Street	Lot 223, DP 752023	Local	I379
Concord	House	95 Patterson Street	Lot B, DP 333649	Local	I380
Concord	House	123 Patterson Street	Lot 6, DP 34203	Local	I381
Concord	House	34 Salt Street	Lot 35, DP 9194	Local	I410
Concord	House	36 Salt Street	Lot B, DP 320535	Local	I411
Concord	Street trees	Stanley Street		Local	I422
Concord	Concord High School grounds	5 Stanley Street	Lot B, DP 414465; Lot 15, DP 8687; Lot 1, DP 60167; Lot 1, DP 59489; Lot 285, DP 752023	Local	I421
Concord	House, "Tabratong"	19 Stanley Street	Lot 2, DP 975955	Local	I420
Concord	Street trees	Sydney Street		Local	I431
Concord	Traffic island garden	Sydney Street		Local	I432
Concord	House, "Serendipity"	1 Sydney Street	Lot 3, DP 311226	Local	I429
Concord	Substation	22A Sydney Street	Lot 1, DP 179878	Local	I430
Concord	Commercial building	10-12 Tennyson Road	Lots A and B, DP 107947	Local	I436

Concord	House and garden	10 Thornleigh Avenue	Lots 10 and 11, DP 7594	Local	I461
Concord	House, "Glenora"	11 Thornleigh Avenue	Lot 21, DP 7594	Local	I462
Concord	House	8 Tripod Street	Lot 1, DP 960851	Local	I464
Concord	House	29 Warbrick Street	Lot 85, DP 8278	Local	I484
Concord	Street trees	Wellbank Street between Clermont Avenue and Concord Road		Local	I494
Concord	Edwards Park	1P Wellbank Street	Lot 120, DP 752023; Lot 289, DP 752023 plus 2 unnumbered lots	Local	I258
Concord	Substation	2A Wellbank Street	Lot 1, DP 112384	Local	I487
Concord	Greenlees Park—landscape and former Arnott's cottage	2B Wellbank Street		Local	I488
Concord	House	42 Wellbank Street	Lot 2, DP 656083	Local	I489
Concord	Central Park	57 Wellbank Street	Part 106A, DP 752023	Local	I492
Concord	Baby Health Centre	57A Wellbank Street	Lot 297, DP 752023	Local	I490
Concord	House	108 Wellbank Street	Lot 95, DP 7353	Local	I491
Concord	House	22 Zoeller Street	Lot 1, DP 104067	Local	I523
Concord	House	46 Zoeller Street	Lot 3, DP 10041	Local	I524
Concord	House	55 Zoeller Street	Lot 13, DP 14810	Local	I525
Concord West	House	10 Bangalla Road	Lot 65, DP 8733	Local	I13
Concord West	Street trees	Boronia Street		Local	I28
Concord West	House, "Tamar"	20 Burke Street	Lot 8, DP 7440	Local	I38
Concord West	House	11 Castlestead Street	Lot 36, DP 8976	Local	I75
Concord West	House	264 Concord Road	Lot 16, Section 1, DP 6949	Local	I101
Concord West	Holy Trinity Anglican church and grounds	270-272 Concord Road	Lot 2, DP 854835	Local	I102
Concord West	House	277 Concord Road	Lot 12, DP 6950	Local	I103

Concord West	House	279 Concord Road	Lot 11, DP 6950	Local	I104
Concord West	Uniting Church	310 Concord Road	Lot 73, DP 8733; Lot 74, DP 8733	Local	I105
Concord West	Masonic Hall	315 Concord Road	Lot 1, Section C, DP 10188; Lot 87, Section C, DP 11996; Lot 88, Section C, DP 11996	Local	I106
Concord West	Concord West Public School	378 Concord Road	Lots 4–9 and 31–34, DP 9353; Lot 1, DP 397135; Lot 1, DP 403986; Lot 1, DP 415541; Lot 1, DP 413949; Lot 1, DP 415864; Lot 1, DP 415538; Lot 2, DP 395296; Lot 1, DP 441539; Lot 1, DP 391492; Lot 1, DP 385981	Local	I107
Concord West	House	14 Consett Street	Lot 8, Section F, DP 6487	Local	I120
Concord West	House	63 Consett Street	Lot 28, Section 2, DP 6949	Local	I121
Concord West	Street trees	Cumming Avenue		Local	I163
Concord West	House and garden	16 Cumming Avenue	Lot 32, DP 6950	Local	I159
Concord West	House and garden	18 Cumming Avenue	Lot 33, DP 6950	Local	I160
Concord West	House and garden	22 Cumming Avenue	Lot 35, DP 6950	Local	I161
Concord West	House and garden	26 Cumming Avenue	Lot 37, DP 6950	Local	I162
Concord West	Joanna Walker Memorial Children's Hospital—main building and hospital grounds	1A Hospital Road	Lot 1, DP 725129	State	I544

Concord West	Thomas Walker Hospital Group—main building, former children’s hospital, former stables, former cottage, The Watergate, store, garage, grounds, entry gate, cottage and hospital grounds	1A Hospital Road	Lot 1, DP 166721	State	I257
Concord West	Concord Repatriation Hospital—original main building, grounds and layout	1C and 1H Hospital Road	Lot 2, DP 89877	Local	I256
Concord West	House	4 landra Street	Lot 34, Section F, DP 10188	Local	I260
Concord West	House	7 landra Street	Lot 36, Section G, DP 10188	Local	I261
Concord West	House	10 landra Street	Lot 31, Section F, DP 10188	Local	I262
Concord West	House	11 landra Street	Lots 38 and 68, Section G, DP 10188	Local	I263
Concord West	House	13 landra Street	Lot 39, Section G, DP 10188	Local	I264
Concord West	House and garden	42 landra Street	Lot 15, Section F, DP 10188	Local	I265
Concord West	House and garden	44 landra Street	Lot 14, Section F, DP 10188	Local	I266
Concord West	House and garden	46 landra Street	Lot 13, Section F, DP 10188	Local	I267
Concord West	House	52 landra Street	Lot 10, Section F, DP 10188	Local	I268
Concord West	House	54 landra Street	Lot 9, Section F, DP 10188	Local	I269
Concord West	Rhodes Park Kokoda Trail Memorial	Killoola Street	Lot 7062, DP 93918; Crown Lot 4, DP 20270; Lot 1, DP 85560; Lots 9–25, DP 20309; Lot 1, DP 535257	Local	I273



Concord West	House	1 Mackenzie Street	Lot 16A, DP 12602	Local	I324
Concord West	House	54 Mackenzie Street	Lot 5, Section C, DP 6487	Local	I325
Concord West	House, "Camellia"	56 Mackenzie Street	Lot 4, Section C, DP 6487	Local	I326
Concord West	Inter-war bungalow	74 Mackenzie Street	Lot 6, Section 2, DP 6949	Local	I540
Concord West	Inter-war bungalow	76 Mackenzie Street	Lot 7, Section 2, DP 6949	Local	I327
Concord West	House	59 Mepunga Street	Lot 76, Section B, DP 11996	Local	I347
Concord West	Street trees	Myall Street		Local	I356
Concord West	House, "Halcyon" and garden	76 Myall Street	Lot 17, Section D, DP 10188	Local	I355
Concord West	Inter-war Moderne house	15 Nirranda Street	Lot 53, Section C, DP 11996	Local	I361
Concord West	Inter-war Moderne house	17 Nirranda Street	Lot 54, Section C, DP 11996	Local	I535
Concord West	House	35 Nirranda Street	Lot 63, Section C, DP 11996	Local	I362
Concord West	House	79 Nirranda Street	Lot 1, DP 14318	Local	I363
Concord West	Street trees	Nullawarra Avenue		Local	I367
Concord West	Dame Eadith Walker Hospital Group—dairy, gatehouse, coach house, "Boronia" cottage, timber garages, "Woodbine" cottage, stables, Prince of Wales Squash Courts, "Yaralla House", "Jonquil" cottage, garages, "Magnolia" cottage, hospital grounds	11 Nullawarra Avenue	Lots 1 and 2, DP 231732	State	I444
Concord West	Arthur Walker Reserve—landscape and former Arnott's cottage	11P Nullawarra Avenue	Lot 6, DP 606747	Local	I366

Concord West	Concord West Railway Station park	Queen Street	Lot 101, DP 1002884	Local	I395
Concord West	House	52 Queen Street	Lot 10, DP 6487	Local	I389
Concord West	House	173 Queen Street	Lot 20, Section E, DP 6487	Local	I390
Concord West	House	177 Queen Street	Lot 22, Section E, DP 6487	Local	I391
Concord West	House	361 Queen Street	Lot 23, DP 9353	Local	I393
Concord West	Street trees	The Drive		Local	I451
Concord West	House	8 The Drive	Lot 32, Section E, DP 10188	Local	I445
Concord West	House and garden	28 The Drive	Lot 22, Section E, DP 10188	Local	I446
Concord West	House	39 The Drive	Lot 55, Section E, DP 10188	Local	I447
Concord West	House and garden	40 The Drive	Lot 16, Section E, DP 10188	Local	I448
Concord West	House	58 The Drive	Lot 7, Section E, DP 10188	Local	I449
Concord West	House, "The Lodge"	67 The Drive	Lot 68, Section F, DP 10188	Local	I450
Concord West	House	12 Victoria Avenue	Lot 19, DP 6145	Local	I465
Concord West	Shop	29 Victoria Avenue	Lot 46, DP 654453	Local	I466
Concord West	Powell's Creek Reserve	64-66 Victoria Avenue	Lot 5, DP 778667; Lot 2, DP 218758	Local	I467
Concord West	Federation post box	Corner of Wilga Street and Concord Road		Local	I503
Concord West	House	11 Wilga Street	Lot 60, Section D, DP 10188	Local	I497
Concord West	House	12 Wilga Street	Lot 40, Section C, DP 10188	Local	I498
Concord West	House	13 Wilga Street	Lot 61, Section D, DP 10188	Local	I499
Concord West	House, "Edgecote"	52 Wilga Street	Lot 20, Section C, DP 10188	Local	I500
Concord West	House	56 Wilga Street	Lot 18, Section C, DP 10188	Local	I501

Concord West	House	77 Wilga Street	Lot 93, Section D, DP 10188	Local	1502
Concord West	Street trees	Wunda Road		Local	1517
Concord West	House	6 Wunda Road	Lot 2, DP 510784	Local	1515
Concord West	House, "Curzon"	9 Wunda Road	Lot 2, DP 14878	Local	1516
Concord West	Street trees	Yaralla Street		Local	1521
Concord West	Warbrick Park	87P Yaralla Street	Lots 1-6 and 29-32, Section 1, DP 6949	Local	1520
Drummoyne	Pair of semi-detached houses	7-9 Bayswater Street	Lots D and E, DP 108487	Local	119
Drummoyne	House	13 Burnell Street	Lot 39, DP 11814	Local	139
Drummoyne	House, "Carthona"	14 Cambridge Road	Lots A and B, DP 310000	Local	163
Drummoyne	House	70 Cary Street (also known as 70 Roseby Street)	Lot 5, Section 11, DP 862	Local	172
Drummoyne	House	72 Cary Street (also known as 72 Roseby Street)	Lot 4, Section 11, DP 862	Local	173
Drummoyne	St Bede's Anglican Church	14 College Street	Lot 1, DP 176004	Local	190
Drummoyne	St Bede's Anglican Church Rectory and hall (former church)	19-21 College Street	Lot 41, Section 12, DP 967; Lot 39, Section 2, DP 967; Lot B, DP 311845	Local	191
Drummoyne	Uniting Church and hall	33 College Street	Lot 27, Section 2, DP 967	Local	192
Drummoyne	The Manse	63 College Street	Lot 1, DP 974090	Local	193
Drummoyne	Group of four Victorian Italianate houses	5 Collingwood Street	Lot 24, Sec 3, DP 964	Local	195
Drummoyne	Victorian Italianate house	7 Collingwood Street	Lot 23, Sec 3, DP 964	Local	1536
Drummoyne	Victorian Italianate house	9 Collingwood Street	Lot 22, Sec 3, DP 964	Local	1537
Drummoyne	Victorian Italianate house	11 Collingwood Street	Lot 21, Sec 3, DP 964	Local	1538
Drummoyne	House, "Glendalough"	23 Collingwood Street	Lot 30, DP 964; Lot 1, DP 961267	Local	196

Drummoyne	House	28 Collingwood Street (also known as 125 St Georges Crescent)	Lot 27, Sec 5, DP 964; Lot 1 DP 912029	Local	I98
Drummoyne	Scout Hall, former residence	11 Dening Street	Lot 99 and Part Lot 100, DP 980; Lot 98, DP 661923; Lot 1, DP 982611	Local	I167
Drummoyne	House, "Emstone House"	13 Dening Street	Lot 97, DP 980	Local	I168
Drummoyne	House, "Dorothy"	22 Dening Street	Lot 12, DP 4514	Local	I169
Drummoyne	House	24 Dening Street	Lot 13, DP 4514	Local	I170
Drummoyne	House	25 Dening Street	Lot 91, DP 980	Local	I171
Drummoyne	House	26 Dening Street	Lot 14, DP 4514	Local	I172
Drummoyne	House	54 Dening Street	Lot 1, DP 1015696	Local	I173
Drummoyne	House, "Clovelly"—garden and boatshed	1 Drummoyne Avenue	Lot 1, DP 856715	Local	I175
Drummoyne	Marist Brothers' house	14 Drummoyne Avenue	Lots 37 and 38, DP 3076; Lot 1, DP 949058; Lot 1, DP 575845	Local	I176
Drummoyne	House, "Shalimar"—private garden, fence and gate	16 Drummoyne Avenue	Lot 1, DP 850331	Local	I177
Drummoyne	House, "Tobique"	44 Drummoyne Avenue	Lot 12, DP 1180691	Local	I178
Drummoyne	House	18 Formosa Street	Lot 1, DP 798690	Local	I200
Drummoyne	Pair of semi-detached houses	20-22 Formosa Street	Lots 1 and 2, DP 203823; Lots 6 and 7, DP 776214	Local	I201
Drummoyne	House	32 Formosa Street	Lot 1, DP 655199	Local	I202
Drummoyne	Natural foreshore between Ullathorne Street and Drummoyne Swimming Pool	Henley Marine Drive		Local	I242

Drummoyne	Iron Cove Bridge Abutment (1882)	Henley Marine Drive between the bridge and the swimming pool		Local	I243
Drummoyne	Iron Cove Foreshore Drive	Henley Marine Drive and Timbrell Drive		Local	I244
Drummoyne	MWS and DB Sewerage Pumping Station	119W Henley Marine Drive (Corner of Henley Marine Drive and Ullathorne Street)	Lots 1 and 2, DP 437891		I246
Drummoyne	House	129 Lower St Georges Crescent	Lot 1, DP 965863	Local	I419
Drummoyne	Trees—Palms, Camphor Laurels, Brush Box and Hill's Figs	Lyons Road		Local	I310
Drummoyne	Hotel	13 Lyons Road	Lot 1, DP 182751	Local	I311
Drummoyne	Drummoyne Fire Station	29 Lyons Road	Lot 1, DP 931672	Local	I312
Drummoyne	Drummoyne Presbyterian Church and Sir Thomas Henley Memorial Sunday School and hall	31 Lyons Road	Lot 1, Section 3, DP 967	Local	I313
Drummoyne	Sutton Place shops	38-50 Lyons Road	Lots 1-22, DP 38722	Local	I314
Drummoyne	House, "Kinvara"	54 Lyons Road	Lot 2, DP 657666	Local	I315
Drummoyne	Sydney Electricity Substation	60A Lyons Road	Lot 70, DP 668981	Local	I316
Drummoyne	House	68 Lyons Road	Lot 3, DP 5980	Local	I317
Drummoyne	House	153 Lyons Road	Lots 2 and 3, DP 4462	Local	I318
Drummoyne	War Memorial Monument on grounds of Council Chambers	1A Marlborough Street	Lots 1 and 2, DP 1091309; Lot 1, DP 724469	Local	I343
Drummoyne	House, "Rosebank - Waratah"	35 Marlborough Street	Lots 1-26, SP 39227	Local	I344
Drummoyne	Shop and residence	24 Moore Street	Lot 60, DP 980	Local	I351
Drummoyne	House	31 Moore Street	Lot 28, DP 972982	Local	I352

Drummoyne	House	40 Moore Street	Lot 53, DP 980	Local	I353
Drummoyne	House	10 Park Avenue	Lots 30 and 31, Section 8, DP 862	Local	I372
Drummoyne	House	39 Park Avenue	Lot 18, Section 9, DP 862	Local	I373
Drummoyne	Drummoyne Reservoir	Rawson Avenue	Lots 13-16, DP 455626	State	I404
Drummoyne	Birkenhead Point, Dunlop Factory buildings (former)	19A Roseby Street	Lot 110, DP 1019787	Local	I409
Drummoyne	House	7 South Street	Lot 2, DP 966506	Local	I413
Drummoyne	House	41 St Georges Crescent	Lot 48, DP 3771	Local	I415
Drummoyne	House	123 St Georges Crescent (also known as 26 Collingwood Street)	Lot 1, DP 127369	Local	I417
Drummoyne	House	1 Stuart Crescent	Lots 1 and 2, DP 19788	Local	I424
Drummoyne	Bourketown Square	Corner of Thompson and Plunkett Streets		Local	I452
Drummoyne	Electric street light	Thompson Street		Local	I453
Drummoyne	Shop and residence	50 Thompson Street	Lot A, DP 108310	Local	I454
Drummoyne	Drummoyne Public School	52 Thompson Street	Lot 1, DP 122899	Local	I405
Drummoyne	House, "The Laurels"	53 Thompson Street	Lot 19, DP 3225	Local	I455
Drummoyne	Shop and residence	54 Thompson Street	Lot 1, DP 666150	Local	I456
Drummoyne	House, "Glendenning"	55 Thompson Street	Lot 20, DP 3225	Local	I457
Drummoyne	House, "Wyncroft"	57 Thompson Street	Lot 21, DP 3225	Local	I458
Drummoyne	House, "Rhodesia"	62A Thompson Street	Lot 6, DP 3045	Local	I459
Drummoyne	House, "Alma"	66 Thompson Street	Lot 5, DP 330587	Local	I460
Drummoyne	St Mark's Catholic Church and grounds	35 Tranmere Street	Lot 21, DP 662855; Lots 19 and 20, Section 1, DP 967; Lot 18, DP 667068	Local	I463

Drummoyne	Drummoyne Baptist Church	73 Tranmere Street	Lot 1, DP 974933	Local	129
Drummoyne	Former Gladesville Bridge abutment and approach, Five Dock Point	End of Victoria Place		Local	1474
Drummoyne	House	308 Victoria Place	Lot 5, DP 659465	Local	1468
Drummoyne	House	339 Victoria Place	Lot 11, SP 60732	Local	1469
Drummoyne	House	341 Victoria Place	Lot 12, SP 60732	Local	1470
Drummoyne	House	343 Victoria Place	Lot 13, SP 60732	Local	1471
Drummoyne	Boatshed	348 Victoria Place	Lot 13, DP 1514; Lot 1, DP 584754	Local	1472
Drummoyne	House	352 Victoria Place	Lot 100, DP 1012238	Local	1473
Drummoyne	Howley Park, Five Dock Point	361P Victoria Place	Lot 7057, DP 94083; Lot 1, DP 930001	Local	1475
Drummoyne	Gladesville Bridge—southern end	Victoria Road	Part Lot 1, DP 188219; Lot B and Part Lot A, DP 330971; Part Lot B, DP 336298; Part Lot 1, DP 547443; Part Lot 2, DP 663437; Part Lot 3, DP 858945	State	1546
Drummoyne	Shop and residence	64 Victoria Road	Lot 6, DP 862	Local	1476
Drummoyne	Westpac Bank (former)	191 Victoria Road	Lot 8, Section 1, DP 862	Local	1477
Drummoyne	Reorganised Church of Jesus Christ of Latter Day Saints	234 Victoria Road	Lot 1, DP 777456	Local	1478
Drummoyne	MWS and DB Pump House	24 Westbourne Street	Lot B, DP 396119	Local	1495
Drummoyne	House	46 Westbourne Street	Lot A, DP 363285	Local	1496
Drummoyne	House	1 Wolseley Street	Lot 1, DP 1091262	Local	1504
Drummoyne	House	3 Wolseley Street	Lot 37, Section 5, DP 964	Local	1505
Drummoyne	House	4 Wolseley Street	Lot 17, DP 964	Local	1506

Drummoyne	House	9 Wolseley Street	Lot 101, DP 1070278	Local	I507
Drummoyne	House, "Yawatta"	11 Wolseley Street	Lot 1, DP 943442	Local	I508
Drummoyne	Stone abutments	4P Wrights Point	Lot 498, DP 752023	Local	I509
Drummoyne	Brush Box street planting	Wright's Road		Local	I510
Drummoyne	House	2 Wrights Road	Lot A, DP 421080	Local	I511
Drummoyne	House, "Dunaverty" and garden	8 Wrights Road	Lots 5 and 6, DP 964; Lot 1, DP 779912	Local	I512
Drummoyne	Canary Island Palms (2)	28 Wrights Road	Lot 5, Section 4, DP 964	Local	I513
Drummoyne	House, "Omrah"	45 Wrights Road	Lot A, DP 18979; Lot B, DP 320241	Local	I514
Five Dock	Five Dock Oval and Park	Corner of Barnstaple Road, First Avenue, Ingham Avenue and Park Road	Lots 1-3, DP 717249	Local	I15
Five Dock	Hill's Fig trees (12)	Bevin Avenue		Local	I22
Five Dock	House	30 Connecticut Avenue	Lot 30, Section B, DP 5738	Local	I119
Five Dock	House, "Erina"	18 Erina Avenue	Lots 1 and 2, DP 529228	Local	I188
Five Dock	House	93 First Avenue	Lot 143, DP 7510	Local	I193
Five Dock	Domremy Convent group	121 First Avenue	Lot 1, DP 128043; Lot 5, DP 224319	Local	I194
Five Dock	Five Dock Masonic Hall	177 First Avenue	Lot 24, DP 7401; Lot 25, DP 7401	Local	I195
Five Dock	Police station	14 Garfield Street	Lot 1, DP 799459	Local	I211
Five Dock	Tram lines	Great North Road	As shown on <a href="#">Heritage Map</a>	Local	I218
Five Dock	Five Dock Hotel	74 Great North Road	Lot 1, DP 125908	Local	I223
Five Dock	CBC of Sydney Bank (former)	94 Great North Road	Lot 1, DP 236750	Local	I224
Five Dock	Attached shops	133-135 Great North Road	Lots 8 and 9, DP 220545	Local	I225



Five Dock	St Alban's Anglican Church	171-173 Great North Road	Lot D, DP 158552; Lot 8, DP 17324	Local	I226
Five Dock	St Alban's Anglican Church Rectory	175 Great North Road	Lot 7, DP 17324	Local	I227
Five Dock	St Alban's Anglican Church Hall and shops	177-179 Great North Road	Part Lot 6, DP 17324	Local	I228
Five Dock	Post office	187 Great North Road	Lot 1, DP 210406	Local	I229
Five Dock	Terrace of three shops	189-193 Great North Road	Lots 1, 2 and 3, DP 11313	Local	I230
Five Dock	Iron Cove Foreshore Drive	Henley Marine Drive and Timbrell Drive		Local	I244
Five Dock	House	28 Henry Street	Lot 2, DP 215955	Local	I248
Five Dock	Five Dock Public School and garden	33E Henry Street	Lot 1, DP 1074723	Local	I247
Five Dock	House	58 Henry Street	Lot 1, DP 13590	Local	I249
Five Dock	House	60 Henry Street	Lot 2, DP 13590	Local	I250
Five Dock	House	62 Henry Street	Lot 3, DP 13590	Local	I251
Five Dock	House	64 Henry Street	Lot 4, DP 13590	Local	I252
Five Dock	House	44 Kings Road	Lot 1, DP 656132	Local	I274
Five Dock	House	46 Kings Road	Part Lot 2, DP 2609	Local	I275
Five Dock	House	48 Kings Road	Lot 3, DP 656134	Local	I276
Five Dock	House	20 Kirrang Street	Lot 38, DP 9883	Local	I277
Five Dock	Corner shop and residence	30 Lavender Street	Lot 18, DP 84536	Local	I283
Five Dock	Trees—Hills Figs	Lyons Road (between Great North Road and 418 Lyons Road)		Local	I322
Five Dock	Trees—Palms, Camphor Laurels and Brush Box	Lyons Road		Local	I310
Five Dock	House	410 Lyons Road	Lot B, DP 317595	Local	I320
Five Dock	Brush Box street planting	Lyons Road West		Local	I321
Five Dock	House, "Allowrie"	38 Minnesota Avenue	Lot 33, Section A, DP 5738	Local	I348

Five Dock	House	43 Minnesota Avenue	Lot 9, Section B, DP 5738	Local	I349
Five Dock	House, "Murralong"	42 Murralong Avenue	Lot B, DP 312650	Local	I354
Five Dock	House, "Lazy Acres"	1 Norman Street	Lot 2, DP 449877	Local	I365
Five Dock	Rosebank College	121 Parramatta Road	Lot 10, DP 718237	Local	I371
Five Dock	House	16 Queens Road	Lot 10, DP 1090805	Local	I398
Five Dock	House	18 Queens Road	Lot B, DP 320559	Local	I399
Five Dock	House, "Riverview"	44 Queens Road	Lot 1, DP 320508	Local	I400
Five Dock	Pair of shops	82-84 Ramsay Road	Lot 1, DP 1000063	Local	I403
Five Dock	Pair of semi-detached houses	1A-5 York Avenue	Lot A, DP 321125; Lot 1, DP 984101	Local	I522
Mortlake	Mortlake Punt—ramp, slipway, setting	33W Hilly Street	Part Lot 1, DP 1064906	Local	I253
Mortlake	Wangal Centenary Bushland Reserve—landscape	38P Hilly Street	Lot 41, DP 736614; Lot 1, DP 738239; Lots 10 and 11, DP 241277	Local	I254
Mortlake	Palace Hotel	62 Tennyson Road	Lot 4, DP 415523	Local	I440
Mortlake	Shop	64 Tennyson Road	Lots 15 and 16, DP 1937	Local	I441
Mortlake	Shop	70 Tennyson Road	Lot 3, DP 854618	Local	I442
North Strathfield	House	2 Carrington Street	Lots 66 and 67, Section 4, DP 1835I	Local	I64
North Strathfield	Concord Baptist Church	3 Carrington Street	Lots 33 and 34, Section 3, DP 1835	Local	I65
North Strathfield	House	4 Carrington Street	Lots 68 and 69, Section 4, DP 1835	Local	I66
North Strathfield	House	7 Carrington Street	Lots 29 and 30, Section 3, DP 1835	Local	I67
North Strathfield	House	13 Carrington Street	Lot 26, Section 3, DP 1835	Local	I68
North Strathfield	House	14 Carrington Street	Lot 1, DP 918828	Local	I69
North Strathfield	House	17 Carrington Street	Lot 24, Section 3, DP 1835	Local	I70

North Strathfield	House	19 Carrington Street	Lots 22 and 23, Section 3, DP 1835	Local	I71
North Strathfield	House	64 Concord Road	Lots 2 and 3, DP 703453	Local	I108
North Strathfield	Yaralla Cottages—houses and grounds	156-166 Concord Road	Lot 1, DP 115900	Local	I109
North Strathfield	House and garden	176 Concord Road	Lot 15, DP 11808	Local	I110
North Strathfield	St Stephen's Presbyterian Church—plantings	182 Concord Road	Lot 14 and 15, Section B, DP 6487	Local	I111
North Strathfield	Commonwealth Bank building	191 Concord Road	Lot 31, DP 223623	Local	I112
North Strathfield	Strathfield North Public School and grounds	249 Concord Road	Lot 1, DP 117820; Lots 25, 26, 27, 28, 29 and 30, DP 6950	Local	I113
North Strathfield	Street trees—landscape	Cumming Avenue	As shown on <a href="#">Heritage Map</a>	Local	I163
North Strathfield	Bakehouse Quarter (former Arnott's complex)	11, 20-22 George Street	Lot 1, DP 1002876; Lot 22, DP 1140597	Local	I541
North Strathfield	Shops	16-18 George Street	Lot 1, DP 1002876	Local	I212
North Strathfield	Substation	40A George Street	Lot 1, DP 1629	Local	I213
North Strathfield	Street trees	Napier Street		Local	I357
North Strathfield	House	8 Nelson Road	Lot 41, Section 2, DP 4668	Local	I358
North Strathfield	House	13 Nelson Road	Lot 11, Section 3, DP 4668	Local	I359
North Strathfield	House	24 Nelson Road	Lot A, DP 411176	Local	I360
North Strathfield	House, "Sunnyside"	14 Princess Avenue	Lot 1, DP 937811	Local	I387
North Strathfield	House	26 Princess Avenue	Lot 63, DP 1835	Local	I388
North Strathfield	Street trees (adjacent to North Strathfield Railway Station)	Queen Street	Lot 101, DP 1002884	Local	I397
North Strathfield	House	15 Queen Street	Lot 1, DP 1835	Local	I396
North Strathfield	House	4 Shipley Avenue	Lot 5, Section A, DP 5360	Local	I412

North Strathfield	House	11 Sydney Street	Lots 45, 46 and 47, DP 1835	Local	I433
North Strathfield	House	23 Sydney Street	Lots 35–38, DP 1835	Local	I434
North Strathfield	Victorian gothic villa	33 Sydney Street	Lots 25 and 26, DP 1835	Local	I435
North Strathfield	Victorian gothic villa	35 Sydney Street	Lot 3, DP 711388	Local	I539
North Strathfield	House	10 Waratah Street	Lot 31, DP 5360	Local	I483
Rhodes	Rhodes Railway Station group	Blaxland Road		State	I25
Rhodes	House and garden	59 Blaxland Road	Lot 24, DP 5923	Local	I26
Rhodes	Rhodes Public School	63 Blaxland Road	Lot 21, DP 5923; Lot 22, DP 5923	Local	I27
Rhodes	Street trees	Cavell Avenue		Local	I79
Rhodes	Concord Community Hostel—grounds only	4A Cavell Avenue	Lots 40 and 41, DP 5923	Local	I76
Rhodes	Warehouse	14 Cavell Avenue	Lot 50, DP 747036	Local	I77
Rhodes	House	35 Cavell Avenue	Lot 135, DP 6401	Local	I78
Rhodes	Ryde Bridge street trees (Ryde Bridge approach)	Concord Road		Local	I116
Rhodes	Rhodes Industrial Park—grounds	410 Concord Road	Lot 12, DP 875656	Local	I118
Rhodes	Uhr's Point Reserve—landscape	484P Concord Road	Lot 7051, DP 1059395	Local	I117
Rhodes	King George V Park	503P Concord Road	Lots 14–17 and 25–28, DP 739491	Local	I114
Rhodes	Street trees	Cropley Street		Local	I158
Rhodes	House	6 Cropley Street	Lot B, DP 401497	Local	I156
Rhodes	House, "Cressbrooke"	19 Cropley Street	Lot 104, DP 6401	Local	I157
Rhodes	Street trees	Llewellyn Street		Local	I306
Rhodes	House	20 Llewellyn Street	Lot 79, DP 6401	Local	I301
Rhodes	House, "Kilcreggan"	23 Llewellyn Street	Lot 13, DP 522452	Local	I302
Rhodes	House	37 Llewellyn Street	Lot 15, DP 6401	Local	I303
Rhodes	House	71 Llewellyn Street	Lot 32, DP 6401	Local	I304

Rhodes	House, "Monaro" and garden	73 Llewellyn Street	Lot 33, DP 6401	Local	I305
Rhodes	McIlwaine Park	1P Mary Street	Lot 502, DP 752023; Crown Lots 17-21 and 23, DP 792101; Lot 61, DP 668894; Lot 1, DP 724123; PTB, DP 399950; Lot 18, DP 527623; Lot 2, DP 530418	Local	I115
Rhodes	Meadowbank rail bridges over Parramatta River	As shown on the <a href="#">Heritage Map</a>		State	I542
Rodd Point	Rodd Park and Family Vault	Henley Marine Drive	Crown Lot 15068, DP 1603; Part Lot 130, DP 61412	Local	I245
Rodd Point	Iron Cove Foreshore Drive	Henley Marine Drive and Timbrell Drive		Local	I244
Russell Lea	MWS and DB Pump House No 65	33B Byrne Avenue	Lots 17 and 18, DP 8867; Lot 101, DP 774790	Local	I57
Russell Lea	House	19 Hampden Road	Lot A, DP 372155	Local	I240
Russell Lea	House	21 Hampden Road	Lot B, DP 372155	Local	I241
Russell Lea	House, "Glenwood"	21 Lamrock Avenue	Lot 21, DP 14487	Local	I280
Russell Lea	House	7 Lucas Avenue	Lot 2, DP 509362	Local	I309
Russell Lea	Trees—Palms, Camphor Laurels, Brush Box and Hill's Figs	Lyons Road		Local	I310
Russell Lea	House	11 Mooculta Avenue	Lot 12, Section F, DP 7156	Local	I350
Strathfield	House	5 Leicester Avenue	Lot 1, DP 930791	Local	I284
Strathfield	House	7 Leicester Avenue	Lot A, DP 320760	Local	I285
Strathfield	Street trees	Manson Road		Local	I342
Strathfield	House	10 Manson Road	Lot 10, DP 4386	Local	I335
Strathfield	House	14 Manson Road	Lot 2, DP 323553	Local	I336
Strathfield	House	16 Manson Road	Lot 1, DP 188326	Local	I337
Strathfield	House and garden	18 Manson Road	Lot 2, DP 321309	Local	I338
Strathfield	House	20 Manson Road	Lot 1, DP 321309	Local	I339

Strathfield	House	22-24 Manson Road	Lots A and B, DP 406120	Local	I340
Strathfield	House	30 Manson Road	Lot 25, DP 703454	Local	I341
Strathfield	House	19 Swan Avenue	Lot 10, DP 5336	Local	I426
Strathfield	House	20 Swan Avenue	Lot 39, DP 5336	Local	I427
Strathfield	St Andrew's Church	37 Swan Avenue	Lots 20-23, DP 5336; Lot 1, DP 1091154	Local	I425
Strathfield	Milling Place—mature deodar cedar trees (known as Swan Avenue Reserve)	42P Swan Avenue	Lot 2, DP 868755	Local	I428
Wareemba	Tram lines	Great North Road		Local	I218
Wareemba	House	32 Wareemba Street	Lot 51, Section C, DP 5521	Local	I485
Wareemba	MWS and DB pumping station	32 Wymston Parade (corner Hill Street)	Lots 95 and 96, DP 6743	Local	I519

## Part 2 Heritage conservation areas

Description	Identification on <a href="#">Heritage Map</a>	Significance
Birkenhead and Dawson Estates Conservation Area	Shown by red hatching and labelled "CL"	Local
Bourketown Conservation Area	Shown by red hatching and labelled "CA"	Local
Creewood Street Conservation Area	Shown by red hatching and labelled "CS"	Local
Drummoyne Avenue East Conservation Area	Shown by red hatching and labelled "CD"	Local
Drummoyne Avenue West Conservation Area	Shown by red hatching and labelled "CE"	Local
Drummoyne Park Conservation Area	Shown by red hatching and labelled "CC"	Local
Gale Street Inter-war Californian Bungalow Group	Shown by red hatching and labelled "CW"	Local
Gale Street Victorian Housing Group	Shown by red hatching and labelled "CX"	Local

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Gears Avenue Conservation Area	Shown by red hatching and labelled "CG"	Local
Gipps Street Conservation Area	Shown by red hatching and labelled "CJ"	Local
Hampden Road Conservation Area	Shown by red hatching and labelled "CH"	Local
Lindfield Avenue Conservation Area	Shown by red hatching and labelled "CR"	Local
Majors Bay Road Conservation Area	Shown by red hatching and labelled "CU"	Local
Marlborough and Tavistock Streets Conservation Area	Shown by red hatching and labelled "CK"	Local
Mons Street and Boronia Avenue Conservation Area	Shown by red hatching and labelled "CM"	Local
Moore Street Conservation Area	Shown by red hatching and labelled "CN"	Local
Mortlake Workers' Housing Group	Shown by red hatching and labelled "CV"	Local
Park Avenue Conservation Area	Shown by red hatching and labelled "CQ"	Local
Parklands Estate Conservation Area	Shown by red hatching and labelled "CB"	Local
Powell's Estate Conservation Area	Shown by red hatching and labelled "CT"	Local
Salisbury Street Housing Group	Shown by red hatching and labelled "CP"	Local
Thompson Street Conservation Area	Shown by red hatching and labelled "CI"	Local
Victoria Road Retail Conservation Area	Shown by red hatching and labelled "CF"	Local
Yaralla Estate Conservation Area	Shown by red hatching and labelled "CO"	Local

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

(Clause 5.19)

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

#### Division 1 Site location requirements

##### 1 Conservation exclusion zones

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

**Note—**

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

#### Division 2 Operational requirements

##### 2 Species selection

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

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

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

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

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



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

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

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

## **6 Definition**

In this Division—

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

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

## **Division 1 Site location requirements**

### **7 Conservation exclusion zones**

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

#### **Note—**

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

### **8 Flood liability**

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

## **Division 2 Operational requirements**

### **9 Species selection**

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

## 10 Pond design

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

## 11 Culture water

Must use freshwater.

## Dictionary

(Clause 1.4)

### Note—

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

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

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

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

### Note—

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

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

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

**Acid Sulfate Soils Map** means the [Canada Bay Local Environmental Plan 2013 Acid Sulfate Soils Map](#).

**Active Street Frontages Map** means the [Canada Bay Local Environmental Plan 2013 Active Street Frontages Map](#).

**Additional Local Provisions Map** means the [Canada Bay Local Environmental Plan 2013 Additional Local Provisions Map](#).

**Additional Permitted Uses Map** means the [Canada Bay Local Environmental Plan 2013 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.

**Affordable Housing Contribution Scheme Map** means the [Canada Bay Local Environmental Plan 2013 Affordable Housing Contribution Scheme Map](#).

**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.

**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.

**Building Setback Map** means the [Canada Bay Local Environmental Plan 2013 Building Setback Map](#).

**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](#).



**Cavell Avenue Character Area** means the land identified as “Cavell Avenue Character Area” on the [Key Sites Map](#).

**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](#).

**Codes SEPP** means [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#).

**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 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](#).

**competitive design process** means a design competition held in accordance with the *Design Competition Guidelines* published by the Department in September 2023.

**corner lot** has the same meaning as in the Codes SEPP.

**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 City of Canada Bay 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 [Canada Bay Local Environmental Plan 2013 Design Excellence Map](#).

**design review panel** means a panel of at least 3 persons established by the consent authority.

**draft heritage conservation area** has the same meaning as in the Codes SEPP.

**draft heritage item** has the same meaning as in the Codes SEPP.

**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.

**Environmentally Sensitive Land Map** means the [Canada Bay Local Environmental Plan 2013 Environmentally Sensitive Land Map](#).

**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 [Canada Bay Local Environmental Plan 2013 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 Building Line Map** means the [Canada Bay Local Environmental Plan 2013 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 [Canada Bay Local Environmental Plan 2013 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 [Canada Bay Local Environmental Plan 2013 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.

**Incentive Floor Space Ratio Map** means the [Canada Bay Local Environmental Plan 2013 Incentive Floor Space Ratio Area Map](#).

**Incentive Height of Buildings Map** means the [Canada Bay Local Environmental Plan 2013 Incentive Height of Buildings Map](#).

**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.

**Intensive Urban Development Area Map** means the [Canada Bay Local Environmental Plan 2013 Intensive Urban Development Area Map](#).

**Internal lot** means a lot to which there is no practicable means of vehicular access or to which the only practicable means of vehicular access is by way of—

- (a) for a hatchet-shaped lot—an access corridor, or
- (b) a right of way that traverses another lot, or
- (c) an access corridor that is common property in a strata or community title scheme.

**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 [Canada Bay Local Environmental Plan 2013 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 [Canada Bay Local Environmental Plan 2013 Land Application Map](#).

**Land Reservation Acquisition Map** means the [Canada Bay Local Environmental Plan 2013 Land Reservation Acquisition Map](#).

**Land Zoning Map** means the [Canada Bay Local Environmental Plan 2013 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.

**Leeds Street Character Area** means the land identified as “Leeds Street Character Area” on the [Key Sites Map](#).

**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, knackerries, 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 [Canada Bay Local Environmental Plan 2013 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.

**manor house** has the same meaning as in the Codes SEPP.

**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.

**multi dwelling housing (terraces)** has the same meaning as in the Codes SEPP.

**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.

**Non-residential Floor Space Map** means the [Canada Bay Local Environmental Plan 2013 Non-residential Floor Space Map](#).

**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.

**parallel road lot** has the same meaning as in the Codes SEPP.

**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.

**Rhodes Precinct** means the land identified as “Rhodes Precinct” on the [Key Sites 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.

**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.

**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.

**Station Gateway East Character Area** means the land identified as “Station Gateway East Character Area” on the [Key Sites Map](#).

**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.

**Sun Access Protection Map** means the [Canada Bay Local Environmental Plan 2013 Sun Access Protection Map](#).

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

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