

# Warringah Local Environmental Plan 2011

[2011-649]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

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

### About this plan

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

### Authorisation

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

File last modified 10 November 2023

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New South Wales

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# Warringah Local Environmental Plan 2011



New South Wales

## Part 1 Preliminary

### 1.1 Name of Plan

This Plan is *Warringah Local Environmental Plan 2011*.

### 1.1AA Commencement

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

### 1.2 Aims of Plan

- (1) This Plan aims to make local environmental planning provisions for land in that part of Northern Beaches local government area to which this Plan applies (in this Plan referred to as **Warringah**) 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 Warringah that allows detailed provisions to be made in any development control plan made by the Council,
  - (b) to recognise the role of Dee Why and Brookvale as the major centres and employment areas for the sub-region,
  - (c) 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,
  - (d) in relation to residential development, to—
    - (i) protect and enhance the residential use and amenity of existing residential environments, and

- (ii) promote development that is compatible with neighbouring development in terms of bulk, scale and appearance, and
  - (iii) increase the availability and variety of dwellings to enable population growth without having adverse effects on the character and amenity of Warringah,
- (e) in relation to non-residential development, to—
  - (i) ensure that non-residential development does not have an adverse effect on the amenity of residential properties and public places, and
  - (ii) maintain a diversity of employment, services, cultural and recreational facilities,
- (f) in relation to environmental quality, to—
  - (i) achieve development outcomes of quality urban design, and
  - (ii) encourage development that demonstrates efficient and sustainable use of energy and resources, and
  - (iii) achieve land use relationships that promote the efficient use of infrastructure, and
  - (iv) ensure that development does not have an adverse effect on streetscapes and vistas, public places, areas visible from navigable waters or the natural environment, and
  - (v) protect, conserve and manage biodiversity and the natural environment, and
  - (vi) manage environmental constraints to development including acid sulfate soils, land slip risk, flood and tidal inundation, coastal erosion and biodiversity,
- (g) in relation to environmental heritage, to recognise, protect and conserve items and areas of natural, indigenous and built heritage that contribute to the environmental and cultural heritage of Warringah,
- (h) in relation to community well-being, to—
  - (i) ensure good management of public assets and promote opportunities for social, cultural and community activities, and
  - (ii) ensure that the social and economic effects of development are appropriate.

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

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



#### **1.4 Definitions**

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

#### **1.5 Notes**

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

#### **1.6 Consent authority**

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

#### **1.7 Maps**

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name—
  - (a) approved by the 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—

*Warringah Local Environmental Plan 2000 (Classification and Reclassification of Public Land)*

- (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.

**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.

- (2) If a development application has been made before the commencement of *State Environmental Planning Policy Amendment (Planning for Bush Fire Protection) 2020* 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 that Policy had not commenced.
- (3) 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.

**1.9 Application of SEPPs**

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

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

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply—
  - (a) to a covenant imposed by the Council or that the Council requires to be imposed,

or

- (b) to any relevant instrument within the meaning of section 13.4 of the *Crown Land Management Act 2016*, or
- (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
- (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
- (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
- (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or
- (g) to any planning agreement within the meaning of Subdivision 2 of Division 7.1 of the Act.

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

(4) Under section 3.16 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

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

### **2.1 Land use zones**

The land use zones under this Plan are as follows—

#### **Rural Zones**

RU4 Primary Production Small Lots

#### **Residential Zones**

R2 Low Density Residential

R3 Medium Density Residential

#### **Employment Zones**

E1 Local Centre

E2 Commercial Centre

E3 Productivity Support

E4 General Industrial

**Mixed Use Zones**

MU1 Mixed Use

**Special Purpose Zones**

SP1 Special Activities

SP2 Infrastructure

SP4 Enterprise

**Recreation Zones**

RE1 Public Recreation

RE2 Private Recreation

**Conservation Zones**

C1 National Parks and Nature Reserves

C2 Environmental Conservation

C3 Environmental Management

C4 Environmental Living

**Waterway Zones**

W1 Natural Waterways

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

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

**2.3 Zone objectives and Land Use Table**

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

the purposes of that type of building or other thing, and

(b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.

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

**Notes—**

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

**2.4 Unzoned land**

(1) Development may be carried out on unzoned land only with development consent.

(2) In deciding whether to grant development consent, the consent authority—

- (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
- (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

**2.5 Additional permitted uses for particular land**

(1) Development on particular land that is described or referred to in Schedule 1 may be carried out—

- (a) with development consent, or
- (b) if the Schedule so provides—without development consent,

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

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

**2.6 Subdivision—consent requirements**

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

**Notes—**

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

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

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

**Note—**

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

## 2.7 Demolition requires 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 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 RU4 Primary Production Small Lots**

### **1 Objectives of zone**

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To minimise the impact of development on long distance views of the area and on views to and from adjacent national parks and bushland.
- To maintain and enhance the natural landscape including landform and vegetation.
- To ensure low intensity of land use other than land uses that are primary industry enterprises.
- To maintain the rural and scenic character of the land.

### **2 Permitted without consent**

Home-based child care; Home occupations

### **3 Permitted with consent**

Agritourism; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Environmental protection works; Extensive agriculture; Farm buildings; Home businesses; Home industries; Intensive plant agriculture; Landscaping material supplies; Plant nurseries; Recreation areas; Respite day care centres; Roads;



Roadside stalls; Rural supplies; Veterinary hospitals

#### **4 Prohibited**

Any development not specified in item 2 or 3

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

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

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.

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

Home-based child care; 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; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home businesses; Hospitals; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Tank-based aquaculture; Veterinary hospitals

#### **4 Prohibited**

Any development not specified in item 2 or 3

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

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

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential

environment.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that medium density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.
- To ensure that medium density residential environments are of a high visual quality in their presentation to public streets and spaces.

## **2 Permitted without consent**

Home-based child care; Home occupations

## **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; Dual occupancies; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Group homes; Home businesses; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Seniors housing; Tank-based aquaculture; Veterinary hospitals

## **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 ensure 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 create urban form that relates favourably in scale and in architectural and landscape treatment to neighbouring land uses and to the natural environment.

## **2 Permitted without consent**

Home-based child care; Home businesses; Home occupations

## **3 Permitted with consent**

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

## **4 Prohibited**

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

Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

## **Zone E2 Commercial Centre**

### **1 Objectives of zone**

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

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Amusement centres; Artisan food and drink industries; Backpackers' accommodation; Centre-based child care facilities; Commercial premises; Community facilities; Creative industries; Entertainment facilities; Function centres; High technology industries; 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; Waste or resource transfer stations; Water reticulation systems; Any other development not specified in item 2 or 4

#### **4 Prohibited**

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

#### **Zone E3 Productivity Support**

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

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

- To create employment environments of high visual quality that relate favourably in architectural and landscape treatment to neighbouring land uses and to the natural environment.
- To minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of adjoining or nearby residential land uses.

## **2 Permitted without consent**

Nil

## **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; Kiosks; Landscaping material supplies; Light industries; Local distribution premises; Markets; Mortuaries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Restaurants or cafes; Rural supplies; Service stations; Specialised retail premises; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Water reticulation systems; Wholesale supplies; Any other development not specified in item 2 or 4

## **4 Prohibited**

Advertising structures; Agriculture; Air transport facilities; Airstrips; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Eco-tourist facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Port facilities; Residential accommodation; Rural industries; Sewerage systems;

Tourist and visitor accommodation; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

## **Zone E4 General Industrial**

### **1 Objectives of zone**

- To provide a range of industrial, warehouse, logistics and related land uses.
- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.
- To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.
- To provide areas for land uses that need to be separated from other zones.
- To provide healthy, attractive, functional and safe light industrial areas.

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Depots; Freight transport facilities; Garden centres; General industries; Goods repair and reuse premises; Hardware and building supplies; Horticulture; Industrial retail outlets; Industrial training facilities; Landscaping material supplies; Light industries; Local distribution premises; Neighbourhood shops; Oyster aquaculture; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Water supply systems; 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; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Community facilities; Correctional centres; Early education and care facilities; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry;

Function centres; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Passenger transport facilities; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Wharf or boating facilities

## **Zone MU1 Mixed Use**

### **1 Objectives of zone**

- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To provide an active day and evening economy encouraging, where appropriate, weekend and night-time economy functions.

### **2 Permitted without consent**

Home-based child care; Home businesses; Home occupations

### **3 Permitted with consent**

Amusement centres; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; 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; Waste or resource transfer stations; Water reticulation



systems; Any other development not specified in item 2 or 4

#### **4 Prohibited**

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

### **Zone SP1 Special Activities**

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

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

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

Nil

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

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

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone SP2 Infrastructure**

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

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

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

Nil

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

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

#### **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 healthy, attractive, functional and safe business areas.
- To minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of adjoining or nearby residential land uses.
- To create business environments of high visual quality that relate favourably in architectural and landscape treatment to neighbouring land uses and to the natural environment.
- To provide a range of facilities and services, light industries, warehouses and offices.
- To provide opportunities for new and emerging light industries.

- To restrict retail uses to ensure sufficient land is available for industrial and light industrial uses to meet future demands.

## **2 Permitted without consent**

Nil

## **3 Permitted with consent**

Boat building and repair facilities; Building identification signs; Business identification signs; Community facilities; Early education and care facilities; Educational establishments; Electricity generating works; Environmental protection works; Flood mitigation works; Garden centres; Goods repair and reuse premises; Hardware and building supplies; Health services facilities; Industrial retail outlets; Industrial training facilities; Kiosks; Light industries; Mortuaries; Neighbourhood shops; Office premises; Passenger transport facilities; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Self-storage units; Service stations; Sewerage systems; Signage; Take away food and drink premises; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Water supply systems

## **4 Prohibited**

Advertising structures; Home industries; Water storage facilities; Any other development not specified in item 2 or 3

### **Zone RE1 Public Recreation**

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

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To protect, manage and restore public land that is of ecological, scientific, cultural or aesthetic value.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

## **2 Permitted without consent**

Environmental facilities; Environmental protection works; Roads

## **3 Permitted with consent**

Aquaculture; Boat building and repair facilities; Boat sheds; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Emergency services facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Water recreation structures

## **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone RE2 Private Recreation**

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

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

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

Nil

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

Aquaculture; Building identification signs; Business identification signs; Community facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone C1 National Parks and Nature Reserves**

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

- To enable the management and appropriate use of land that is reserved

under the *National Parks and Wildlife Act 1974* or that is acquired under Part 11 of that Act.

- To enable uses authorised under the *National Parks and Wildlife Act 1974*.
- To identify land that is to be reserved under the *National Parks and Wildlife Act 1974* and to protect the environmental significance of that land.

## **2 Permitted without consent**

Uses authorised under the *National Parks and Wildlife Act 1974*

## **3 Permitted with consent**

Nil

## **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone 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.
- To protect and enhance the quality and character of visually sensitive areas and preserve significant natural landforms in their natural state.
- To manage development in areas having steep sloping topography or that are subject to any potential landslip.
- To manage water quality in significant water catchment areas.
- To ensure that development, by way of its type, design and location, complements and enhances the natural environment in environmentally sensitive areas.

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

Nil

### **3 Permitted with consent**

Environmental protection works; Oyster aquaculture; Roads

### **4 Prohibited**

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

## **Zone C3 Environmental Management**

### **1 Objectives of zone**

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To ensure that development, by way of its character, design, location and materials of construction, is integrated into the site and natural surroundings, complements and enhances the natural environment and has minimal visual impact.
- To protect and enhance the natural landscape by conserving remnant bushland and rock outcrops and by encouraging the spread of an indigenous tree canopy.
- To protect and enhance visual quality by promoting dense bushland buffers adjacent to major traffic thoroughfares.

### **2 Permitted without consent**

Home-based child care; Home occupations

### **3 Permitted with consent**

Bed and breakfast accommodation; Building identification signs; Business identification signs; Community facilities; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Home businesses; Home industries; Horticulture; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Roads; Tank-

based aquaculture

#### **4 Prohibited**

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

### **Zone C4 Environmental Living**

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

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To provide for the continuance of a limited range of existing small-scale water-related business and leisure uses.
- To ensure that development, by way of its character, design, location and materials of construction, is integrated into the site and natural surroundings, complements and enhances the natural environment and has minimal visual impact.
- To protect and enhance the natural landscape by conserving remnant bushland and rock outcrops and by encouraging the spread of an indigenous tree canopy.

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

Home-based child care; Home occupations

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

Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Community facilities; Dwelling houses; Emergency services facilities; Environmental protection works; Health consulting rooms; Home businesses; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Roads; Tank-based aquaculture

#### **4 Prohibited**

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

## **Zone W1 Natural Waterways**

### **1 Objectives of zone**

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

### **2 Permitted without consent**

Environmental protection works

### **3 Permitted with consent**

Aquaculture; Community facilities; Environmental facilities; Recreation areas; Water recreation structures

### **4 Prohibited**

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

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

### **3.1 Exempt development**

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



(c) must not be designated development, and

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

(3A) To be exempt development, the development—

(a) must be carried out at least 1 metre from any registered easement, sewer main or water main, and

(b) must not cause the contravention of any existing condition of a development consent already applying to the land, and

(c) must not alter the drainage of the land, and

(d) must not restrict vehicular or pedestrian access to or from the land.

(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.
- (3A) To be complying development, the development must—
- (a) be carried out at least 1 metre from any registered easement, sewer main or water main, or, if less than 1 metre, meet the requirements of the relevant public authority relating to development over sewer mains or water mains, and
  - (b) not be carried out on land used for restricted premises or sex services premises.
- (4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out or referred to in Part 2 of that Schedule.
- (5) A heading to an item in Schedule 3 is part of that Schedule.

### **3.3 Environmentally sensitive areas excluded**

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

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

- (a) the coastal waters of the State,
- (b) a coastal lake,
- (c) land within the coastal wetlands and littoral rainforests area (within the meaning of the *Coastal Management Act 2016*),
- (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,

- (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
- (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
- (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
- (h) land reserved under the *National Parks and Wildlife Act 1974* or land acquired under Part 11 of that Act,
- (i) land reserved or dedicated under the *Crown Land Management Act 2016* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
- (j) land that is a declared area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016* or declared critical habitat under Part 7A of the *Fisheries Management Act 1994*.

## **Part 4 Principal development standards**

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

- (1) The objectives of this clause are as follows—
  - (a) to protect residential character by providing for the subdivision of land that results in lots that are consistent with the pattern, size and configuration of existing lots in the locality,
  - (b) to promote a subdivision pattern that results in lots that are suitable for commercial and industrial development,
  - (c) to protect the integrity of land holding patterns in rural localities against fragmentation,
  - (d) to achieve low intensity of land use in localities of environmental significance,
  - (e) to provide for appropriate bush fire protection measures on land that has an interface to bushland,
  - (f) to protect and enhance existing remnant bushland,
  - (g) to retain and protect existing significant natural landscape features,
  - (h) to manage biodiversity,
  - (i) to provide for appropriate stormwater management and sewer infrastructure.

- (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) For the purposes of subclause (3), in calculating the size of a lot the area of any access corridor (including any right of carriageway, access way or other area that provides for vehicle access) is to be excluded, whether the access corridor is to be created or is in existence at the time of the application for development consent for the subdivision.
- (4) This clause does not apply in relation to the subdivision of any land—
  - (a) by the registration of a strata plan or strata plan of subdivision under the [Strata Schemes Development Act 2015](#), or
  - (b) by any kind of subdivision under the [Community Land Development Act 2021](#).

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

- (1) The objectives of this clause are as follows—
  - (a) to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.
- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the [Community Land Development Act 2021](#) of land in any of the following zones—
  - (a) Zone RU4 Primary Production Small Lots,
  - (b) Zone C3 Environmental Management,
  - (c) Zone C4 Environmental Living,but does not apply to a subdivision by the registration of a strata plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the [Community Land Development Act 2021](#)) is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) This clause applies despite clause 4.1.

## 4.2 Rural subdivision

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

**Note—**

When this Plan was made it did not contain Zone RU1 Primary Production, Zone RU2 Rural Landscape or Zone RU6 Transition.

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

**Note—**

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

### 4.2A Minimum subdivision lot size for strata subdivision of residential or tourist and visitor accommodation in certain zones

- (1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.
- (2) This clause applies to land in the following zones that is used, or proposed to be used, for residential accommodation or tourist and visitor accommodation—
  - (a) Zone RU4 Primary Production Small Lots,
  - (b) Zone C3 Environmental Management,
  - (c) Zone C4 Environmental Living.
- (3) Development consent must not be granted for the subdivision of a lot to which this

clause applies under a strata plan that would create lots below the minimum size shown on the [Lot Size Map](#) for that lot.

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

- (1) The objectives of this clause are as follows—
  - (a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,
  - (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,
  - (c) to minimise any adverse impact of development on the scenic quality of Warringah’s coastal and bush environments,
  - (d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).
- (2A) If the [Height of Buildings Map](#) specifies, in relation to any land shown on that map, a Reduced Level for any building on that land, any such building is not to exceed the specified Reduced Level.

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

- (1) The objectives of this clause are as follows—
  - (a) to limit the intensity of development and associated traffic generation so that they are commensurate with the capacity of existing and planned infrastructure, including transport infrastructure,
  - (b) to provide sufficient floor space to meet anticipated development needs for the foreseeable future,
  - (c) to ensure that buildings, by virtue of their bulk and scale, are consistent with the desired character of the locality,
  - (d) to manage the visual impact of development when viewed from public spaces,
  - (e) to maximise solar access and amenity for public areas.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#).

#### **4.5 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 contain Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU6 Transition or Zone R5 Large Lot Residential.

- (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,
  - (ba) clause 4.4, to the extent that it applies to land identified on the [Key Sites Map](#) as

Site F, Site G, Site H or Site I,

(c) clause 5.4,

(caa) clause 5.5.

(d) (Repealed)

(8A) Also, this clause does not allow development consent to be granted for development that would contravene a development standard for the maximum height of a building shown on the [Height of Buildings Map](#) on land shown on the [Centres Map](#) as the Dee Why Town Centre.

(8B) Despite subclause (8A), development on Site C or Site E may exceed the maximum height of building shown on the [Height of Buildings Map](#) if the maximum height is allowable under clause 7.14.

## Part 5 Miscellaneous provisions

### 5.1 Relevant acquisition authority

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

**Note—**

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

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

Type of land shown on Map	Authority of the State
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 2.5 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Transport for NSW

Zone C1 National Parks and Nature Reserves and marked “National Park”	Minister administering the <a href="#">National Parks and Wildlife Act 1974</a>
Zone R2 Low Density Residential and marked “Local road”	Council

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

**Note—**

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

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

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

<b>Column 1</b>	<b>Column 2</b>
<b>Land</b>	<b>Development</b>
Zone RE1 Public Recreation and marked “Local open space”	Earthworks; Recreation areas
Zone RE1 Public Recreation and marked “Regional open space”	Earthworks; Recreation areas
Zone SP2 Infrastructure and marked “Classified road”	Earthworks; 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 10 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
  - (a1) land in Zone RU4 Primary Production Small Lots, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone E1 Local Centre, Zone E2 Commercial Centre, Zone E3 Productivity Support, Zone E4 General Industrial, Zone MU1 Mixed Use, Zone RE2 Private Recreation or Zone C4 Environmental Living, or
  - (b) land within the coastal zone, or
  - (c) land proposed to be developed for the purpose of sex services or restricted premises.
- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—
- (a) the development is not inconsistent with the objectives for development in both zones, and
  - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (5) This clause does not prescribe a development standard that may be varied under this Plan.

#### 5.4 Controls relating to miscellaneous permissible uses

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

**Note—**

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

- (2) **Home businesses** If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 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) 33% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
  - (b) 400 square metres,
- whichever is the lesser.
- (5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms in buildings.
- (6) **Kiosks** If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 50 square metres.
- (7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 80 square metres.
- (7AA) **Neighbourhood supermarkets** If development for the purposes of a neighbourhood supermarket is permitted under this Plan, the gross floor area must not exceed 1,000 square metres.
- (8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 20 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) 11% 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) 33% of the gross floor area of the industry, or
  - (b) 400 square metres,
- whichever is the lesser.

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

[Not adopted]

### **5.6 Architectural roof features**

[Not adopted]

### **5.7 Development below mean high water mark**

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

### **5.8 Conversion of fire alarms**

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

(5) In this clause—

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

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

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

(2) This clause applies to land in the following zones—

- (a) RU4 Primary Production Small Lots,
- (b) R2 Low Density Residential,
- (c) R3 Medium Density Residential,
- (d) E1 Local Centre,
- (e) E2 Commercial Centre,
- (f) E3 Productivity Support,
- (g) E4 General Industrial,
- (h) MU1 Mixed Use,
- (i)–(k) (Repealed)
- (l) SP1 Special Activities,
- (m) SP2 Infrastructure,
- (m1) SP4 Enterprise,
- (n) RE1 Public Recreation,
- (o) RE2 Private Recreation,
- (p) C1 National Parks and Nature Reserves,
- (q) C2 Environmental Conservation,
- (r) C3 Environmental Management,
- (s) C4 Environmental Living,
- (t) W1 Natural Waterways.

(3) Despite the other provisions of this Plan, development consent may be granted to



development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—

- (a) the dwelling house or secondary dwelling was lawfully erected, and
- (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

### **5.9AA (Repealed)**

### **5.10 Heritage conservation**

**Note—**

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

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

- (a) to conserve the environmental heritage of Warringah,
- (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. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

- (3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the *Acid Sulfate Soils Manual* and has been provided to the consent authority.
- (4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if—
- (a) a preliminary assessment of the proposed works prepared in accordance with the *Acid Sulfate Soils Manual* indicates that an acid sulfate soils management plan is not required for the works, and
  - (b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.
- (5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power)—
- (a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been

damaged, have ceased to function or pose a risk to the environment or to public health and safety,

(b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),

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

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

(a) the works involve the disturbance of less than 1 tonne of soil, and

(b) the works are not likely to lower the watertable.

## **6.2 Earthworks**

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

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

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

(2) Development consent is required for earthworks unless—

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

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

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

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

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

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

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

(e) the source of any fill material and the destination of any excavated material,

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

**Note—**

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

**6.3 (Repealed)**

**6.4 Development on sloping land**

- (1) The objectives of this clause are as follows—
  - (a) to avoid significant adverse impacts on development and on properties in the vicinity of development sites resulting from landslides originating either on or near sloping land,
  - (b) to ensure the impacts of storm water runoff from development on or near sloping land are minimised so as to not adversely affect the stability of the subject and surrounding land,
  - (c) to ensure subsurface flows are not adversely affected by development so as to not impact on the stability of existing or adjoining land.
- (2) This clause applies to land shown as Area A, Area B, Area C, Area D and Area E on the [Landslip Risk Map](#).
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—
  - (a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and
  - (b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and
  - (c) the development will not impact on or affect the existing subsurface flow conditions.

**6.5 Coastline hazards**

- (1) The objectives of this clause are as follows—
  - (a) to avoid significant adverse impacts from coastal hazards,
  - (b) to enable evacuation of coastal risk areas in an emergency,
  - (c) to ensure uses are compatible with coastal risks,



- (d) to preserve and protect Collaroy Beach, Narrabeen Beach and Fishermans Beach as national assets for public recreation and amenity.
- (2) This clause applies to the land shown on the [Coastline Hazard Map](#) as—
- (a) Area of Wave Impact and Slope Adjustment, and
  - (b) Area of Reduced Foundation Capacity.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—
- (a) will not significantly adversely affect coastal hazards, and
  - (b) will not result in significant detrimental increases in coastal risks to other development or properties, and
  - (c) will not significantly alter coastal hazards to the detriment of the environment, and
  - (d) incorporates appropriate measures to manage risk to life from coastal risks, and
  - (e) avoids or minimises exposure to coastal hazards, and
  - (f) makes provision for relocation, modification or removal of the development to adapt to coastal hazards and NSW sea level rise planning benchmarks.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the foundations of the development have been designed to be constructed having regard to coastal risk.
- (5) A word or expression used in this clause has the same meaning as it has in the *NSW Coastal Planning Guidelines: Adapting to Sea Level Rise* (ISBN 978-1-74263-035-9) published by the NSW Government in August 2010, unless it is otherwise defined in this Plan.

## **6.6 Erection of dwelling houses in Zone C3 Environmental Management**

- (1) The objectives of this clause are as follows—
- (a) to restrict the density of development and promote consolidation of land holdings in Zone C3 Environmental Management,
  - (b) to protect and enhance the ecological values of natural watercourses and natural bushland in the zone,
  - (c) to maintain and enhance the scenic quality of the zone including landforms and vegetation,
  - (d) to minimise siltation and pollution of Narrabeen Lagoon and its catchment.

- (2) Development consent must not be granted to the erection of a dwelling house on a lot in Zone C3 Environmental Management if the lot has an area of less than 20 hectares.
- (3) Despite subclause (2)—
  - (a) development consent may be granted to the erection of 1 dwelling house on an existing lot in Zone C3 Environmental Management if the lot has an area of less than 20 hectares but not less than 2 hectares, and
  - (b) development consent may be granted to the erection of 1 dwelling house on Lot 33, DP 870625, Pinduro Place, Cromer.
- (4) In subclause (3)(a), an **existing lot** means all adjacent or adjoining land held by the same person or persons on 8 March 1974.
- (5) This clause does not apply to Lot 52, DP 819308, Lot 12, DP 225340, Lot 5, DP 260080, Lot 3, DP 534463, Lot 13, DP 587071, Lot 33, DP 222330, Lots 38 or 39, DP 238042, Lot A, DP 347637, Lot 2, DP 526613, Lot 11, DP 244797 or Lots 5 and 6, DP 514039.

## **6.7 (Repealed)**

## **6.8 Subdivision of certain land**

- (1) Without limiting clause 4.1(3), the subdivision of Lot 975, DP 752038, Perentie Road, Belrose—
  - (a) must not result in the creation of more than 12 lots, and
  - (b) must preserve existing bushland in the southeastern and eastern portions of the lot, and
  - (c) must include adequate stormwater management and sewer infrastructure, and
  - (d) must include asset protection zones in accordance with Planning for Bush Fire Protection that may include a perimeter road located between the bushland referred to in paragraph (b) and the remainder of the lot.
- (2) Without limiting clause 4.1(3), the subdivision of Lot 11, DP 1040417 and Lots 1 and 2, DP 1152206, Perentie Road, Belrose—
  - (a) must include asset protection zones (in accordance with Planning for Bush Fire Protection), and
  - (b) must ensure that all lots contain a suitable building area that will allow for the preservation of natural landscape features including rock outcrops.
- (3) Without limiting clause 4.1(3), the subdivision of land known as Belrose Road Corridor being Lot 52, DP 819308, Lot 12, DP 225340, Lot 5, DP 260080, Lot 3, DP 534463, Lot

13, DP 587071, Lot 33, DP 222330, Lots 38 and 39, DP 238042, Lot A, DP 347637, Lot 2, DP 526613, Lot 11, DP 244797 and Lots 5 and 6, DP 514039—

- (a) must not result in the creation of more than 54 lots, and
- (b) must include the creation of lots (in addition to those referred to in paragraph (a)) that contain land in Zone RE1 Public Recreation.

(4) In this clause—

**Planning for Bush Fire Protection** means the document prescribed by the [Environmental Planning and Assessment Regulation 2021](#), section 271.

#### **6.9 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 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 the proposed development and its hours of operation is likely to have on any place likely to be regularly frequented by children—
    - (i) that adjoins the proposed development, or
    - (ii) that can be viewed from the proposed development, or
    - (iii) from which a person can view the proposed development.

#### **6.10 Development for the purposes of secondary dwellings in Zones R2 and R3**

- (1) The objective of this clause is to ensure that secondary dwellings on land to which this clause applies are of low impact and without adverse effects on the specific ecological, social and aesthetic values of the land.
- (2) This clause applies to land in the following zones—
  - (a) Zone R2 Low Density Residential,
  - (b) Zone R3 Medium Density Residential.

- (3) Despite clause 5.4(9), development consent may be granted for development for the purposes of a secondary dwelling on land to which this clause applies if—
- (a) the total floor area of the secondary dwelling does not exceed 75 square metres, and
  - (b) the consent authority is satisfied that the secondary dwelling will be located entirely within an existing principal dwelling that contains no other secondary dwelling.

- (4) In this clause—

***development for the purposes of a secondary dwelling*** includes the following—

- (a) the erection of, or alterations or additions to, a secondary dwelling,
- (b) alterations or additions to a principal dwelling for the purposes of a secondary dwelling.

**Note—**

See also [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 3, Part 1.

### **6.11 Affordable housing**

- (1) This clause applies to development 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 intended to be used for residential purposes, or
  - (c) alterations to an existing building and the consequent creation, whether for the same or a different purpose, of more than 100 square metres of gross floor area.
- (2) Development consent must not be granted unless the consent authority is satisfied that the proportion of the gross floor area of the building used for affordable housing is not less than the amount shown on the [Affordable Housing Contributions Scheme Map](#).
- (3) 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.
- (4) 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 Council agrees, by monetary contribution paid to the Council.
- (5) 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.

(6) In this clause—

**affordable housing contribution area** means land shown as an affordable housing contribution area on the [Affordable Housing Contributions Scheme Map](#).

**Affordable Housing Contributions Scheme** means the *Affordable Housing Contributions Scheme* adopted by the Council on 28 September 2021.

**affordable housing levy contribution**, in relation to development on a site, means the percentage of the gross floor area of the building used for the purposes of residential accommodation on the relevant site shown in the table to subclause (2).

## Part 7 Dee Why Town Centre

### 7.1 Definitions

In this Part—

**Dee Why Town Centre** means the land shown on the [Centres Map](#) as the Dee Why Town Centre.

**Proposed New Road** means the land shown on the [Key Sites Map](#) as the Proposed New Road.

**Site A** means the land shown on the [Key Sites Map](#) as Site A.

**Site B** means the land shown on the [Key Sites Map](#) as Site B.

**Site C** means the land shown on the [Key Sites Map](#) as Site C.

**Site D** means the land shown on the [Key Sites Map](#) as Site D.

**Site E** means the land shown on the [Key Sites Map](#) as Site E.

**Town Square** means the land shown on the [Key Sites Map](#) as the Town Square.

## **7.2 Land to which this Part applies**

This Part applies to land within the Dee Why Town Centre.

## **7.3 Objectives for development within Dee Why Town Centre**

The objectives of this Part are as follows—

- (a) to create an attractive living centre that sustains the social, economic and environmental needs of its community and visitors,
- (b) to ensure a balance between the provision of high quality housing with a mix of retail, business, employment, civic, cultural and recreational facilities,
- (c) to ensure that development is consistent with the role of Dee Why as a major centre for the sub-region,
- (d) to create a built environment on Site A and Site B that has unified and consistent building form that includes—
  - (i) definition of street edges by the establishment of podiums to create walls of 3 and 4 storeys in height, and
  - (ii) above podium level elements that step back to achieve adequate levels of natural sunlight and high levels of amenity to occupiers of the buildings, surrounding development and the adjacent public domain, and
  - (iii) 2 iconic slimline towers in the western part of the centre (Site B) and one smaller tower in the eastern part of the centre (Site A) that will largely provide for a transition in height from west to east, and
  - (iv) mid-rise elements that reflect the simple clarity of design displayed by the tower and podium elements,
- (e) to ensure that taller buildings that are distributed across the Dee Why Town Centre from west to east provide a coordinated, modulated and varied skyline and that the towers are spatially separated to provide useable public spaces, including a Town Square,
- (f) to achieve a pattern of development that reflects the underlying urban form in Dee Why with predominantly east-west orientated buildings and high levels of visual and physical permeability,
- (g) to achieve good sunlight penetration to public spaces and Oaks Avenue,
- (h) to ensure that development responds to the surrounding natural environment and protects the scenic qualities of Dee Why and its views and vistas,
- (i) to establish ground floor levels that are occupied by retail uses that—

- (i) are highly active, accessible to the street and create a lively ambience, and
  - (ii) provide a mix of retail shops, cafes and restaurants at the edges of street, pedestrian areas and open spaces, and
  - (iii) are at the same level as the footpaths and provide opportunities for a generous promenade and distinctive street tree planting for shade and shelter,
- (j) to accommodate additional employment opportunities, service functions and space for business, consistent with the role of Dee Why as a major centre, by providing at least 2 levels (including the ground floor) of development for non-residential purposes,
  - (k) to ensure that signage associated with the new development is of high quality, is innovative, coordinated and minimised to avoid visual clutter and will complement the overall urban design, streetscape and architectural quality and amenity of the Dee Why Town Centre,
  - (l) to ensure that development within the Dee Why Town Centre is designed to take account of, and be compatible with, the hydrological conditions associated with the Dee Why Lagoon South Catchment,
  - (m) to ensure that development within the Dee Why Town Centre positively contributes to the visual quality and pedestrian comfort of the public domain and provides a seamless integration between public and private spaces,
  - (n) to achieve a consistent built form character that features podiums that define street edges, and to reduce the visual scale of built form, except on land on Site A or Site B,
  - (o) to ensure that development is designed with consideration of transport infrastructure,
  - (p) to ensure that development within the Dee Why Town Centre is designed to contribute to the provision of a network of green spaces, natural systems and semi-natural systems, including parks, waterways, bushland and private gardens that are strategically planned, designed and managed to support a good quality of life in an urban environment.

#### **7.4 Development must be consistent with objectives for development and design excellence**

- (1) Development consent must not be granted to development on land in the Dee Why Town Centre unless the consent authority is satisfied that the development—
  - (a) is consistent with the objectives of this Part that are relevant to that development, and
  - (b) incorporates—
    - (i) stormwater management measures, including water sensitive urban design

and ecologically sustainable development principles, and

- (ii) innovative design solutions that minimise stormwater impacts, including stormwater quantity and quality impacts, on the Dee Why Lagoon system, and
  - (iii) finished floor levels and basement car park entry levels that include adequate freeboards to protect against the entry of stormwater from the Council's street drainage system, and
  - (iv) continuous colonnades or pedestrian awnings on those parts of any building that are on the edges of streets or public spaces.
- (2) Development consent must not be granted to development on Site B, at the Howard Avenue frontage, unless the consent authority is satisfied that the development will be lined by trees of distinctive coastal indigenous species that provide landscape elements while not obscuring the views into and out of the Town Square from Pittwater Road or Howard Avenue.
- (3) Development consent must not be granted to development involving the construction of a new building or external alterations to an existing building on land within the Dee Why Town Centre unless the consent authority is satisfied that the development exhibits design excellence.

#### **7.5 Design excellence within Dee Why Town Centre**

In determining whether 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 proposed development will improve the quality and amenity of the public domain,
- (c) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resources, energy and water efficiency,
- (d) whether satisfactory arrangements have been made to ensure that the proposed design is carried through to the completion of the development concerned,
- (e) whether the configuration and design of communal access and communal recreational areas within the residential elements of development incorporate exemplary and innovative treatments and will promote a socially effective urban village atmosphere,
- (f) whether the development connects with and provides a high quality interface with surrounding streets and public domain areas at the pedestrian level,



- (g) whether the development contributes to the provision of a network of green spaces, natural systems and semi-natural systems, including parks, waterways, bushland and private gardens that are strategically planned, designed and managed to support a good quality of life in an urban environment.

## **7.6 Height of buildings**

- (1) The objectives of this clause, in addition to the objectives stated in clause 4.3, are to limit overshadowing to—
  - (a) the front set back areas on the southern side of Oaks Avenue opposite Site A on 22 June in any year, and
  - (b) the public footpath on the southern side of Oaks Avenue opposite Site B on 22 June in any year, and
  - (c) the Town Square on 22 June in any year.
- (1A) This clause applies to the height of buildings on Site A and Site B.
- (2) If the location of the following is varied by not more than 2 metres in any horizontal direction from the location as shown on the [Height of Buildings Map](#), that map is taken to be amended so as to permit that tower in that new location rather than in the location shown on that map—
  - (a) the proposed tower on Site A shown on the [Height of Buildings Map](#) as having a maximum height of 52.5 metres,
  - (b) the proposed tower on Site B shown on the [Height of Buildings Map](#) as having a maximum height of 75 metres,
  - (c) the proposed tower on Site B shown on the [Height of Buildings Map](#) as having a maximum height of 78 metres.
- (3) Nothing in subclause (2) permits development that results in any one or more of the following—
  - (a) the floor area of any floor of a tower being greater than it would have been had the location of the tower not been moved,
  - (b) less than 2 hours of sunlight being provided between 10.00 am and 2.00 pm on 22 June in any year to—
    - (i) the front setback areas on the southern side of Oaks Avenue opposite Site A, or
    - (ii) the public footpath on the southern side of Oaks Avenue opposite Site B at a distance of 6 metres from the property boundary,
  - (c) less than 4 hours of sunlight being provided on 22 June in any year to the Town

Square.

### 7.6A Podium heights

- (1) The objectives of this clause are as follows—
  - (a) to achieve a consistent built form character that features podiums that define the street edge, and to ensure upper level setbacks reduce the visual prominence of building height,
  - (b) to maximise building separation for the purposes of visual appearance, privacy and maintaining solar access to adjoining properties and the public domain.
- (2) Development consent may be granted to the erection of buildings on the following land with the following maximum podium heights—
  - (a) Site A—3 storeys,
  - (b) Site B—4 storeys,
  - (c) land fronting Pittwater Road (except land on Site A or Site B)—3 storeys,
  - (d) land not fronting Pittwater Road (except land on Site A or Site B)—2 storeys.
- (3) This clause does not apply to the following land—
  - (a) Part Lot 11, DP 577062 (known as 23 Fisher Road, Dee Why),
  - (b) Lot CP, SP 81758 (known as 25 Fisher Road, Dee Why),
  - (c) Lot CP, SP 75040 (known as 20 Kingsway, Dee Why),
  - (d) Lot CP, SP 4066 (known as 18 Kingsway, Dee Why),
  - (e) Lot CP, SP 83379 (known as 4–16 Kingsway, Dee Why),
  - (f) Lot CP, SP 1902 (known as “Kingsway Court”, 2 Kingsway, Dee Why).

### 7.7 Site A Oaks Avenue above podium elements

- (1) The objectives of this clause are as follows—
  - (a) to allow buildings on land shown as “Area 1” on the [Height of Buildings Map](#) and fronting Oaks Avenue to have components above the height permitted by clause 4.3(2) (the **podium level**),
  - (b) to control building bulk above the podium level on that land,
  - (c) to limit the depth of buildings and control the gross floor area above the podium level on that land,

- (d) to limit overshadowing to the front setback areas on the southern side of Oaks Avenue opposite Site A on 22 June in any year,
  - (e) to allow design flexibility.
- (2) This clause applies to buildings on land shown as “Area 1” on the [Height of Buildings Map](#).
- (3) Despite clause 4.3, development consent may be granted to the erection of a building on land shown as “Area 1” on the [Height of Buildings Map](#) that has a component above the podium level but only if—
- (a) the total gross floor area of the components of the buildings above the podium level does not exceed 2,000 square metres, and
  - (b) a minimum of 20% of the east-west length of Site A above the podium level comprises physical breaks or separation between buildings, and
  - (c) any component of the building above the podium level does not extend north beyond the Oaks Avenue rear building alignment line of Site A, being the line 32 metres from the Oaks Avenue front building line (which is 2.275 metres from the Oaks Avenue boundary of Site A), and
  - (d) the building is sited or located under a plane that projects at an angle of 29 degrees from the height of 28.5 metres above the Oaks Avenue front building line (which is 2.275 metres from the Oaks Avenue boundary of Site A), and
  - (e) no less than 2 hours of sunlight is provided between 10.00 am and 2.00 pm to the front setback areas on the southern side of Oaks Avenue opposite Site A on 22 June in any year.

#### **7.8 Site B Oaks Avenue above podium elements**

- (1) The objectives of this clause are as follows—
- (a) to allow buildings on land shown as “Area 2” on the [Height of Buildings Map](#) to have components above the height permitted by clause 4.3(2) (the **podium level**),
  - (b) to control building bulk above the podium level on that land,
  - (c) to limit the depth of buildings and control the gross floor area above the podium level on that land,
  - (d) to ensure that there is an adequate separation between the above podium level buildings’ envelopes shown on the [Height of Buildings Map](#) for the towers and surrounding podium of the Howard Avenue side of the site and the buildings south of the rear building alignment of Site B,

- (e) to limit overshadowing of the public footpath on the southern side of Oaks Avenue opposite Site B on 22 June in any year,
  - (f) to allow design flexibility.
- (2) This clause applies to buildings on land shown as “Area 2” on the [Height of Buildings Map](#).
- (3) Despite clause 4.3, development consent may be granted to the erection of a building on land shown as “Area 2” on the [Height of Buildings Map](#) that has a component above the podium level but only if—
- (a) the total gross floor area of the components of the buildings above the podium level does not exceed 3,800 square metres, and
  - (b) a minimum of 20% of the east-west length of Site B above the podium level comprises physical breaks or separation between buildings, and
  - (c) any component of the building above the podium level does not extend north beyond the Oaks Avenue rear building alignment line of Site B, being the line 27.5 metres from the Oaks Avenue front building line (which is 2.275 metres from the Oaks Avenue boundary of Site A), and
  - (d) no less than 2 hours of sunlight is provided between 10.00 am and 2.00 pm to the footpath on the southern side of Oaks Avenue opposite Site B at a distance of 6 metres from the property boundary on 22 June in any year.

### 7.9 Site A Proposed New Road above podium elements

- (1) The objectives of this clause are as follows—
- (a) to allow buildings on land shown as “Area 3” on the [Height of Buildings Map](#) to have components above the height permitted by clause 4.3(2) (the **podium level**),
  - (b) to control building bulk above the podium level on that land,
  - (c) to limit the depth of buildings and control the gross floor area above the podium level,
  - (d) to allow design flexibility.
- (2) This clause applies to buildings on land shown as “Area 3” on the [Height of Buildings Map](#).
- (3) Despite clause 4.3, development consent may be granted to the erection of a building on land shown as “Area 3” on the [Height of Buildings Map](#) that has a component above the podium level but only if—

- (a) the total gross floor area of the components of the buildings on the land shown as “Area 3” on the [Height of Buildings Map](#) above the podium level does not exceed 1,000 square metres, and
- (b) any component of the building above the podium level does not extend west beyond the Proposed New Road rear building alignment line, being the line 19.5 metres from the Proposed New Road front building line (which is the western alignment of the Proposed New Road), and
- (c) the building is sited or located under a plane that projects at an angle of 45 degrees from the height of 25 metres above the Proposed New Road from the east to west direction, and
- (d) the height of the building does not exceed 43.5 metres.

#### **7.10 Allowance for external ancillary plant and roof access**

- (1) The objectives of this clause are as follows—
  - (a) to ensure that the height, scale and number of permanent or temporary external ancillary structures located on roofs of buildings do not add to the perceived height of buildings or detract from the roof form of buildings,
  - (b) to ensure that roof forms are attractive when viewed from surrounding vantage points, including when viewed, at a short distance, from the public domain and surrounding apartment buildings, and when viewed, from a long distance, from the southern and western hill sides that have northerly and easterly aspects, respectively, over Dee Why,
  - (c) to promote low scale vegetative landscaping of podium roofs of buildings and the use of podium roof spaces as areas for passive recreation for residents of the buildings concerned.
- (2) Development consent must not be granted to development on land in the Dee Why Town Centre involving the construction of a new building or external alterations to an existing building unless the consent authority is satisfied that—
  - (a) the height of any external ancillary plant or access point is minimised and does not exceed 3.0 metres, and
  - (b) any external ancillary plant or access point is suitably integrated with landscaping or architectural elements of the building, and
  - (c) any external ancillary plant or access point is centrally located within the roof area to minimise or completely avoid being visible from the public domain in close proximity to the building, and
  - (d) the total area of such plant and access points does not exceed 10% of the roof

area, and

- (e) any balustrade or similar safety restraint (except a building parapet) is set in from the roof edge at least 3 metres, and
- (f) no external ancillary plant is located on the roof of the tall tower located on Site A or the two slimline towers on Site B.

(3) In this clause—

**external ancillary structure** means an access point or ancillary plant or a balustrade or similar safety restraint.

### 7.11 Town Square and pedestrian connections

- (1) The objective of this clause is to ensure that development within the Dee Why Town Centre will include a Town Square that will be the heart of the community and will contain attractive, useable open spaces that are interlinked by a secure network of pedestrian connections.
- (2) Development consent must not be granted to development involving the construction of a new building or external alterations to an existing building on Site B unless the consent authority is satisfied that the development will—
  - (a) be consistent with the establishment and maintenance of a Town Square that addresses Howard Avenue and that will—
    - (i) occupy all of the land shown as “Town Square” on the [Key Sites Map](#), and
    - (ii) be a flexible, multi-use space that will be suitable to accommodate markets, entertainment and community events and serve as a meeting place for the general public, and
    - (iii) be surrounded by colonnades at its perimeter that will provide all weather access to the ground floor retail outlets, and
    - (iv) include landscaping throughout the space that provides an appropriate canopy of indigenous tree species to enhance its amenity, and
  - (b) include retail uses located at ground level at the perimeter of the Town Square that will provide opportunities for alfresco dining, casual seating and recreation, and
  - (c) ensure that residential accommodation situated above the Town Square will provide maximum visibility of the Town Square and bring life and vitality to the Town Square throughout the day, and
  - (d) incorporate and maintain a north-south Pedestrian Connection that will link the Town Square with Oaks Avenue that will—

- (i) occupy all of the land shown as “Pedestrian Connection” on the [Key Sites Map](#), and
  - (ii) in conjunction with the Town Square, provide a strong physical and visual connection between Howard Avenue and Oaks Avenue ensuring a high level of permeability for the Dee Why Town Centre, and
  - (iii) provide a generous pedestrian and retail precinct, and
  - (iv) be lined by retail development, with double storey colonnades providing access on a 24 hour, 7 days a week basis, and
  - (v) be designed to ensure all weather access to ground level retail, food and beverage outlets, and
  - (vi) have a clear width of not less than 14 metres to ensure high levels of sunlight access and provide view lines through the development.
- (3) Despite clause 4.3, development consent may be granted to the construction of a pedestrian footbridge, on the land shown as “Pedestrian Footbridge” on the [Key Sites Map](#) that provides a connection between the first floor level of buildings located within Site B, if the consent authority is satisfied that the footbridge—
- (a) will not adversely affect the incorporation and maintenance of the north-south Pedestrian Connection, and
  - (b) will be constructed of light-weight and transparent material, and any visual impact of the footbridge will be minimised.

#### **7.12 Provisions promoting retail activity**

- (1) The objectives of this clause are as follows—
- (a) to promote retail activity on the ground and first floors of new buildings in the Dee Why Town Centre,
  - (b) to promote employment generating uses in addition to retail activity.
- (2) Development consent must not be granted to development in the Dee Why Town Centre unless the consent authority is satisfied that—
- (a) the ground floor level of buildings on Site A, Site B, Site C, Site D or Site E will not be used for any of the following (other than the provision of access to any of the following)—
    - (i) residential accommodation,
    - (ii) medical centres,

- (iii) office premises, and
  - (b) the first floor level of buildings on Sites A and B will not be used for residential accommodation (other than the provision of access to such accommodation), and
  - (c) buildings will have at least two floor levels (including the ground floor level) of employment generating space, and
  - (d) development on the ground floor level of buildings in the Dee Why Town Centre will contribute to an active street life in accordance with the document titled *Our Greater Sydney 2056 North District Plan* published by the Greater Sydney Commission in March 2018.
- (3) This clause does not apply to the following land—
- (a) Part Lot 11, DP 577062 (known as 23 Fisher Road, Dee Why),
  - (b) Lot CP, SP 81758 (known as 25 Fisher Road, Dee Why),
  - (c) Lot CP, SP 75040 (known as 20 Kingsway, Dee Why),
  - (d) Lot CP, SP 4066 (known as 18 Kingsway, Dee Why),
  - (e) Lot CP, SP 83379 (known as 4-16 Kingsway, Dee Why),
  - (f) Lot CP, SP 1902 (known as “Kingsway Court”, 2 Kingsway, Dee Why).

### **7.13 Mobility, traffic management and parking**

- (1) The objectives of this clause are as follows—
- (a) to ensure improved vehicle access and circulation in the Dee Why Town Centre through good design and the management of traffic flows within the existing and new roads servicing the centre,
  - (b) to ensure increased road network capacity and improved vehicle circulation through the Dee Why Town Centre,
  - (c) to encourage alternative forms of transport from private vehicle use,
  - (d) to minimise the disruption of pedestrian movement and safety,
  - (e) to reduce the visual scale of parking, loading and waste collection facilities.
- (2) Development consent must not be granted to the construction of new buildings in the Dee Why Town Centre unless the consent authority is satisfied that—
- (a) any development on Site A will be consistent with the establishment of a new north-south street, between Howard and Oaks Avenue, along the eastern side of Site A, shown on the [Key Sites Map](#) as the Proposed New Road, and



- (b) any development on Site A for the purposes of the Proposed New Road will have a minimum width of 18 metres where it adjoins Lot 1, DP 526306 (St Kevin's Church) and 20 metres where it adjoins Strata Plan 1493, and
- (c) (Repealed)
- (d) the development will improve vehicle access and circulation within the Dee Why Town Centre and will reinforce the priority of pedestrian movements and networks to make the Dee Why Town Centre safe, enjoyable and attractive, and
- (e) car parking will be provided principally underground and will accommodate the demand generated by the additional residential, retail and commercial uses, and
- (f) (Repealed)
- (g) if car parking adjoins a street frontage, the amenity of the adjoining and nearby uses is protected, and
- (h) loading facilities and waste collection facilities are accommodated in a way that does not adversely impact on the visual amenity of the public domain, the amenity of adjoining or nearby residential properties or conflict with pedestrian access, and
- (i) there will be minimal disruption to retail and commercial activity at street level because the proposed development—
  - (i) minimises the width of footpath crossings and vehicle entrances, and
  - (ii) ensures that loading facilities are substantially enclosed by occupied floor space, and
  - (iii) demonstrates high standards of civic design to portions of loading dock and car park entrances that are visible from the street.

#### **7.14 Community infrastructure floor space in Dee Why Town Centre**

- (1) The objectives of this clause are as follows—
  - (a) to ensure that the development of particular sites within the Dee Why Town Centre delivers certain public improvement works,
  - (b) to encourage additional development within the Dee Why Town Centre that incorporates adequate access networks,
  - (c) to provide a range of development that supports community and visitor needs.
- (2) This clause applies to land on Site C, Site D or Site E.
- (3) The consent authority may consent to development that results in additional floor

space or exceeds the maximum floor space ratio, or exceeds the maximum building height, in accordance with subclause (4) if the consent authority is satisfied that the development meets the following community infrastructure objectives—

- (a) for land on Site C—the development includes pedestrian and vehicular access that provides a suitable level of connectivity between Oaks Avenue and Pacific Parade,
  - (b) for land on Site D—the development makes sufficient provision for articulated vehicles to access Pacific Parade from Pittwater Road,
  - (c) for land on Site E—
    - (i) the development includes a pedestrian and vehicular access network with a suitable level of connectivity throughout Site E, and
    - (ii) vehicular access to the land will not compromise the function and flow of the surrounding arterial roads, and
    - (iii) pedestrian access is prioritised at ground level.
- (4) The consent authority must not consent to the erection of a building on land to which this clause applies if—
- (a) for a building on land on Site C—
    - (i) the floor space ratio exceeds 3.6:1, and
    - (ii) the building height exceeds 46 metres, or
  - (b) for a building on land on Site D—the floor space exceeds the floor space achieved by applying the maximum floor space ratio plus a gross floor area of 240 square metres, or
  - (c) for a building on land on Site E—
    - (i) for land fronting Pittwater Road—the building height exceeds 49 metres, or
    - (ii) for land fronting Fisher Road or St David Avenue—the building height exceeds 20 metres.
- (5) In deciding whether to grant development consent, the consent authority—
- (a) must be satisfied that the development is consistent with the objectives of this clause, and
  - (b) must be satisfied that the community infrastructure is reasonably necessary at Dee Why, and
  - (c) must take into account the nature of the community infrastructure and its value to the Dee Why community.

## Part 8 Frenchs Forest Precinct

### 8.1 Definitions

In this Part—

**Frenchs Forest Precinct** means the land identified on the [Precincts Map](#) as the Frenchs Forest Precinct.

**Site F** means the land identified on the [Key Sites Map](#) as Site F.

**Site G** means the land identified on the [Key Sites Map](#) as Site G.

**Site H** means the land identified on the [Key Sites Map](#) as Site H.

**Site I** means the land identified on the [Key Sites Map](#) as Site I.

### 8.2 Land to which this Part applies

This Part applies to land in the Frenchs Forest Precinct.

### 8.3 Objectives for development in Frenchs Forest Precinct

The objectives of this Part are as follows—

- (a) to facilitate development in accordance with the objectives and principles of the *Frenchs Forest 2041 Place Strategy*,
- (b) to promote design excellence in relation to buildings, open space and public domain areas,
- (c) to ensure a balance between the provision of high quality housing and a mix of retail, business, employment, civic, cultural and recreational facilities,
- (d) to accommodate additional employment opportunities, service functions and space for business,
- (e) to ensure development positively contributes to the visual quality and pedestrian comfort of the public domain and provides a seamless integration between public and private spaces,
- (f) to ensure development is designed with consideration of transport infrastructure,
- (g) to ensure development is sustainable and contributes to reducing greenhouse gas emissions,
- (h) to ensure high quality landscaped open space.

### 8.4 Development control plans

- (1) The objective of this clause is to ensure that development on land in the Frenchs

Forest Precinct is carried out in accordance with a site-specific development control plan.

- (2) Development consent must not be granted to development on land in the Frenchs Forest Precinct unless a development control plan has been prepared for the land that provides for the following—
  - (a) built form controls, including the maximum number of storeys and minimum setbacks for buildings,
  - (b) measures to ensure development does not result in a negative impact on the character of surrounding land,
  - (c) pedestrian access, including through-site links,
  - (d) landscaping of open space,
  - (e) waste management.

#### **8.5 Design excellence—Sites F, G and I**

- (1) This clause applies to development that—
  - (a) is on Site F, Site G or Site I, and
  - (b) involves the erection of a new building or external alterations to an existing building.
- (2) Development consent must not be granted unless the consent authority considers that the development exhibits design excellence.
- (3) In considering whether the development exhibits design excellence, the consent authority must consider the following—
  - (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 suitability of the land for development,
    - (ii) existing and proposed uses and use mix,
    - (iii) heritage issues and streetscape constraints,

- (iv) the relationship of the development with other existing or proposed development on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
  - (v) bulk, massing and modulation of buildings,
  - (vi) street frontage heights,
  - (vii) environmental impacts including overshadowing, wind and reflectivity,
  - (viii) the achievement of the principles of ecologically sustainable development,
  - (ix) pedestrian, cycle, vehicular and service access, circulation and requirements,
  - (x) the impact on, and proposed improvements to, the public domain,
  - (xi) the quality and integration of landscape design.
- (4) Development consent must not be granted to development in relation to a building that is, or will, be higher than 12 metres or 3 storeys, or both, unless—
- (a) a design review panel has reviewed the development, and
  - (b) the consent authority considers the findings of the panel.
- (5) In this clause—

***design review panel*** means a panel of 3 or more persons established by the consent authority for the purposes of this clause.

### 8.6 Minimum site areas—Sites G, H and I

Development consent must not be granted to development in a site and zone shown in Columns 1 and 2 of the following table, for a purpose shown in Column 3, unless the site area is equal to or greater than the area shown in Column 4—

Column 1	Column 2	Column 3	Column 4
Site G	Zone R3 Medium Density Residential Zone MU1 Mixed Use	Multi dwelling housing, residential flat buildings, shop top housing	1,400 square metres
Site H	Zone R2 Low Density Residential	Dual occupancies (attached), semi-detached dwellings	450 square metres
Site H	Zone R2 Low Density Residential	Attached dwellings	225 square metres per dwelling

Site I	Zone R3 Medium Density Residential Zone E1 Local Centre	Multi dwelling housing, residential flat buildings, shop top housing	2,000 square metres
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### 8.7 Minimum street frontages—Sites G, H and I

Development consent must not be granted to development in a site and zone shown in Columns 1 and 2 of the following table, for a purpose shown in Column 3, unless the street frontage of the site area is equal to or greater than the length shown in Column 4—

Column 1	Column 2	Column 3	Column 4
Site G	Zone R3 Medium Density Residential Zone MU1 Mixed Use	Residential flat buildings, shop top housing	30 metres
Site H	Zone R2 Low Density Residential	Dual occupancies (attached), semi-detached dwellings	15 metres
Site H	Zone R2 Low Density Residential	Attached dwellings	7.5 metres per dwelling
Site I	Zone R3 Medium Density Residential Zone E1 Local Centre	Multi dwelling housing, residential flat buildings, shop top housing	45 metres

### 8.8 Deep soil zone—Site F

(1) Development consent must not be granted to development on Site F unless the consent authority is satisfied the development will not result in less than 5,500 square metres of deep soil zone in Site F.

(2) In this clause—

**deep soil zone** means a landscaped area with no building above or below the ground, but does not include an area used or intended to be used for a driveway or parking.

### 8.9 Additional floor space for certain BASIX affected buildings—Site F

(1) A BASIX affected building on land in Site F may exceed the maximum floor space ratio shown for the land on the [Floor Space Ratio Map](#) by 0.15:1 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](#).

#### **8.10 Power lines—Site G**

In deciding whether to grant development consent to development on Site G, the consent authority must consider whether the development includes adequate measures to ensure that existing power lines on Site G will be relocated underground.

#### **8.11 Relocation of Frenchs Forest Police Station**

(1) This clause applies to the following development—

- (a) development that is or involves the relocation of the Frenchs Forest Police Station to Site F,
- (b) development on Site F subsequent to the relocation of the Frenchs Forest Police Station to Site F.

(2) The gross floor area of the relocated Frenchs Forest Police Station is taken to be zero for the purposes of calculating a gross floor area or floor space ratio under this Plan.

### **Schedule 1 Additional permitted uses**

(Clause 2.5)

#### **1 Use of certain land at 8 Aperta Place, Beacon Hill**

- (1) This clause applies to land at 8 Aperta Place, Beacon Hill, being Lot 7, DP 236335, shown as “Area 1” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of 1 dwelling house is permitted with consent (provided that the design and construction of the development has regard to the topography, potential slip and sensitive visual character of the land as well as potential loss of views to adjoining or nearby properties).

#### **2 Use of certain land at 5 Hews Parade, Belrose**

- (1) This clause applies to land at 5 Hews Parade, Belrose, being Lot 6, DP 834036, shown as “Area 2” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of pubs is permitted with consent.

### **3 Use of certain land at corner of Mona Vale Road and Forest Way, Belrose**

- (1) This clause applies to land at the corner of Mona Vale Road and Forest Way, Belrose, shown as “Area 3” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of specialised retail premises, business premises (with a gross floor area not exceeding 2,500m<sup>2</sup>), function centres, hotel or motel accommodation, pubs and shops (with a gross floor area not exceeding 2,500m<sup>2</sup>) is permitted with consent.
- (3) Hotel or motel accommodation and pubs referred to in subclause (2) must include at least one room for the holding of conferences, functions and similar events.

### **4 Use of certain land in the vicinity of Ashworth and Haigh Avenues, Belrose and McBrien Place, Davidson and John Oxley Drive, Frenchs Forest**

- (1) This clause applies to land in the vicinity of Ashworth and Haigh Avenues, Belrose and McBrien Place, Davidson and John Oxley Drive, Frenchs Forest, shown as “Area 4A”, “Area 4B” or “Area 4C” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of 1 dwelling house on each lot is permitted with consent (provided that each dwelling is constructed having regard to the constraints, potential instability and visual sensitivity of the land and any impact on the water quality of Middle Harbour).

### **5 Use of certain land in the vicinity of Pittwater Road and Roger Street, Brookvale**

- (1) This clause applies to land in the vicinity of Pittwater Road and Roger Street, Brookvale, shown as “Area 5” on the [Additional Permitted Uses Map](#).
- (2) Development for the following purposes is permitted with consent—
  - (a) office premises,
  - (b) retail premises,
  - (c) shop top housing.
- (3) Consent must not be granted under this clause to development for the purposes of shop top housing unless the consent authority is satisfied that the development will not have a significant adverse impact on any adjoining land in Zone E4 General Industrial.

### **6 Use of certain land at Cottage Point**

- (1) This clause applies to land at Cottage Point, being Lot 1, DP 930591, Lot 1, DP 922754, Lot 3, DP 929708 and Lot 4, DP 929708, shown as “Area 6” on the [Additional Permitted Uses Map](#).



- (2) Development for the purposes of kiosks, marinas, neighbourhood shops and registered clubs is permitted with consent.

**7 Use of certain land at 2 Anderson Place, Cottage Point**

- (1) This clause applies to land at 2 Anderson Place, Cottage Point, being Lot 23, DP 819003, shown as “Area 7” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of restaurants or cafes is permitted with consent.

**8 Use of certain land at 30 Campbell Avenue, Cromer**

- (1) This clause applies to land at 30 Campbell Avenue, Cromer, being Lot 1, DP 227969, shown as “Area 8” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of pubs is permitted with consent.

**9 Use of certain land at Pittwater Road, Dee Why**

- (1) This clause applies to land at Pittwater Road, Dee Why, being Lot 1, DP 706230, shown as “Area 9” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of recreation facilities (indoor) (provided that the facility operates in conjunction with a registered club) and registered clubs is permitted with consent.

**10 Use of certain land at Melwood Avenue, Forestville**

- (1) This clause applies to land at Melwood Avenue, Forestville, being Lot 2589, DP 752038 and Lot 31, DP 366454, shown as “Area 10” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of registered clubs is permitted with consent.

**11 (Repealed)**

**12 Use of certain land at 39 Frenchs Forest Road East, Frenchs Forest**

- (1) This clause applies to land at 39 Frenchs Forest Road East, Frenchs Forest, being Lot X, DP 405206, shown as “Area 12” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of pubs is permitted with consent.

**13 Use of certain land at Lumsdaine Drive, Freshwater**

- (1) This clause applies to land at Lumsdaine Drive, Freshwater, being Lot 100, DP 1136132 and Lot 2, DP 579837, shown as “Area 13” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of recreation facilities (indoor), recreation facilities (outdoor) (but only if the facility, whether indoor or outdoor, operates in conjunction

with a registered club) and registered clubs is permitted with consent.

**14 Use of certain land at 29 Moore Road, Freshwater**

- (1) This clause applies to land at 29 Moore Road, Freshwater, being Lots 1-5, Section 1, DP 7022 and Lot 13, Section 1, DP 7022, shown as “Area 14” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of pubs is permitted with consent.

**15 Use of certain land at 80 Undercliff Road, Freshwater**

- (1) This clause applies to land at 80 Undercliff Road, Freshwater, being Lot B, DP 329073, shown as “Area 15” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of restaurants or cafes is permitted with consent.

**16 Use of certain land at 1260 Pittwater Road, Narrabeen**

- (1) This clause applies to land at 1260 Pittwater Road, Narrabeen, being Lots 1 and 2, DP 1094308, shown as “Area 16” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of hotel or motel accommodation is permitted with consent.

**17 Use of certain land at 2 Aumuna Road, Terrey Hills**

- (1) This clause applies to land at 2 Aumuna Road, Terrey Hills, being Lot 6, DP 739456, shown as “Area 17” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of educational establishments, garden centres, hospitals, hotel or motel accommodation, places of public worship, pubs, recreation areas, recreation facilities (indoor), recreation facilities (outdoor), registered clubs and restaurants or cafes is permitted with consent.

**18 Use of certain land in the vicinity of Mona Vale and Myoora Roads, Terrey Hills**

- (1) This clause applies to land in the vicinity of Mona Vale and Myoora Roads, Terrey Hills, shown as “Area 18” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of educational establishments, garden centres, hospitals, hotel or motel accommodation, places of public worship, recreation areas, recreation facilities (indoor), recreation facilities (outdoor), registered clubs and restaurants or cafes is permitted with consent.

**19 Use of certain land in Zone RE1**

- (1) This clause applies to the following land—
  - (a) land at Collaroy, known as Long Reef Golf Club, being Lot 1, DP 1144187, shown

as “Area 19A” on the [Additional Permitted Uses Map](#),

- (b) land at Manly Vale, known as Manly Vale Bowling Club, being part of Lot 2743, DP 752038, shown as “Area 19B” on that map,
- (c) land at North Balgowlah, known as Wakehurst Golf Club, being Lot 2730, DP 752038, shown as “Area 19C” on that map,
- (d) land at North Manly, known as North Manly Bowling Club, being part of Lot 2743, DP 752038, shown as “Area 19D” on that map.

- (2) Development for the purposes of registered clubs is permitted with consent if the registered club is incidental or ancillary to a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

## **20 Use of certain land at Bundaleer Street, Belrose**

- (1) This clause applies to land at Bundaleer Street, Belrose, being Lot 2, DP 1144741, shown as “Area 20” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of recreation facilities (outdoor) is permitted with consent.

## **21 Use of certain land at 184 Wyndora Avenue, Freshwater**

- (1) This clause applies to land at 184 Wyndora Avenue, Freshwater, being Lots 1, 2, 33, 34 and 35, DP 7912, shown as “Area 21” on the [Additional Permitted Uses Map](#).
- (2) Subdivision of the land and development for the purposes of attached dwellings is permitted with consent.
- (3) Development consent may only be granted under this clause to a single development application that provides for—
  - (a) the subdivision of the land to create not more than 14 lots, and
  - (b) the erection of not more than 14 attached dwellings.
- (4) Consent must not be granted under this clause to development for the purposes of an attached dwelling unless the consent authority is satisfied that the proposed development includes a single basement car park providing parking spaces for each of the dwellings erected on the land to which this clause applies.

## **22 Use of certain land at 632 and 634 Warringah Road, Forestville**

- (1) This clause applies to land at 632 and 634 Warringah Road, Forestville, being Lots 9 and 8, DP 25052, shown as “Area 22” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of—

- (a) a service station, and
  - (b) a neighbourhood shop (with a retail floor area not exceeding 240m<sup>2</sup>),
- is permitted with consent if the land is used for both purposes, concurrently.

**23 Use of certain land at 729-731 Pittwater Road, Dee Why**

- (1) This clause applies to land at 729-731 Pittwater Road, Dee Why, being Lot CP, SP 13436, shown as “Area 23” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of medical centres and office premises is permitted with consent.

**24 Use of certain land at Frenchs Forest Road West, Frenchs Forest**

- (1) This clause applies to certain land at Frenchs Forest Road West, Frenchs Forest, shown as “Area 24” on the [Additional Permitted Uses Map](#).
- (2) Development for the following purposes is permitted with development consent—
  - (a) business premises,
  - (b) health consulting rooms that are located at ground floor level,
  - (c) health services facilities that are community health services facilities,
  - (d) medical centres,
  - (e) office premises,
  - (f) shop top housing.

**25 Use of certain land at Karingal Crescent, Frenchs Forest**

- (1) This clause applies to certain land at Karingal Crescent, Frenchs Forest, shown as “Area 25” on the [Additional Permitted Uses Map](#).
- (2) Development for the following purposes is permitted with development consent—
  - (a) attached dwellings,
  - (b) dual occupancies (attached),
  - (c) semi-detached dwellings.
- (3) The subdivision of land may result in a lot with a size of not less than 225 square metres if—
  - (a) the development involving the subdivision is for the purposes of semi-detached dwellings or attached dwellings, and

- (b) a single development application is submitted for the proposed subdivision and proposed land use.

## **26 Use of certain land at Pittwater Road, Narrabeen**

- (1) This clause applies to the following land—
  - (a) Lot 100, DP 773884, 1298 Pittwater Road, Narrabeen,
  - (b) Lot 1, DP 615179, 1300 Pittwater Road, Narrabeen.
- (2) Development for the following purposes is permitted with development consent—
  - (a) commercial premises,
  - (b) medical centres,
  - (c) shop top housing.
- (3) Development consent must not be granted under subclause (2)(a) or (b) if the development would result in more than 1,150m<sup>2</sup> of the gross floor area of all buildings on the land to which this clause applies being used for the purposes specified in subclause (2)(a) and (b).

## **27 Use of certain land at Dee Why**

- (1) This clause applies to the following land at Dee Why, shown as “Area 27” on the [Additional Permitted Uses Map](#)—
  - (a) Part Lot 11, DP 577062, 23 Fisher Road,
  - (b) Lot CP, SP 81758, 25 Fisher Road,
  - (c) Lot CP, SP 1902, 2 Kingsway,
  - (d) Lot CP, SP 88379, 4–16 Kingsway,
  - (e) Lot CP, SP 4066, 18 Kingsway,
  - (f) Lot CP, SP 75040, 20–34 Kingsway.
- (2) Development for the purposes of residential flat buildings in permitted with development consent.

## **Schedule 2 Exempt development**

(Clause 3.1)

### **Note 1—**

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

Policy.

**Note 2—**

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

**Display of goods on footpath**

- (1) The display must be associated with a lawfully established business.
- (2) The display must be on the part of the footpath that is adjacent to that business.
- (3) The goods displayed must be small-scale goods, such as chemist bargains bins or clothes racks.
- (4) The display must be authorised under Division 3 of Part 9 of the [Roads Act 1993](#).

**Outdoor areas of community land used for commercial purposes**

Must be authorised under Division 2 of Part 2 of Chapter 6 of the [Local Government Act 1993](#).

**Outdoor eating areas (associated with an approved restaurant)**

- (1) If on a footpath—must be approved under section 125 of the [Roads Act 1993](#).
- (2) If on community land—must be authorised under Division 2 of Part 2 of Chapter 6 of the [Local Government Act 1993](#).
- (3) (Repealed)

**Private electricity service poles**

Must comply with the specifications for electricity distributors in the *Service and Installation Rules of New South Wales* published by the NSW Government.

**Signage on motor vehicles**

Vehicle must be able to be driven with the sign displayed and the vehicle must be principally for the conveyance of passengers or goods (or both).

**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

### Note—

Information relevant to this Part is also contained in the Act, the *Environmental Planning and Assessment Regulation 2000*, the *Protection of the Environment Operations Act 1997* and the *Roads Act 1993*.

### Construction of garages and outbuildings associated with residential flat buildings

- (1) **General** Must be wholly located in Zone R3 Medium Density Residential.
- (2) **Setback and siting**
  - (a) All parts of the building must be setback at least 6.5m from the front boundary.
  - (b) All parts of the building must be setback at least 6m from the rear boundary.
  - (c) All parts of the building must be setback at least 4.5m from each side boundary.
- (3) **Design, finishes and streetscape**
  - (a) Front fence must not be higher than 1.2m above ground level (existing).
  - (b) If facing a public road, the combined width of all garages facing the road must not be more than 6m or 50% of the frontage of the lot at the building line, whichever is the greater.
- (4) **Access, parking and traffic**
  - (a) Only one driveway footpath crossing per lot.
  - (b) The finished level of the driveway must not be higher than 0.25m above ground level (existing).
  - (c) The driveway must be at least 0.5m from each side boundary.
  - (d) The entry point of a driveway must be at least 6m from each road intersection.
- (5) **Stormwater**
  - (a) Stormwater must flow to an existing approved drainage system.
  - (b) The total existing and proposed roofed areas, paved surfaces and hardstand areas after the development has been completed must be less than the greater of the following areas—
    - (i) 35% of the total lot area,
    - (ii) 50m<sup>2</sup>.
- (6) **Landscaping and open space**

- (a) (Repealed)
- (b) At least 50% of the lot must be landscaped open space at ground level (finished) with a minimum soil depth of 1m.
- (c) In paragraph (b), **landscaped open space** includes the water surface of a swimming pool and naturally occurring impervious surfaces such as rock outcrops, but does not include driveways, paved areas, roofed areas, tennis courts, car parking, stormwater structures, decks and the like with a width or length of less than 2m.

## Part 2 Complying development certificate conditions

### Note 1—

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

### Note 2—

A contributions plan setting out the contribution requirements towards the provision or improvement of public amenities or public services may specify that an accredited certifier must, under section 94EC of the Act, impose a condition on a complying development certificate requiring the payment of a monetary contribution in accordance with that 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
Collaroy	Part of Lot 1, DP 346265, being part of 1054 Pittwater Road, comprising the western portion of the Collaroy Beach Reserve car park, identified as “Operational Land” on the <a href="#">Land Reclassification (Part Lots) Map</a>
Forestville	Lot 18, DP 30880, The Centre
Freshwater	Lot 2, DP 517620; Lot 1, DP 539444; Lot 1, DP 539445; Lot 201, DP 579893; Lot 1, DP 580780; Lot 1, DP 581226

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



**changed**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Locality</b>	<b>Description</b>	<b>Any trusts etc not discharged</b>
Oxford Falls	Lot 2, DP 1229082, Wakehurst Parkway	Nil

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

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

**Schedule 5 Environmental heritage**

(Clause 5.10)

**Part 1 Heritage Items**

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Beacon Hill	Warringah Reservoir (WS 0131) and attached valve house	40-50 Government Road	Lot 54, DP 1175875	Local	I130
Belrose	Douglas L Murcutt House	22 Yarrabin Street	Lot 23, DP 224801	Local	I131
Brookvale	Former premises relating to Austral Brickworks	48A Consul Road	SP 77600	Local	I2
Brookvale	House known as "Milroy"	9 Elizabeth Place	Lots 9 and 10, DP 5876	Local	I3
Brookvale	Brookvale Public School	2-8 Old Pittwater Road	Lot 1, DP 918786; Lot 1, DP 365898; Lots 13-15, DP 5876; Lot B, DP 311452; Lot 2, DP 209019; Lot 1, DP 947905; Lot 17, DP 3674; Lot 1, DP 229795; Lot 2, DP 208793	Local	I4

Brookvale	Brush Box and Camphor Laurel trees surrounding Brookvale Park	Pine Avenue, Alfred Street, unmade section of Federal Parade and Pittwater Road (near Pine Street intersection)	As shown on <a href="#">Heritage Map</a>	Local	I132
Brookvale	Tramway Staff War Memorial	Pittwater Road (bus depot)	Lot A, DP 435910	Local	I1
Brookvale	Palm trees and plaque	Corner Pittwater Road and Cross Street	Road reserve—borders Lot 1, DP 609433	Local	I6
Collaroy	Remnant native street trees	Anzac Avenue and Henty Avenue	Road Reserve, as shown on <a href="#">Heritage Map</a>	Local	I136
Collaroy	House	18 Beach Road	Lot 4, Section 5, DP 6777	Local	I7
Collaroy	House	3 Bedford Crescent	Lot 12, Section 9, DP 11899	Local	I9
Collaroy	Collaroy Rock Pool	Collaroy Beach	As shown on <a href="#">Heritage Map</a>	Local	I10
Collaroy	Fisherman's Hut including winches and remnant vegetation	Fisherman's Beach	Lot 1, DP 64163 and as shown on <a href="#">Heritage Map</a>	Local	I11
Collaroy	House known as "Chez Nous"	19 Frazer Street	Lot 64, DP 746823	Local	I135
Collaroy	Elevated reservoir	Corner of Grevillea and Aubreen Street	Lot 2, DP 1029592	Local	I29
Collaroy	House	2 Hadleigh Avenue	Lot A, DP 368373	Local	I12
Collaroy	"Blue Water" store	62 Hilma Street	Lot 42, Section L, DP 33000	Local	I14
Collaroy	Jenkins family grave	22 Homestead Avenue (Salvation Army land)	Lot 2, DP 604580, as shown on <a href="#">Heritage Map</a>	Local	I15
Collaroy	House known as "Clissold Cottage"	13 Ocean Grove or 16 Beach Road	Lot 3, Section 5, DP 6777	Local	I16

Collaroy	Street trees and plaque	Pittwater Road (near Birdwood Avenue)	Lots 18–20, DP 9667; Lot 7177, DP 93784; Lots 1–4, DP 68225; Lots 1 and 2, DP 117527, as shown on <a href="#">Heritage Map</a>	Local	I17
Collaroy	Washington Palms ( <i>Washingtonia robusta</i> )	861 Pittwater Road	Lot 5, Section 5, DP 12985	Local	I18
Collaroy	House	971 Pittwater Road	Lot 12, DP 10519	Local	I133
Collaroy	House known as “Silver Mist”	1035 Pittwater Road	Lot 200, DP 1005008	Local	I134
Collaroy	House known as “Rosecrea”	1048 Pittwater Road	Lot 13, Section 6, DP 6777	Local	I19
Collaroy	Former Arlington Amusement Hall	1056–1066 Pittwater Road	Lots 20–25, DP 218990	Local	I20
Collaroy	House	1071 Pittwater Road	Lot 23, DP 660056; Lot 24, Section 31, DP 13919	Local	I21
Collaroy	Collaroy Cinema (facades and interiors)	1097 Pittwater Road	Lot 4, DP 6984; Lot B, DP 379308	Local	I22
Collaroy	Former Westpac Bank	1121 Pittwater Road	Lot 1, DP 528546	Local	I23
Collaroy	Four Mature Norfolk Island Pine trees	1155–1157 Pittwater Road	SP 72696, as shown on <a href="#">Heritage Map</a>	Local	I24
Collaroy	House	1184–1186 Pittwater Road	Lot 6, DP 659074	Local	I25
Collaroy	House known as “Eight Bells”	8 Seaview Parade	Lot 2, DP 306047	Local	I28
Collaroy	House known as “Mt Caeburn”	30 Suffolk Avenue	Lot 2, DP 203869	Local	I26
Cottage Point	House known as “Sunrise”	3 Cottage Point Road	Lot 11, DP 841943	Local	I34
Cottage Point	House	20 Cowan Drive	Lot 10, DP 5204	Local	I35
Cromer	Trees	Campbell Avenue	Part Lot 100, DP 611332	Local	I38
Cromer	Givaudan-Roure Office	96 South Creek Road	Part Lot 100, DP 611332	Local	I53

Cromer	Roche Building	100 South Creek Road	Part Lot 100, DP 611332	Local	152
Curl Curl	Port Jackson Fig tree	17 Bennett Street (overhanging 15 Bennett Street)	Lot 5, DP 238792; Lot 2, DP 558033	Local	136
Davidson	Trees, Davidson High School	Pound Avenue	Lots 1229 and 1230, DP 752038; Lot 1, DP 513489	Local	137
Dee Why	Street tree	Corner of David Avenue and Pittwater Road	Lot 100, DP 1041823	Local	139
Dee Why	Dee Why Rock Pool	Dee Why Beach	As shown on <a href="#">Heritage Map</a>	Local	140
Dee Why	Pacific Lodge (Salvation Army)	15-23 Fisher Road	Part Lot 11, DP 577062	Local	143
Dee Why	Dee Why Fire Station	38 Fisher Road	Lot 23, DP 7413	Local	142
Dee Why	Stone steps	Drainage reserve between Headland Road and Undercliffe Street	Lot 56, DP 1005518	Local	141
Dee Why	Uniting Church	60 Howard Avenue	Lot 20, Section 6, DP 6953	Local	144
Dee Why	St Kevin's Catholic Church	46-50 Oaks Avenue	Lot 1, DP 526306	Local	145
Dee Why	"Ebenezer Flats"	72-74 Oaks Avenue	Lots 19 and 20, Section 9, DP 6953	Local	146
Dee Why	House	45 Pacific Parade (corner Sturdee Parade)	Lot A, DP 350541	Local	147
Dee Why	Civic Centre landscaping	Pittwater Road	Lot 100, DP 1041823, as shown on <a href="#">Heritage Map</a>	Local	1137
Dee Why	Dee Why Public Library	Pittwater Road	Lot 100, DP 1041823	Local	150
Dee Why	Commonwealth Bank	691 Pittwater Road	Lot 1, DP 166322	Local	148
Dee Why	Bus shelter	800 Pittwater Road	Road reserve adjacent to Lot 6, DP 523299	Local	15

Dee Why	Former Wormald Building (front entrance, tower and curved former canteen only)	800 Pittwater Road	Lot 6, DP 523299	Local	149
Dee Why	House known as "Elouera"	41 Redman Road	Lot 69, DP 7413	Local	151
Dee Why	Coronation Wishing Well	The Strand, Dee Why Beach Reserve	Lot 1, DP 947971	Local	154
Dee Why	World War I Roll of Honour	The Strand, Dee Why Beach Reserve	Lot 1, DP 947971	Local	155
Duffys Forest	Waratah Park and Rangers Headquarters	13 Namba Road	Lot 445, DP 824403	Local	1138
Forestville	Former Chadwick House and garden	82 Arthur Street	Lot 24, DP 605792	Local	1139
Forestville	Soldiers settlement dwelling	8 Duke Street	Lot A, DP 386755	Local	1140
Forestville	Presbyterian Church of St Columbia	685 Warringah Road	Lot 1514, DP 752038	Local	1141
Frenchs Forest	House	15 Adams Street	Lot 6, DP 215216	Local	156
Frenchs Forest	House	100 Bantry Bay Road	Lot 2, DP 582446	Local	157
Frenchs Forest	Former Methodist Church	21A Forest Way (corner with Naree Road)	Lot 2Y, DP 417241	Local	158
Frenchs Forest	Dental Surgery	45 Grace Avenue	Lot 1, DP 20461	Local	159
Frenchs Forest	Betty Moloney Garden	18 Hurdis Avenue	Lot 27, DP 25964	Local	160
Frenchs Forest	Frenchs Bullock Track	Wakehurst Parkway	As shown on <a href="#">Heritage Map</a>	Local	163
Frenchs Forest	House	2 Wareham Crescent	Lot 10, DP 215216	Local	161
Frenchs Forest	Former Holland's Orchard and Commemorative Grove	Adjacent to Warringah Road and within The Forest High School grounds, as shown on <a href="#">Heritage Map</a>	Lot 2, DP 234702	Local	162

Freshwater	Harbord Uniting Church	65 Albert Street (corner with Oceanview Road)	Lot 1, DP 948058	Local	164
Freshwater	Duke Kahanamoku Statue and Memorial Park	77 Evans Street	Lot 7108, DP 1074767, as shown on <a href="#">Heritage Map</a>	Local	165
Freshwater	Freshwater Rock Pool	Freshwater Beach	As shown on <a href="#">Heritage Map</a>	Local	167
Freshwater	Freshwater Surf Life Saving Club	Freshwater Beach	Lot 7140, DP 1032133 and Lot 2797, DP 820312, as shown on <a href="#">Heritage Map</a>	Local	166
Freshwater	House known as "Melrose"	56 Harbord Road	Lot 2, DP 635354	Local	168
Freshwater	Street trees	Kooloora Avenue	Road reserve as shown on <a href="#">Heritage Map</a>	Local	169
Freshwater	House known as "Felicita"	46 Kooloora Avenue	Lot 1, DP 1099362	Local	170
Freshwater	Building known as "Harbord Literary Institute"	Corner Lawrence Street and Oliver Street	Lot 374, DP 752038	Local	171
Freshwater	Building known as "Early Childhood Health Centre"	29 Lawrence Street	Lot 2, DP 864459	Local	172
Freshwater	House	35 Marlborough Avenue	Lot 10, DP 18880	Local	173
Freshwater	Harbord Beach Hotel	29 Moore Street	Lots 1-5, Section 1, DP 7022	Local	174
Freshwater	Street trees, plaques and memorials	Soldiers Avenue	Road Reserve as shown on <a href="#">Heritage Map</a>	Local	175
Freshwater	"Freshwater" Restaurant	80 Undercliff Road	Lot B, DP 329073	Local	176
Freshwater	Harbord Public School	Corner of Wyadra Road and Oliver Street	Lots 469-471, 474, 486 and 498-500, DP 752038; Lots 1-4, DP 945486; Lots X and Y, DP 407018; Lot 1, DP 391679; Lots A and B, DP 409501	Local	177

Freshwater	Jacka Park Memorial Garden	Corner of Wyndora Avenue and Oliver Street	Lot 403, DP 752038	Local	178
Freshwater	Street trees	Wyuna Avenue	Road Reserve as shown on <a href="#">Heritage Map</a>	Local	179
Killarney Heights	Bantry Bay Public Powder Magazine (also known as Bantry Bay Explosives Depot)	Bantry Bay	As shown on <a href="#">Heritage Map</a>	State	181
Killarney Heights	"Soldiers Rock" Landing Place	Foreshore near Downpatrick Road	As shown on <a href="#">Heritage Map</a>	Local	180
Killarney Heights	Flat Rock Landing Place	Garigal National Park	As shown on <a href="#">Heritage Map</a>	Local	183
Killarney Heights	Killarney picnic grounds	Killarney Drive	As shown on <a href="#">Heritage Map</a>	Local	182
Manly Vale	Manly Creek Bridge	Condamine Street	As shown on <a href="#">Heritage Map</a>	Local	1143
Manly Vale	Manly Dam	King Street	Lot 10, DP 840821	State	184
Manly Vale	St Peters Church Hall	1 King Street	Lot 52, DP 7568	Local	185
Manly Vale	House	27 King Street	Lot 2, DP 26558	Local	186
Manly Vale	Manly Hydraulics Laboratory	110b King Street	Lot 11, DP 840821	Local	1144
Manly Vale	Former Ridley House	43 Lovett Street	Lot 104, DP 840237	Local	187
Manly Vale	Timber jetty remnants and marine bollards	Within Manly Lagoon, adjacent to Passmore Reserve	Part Lot 2743, DP 752038	Local	1142
Manly Vale	Bridge	Sloane Crescent	Road reserve as shown on <a href="#">Heritage Map</a>	Local	188
Narrabeen	House	2 Albert Street	Lot 1, DP 613541	Local	189
Narrabeen	House known as "Lemville"	14 Goodwin Street	Lot 1, DP 170765	Local	190
Narrabeen	Group of Washington Palms ( <i>Washingtonia robusta</i> )	Malcolm Street and Lagoon Street	As shown on <a href="#">Heritage Map</a>	Local	191

Narrabeen	Stone wall	Ocean Street, near Malcolm Street	As shown on <a href="#">Heritage Map</a>	Local	I93
Narrabeen	Narrabeen Fire Station	9 Ocean Street (corner Pittwater Road)	Lot A, DP 325925	Local	I94
Narrabeen	Vegetation group	58-62 Ocean Street (corner with King Street)	Lot 3, DP 818955; Lot 1, DP 718699	Local	I95
Narrabeen	Buildings known as "Furlough House"	72-90 Ocean Street	Lot 2, DP 701695; Lots 12-19 and 21, Section 36, DP 111254; Lot 20, DP 77256	Local	I96
Narrabeen	Narrabeen Lake Bridge (RTA Bridge No 56)	Pittwater Road	As shown on <a href="#">Heritage Map</a>	Local	I145
Narrabeen	Memorial known as "SS Collaroy Memorial"	1299 Pittwater Road	Lots 1-4 and 12-15, Section 25, DP 111254; Lot D, DP 167261	Local	I98
Narrabeen	School administration building	1299 Pittwater Road	Lots 1-4 and 12-15, Section 25, DP 111254; Lot D, DP 167261	Local	I99
Narrabeen	Main school building	1299 Pittwater Road	Lots 1-4 and 12-15, Section 25, DP 111254; Lot D, DP 167261	Local	I100
Narrabeen	Sandstone memorial	1299 Pittwater Road	Lots 1-4 and 12-15, Section 25, DP 111254; Lot D, DP 167261	Local	I101
Narrabeen	Bus shelter (former tram shelter)	1417 Pittwater Road	Part Lot A, DP 445551	Local	I97
Narrabeen	Bridge No 3 over Middle Creek	Wakehurst Parkway	As shown on <a href="#">Heritage Map</a>	Local	I146
Narrabeen	Shops and residences	65 and 67 Waterloo Street	Lots 1 and 2, DP 1015218	Local	I92
Narraweena	Narraweena Primary School	McIntosh Road	Lot 741, DP 752038	Local	I102
North Balgowlah	House known as "Grandview"	20 Daisy Street	Lot A, DP 402710	Local	I103



North Balgowlah	Bantry Bay Reservoir (WS 0008)	Lot 1 Kirkwood Street	Lot 1, DP 835123	Local	I147
North Balgowlah	Bantry Bay Water Pumping Station (WPS 122)	Lot 1 Kirkwood Street	Lot 1, DP 835123	Local	I148
North Balgowlah	House	66 Serpentine Crescent	Lot 11, DP 1034707	Local	I104
North Balgowlah	House	23 Warringah Street	Lot 35, DP 13871	Local	I105
North Curl Curl	Memorial gateway, John Fisher Park	Abbott Road	Lot 219, DP 752038	Local	I106
North Curl Curl	Street trees	Burilla Avenue	As shown on <a href="#">Heritage Map</a>	Local	I107
North Curl Curl	House formerly known as "Windy Dropdown"	1 Molong Street	Lot 10, DP 881696	Local	I108
North Curl Curl	North Curl Curl Rock Pool	North Curl Curl Beach	As shown on <a href="#">Heritage Map</a>	Local	I109
North Curl Curl	WWI Obelisk	Cliff behind North Curl Curl Beach	Lot 7356, DP 167221, as shown on <a href="#">Heritage Map</a>	Local	I149
North Manly	Bus shelter	Pittwater Road (corner with Riverview Parade)	Road reserve as shown on <a href="#">Heritage Map</a>	Local	I114
North Manly	Industrial building	396 Pittwater Road	Lot 16, DP 5342	Local	I110
North Manly	House	401 Pittwater Road	Lot 16, DP 12578	Local	I111
North Manly	House	403 Pittwater Road	Lot 17, DP 12578	Local	I112
North Manly	House	405 Pittwater Road	Lot 18, DP 12578	Local	I113
North Manly	Street trees	Riverview Parade	As shown on <a href="#">Heritage Map</a>	Local	I115
Oxford Falls	Oxford Falls Public School	Corner of Dreadnought Road and Wakehurst Parkway	Lots 1 and 2, DP 853151	Local	I116
Oxford Falls	Middle Creek Bridge No 1	Wakehurst Parkway	As shown on <a href="#">Heritage Map</a>	Local	I150
Oxford Falls	Middle Creek Bridge No 2	Wakehurst Parkway	As shown on <a href="#">Heritage Map</a>	Local	I151
Queenscliff	House	26 Cavill Street	Lot 1, DP 657295	Local	I117

Queenscliff	House	17A Crown Road	Lot 1, DP 577905; Lot 1, DP 966972	Local	I118
Queenscliff	Cafe and adjoining dwellings	29-33 Crown Road	Lots 1-3, DP 588297	Local	I119
Queenscliff	House	21 Dalley Street	Lot B, DP 382365	Local	I120
Queenscliff	House known as "San Marino"	49 Greycliffe Street	Lot 20, DP 8373	Local	I121
Queenscliff	Freshwater View Reserve	21-29 Pavilion Street	Lot 1, DP 130487; Lot 1, DP 947277; Lot 1, DP 946788; Lots 21, 23 and 25, DP 262900	Local	I126
Queenscliff	Front sandstone boundary wall and rear sandstone retaining wall	31 Pavilion Street	Lot 24, DP 262900	Local	I124
Queenscliff	Rear sandstone retaining wall and sandstone access stairway	33 Pavilion Street	Lot 22, DP 262900	Local	I125
Queenscliff	Queenscliff Rock Pool	Queenscliff Beach	Lot 1, DP 171608	Local	I123
Queenscliff	Queenscliff Tunnel	Queenscliff Headland	Lot 1, DP 171608	Local	I122
Queenscliff	House	56 Queenscliff Road	Lot 2, DP 1099022	Local	I127
South Curl Curl	Building known as "Stewart House"	Carrington Parade	Part Lot 1496, DP 752038	Local	I128
South Curl Curl	South Curl Curl Pool	South Curl Curl Beach	Lot 7356, DP 1167221, as shown on <a href="#">Heritage Map</a>	Local	I129
Terrey Hills	Laurie Short House	307 McCarrs Creek Road	Lot 142, DP 752017	Local	I152
Wheeler Heights	ANZAC War Memorial	Veterans Parade	Lot 1, DP 774980	Local	I30
Wheeler Heights	Building known as "Legacy Park"	Veterans Parade	Lot 2026, DP 752038	Local	I31
Wheeler Heights	Ruins of Wheeler Homestead, War Veterans Home	Lot 1 Veterans Parade	Lot 2611, DP 752038	Local	I32
Wheeler Heights	James Wheeler grave	1 James Wheeler Place	Part Lot 28, DP 262862	Local	I33

## Part 2 Heritage conservation areas

Suburb	Name of heritage conservation area	Address	Property description	Significance Item No
Beacon Hill	Governor Philip Lookout	Governor Philip Reserve	Lot 7093, DP 1069199	Conservation Area C1
Collaroy	Long Reef Aquatic Reserve	Long Reef Aquatic Reserve	As shown on <a href="#">Heritage Map</a>	Conservation Area C2
Collaroy	Coastal cliff	Long Reef Headland	As shown on <a href="#">Heritage Map</a>	Conservation Area C3
Cottage Point	Group of cottages on waterfront of "Botany Bay" extending from mean high water mark to the top of the rock face and cliff behind the cottages	Cowan Drive	Part Lots 3-6, DP 11166; Part Lot 1, DP 795623; Part Lot 1, DP 900806	Conservation Area C4
Dee Why	Dee Why Lagoon and Reserve	Dee Why Lagoon and Reserve	As shown on <a href="#">Heritage Map</a>	Conservation Area C5
Dee Why	Stony Range Flora Reserve	802 Pittwater Road	Lot 369, DP 752038; Lot 368, DP 752038; Lot 7, DP 523299	Conservation Area C6
Forestville	Forestville Park	Currie Road	Lot 1615, DP 752038	Conservation Area C7
Killarney Heights	Killarney Heights Village Centre	Killarney Heights Village Centre	As shown on <a href="#">Heritage Map</a>	Conservation Area C8
Manly Vale	Manly Dam and surrounds	King Street	As shown on <a href="#">Heritage Map</a>	Conservation Area C9
North Curl Curl	Coastal Cliffs	Between Dee Why Beach, Curl Curl Lagoon and North Curl Curl Headland	As shown on <a href="#">Heritage Map</a>	Conservation Area C10
North Manly	Park	Corner of Amourin Street and Quilpie Street	Part Lot 1216, DP 752038	Conservation Area C11
Oxford Falls	Oxford Falls Conservation Area	Land adjacent to Wakehurst Parkway	As shown on <a href="#">Heritage Map</a>	Conservation area C12
Queenscliff	Coastal cliffs	Southern side of Freshwater Beach to Queenscliff	As shown on <a href="#">Heritage Map</a>	Conservation Area C13

South Curl Curl	Coastal cliffs	South Curl Curl Beach and Freshwater Beach	As shown on <a href="#">Heritage Map</a>	Conservation Area	C14
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### Part 3 Archaeological sites

Suburb	Site name	Address	Property description	Significance	Item No
Collaroy	Former Collaroy Hospital site—Development Disability Services Building and the Beach House	1 Brissenden Avenue (corner of Beach Road)	Lots 201 and 202, DP 1100018	Local	A1
Narrabeen	Ruins of Never Been Beaten Lime and Cement Works	West bank, Deep Creek, Wakehurst Parkway	Lots 1 and 2, DP 1031932; Lot 5, DP 749899, as shown on <a href="#">Heritage Map</a>	Local	A2

### 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.

**Schedule 6 Amendment of other environmental planning instruments**

**6.1 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

**Clause 1.6 Interpretation—references to land use zones**

Omit clause 1.6 (1A). Insert instead—

- (1A) Land identified as “Deferred matter” on the [Land Application Map](#) within the meaning of [Warringah Local Environmental Plan 2011](#) is, for the purposes of this Policy, taken to be in Zone E3 Environmental Management.

**6.2 State Environmental Planning Policy (Housing for Seniors or**

## People with a Disability) 2004

### [1] Clause 4 Land to which Policy applies

Omit clause 4(3). Insert instead—

(2A) For the avoidance of doubt, land that is not zoned primarily for urban purposes includes (but is not limited to) land to which [Warringah Local Environmental Plan 2000](#) applies that is located within locality B2 (Oxford Falls Valley) or C8 (Belrose North) under that plan.

(3) Nothing in subclause (2) or (2A) operates to make any land not referred to in those subclauses land that is zoned primarily for urban purposes.

### [2] Clause 4(6)(c)

Omit the paragraph.

### [3] Clause 4(8)

Omit the subclause.

## 6.3 Warringah Local Environmental Plan 2000

### Clause 2 Where does this plan apply?

Insert at the end of the clause—

#### Note—

On the commencement of clause 1.8 of [Warringah Local Environmental Plan 2011](#), this plan ceases to apply to land to which that plan applies. However, this plan will continue to apply to land identified as “Deferred matter” on the [Land Application Map](#) under that plan.

## 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 [Warringah Local Environmental Plan 2011 Acid Sulfate Soils Map](#).

**Additional Permitted Uses Map** means the [Warringah Local Environmental Plan 2011 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 Contributions Scheme Map** means the [Warringah Local Environmental Plan 2011 Affordable Housing Contributions 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.

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

**Note—**

The term is defined as follows—

**bush fire hazard reduction work** means—

- (a) the establishment or maintenance of fire breaks on land, and
- (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels

within a predetermined area to mitigate against the spread of a bush fire,

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

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

**Note—**

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

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

**business identification sign** means a sign—

(a) that indicates—

(i) the name of the person or business, and

(ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and

(b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

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

**Note—**

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

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

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

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

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

**Note—**

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

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

(a) a caravan park, or

(b) farm stay accommodation.

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

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

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

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

**Note—**

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

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

**Note—**

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

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

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

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

**Note—**

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

but does not include—

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

- (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or
- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

**Note—**

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

**Centres Map** means the [Warringah Local Environmental Plan 2011 Centres Map](#).

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

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

**Note—**

The term is defined as follows—

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

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

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

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

**clearing vegetation** has the same meaning as in [State Environmental Planning Policy \(Biodiversity and Conservation\) 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*.

**Coastline Hazard Map** means the *Warringah Local Environmental Plan 2011 Coastline Hazard Map*.

**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*.

**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 Northern Beaches 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.

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

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

**Note—**

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

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

**Note—**

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

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

**Note—**

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

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

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

**Note—**

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

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

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

**earthworks** means excavation or filling.

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

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

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and

- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

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

**Note—**

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

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

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

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

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

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

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

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

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

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

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

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

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

**Note—**

The term is defined as follows—

**estuary** means—

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

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

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

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

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

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

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

**Note—**

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

**extractive industry** means the winning or removal of extractive materials (otherwise than from a

mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

**Note—**

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

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

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

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

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

**Note—**

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

**farm gate premises**—

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

(D) the provision of information or education related to the products, and

(b) includes cellar door premises.

**Note—**

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

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

(a) on a commercial farm, and

(b) ancillary to the farm, and

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

**Note—**

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

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

**Note—**

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

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

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

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

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

(a) still photography, or

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

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

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

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

**Note—**

The term is defined as follows—

**Definition of “fish”**

(1)

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

(2)

**Fish** includes—

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

(3)

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

(4)

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

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

**floor space ratio**—see clause 4.5.

**Floor Space Ratio Map** means the *Warringah Local Environmental Plan 2011 Floor Space Ratio Map*. [Not adopted. See clause 4.4]

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

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

**Note—**

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

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

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

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

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

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

**Note—**

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

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

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

**Note—**

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

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

**Note—**

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

**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 [Warringah Local Environmental Plan 2011 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 [Warringah Local Environmental Plan 2011 Heritage Map](#).

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

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

- (a) electronic or micro-electronic systems, goods or components,
- (b) information technology (such as computer software or hardware),
- (c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,

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

**Note—**

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

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

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

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

**Note 1—**

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

**Note 2—**

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

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

- (a) the employment of more than 2 persons other than the residents,
- (b) interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,

- (c) the exposure to view, from adjacent premises or from a public place, of unsightly matter,
- (d) the exhibition of signage, other than a business identification sign,
- (e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing,

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

**Note—**

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

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

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

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

**Note—**

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

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

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

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

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

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

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

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

**Note—**

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

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

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

**Note—**

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

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

which—

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

**Note—**

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

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

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

**Note—**

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

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

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

but does not include a hostel.

**Note—**

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

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

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

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



manufactured on the land on which the industry or rural industry is located,

but does not include a warehouse or distribution centre.

**Note—**

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

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

**industry** means any of the following—

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

but does not include—

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

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

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

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

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

**Note—**

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

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

- (a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),
- (b) horticulture,

(c) turf farming,

(d) viticulture.

**Note—**

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

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

**Key Sites Map** means the [Warringah Local Environmental Plan 2011 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 [Warringah Local Environmental Plan 2011 Land Application Map](#).

**Land Reclassification (Part Lots) Map** means the [Warringah Local Environmental Plan 2011 Land Reclassification \(Part Lots\) Map](#).

**Land Reservation Acquisition Map** means the [Warringah Local Environmental Plan 2011 Land Reservation Acquisition Map](#).

**Land Zoning Map** means the [Warringah Local Environmental Plan 2011 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.

**Landslip Risk Map** means the [Warringah Local Environmental Plan 2011 Landslip Risk 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, knackereries, tanneries, woolscours and rendering plants.

**Note—**

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

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

**Lot Size Map** means the [Warringah Local Environmental Plan 2011 Lot Size Map](#).

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

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

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

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

(e) any berthing or mooring facilities.

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

**Note—**

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

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

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

**Note—**

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

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

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

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

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

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

**Note—**

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

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

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

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

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

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

**Note—**

The term is defined as follows—

**moveable dwelling** means—

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

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

**Note—**

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

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

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

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

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

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

**Note—**

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

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

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

**Note—**

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

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

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

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

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

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

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

**Note—**

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

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

**Note—**

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

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

**Note—**

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

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

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

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

**Note—**

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

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

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

**people who are socially disadvantaged** means—

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

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

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

**Note—**

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

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

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

**Note—**

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

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

**Note—**

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

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

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

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

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

**Note—**

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

**Precincts Map** means the [Warringah Local Environmental Plan 2011 Precincts Map](#).

**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.

**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.

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

**Note—**

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

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

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

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

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

**Note—**

The term is defined as follows—

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

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

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

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

**Note—**

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

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

**Note—**

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

aquaculture is the tank culture of barramundi or abalone.

**telecommunications facility** means—

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

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

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

**Note—**

The term is defined as follows—

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

**the Act** means the [Environmental Planning and Assessment Act 1979](#).

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

**Note—**

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

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

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

but does not include—

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

**transport depot** means a building or place used for the parking or servicing of motor powered or

motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.

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

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

**Note—**

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

**underground mining** means—

- (a) mining carried out beneath the earth's surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and
- (b) shafts, drill holes, gas and water drainage works, surface rehabilitation works and access pits associated with that mining (whether carried out on or beneath the earth's surface),

but does not include open cut mining.

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

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

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

**Note—**

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

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

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

**Note—**

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

**warehouse or distribution centre** means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, but does not include local distribution premises.

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

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

**Note—**

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

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

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

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

**Note—**

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

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

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

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

**Note—**

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

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

**Note—**

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

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

**Note—**

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

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

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

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

**Note—**

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

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

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

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

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

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

**wetland** means—

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

**wharf or boating facilities** means a wharf (or any of the following facilities associated with a wharf or boating that are not port facilities)—

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

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