

# Bayside Local Environmental Plan 2021

[2021-498]



New South Wales

## Status Information

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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 15 December 2023

# Bayside Local Environmental Plan 2021



New South Wales

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# Bayside Local Environmental Plan 2021



New South Wales

## Part 1 Preliminary

### 1.1 Name of Plan

This Plan is *Bayside Local Environmental Plan 2021*.

### 1.1AA Commencement

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

### 1.2 Aims of Plan

- (1) This Plan aims to make local environmental planning provisions for land in Bayside 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 protect, conserve and enhance Aboriginal cultural heritage and the environmental, cultural, scenic, built and landscape heritage of Bayside,
  - (b) to provide high quality open space areas and recreational facilities,
  - (c) to reduce community risk and improve resilience to, and from, urban and natural hazards,
  - (d) to encourage sustainable economic growth and development in Bayside,
  - (e) to create a liveable urban place through the application of design excellence in all elements of the built environment and public domain,
  - (f) to encourage diversity in housing to meet the needs of, and enhance amenity for, Bayside residents,
  - (g) to encourage walking, cycling and use of public transport through appropriate intensification of development densities surrounding transport nodes,

- (h) to encourage development that demonstrates efficient and sustainable use of energy and resources in accordance with ecologically sustainable development principles,
- (i) to enhance and protect the functions and roles of the international trade gateways of Sydney Airport and Port Botany,
- (j) to increase urban tree canopy cover and enable the protection and enhancement of green corridor connections,
- (k) to promote and enhance the amenity of Botany Bay's foreshores and Bayside's waterways.

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

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

### **1.4 Definitions**

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

### **1.5 Notes**

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

### **1.6 Consent authority**

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

### **1.7 Maps**

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

- (4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.

**Note—**

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

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

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

**Note—**

The following local environmental plans are repealed under this provision—

*Botany Bay Local Environmental Plan 2013*

*Botany Local Environmental Plan 1995*

*Rockdale Local Environmental Plan 2011*

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

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

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

### **1.9 Application of SEPPs**

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

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

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



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

R4 High Density Residential

**Employment Zones**

E1 Local Centre

E2 Commercial Centre

E3 Productivity Support

E4 General Industrial

**Mixed Use Zones**

MU1 Mixed Use

**Special Purpose Zones**

SP1 Special Activities

SP2 Infrastructure

SP3 Tourist

**Recreation Zones**

RE1 Public Recreation

RE2 Private Recreation

**Conservation Zones**

C1 National Parks and Nature Reserves

**Waterway Zones**

W1 Natural Waterways

W2 Recreational Waterways

W3 Working Waterways

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

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

**2.3 Zone objectives and Land Use Table**

- (1) The Land Use Table at the end of this Part specifies for each zone—
  - (a) the objectives for development, and
  - (b) development that may be carried out without development consent, and

- (c) development that may be carried out only with development consent, and
  - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.
- (3) In the Land Use Table at the end of this Part—
- (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
  - (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.
- (4) This clause is subject to the other provisions of this Plan.

**Notes—**

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

**2.4 Unzoned land**

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

**2.5 Additional permitted uses for particular land**

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

development.

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

## 2.6 Subdivision—consent requirements

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

### Notes—

- 1 If a subdivision is specified as **exempt development** in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Act enables it to be carried out without development consent.
- 2 Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that the strata subdivision of a building in certain circumstances is **complying development**.

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

### Note—

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

## 2.7 Demolition requires development consent

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

### Note—

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

## 2.8 Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that—
  - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and

- (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
  - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
  - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
- (5) Subclause (3)(d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

## **2.9 Canal estate development prohibited**

- (1) Canal estate development is prohibited on land to which this Plan applies.
- (2) In this Plan, **canal estate development** means development that involves—
- (a) a constructed canal, or other waterway or waterbody, that—
    - (i) is inundated by surface water or groundwater movement, or
    - (ii) drains to a waterway or waterbody by surface water or groundwater movement, and
  - (b) the erection of a dwelling, and
  - (c) one or both of the following—
    - (i) the use of fill material to raise the level of all or part of the land on which the dwelling will be erected to comply with requirements for residential development in the flood planning area,
    - (ii) excavation to create a waterway.
- (3) Canal estate development does not include development for the purposes of drainage or the supply or treatment of water if the development is—
- (a) carried out by or with the authority of a person or body responsible for the drainage, supply or treatment, and
  - (b) limited to the minimum reasonable size and capacity.
- (4) In this clause—

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

## Land Use Table

### Note—

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

*State Environmental Planning Policy (Housing) 2021*

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

*State Environmental Planning Policy (Resources and Energy) 2021*, Chapter 2

*State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 3

*State Environmental Planning Policy (Industry and Employment) 2021*, Chapter 3

*State Environmental Planning Policy (Primary Production) 2021*, Chapter 2

## Zone 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 protect the agricultural production value of heritage listed market gardens.

### 2 Permitted without consent

Extensive agriculture; Home businesses; Home occupations; Intensive plant agriculture

### 3 Permitted with consent

Agritourism; Aquaculture; Building identification signs; Dwelling houses; Environmental protection works; Farm buildings; Flood mitigation works; Plant nurseries; Roads; Roadside stalls; Water supply systems

### 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 land uses are carried out in a context and setting that minimises impact on the character and amenity of the area.
- To enable residential development in accessible locations to maximise public transport patronage and encourage walking and cycling.

### **2 Permitted without consent**

Home-based child care; Home occupations

### **3 Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Hostels; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Tank-based aquaculture; Water supply systems

### **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 land uses are carried out in a context and setting to minimise impact on the character and amenity of the area.
- To enable residential development in accessible locations to maximise public transport patronage and encourage walking and cycling.

## **2 Permitted without consent**

Home-based child care; Home occupations

## **3 Permitted with consent**

Attached dwellings; Bed and Breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual Occupancies; Dwelling houses; Educational establishments; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health services facilities; Home businesses; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture; Water supply systems

## **4 Prohibited**

Any other development not specified in item 2 or 3

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

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

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure land uses are carried out in a context and setting to minimise impact on the character and amenity of the area.



- To enable residential development in accessible locations to maximise public transport patronage and encourage walking and cycling.

## **2 Permitted without consent**

Home-based child care; Home occupations

## **3 Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health services facilities; Home businesses; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Sewage reticulation systems; Shop top housing; Water recycling facilities; Water supply systems

## **4 Prohibited**

Any other development not specified in item 2 or 3

### **Zone E1 Local Centre**

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

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To ensure development within the zone does not detract from the economic viability of commercial centres.
- To ensure the scale of development is compatible with the existing

streetscape and does not adversely impact on residential amenity.

- To ensure built form and land uses are commensurate with the level of accessibility, to and from the centre, by public transport, walking and cycling.
- To create lively town centres with pedestrian focused public domain activated by adjacent building uses and landscape elements.
- To accommodate population growth in the Rockdale town centre through high density residential uses that complement retail, commercial and cultural premises in the town centre.

## **2 Permitted without consent**

Home-based child care; Home businesses; Home occupations

## **3 Permitted with consent**

Amusement centres; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Group homes; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; 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; Any other development not specified in item 2 or 4

## **4 Prohibited**

Advertising structures; Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; 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; Moorings; Mooring pens; Open cut mining; Port facilities; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Tourist and visitor

accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; 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 ensure built form and land uses are commensurate with the level of accessibility, to and from the centre, by public transport, walking and cycling.

### **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; Entertainment facilities; Function centres; Home industries; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Mortuaries; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Tank-based aquaculture; Vehicle repair stations; Veterinary hospitals; Any other development not specified in

item 2 or 4

#### **4 Prohibited**

Advertising structures; Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Moorings; Mooring Pens; Open cut mining; Port facilities; Recreation facilities (major); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water recycling facilities; 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 promote redevelopment that is likely to contribute to the locality, including by improving the visual character of the locality, improving access and parking, reducing land use conflicts and increasing amenity for nearby residential development.
- To encourage uses in arts, technology, production and design sectors.
- To promote businesses along main roads and to encourage a mix of compatible uses.

## **2 Permitted without consent**

Home occupations

## **3 Permitted with consent**

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

## **4 Prohibited**

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Biosolids treatment facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Environmental protection works; 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 (sex services);

Industries; Jetties; Marinas; Moorings; Mooring pens; Open cut mining; Port facilities; Registered clubs; Residential accommodation; Restricted premises; Retail premises; Rural industries; Sewage treatment plants; Sex services premises; Tourist and visitor accommodation; Transport depots; Truck depots; Waste or resource management facilities; Water recreation structures; Water recycling facilities; 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 ensure adequate protection of industrial land and uses, in line with the strategic direction to retain and manage industrial land and land for urban services.

### **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; Industrial retail outlets; Industrial training facilities; Kiosks; Light industries; Local distribution premises; Neighbourhood shops; Oyster aquaculture; Take away food and drink premises; Tank-based aquaculture; Timber yards; Warehouse or distribution centres; Any other development not specified in item 2 or 4

### **4 Prohibited**

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Commercial premises; Community facilities; Correctional centres; Eco-

tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Heavy industries; Helipads; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Information and education facilities; Jetties; Marinas; Moorings; Mooring Pens; Open cut mining; Passenger transport facilities; Port facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; 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 ensure built form and land uses are commensurate with the level of accessibility, to and from the zone, by public transport, walking and cycling.

### **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; Group homes; Hostels; Information and education facilities; Light industries; Local distribution premises; Medical centres; Oyster

aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Waste or resource transfer stations; Vehicle repair stations; Any other development not specified in item 2 or 4

#### **4 Prohibited**

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

Environmental protection works

#### **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

**4 Prohibited**

Any development not specified in item 2 or 3

**Zone SP2 Infrastructure**

**1 Objectives of zone**

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

**2 Permitted without consent**

Environmental protection works

**3 Permitted with consent**

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

**4 Prohibited**

Any development not specified in item 2 or 3

**Zone SP3 Tourist**

**1 Objectives of zone**

- To provide for a variety of tourist-oriented development and related uses.

**2 Permitted without consent**

Home-based child care; Home businesses; Home occupations

**3 Permitted with consent**

Aquaculture; Building identification signs; Business identification signs; Environmental protection works; Food and drink premises; Roads; Shop top housing; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

#### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Garden centres; Hardware and building supplies; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Landscaping material supplies; Moorings; Mortuaries; Open cut mining; Plant nurseries; Port facilities; Research stations; Residential accommodation; Restricted premises; Rural industries; Rural supplies; Service stations; Sex services premises; Signage; Specialised retail premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Wharf or boating facilities; Wholesale supplies

#### **Zone RE1 Public Recreation**

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

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

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

Environmental protection works; Flood mitigation works

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

Aquaculture; Boat launching ramps; Centre-based child care facilities; Community facilities; Emergency services facilities; Environmental facilities; Information and education facilities; Jetties; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Roads; Signage; Water supply systems

##### **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; Boat launching ramps; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Jetties; Kiosks; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Water supply systems

### **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 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; Environmental facilities; Flood mitigation works

### **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

## **Zone W2 Recreational Waterways**

### **1 Objectives of zone**

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

### **2 Permitted without consent**

Environmental protection works

### **3 Permitted with consent**

Aquaculture; Boat building and repair facilities; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Environmental facilities; Flood mitigation works; Jetties; Kiosks; Marinas; Moorings; Water recreation structures

### **4 Prohibited**

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

## **Zone W3 Working Waterways**

### **1 Objectives of zone**

- To enable the efficient movement and operation of commercial shipping, water-based transport and maritime industries.
- To promote the equitable use of waterways, including appropriate recreational uses.
- To minimise impacts on ecological values arising from the active use of waterways.
- To provide for sustainable fishing industries.

### **2 Permitted without consent**

Environmental protection works

### **3 Permitted with consent**

Aquaculture; Boat building and repair facilities; Boat sheds; Building identification signs; Business identification signs; Environmental facilities; Flood mitigation works; Port facilities; Water recreation structures; Wharf or boating facilities

### **4 Prohibited**

Any development not specified in item 2 or 3

## Part 3 Exempt and complying development

### 3.1 Exempt development

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

**Note—**

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

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

### 3.2 Complying development

(1) The objective of this clause is to identify development as complying development.

(2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with—

(a) the development standards specified in relation to that development, and

(b) the requirements of this Part,

is complying development.

**Note—**

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

(3) To be complying development, the development must—

(a) be permissible, with development consent, in the zone in which it is carried out,  
and

(b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*,  
and

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

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

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

### 3.3 Environmentally sensitive areas excluded

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

(2) For the purposes of this clause—

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

(a) the coastal waters of the State,

(b) a coastal lake,

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

- (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
- (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
- (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
- (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
- (h) land reserved under the *National Parks and Wildlife Act 1974* or land acquired under Part 11 of that Act,
- (i) land reserved or dedicated under the *Crown Land Management Act 2016* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
- (j) land that is a declared area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016* or declared critical habitat under Part 7A of the *Fisheries Management Act 1994*.

## **Part 4 Principal development standards**

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

- (1) The objectives of this clause are as follows—
  - (a) to ensure that subdivision is consistent with the predominant subdivision pattern of the area,
  - (b) to minimise any likely impact of subdivision, and development on subdivided land, on the amenity of neighbouring properties,
  - (c) to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls.
- (2) This clause applies to a subdivision of any land shown on the [Lot Size Map](#) that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (3A) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size for the purposes of subclause



(3).

(3B) Despite subclause (3), development consent may be granted to the subdivision of a lot on which there is an existing dual occupancy, or on which a dual occupancy is proposed, if—

(a) the area of each lot resulting from the subdivision is equal to or greater than 350 square metres, and

(b) each of the lots will have one of the dwellings on it.

(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*.

(4A) This clause does not apply to the subdivision of land in Zone R2 Low Density Residential on which the erection of an attached dwelling or a semi-detached dwelling is proposed.

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

[Not adopted]

#### **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, Zone RU3 Forestry 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).

### **4.3 Height of buildings**

- (1) The objectives of this clause are as follows—
  - (a) to ensure that building height is consistent with the desired future character of an area,
  - (b) to minimise visual impact of new development, disruption of views, loss of privacy and loss of solar access to existing development,
  - (c) to nominate heights that will provide an appropriate transition in built form and land use intensity.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).
- (2A) Despite subclause (2), the height of a building may exceed the maximum height shown for the land on the [Height of Buildings Map](#) by an additional—
  - (a) 12 metres—if the building is in Area 1 identified on the [Height of Buildings Map](#) and on land having an area of at least 1,500 square metres,
  - (b) 6 metres—if the building is in Area 2 identified on the [Height of Buildings Map](#) and on land having an area of at least 2,000 square metres,
  - (c) 6 metres—if the building is in Area 3 identified on the [Height of Buildings Map](#) and on land having an area of at least 1,200 square metres,
  - (d) 15 metres—if the building is in Area 4 identified on the [Height of Buildings Map](#) and on land having an area of at least 1,000 square metres,
  - (e) 3 metres—if the building is in Area 5 identified on the [Height of Buildings Map](#) and on land having an area of at least 600 square metres,
  - (f) 9 metres—if the building is in Area 6 identified on the [Height of Buildings Map](#) and on land having an area of at least 1,000 square metres,
  - (g) 12 metres—if the building is in Area 7 identified on the [Height of Buildings Map](#) and on land having an area of at least 2,000 square metres,

- (h) 3 metres—if the building is in Area 8 identified on the [Height of Buildings Map](#) and on land having an area of at least 1,000 square metres,
- (i) 9 metres—if the building is in Area 9 identified on the [Height of Buildings Map](#) and on land having an area of at least 2,000 square metres,
- (j) 3 metres—if the building is in Area 10 identified on the [Height of Buildings Map](#) and on land having an area of at least 800 square metres,
- (k) 25.15 metres—if the building is in Area 11 identified on the [Height of Buildings Map](#) and on land having an area of at least 9,000 square metres,
- (l) 2 metres—if the building is in Area 12 identified on the [Height of Buildings Map](#) and on land having an area of at least 1,900 square metres.

(2B) Despite subclause (2), the maximum height of a building—

- (a) that is in Area 13 identified on the [Height of Buildings Map](#) and that is used only for the purpose of seniors housing is—
  - (i) if the building is within 38 metres of Harrow Road—14.5 metres, and
  - (ii) otherwise—9.5 metres,
- (b) that is in Area 14 identified on the [Height of Buildings Map](#) and that is used only for the purposes of multi dwelling housing or residential flat buildings is 22 metres if the site area is at least 2,000 square metres.

#### **4.3A Exception to height of buildings—Rocky Point Road, Kogarah**

- (1) This clause applies to land in Area 15 identified on the [Height of Buildings Map](#).
- (2) Despite clause 4.3(2), the height of a building on land to which this clause applies may exceed the maximum height shown for the land on the [Height of Buildings Map](#), but must not exceed the building height plane for the land.
- (3) Clause 5.6 does not apply to a building on land to which this clause applies.
- (4) In this clause—

**building height plane** means a continuous plane commencing at a height of 1.5 metres above ground level (existing) and at a distance of 13.6 metres south of the southern boundary of Lot 22, DP 620329 (**Point A**), projecting to a position at a height of 11.7 metres above ground level (existing) and at a distance of 31.6 metres north of Point A, and continuing at that projection over the land to which this clause applies.

#### **4.3B Exception to height of buildings—O’Riordan Street, Mascot**

- (1) This clause applies to land identified as “Area 16” on the [Height of Buildings Map](#).

- (2) The height of a building on land to which this clause applies must not exceed the following building height planes for the land—
- (a) a plane commencing at a height of RL 19m at the northern boundary of “Area 16” and projecting in a southerly direction perpendicular to the boundary and upwards at a 45° angle,
  - (b) a plane commencing at a height of RL 26m at the eastern boundary of “Area 16” and projecting in a westerly direction perpendicular to the boundary and upwards at a 45° angle.
- (3) Clause 5.6 does not apply to a building on land to which this clause applies.

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

- (1) The objectives of this clause are as follows—
- (a) to establish standards for the maximum development density and intensity of land use,
  - (b) to ensure buildings are compatible with the bulk and scale of the existing and desired future character of the locality,
  - (c) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,
  - (d) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing or likely to undergo a substantial transformation,
  - (e) to ensure buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks and community facilities.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#).
- (2A) Despite subclause (2), if an area of land in Area 1 identified on the [Floor Space Ratio Map](#) has a site area exceeding 1,900 square metres, the floor space ratio of a building on that land may exceed the maximum floor space ratio shown for the land on the [Floor Space Ratio Map](#) but must not exceed 0.65:1.
- (2B) Despite, subclause (2), the maximum floor space ratio for a building permitted under Schedule 1, clause 14 on land identified as Area 3 on the [Floor Space Ratio Map](#) must not exceed 1.5:1.
- (2C) Despite subclause (2), the floor space ratio for a building may exceed the maximum floor space ratio allowed under that subclause by up to—

- (a) (Repealed)
  - (b) 1:1—if the building is in Area 6 identified on the [Floor Space Ratio Map](#) and on a lot having an area of at least 2,000 square metres,
  - (c) 0.5:1—if the building is in Area 7 identified on the [Floor Space Ratio Map](#) and on a lot having an area of at least 1,200 square metres,
  - (d) 2:1—if the building is in Area 8 identified on the [Floor Space Ratio Map](#) and on a lot having an area of at least 1,000 square metres,
  - (e) 0.5:1—if the building is in Area 10 identified on the [Floor Space Ratio Map](#) and on a lot having an area of at least 600 square metres,
  - (f) 0.7:1—if the building is in Area 11 identified on the [Floor Space Ratio Map](#) and on a lot having an area of at least 600 square metres and contains one or more pedestrian arcades,
  - (g) 0.5:1—if the building is in Area 13 identified on the [Floor Space Ratio Map](#) and on a lot having an area of at least 800 square metres.
- (2D) Despite subclause (2), the floor space ratio of all buildings, or parts of buildings, that are residential accommodation on land identified as Area 14 on the [Floor Space Ratio Map](#) must not exceed 2.25:1.
- (2E) Despite subclause (2), the floor space ratio for a building on land that is in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone R4 High Density Residential on land identified as Area 15 on the [Floor Space Ratio Map](#) must not exceed 0.55:1 if the land has an area of less than 460 square metres.
- (2F) Despite clause 4.4(2), on land identified as Area 9 on the [Floor Space Ratio Map](#)—
- (a) the maximum floor space ratio for a building is 5:1, and
  - (b) the ratio of the gross floor area of all buildings, other than commercial premises, to the site area must not exceed 3:1.

**Note—**

Floor space ratios are determined cumulatively by calculating the gross floor area of all buildings on the site concerned—see clause 4.5 (2).

- (2G) Despite subclause (2), the maximum floor space ratio for a building on land identified as Area 12 on the [Floor Space Ratio Map](#) is 1.25:1 if the building is used only for the purpose of seniors housing.
- (2H) Despite subclause (2), development consent may be granted to development for the purposes of multi dwelling housing or residential flat buildings on land identified as Area 4 on the [Floor Space Ratio Map](#) that results in a floor space ratio that does not

exceed 1.65:1 if the site area is equal to or greater than 2,000 square metres.

#### 4.4A Exceptions to floor space ratio for residential accommodation

- (1) The objectives of this clause are as follows—
  - (a) to ensure the bulk and scale of development is compatible with the character of the locality,
  - (b) to promote good residential amenity.
- (2) This clause applies to development for the purposes of dwelling houses, semi-detached dwellings, attached dwellings and dual occupancies on land identified as Area 2 on the [Floor Space Ratio Map](#).
- (3) Despite clause 4.4(2), the floor space ratio is not to exceed the following on land to which this clause applies—

Site Area	Maximum Floor Space Ratio
<200 square metres	0.80:1
200-250 square metres	0.75:1
251-300 square metres	0.70:1
301-350 square metres	0.65:1
351-450 square metres	0.60:1
>450 square metres	0.55:1

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

- (1) **Objectives** The objectives of this clause are as follows—
  - (a) to define **floor space ratio**,
  - (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to—
    - (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
    - (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
    - (iii) require community land and public places to be dealt with separately.
- (2) **Definition of “floor space ratio”** The **floor space ratio** of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

- (3) **Site area** In determining the site area of proposed development for the purpose of applying a floor space ratio, the **site area** is taken to be—
- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
  - (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

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

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

lot.

(10) **Covenants affect consolidated sites** If—

- (a) a covenant of the kind referred to in subclause (9) applies to any land (***affected land***), and
- (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

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

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

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

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

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

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

(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—

- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
- (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

**Note—**

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

(4) The consent authority must keep a record of its assessment carried out under



subclause (3).

(5) (Repealed)

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

(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 4.3(2A), unless it is for a demonstrable public benefit,

(bb) clause 4.3(2B)(b),

(bc) clause 4.3A,

(bd) clause 4.4(2A), (2B), (2C), (2D), (2E), (2F) or (2G), unless it is for a demonstrable public benefit,

(be) clause 4.4(2H),

(bf) clause 4.4A, unless it is for a demonstrable public benefit,

(c) clause 5.4,

(caa) clause 5.5,

(ca) clause 7.1 or 7.2.

## 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 "Local Open Space (Arncliffe)"	The corporation constituted under section 2.5 of the Act
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 2.5 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Transport for NSW
Zone SP2 Infrastructure and marked "Classified road widening"	Transport for NSW
Zone SP2 Infrastructure and marked "Local road widening"	Council
Zone SP2 Infrastructure and marked "School"	Department of Education
Zone SP2 Infrastructure and marked "Stormwater"	Sydney Water Corporation
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 "Car parks", "Local road" or "Local road widening"	Council
Zone R2 Low Density Residential and marked "School"	Department of Education
Zone R3 Medium Density Residential and marked "Local road" or "Local road widening"	Council
Zone R4 High Density Residential and marked "Local road" or "Local road widening"	Council
Zone E1 Local Centre and marked "Local road" or "Local road widening"	Council
Zone MU1 Mixed Use and marked "Car parks", "Local road" or "Local road widening"	Council

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

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

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

<b>Column 1</b>	<b>Column 2</b>
<b>Land</b>	<b>Development</b>
Zone R2 Low Density Residential and marked "Car parks"	Car parks
Zone R2 Low Density Residential and marked "Local road" or "Local road widening"	Roads

Zone R3 Medium Density Residential and marked “Local road” or “Local road widening”	Roads
Zone R4 High Density Residential and marked “Local road” or “Local road widening”	Roads
Zone E1 Local Centre and marked “Local road” or “Local road widening”	Roads
Zone MU1 Mixed Use and marked “Local road” or “Local road widening”	Roads
Zone MU1 Mixed Use and marked “Car parks”	Car parks; Roads
Zone SP2 Infrastructure and marked “Classified road” or “Local road widening”	Roads
Zone RE1 Public Recreation and marked “Local open space” or “Regional open space”	Recreation areas

## 5.2 Classification and reclassification of public land

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

### Note—

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

- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the [Local Government Act 1993](#).
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the [Local Government Act 1993](#).
- (4) The public land described in Part 1 of Schedule 4—
  - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
  - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.

- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except—
- (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
  - (b) any reservations that except land out of the Crown grant relating to the land, and
  - (c) reservations of minerals (within the meaning of the *Crown Land Management Act 2016*).

**Note—**

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

### 5.3 Development near zone boundaries

[Not adopted]

### 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 60 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 60 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) 30% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
  - (b) 400 square metres,
- whichever is the lesser.

- (5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms in buildings.
- (6) **Kiosks** If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 30 square metres.
- (7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 100 square metres.
- (7AA) **Neighbourhood supermarkets** If development for the purposes of a neighbourhood supermarket is permitted under this Plan, the gross floor area must not exceed 1,000 square metres.
- (8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 9 square metres.
- (9) **Secondary dwellings** 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) 20% 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) 30% of the gross floor area of the industry, or
  - (b) 400 square metres,
- whichever is the lesser.

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

[Not adopted]

## 5.6 Architectural roof features

- (1) The objectives of this clause are as follows—
- (a) to allow minor architectural roof features to exceed height limits,
  - (b) to ensure that any architectural roof feature does not cause an adverse visual

impact or adversely affect the amenity of neighbouring premises,

- (c) to encourage integration of the design of the roof into the overall façade, building composition and desired contextual response.
- (2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.
- (3) Development consent must not be granted to any such development unless the consent authority is satisfied that—
  - (a) the architectural roof feature—
    - (i) comprises a decorative element on the uppermost portion of a building, and
    - (ii) is not an advertising structure, and
    - (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
    - (iv) will cause minimal overshadowing, and
  - (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

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

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

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

- (1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.
- (2) The following development may be carried out, but only with development consent—
  - (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
  - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of

another private service provider,

(c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.

(3) Development to which subclause (2) applies is complying development if it consists only of—

(a) internal alterations to a building, or

(b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.

(4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.

(5) In this clause—

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

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

(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) R4 High Density Residential.

(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 Bayside,
- (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 adopted]

**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

[Not adopted]

## 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 objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.
- (2) Development consent is required for earthworks unless—
- (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or
  - (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.
- (3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—
- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
  - (b) the effect of the development on the likely future use or redevelopment of the land,
  - (c) the quality of the fill or the soil to be excavated, or both,

- (d) the effect of the development on the existing and likely amenity of adjoining properties,
- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to, and potential for adverse impacts on, any watercourse, drinking water catchment or environmentally sensitive area,
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

**Note—**

The *National Parks and Wildlife Act 1974*, particularly section 86, deals with harming Aboriginal objects.

### **6.3 Stormwater and water sensitive urban design**

- (1) The objective of this clause is to avoid or minimise the adverse impacts of urban stormwater on the land on which development is to be carried out, adjoining properties, native bushland, waterways, receiving waters and groundwater systems.
- (2) Before granting development consent to development on any land to which this Plan applies, the consent authority must be satisfied that—
  - (a) water sensitive urban design principles are incorporated into the design of the development, and
  - (b) riparian, stormwater and flooding measures are integrated as part of the development, and
  - (c) the stormwater management system includes all reasonable management actions to avoid adverse impacts on the land to which the development is to be carried out, adjoining properties, native bushland, waterways, receiving waters and groundwater systems, and
  - (d) if a potential adverse environmental impact cannot be feasibly avoided, the development minimises and mitigates the adverse impacts of stormwater runoff on adjoining properties, native bushland, waterways receiving waters and groundwater systems, and
  - (e) the development is designed to maximise the use of water permeable surfaces on the site having regard to the soil characteristics affecting on-site infiltration of water.
- (3) For the purposes of subclause (2)(a), the ***water sensitive urban design principles*** are—

- (a) protection and enhancement of water quality, by improving the quality of stormwater runoff from urban catchments,
- (b) minimisation of harmful impacts of urban development on water balance and on surface and groundwater flow regimes,
- (c) integration of stormwater management systems into the landscape in a manner that provides multiple benefits, including water quality protection, stormwater retention and detention, public open space and recreational and visual amenity,
- (d) retention, where practical, of on-site stormwater for use as an alternative supply to mains water, groundwater or river water.

#### **6.4 Terrestrial biodiversity**

- (1) The objective of this clause is to maintain and enhance terrestrial biodiversity by—
  - (a) protecting native fauna and flora and the ecological processes necessary for their continued existence, and
  - (b) encouraging the recovery and conservation of native fauna and flora and their habitats, and
  - (c) protecting, restoring and enhancing biodiversity corridors.
- (2) This clause applies to land identified as “Biodiversity” on the [Terrestrial Biodiversity Map](#).
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—
  - (a) the objective of the clause, and
  - (b) whether the development is likely to have—
    - (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and
    - (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and
    - (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
    - (iv) any adverse impact on the habitat elements providing connectivity on the land, and
  - (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development, and

(d) any opportunity to restore or enhance remnant vegetation, habitat and biodiversity corridors.

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

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

(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—

(i) the development is designed, sited and will be managed to minimise that impact, or

(ii) the development includes measures to offset the loss of biodiversity.

### **6.5 Riparian land, wetlands and waterways**

(1) The objective of this clause is to protect and maintain the following—

(a) water quality within waterways,

(b) the stability of the beds and banks of waterways,

(c) native flora and fauna and their habitats,

(d) ecological processes within waterways and riparian lands,

(e) scenic and cultural heritage values of waterways and riparian lands.

(2) This clause applies to the following land—

(a) land identified as “Waterway” on the [Waterways Map](#),

(b) land identified as “Wetlands” on the [Wetlands Map](#),

(c) land within—

(i) 10 metres of streams mapped as Stream Order 1 on the [Stream Order Map](#),

(ii) 20 metres of streams mapped as Stream Order 2 on the [Stream Order Map](#),

(iii) 30 metres of streams mapped as Stream Order 3 on the [Stream Order Map](#),

(iv) 40 metres of streams mapped as Stream Order 4 on the [Stream Order Map](#).

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

(a) whether the development is likely to have an adverse impact on the following—

(i) the surface and groundwater characteristics of the land, including water



- quality, water flows and salinity,
- (ii) native flora and fauna, including migratory species and the provision and quality of their habitats,
  - (iii) the stability of the bed, shore and banks of any waterway,
  - (iv) the free passage of fish and other native aquatic and terrestrial organisms within or along any waterway or riparian land,
  - (v) public access to, and use of, any public waterway and its foreshores, and
- (b) any future rehabilitation or re-creation of the waterway and riparian areas, and
  - (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development, and
  - (d) whether or not the development is likely to increase water extraction from the watercourse, and
  - (e) the opportunity for the rehabilitation of existing piped or channelised waterways to a near natural state.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied the development—
- (a) is consistent with the objective of this clause, and
  - (b) is designed, sited and will be managed to avoid any potential adverse environmental impacts, or
  - (c) if a potential adverse environmental impact cannot be avoided—the development will be managed to mitigate that impact.

#### **6.6 Limited development on foreshore area**

- (1) The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.
- (2) Development consent must not be granted for development on land in the foreshore area except for the following purposes—
  - (a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,
  - (b) the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,
  - (c) boat sheds, sea walls, wharves, slipways, jetties, waterway access stairs,

swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).

- (3) Development consent must not be granted under this clause unless the consent authority is satisfied that—
- (a) the development will contribute to achieving the objectives for the zone in which the land is located, and
  - (b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and
  - (c) the development will not cause environmental harm such as—
    - (i) pollution or siltation of the waterway, or
    - (ii) an adverse effect on surrounding uses, aquatic habitat, riparian corridors, wetland areas, fauna and flora habitats, or
    - (iii) an adverse effect on drainage patterns, and
  - (d) the development will not cause congestion of, or generate conflict between, people using open space areas or the waterway, and
  - (e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and
  - (f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and
  - (g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and
  - (h) sea level rise or change of flooding patterns as a result of climate change has been considered.
- (4) In deciding whether to grant consent for development in the foreshore area, the consent authority must consider if, and to what extent, the development provides for the following matters—
- (a) continuous public access to and along the foreshore through or adjacent to the proposed development,
  - (b) public access—
    - (i) to link with existing or proposed open space, and

- (ii) to be secured by appropriate covenants, agreements or other instruments registered on the title to land, and
  - (iii) to be located above mean high water mark,
- (c) reinforcing the foreshore character and respect for existing environmental conditions.
- (5) In this clause—

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

**foreshore building line** means—

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

## 6.7 Airspace operations

- (1) The objective of this clause is to protect airspace around airports.
- (2) The consent authority must not grant development consent to development that is a controlled activity within the meaning of Division 4 of Part 12 of the [Airports Act 1996](#) of the Commonwealth unless the applicant has obtained approval for the controlled activity under regulations made for the purposes of that Division.

**Note—**

**Controlled activities** include the construction or alteration of buildings or other structures that causes an intrusion into prescribed airspace (being generally airspace around airports). Controlled activities cannot be carried out without an approval granted under regulations made for the purposes of Division 4 of Part 12 of the [Airports Act 1996](#) of the Commonwealth.

## 6.8 Development in areas subject to aircraft noise

- (1) The objectives of this clause are as follows—
  - (a) to prevent certain noise sensitive developments from being located near the Sydney (Kingsford-Smith) Airport and its flight paths,
  - (b) to assist in minimising the impact of aircraft noise from the airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,
  - (c) to ensure that development in the vicinity of that airport does not hinder or have

any other adverse impact on the ongoing, safe and efficient operation of the airport.

(2) This clause applies to development—

(a) on land—

(i) near the Sydney (Kingsford-Smith) Airport, and

(ii) in an ANEF contour of 20 or greater, and

(b) the consent authority considers is likely to be adversely affected by aircraft noise.

(3) In deciding whether to grant development consent to development to which this clause applies, the consent authority—

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

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

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

(i) for development proposed to be located in an ANEF contour of 20 or greater—child care centres, educational establishments, entertainment facilities, hospitals, places of public worship, public administration buildings or residential accommodation,

(ii) for development proposed to be located in an ANEF contour of 25 or greater—business premises, hostels, hotel or motel accommodation, office premises or retail premises.

(4) In this clause—

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

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

## 6.9 Active street frontages

(1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages.

- (2) This clause applies to land identified as “Active street frontage” on the [Active Street Frontages Map](#).
- (3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.
- (4) Despite subclause (3), an active street frontage is not required for any part of a building used for any of the following—
  - (a) entrances and lobbies (including as part of mixed use development),
  - (b) access for fire services,
  - (c) vehicle access.
- (5) For the purpose of this clause, a building has an **active street frontage** if all premises on the ground floor of the building facing the street are used for the purposes of one or more of the following—
  - (a) business premises,
  - (b) retail premises,
  - (c) medical centre.
- (6) Despite any other provision of this plan, development consent may be granted to development on land to which this clause applies for the purposes of mixed use development if the development—
  - (a) is for the purpose of residential accommodation and 1 or more land uses listed in subclause (5), and
  - (b) otherwise complies with this clause.
- (7) Development consent must not be granted for a mixed use development that includes residential accommodation unless the consent authority is satisfied that no part of the ground floor of the building with active street frontage will be used for the purpose of residential accommodation.

#### **6.10 Design excellence**

- (1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.
- (2) This clause applies to the following development—
  - (a) development involving the erection of a new building or external alterations to an

existing building within the Arncliffe Precinct or the Banksia Precinct,

- (b) development involving the erection of a new building or external alterations to an existing building on land shown edged heavy black on the [Design Excellence Map](#),
- (c) development that is the subject of a development application that relies on clause 4.3(2A) (a), (f), (g), (h), (i) or (k).

**Note—**

In determining an application for a modification of a development consent granted under this clause, the consent authority must again take the requirements of this clause into consideration (see section 4.55 (3) of the Act).

- (3) Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.
- (4) In considering whether the development exhibits design excellence, the consent authority must have regard to the 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, arrangement 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) the requirements of any development control plan made by the Council and as in force at the commencement of this clause,
  - (e) how the development addresses the following matters—
    - (i) the suitability of the land for development,
    - (ii) existing and proposed uses and use mix,
    - (iii) heritage issues and streetscape constraints,
    - (iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
    - (v) bulk, massing and modulation of buildings,
    - (vi) street frontage heights,
    - (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,

- (viii) the achievement of the principles of ecologically sustainable development,
- (ix) pedestrian, cycle, vehicular and service access, circulation and requirements,
- (x) the impact on, and any proposed improvements to, the public domain,
- (xi) achieving appropriate interfaces at ground level between the building and the public domain,
- (xii) excellence and integration of landscape design.

(5) Development consent must not be granted to development to which this clause applies unless—

(a) if the development is in respect of a building that is, or will be, higher than 12 metres or 3 storeys (or both) but not higher than 40 metres or 12 storeys (or both)—

- (i) a design review panel has reviewed the development, and
- (ii) the consent authority takes into account the findings of the design review panel, or

(b) if the development is in respect of a building that is, or will be, higher than 40 metres or 12 storeys (or both)—

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

(6) Subclause (5)(b) does not apply if—

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

(7) In this clause—

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

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

(8) (Repealed)

### **6.11 Essential services**

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

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

### **6.12 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 of the proposed development and its hours of operation 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.

### **6.13 Converting serviced apartments to residential flat buildings**

- (1) The objective of this clause is to prevent substandard residential accommodation occurring through the conversion of serviced apartments to a residential flat building.
- (2) Development consent must not be granted for the strata subdivision of a building that



is or has been used for serviced apartments for use as a residential flat building unless the consent authority has considered the following in relation to the residential flat building—

- (a) the design principles for residential apartment development within the meaning of *State Environmental Planning Policy (Housing) 2021*,
- (b) the Apartment Design Guide within the meaning of that policy.

#### **6.14 Vehicular access to certain land at Hillsdale fronting Denison Street**

- (1) This clause applies to Lot 4, DP 1211336, 140 Denison Street, Hillsdale.
- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that vehicular access to any development on the land is provided from Denison Street only.

#### **6.15 Site area of proposed development in Arncliffe and Banksia Precincts includes dedicated land**

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

- (a) is dedicated to the Council or a public authority for a public purpose (including roads, drainage or open space), and
- (b) would have been part of the site area if it had not been so dedicated.

#### **6.16 Development requiring the preparation of a development control plan**

- (1) The objective of this clause is to ensure that development on certain land occurs in accordance with a site-specific development control plan.
- (2) This clause applies to the following land—
  - (a) Lot 100, DP 1250842 and Lot 24, DP 1242288, 128 Bunnerong Road and 120 Banks Avenue, Eastgardens,
  - (b) Lots 1-3 and 11-12, DP 9142, Lot 0, SP 48926 and Lot B, DP 407002, 215-235 O’Riordan Street and 1-3 Ewan Street, Mascot.
- (3) Development consent must not be granted for development on land to which this clause applies unless—
  - (a) a development control plan that provides for the matters specified in subclause (4) has been prepared for the land, or
  - (b) guidelines and controls similar to those mentioned in subclause (4) already apply to the land, or

(c) the development is of a minor nature and is consistent with the objectives of the zone in which the land is situated.

(4) The development control plan must provide for all of the following—

- (a) design principles drawn from an analysis of the site and its context,
- (b) the compatibility of the proposed development with the desired future character of the area,
- (c) the phasing of development and how it will provide for the social and recreational needs of a new community,
- (d) distribution of land uses, including open space (its function and landscaping) and environment protection areas,
- (e) the existing and proposed mix of land uses,
- (f) subdivision pattern and provision of services,
- (g) building envelopes and built form controls, including bulk, massing and modulation of buildings,
- (h) (Repealed)
- (i) heritage conservation, including both Aboriginal and European heritage,
- (j) encouraging sustainable transport, including increased use of public transport, walking and cycling, road access and the circulation network and appropriate car parking provision, including integrated options to reduce car use,
- (k) the overall transport hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, with particular regard to public transport, pedestrians and cyclists,
- (l) improvements to the public domain,
- (m) minimising adverse impacts on adjoining buildings or the public domain,
- (n) achieving appropriate interface at ground level between buildings and the public domain,
- (o) impacts on view corridors,
- (p) the application of the principles of ecologically sustainable development,
- (q) environmental impacts, such as overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,
- (r) environmental constraints, including acid sulfate soils, flooding, groundwater,

stormwater, aircraft movement and noise, contamination and remediation,

(s) opportunities to apply integrated water sensitive urban design,

(t) (Repealed)

(5) For land specified in subclause (2)(a), the development control plan must also provide for—

(a) housing mixes and tenure choices, including affordable and adaptable housing,  
and

(b) no additional overshadowing to the residential buildings in Zone R2 on the eastern side of Bunnerong Road between 9am and 3pm on 21 June in each year.

#### **6.17 128 Bunnerong Road and 120 Banks Avenue, Eastgardens—general**

(1) This clause applies to Lot 100, DP 1250842 and Lot 24, DP 1242288, 128 Bunnerong Road and 120 Banks Avenue, Eastgardens.

(2) The consent authority must not grant consent to development unless it is satisfied the development will provide for a minimum of 5,000 square metres of gross floor area on the land for non-residential purposes, not including any of the following—

(a) residential accommodation,

(b) a car park,

(c) a telecommunications facility.

### **Part 7 Intensive urban development**

#### **7.1 Public utility infrastructure**

(1) Development consent must not be granted for development on land in an intensive urban development area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

(3) In this clause—

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

(a) the supply of water,

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

## **7.2 Relationship between Part and remainder of Plan**

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

## **Schedule 1 Additional permitted uses**

(Clause 2.5)

### **1, 2 (Repealed)**

### **3 Use of certain land at 18 Hartill-Law Avenue, Bardwell Park**

- (1) This clause applies to land at 18 Hartill-Law Avenue, Bardwell Park being Lot 1, DP 801518 and identified as “23” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of a registered club is permitted with development consent.

### **4 (Repealed)**

### **5 Use of certain land at 23A Clevedon Street and 68 Pemberton Street, Botany**

- (1) This clause applies to land at 23A Clevedon Street and 68 Pemberton Street, Botany, being Lot 1, DP 191664, Lot 1, DP 669008 and Lot A, DP 359739 and identified as “2” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of a depot is permitted with development consent.

### **6 Use of certain land at Tupia Street, Botany**

- (1) This clause applies to land at the end of Tupia Street, Botany within Sir Joseph Banks Park, being Lot Y, DP 32914 and identified as “3” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of a depot and public administration building is permitted with development consent.

### **7 Use of certain land at Wentworth Avenue, Eastgardens**

- (1) This clause applies to land at Hensley Athletic Field, bordered by Wentworth Avenue, Denison Street, Smith Street and Corish Circle, Eastgardens, being Lot 182, DP 752015 and Lot 3, DP 79069 and identified as “4” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of a car park, entertainment facility, food and drink premises, function centre and registered club is permitted with development consent.

**8 Use of certain land at Florence Avenue, Eastlakes**

- (1) This clause applies to land at Florence Avenue, Eastlakes, being Lot 3, DP 791176 and identified as “5” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of light industries and a warehouse or distribution centre is permitted with development consent.

**9 Use of certain land at 75 Gardeners Road, Eastlakes**

- (1) This clause applies to land at 75 Gardeners Road, Eastlakes, being Lot 1, DP 1116853 and identified as “6” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of entertainment facilities, food and drink premises, function centres, garden centres, hardware and building supplies, landscaping material supplies, recreation areas and recreation facilities (indoor) is permitted with development consent.

**10 Use of certain land at King Street, Eastlakes**

- (1) This clause applies to land at L’Estrange Park, King Street, Eastlakes, being Lot 7068, DP 1028505 and identified as “7” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of a depot and public administration building is permitted with development consent.

**11 (Repealed)**

**12 Use of certain land at 58 President Avenue, Kogarah**

- (1) This clause applies to land at 58 President Avenue, Kogarah being Lot 37, DP 1052178 and identified as “24” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of a car park at ground level is permitted with development consent.

**13 Use of certain land at Coward Street, John Street, Haran Street, Church Avenue, O’Riordan Street and Gardeners Road, Mascot**

- (1) This clause applies to land at Coward Street, John Street, Haran Street, Church Avenue, O’Riordan Street and Gardeners Road, Mascot, known as Linear Park, being Lots 1, 2 and 4 and part of Lots 3 and 5, DP 85917 and Lot 1, DP 224757 and identified as “9” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of a recreation area is permitted with development consent.

**14 Use of certain land at Coward Street, King Street and Kent Road, Mascot**

- (1) This clause applies to land at Coward Street, King Street and Kent Road, Mascot, being

Lots 2 and 4, DP 234489, Lot B, DP 164829, Lot 1, DP 81210, Lot 1, DP 202093, Lot 1, DP 721562, Lot 1, DP 202747, Lot 133, DP 659434, Lots 4 and 5, DP 38594, Lots 1 and 2, DP 738342, Lot 23, DP 883548, Lot 3, DP 230355, Lot 4, DP 537339, Lot 1, DP 445957 and Lot 2, DP 510447 and identified as “10” on the [Additional Permitted Uses Map](#).

- (2) Development is permitted with development consent—
- (a) for any of the following purposes, but only if the purpose relates to the use of Sydney (Kingsford Smith) Airport—
    - (i) commercial premises,
    - (ii) function centres,
    - (iii) information and education facilities,
    - (iv) passenger transport facilities,
    - (v) tourist and visitor accommodation, or
  - (b) for the purpose of any other building or place used only for purposes that relate to the use of Sydney (Kingsford Smith) Airport.
- (3) Without limiting subclause (2), development is permitted with development consent for the purpose of a building or place used for the provision of any of the following services—
- (a) services related to any of the following uses carried out at Sydney (Kingsford Smith) Airport—
    - (i) the assembly, storage or land transport of air freight,
    - (ii) the accommodation, or transportation by air or land, of air passengers or air crew,
    - (iii) the storage, operation, maintenance or repair of aircraft or aircraft components,
    - (iv) the administrative functions associated with the airport, such as airport management and security,
    - (v) the functions of government departments and authorities related to air passengers and air freight,
  - (b) services provided for hotel or motel guests, including banking, dry cleaning, hairdressing and the like, that are located within the confines of the hotel or motel building.

- (4) In determining whether to grant development consent under this clause, the consent authority must consider the following—
  - (a) whether or not the development is likely to support the role of Sydney (Kingsford Smith) Airport and environs as a transport gateway,
  - (b) whether or not the development is likely to compromise the viability of adjoining industrial uses.

**15 Use of certain land at 2 Hollingshed Street, Mascot**

- (1) This clause applies to land at 2 Hollingshed Street, Mascot, being Lot 2, DP 827779 and identified as “11” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of a depot is permitted with development consent.

**16 Use of certain land at 60 Kent Road, Mascot**

- (1) This clause applies to land at 60 Kent Road, Mascot, being Lot 7, DP 38594 and identified as “12” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of business premises and office premises (but not restricted premises) is permitted with development consent.

**17 Use of certain land at King Street, Mascot**

- (1) This clause applies to land at King Street, Mascot, being Lot 2, DP 510447 and identified as “13” on the [Additional Permitted Uses Map](#).
- (2) Development for any of the following purposes is permitted with development consent, but only if the purpose relates to the use of Sydney (Kingsford Smith) Airport—
  - (a) freight transport facilities,
  - (b) industrial training facilities,
  - (c) general industries,
  - (d) light industries,
  - (e) storage premises,
  - (f) transport depots.
- (3) In determining whether to grant development consent under this clause, the consent authority must consider the following—
  - (a) whether or not the development is likely to support the role of Sydney (Kingsford Smith) Airport and environs as a transport gateway,

- (b) whether or not the development is likely to compromise the viability of adjoining industrial uses.

**18 Use of certain land along Qantas Drive, Mascot**

- (1) This clause applies to land adjacent to Qantas Drive, Mascot, being Lot 20, DP 747023 and identified as “14” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of signage is permitted with development consent.

**19 Use of certain land at Robey and High Streets, Mascot**

- (1) This clause applies to land at Robey and High Streets, Mascot, being Lots 4 and 5, DP 632359, known as John Curtin Reserve and identified as “15” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of a depot and public administration building is permitted with development consent.

**20 Use of certain land at 128 Bunnerong Road, Pagewood and 120 Banks Avenue, Eastgardens**

- (1) This clause applies to land at 128 Bunnerong Road, Pagewood and 120 Banks Avenue, Eastgardens, being Lot 1, DP 1187426 and Lot 24, DP 1242288 and identified as “33” on the [Additional Permitted Uses Map](#).
- (2) Development for the following purposes is permitted with development consent—
- (a) serviced apartments,
  - (b) commercial premises,
  - (c) recreation facilities (indoor).

**21 Use of certain land at Bay Street Open Space Precinct, Rockdale**

- (1) This clause applies to land known as Ador Avenue Reserve, McCarthy Reserve, Rockdale Women’s Playing Fields and former Rockdale Bowling Club, identified as “25” on the [Additional Permitted Uses Map](#), being—
- (a) 170 Bay Street, Rockdale being Lot D, DP 332630, Lot 2, DP 519343, Lot 2, DP 518813, part Lot 1, DP 721666 and part Lot 1, DP 724135, and
  - (b) 9 Ador Avenue, Rockdale being Lot 27, DP 13109 and part Lot 1, DP 721666, and
  - (c) 310 West Botany Street, Rockdale being Lot 1, DP 517350 and Lot 1, DP 34647, and
  - (d) 310A West Botany Street, Rockdale being Lot E, DP 15263 and Lot 1, DP 529102, and



- (e) 331 West Botany Street, Rockdale being part Lot 1, DP 721666, and
  - (f) 339 West Botany Street, Rockdale being part Lot 1, DP 721666 and part Lot 1, DP 724135, and
  - (g) 341 West Botany Street, Rockdale being part Lot 1, DP 721666, part Lot 1, DP 724135 and Lot 2, DP 302304.
- (2) Development for the purposes of information and education facilities, kiosks, office premises, public administration buildings, recreation facilities (major) and retail premises is permitted with development consent.

**22 Use of certain land at 564-570 Princes Highway and 75-81 Railway Street, Rockdale**

- (1) This clause applies to land at 564-570 Princes Highway and 75-81 Railway Street, Rockdale, identified as “26” on the [Additional Permitted Uses Map](#), being—
- (a) Lot 11, DP 1074481 and Lot 2, DP 529876, and
  - (b) Lot 101, DP 771165, Lot 3, DP 82942, Lot 1, DP 455421 and Lot 1, DP 912313.
- (2) Development for the purpose of residential flat buildings at ground floor is permitted with development consent if the ground floor of the building facing Princes Highway, Railway Street or Parker Street is used for commercial premises.

**23 Use of certain land at 432 West Botany Street, Rockdale**

- (1) This clause applies to land at 432 West Botany Street, Rockdale, being Lots 3 and 4, SP 34276 and identified as “27” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of a shop associated with a charitable organisation is permitted with development consent.

**24 (Repealed)**

**25 Use of certain land at 395 Gardeners Road, Rosebery**

- (1) This clause applies to land at 395 Gardeners Road, Rosebery, being Lot 1, DP 75748 and identified as “17” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of a service station and vehicle repair station is permitted with development consent.

**26 (Repealed)**

**27 Use of certain land at 1 and 3 Macquarie Street and 3 and 3A Maloney Street, Rosebery**

- (1) This clause applies to land at 1 and 3 Macquarie Street and 3 and 3A Maloney Street, Rosebery, being Lots 5, 6 and 8, DP 18556 and Lot 11, DP 1142723 and identified as “19” on the [Additional Permitted Uses Map](#).

- (2) Development for the purposes of a car park in association with the use of the hotel at 305 Gardeners Road, Rosebery, known as The Lakes Hotel, is permitted with development consent.

**28 Use of certain land at 55 Sanoni Avenue, Sandringham**

- (1) This clause applies to land at 55 Sanoni Avenue, Sandringham being Lot 436, DP 752056 and identified as “32” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of a registered club or a restaurant or cafe is permitted with development consent.

**29 Use of certain land at Kendall Street Reserve, Sans Souci**

- (1) This clause applies to land at 4-24 Lawson Street, Sans Souci being Lot 12, DP 229778 and identified as “28” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of an educational establishment is permitted with development consent.

**30 Use of certain land at 50 Park Road, Sans Souci**

- (1) This clause applies to land at 50 Park Road, Sans Souci being Lot 1, DP 1152183 and identified as “31” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of a registered club or a restaurant or cafe is permitted with development consent.

**31 Use of certain land at Cahill Park, 2 and 2A Princes Highway, Wollli Creek**

- (1) This clause applies to land known as Cahill Park, 2 and 2A Princes Highway, Wollli Creek being Lot 3, DP 1148894 and identified as “29” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of a restaurant or cafe is permitted with development consent.

**32 Use of certain land at 55-107 Princes Highway, Wollli Creek**

- (1) This clause applies to 55-93, 95-103 and 107 Princes Highway, Wollli Creek, identified as “30” on the [Additional Permitted Uses Map](#), being—
  - (a) Lot 1, DP 124350, and
  - (b) Lot 1, DP 366899, and
  - (c) Lot Y, DP 406764, and
  - (d) Lot C, DP 358076, and

- (e) Lot 2, DP 366899, and
- (f) Lot 1, DP 434701, and
- (g) Lot 1, DP 435902, and
- (h) Lot 1, DP 437335, and
- (i) Lot 1, DP 437151, and
- (j) Lot 5, DP 538220, and
- (k) Lot 2, DP 221119, and
- (l) Lot 1, DP 733375.

- (2) Development for the purposes of vehicle body repair workshops and vehicle repair stations is permitted with development consent.

### **33 Use of certain land at Astrolabe Park, Rhodes Street Reserve and Mutch Park**

- (1) This clause applies to the following land, identified as “20” on the [Additional Permitted Uses Map](#)—
  - (a) land at Isaac Smith Street, Daceyville, being Lot 2825, DP 752015, known as Astrolabe Park,
  - (b) land at Rhodes Street, Hillsdale, being Lot 245, DP 752015, Lot 1, DP 122212 and Lot 1, DP 813900, known as Rhodes Street Reserve,
  - (c) land at Wentworth Avenue, Pagewood, being Lots 3881 and 3882, DP 752015, known as Mutch Park.
- (2) Development for the purposes of a recreation area is permitted with development consent.

### **34 Use of certain land in R2 Low Density Residential zone for multi-dwelling housing and residential flat buildings**

- (1) This clause applies to land identified as “34” on the [Additional Permitted Uses Map](#).
- (2) Development for the following purposes is permitted with development consent—
  - (a) multi-dwelling housing,
  - (b) residential flat buildings.
- (3) Despite subclause (2), development consent must not be granted to development for the purposes of residential flat buildings or multi-dwelling housing on land to which this clause applies unless—

- (a) the development is a building that was designed and constructed for, or on land that, on the commencement of this Plan, was used for, a purpose other than residential accommodation, and
- (b) the consent authority has considered—
  - (i) the impact of the development on the scale and streetscape of the surrounding locality, and
  - (ii) the suitability of the building or land for adaptive reuse, and
  - (iii) the degree of modification of the footprint and facade of the building.

**35 Use of certain land in R3 Medium Density Residential zone for residential flat buildings**

- (1) This clause applies to land identified as “35” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of a residential flat building is permitted with development consent.

**36 Use of land at 32 Bay Street, Rockdale**

- (1) This clause applies to Lot 14, Section 1, DP 1547 and Lot 1, DP 1094695, 32 Bay Street, Rockdale, identified as “36” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of a single registered club is permitted with development consent.

**37 Use of land at 471 Princes Highway, Rockdale**

- (1) This clause applies to Lot 2, DP 112857, 471 Princes Highway, Rockdale, identified as “37” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of restricted premises is permitted with development consent.

**38 Use of land at 17 The Seven Ways, Rockdale**

- (1) This clause applies to Lot 8, DP 12036, 17 The Seven Ways, Rockdale, identified as “38” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of sex services premises is permitted with development consent.

**39 Use of certain land in Zone E3**

- (1) This clause applies to land in Zone E3, identified as “39” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of waste or resource transfer stations is permitted with

development consent.

**40 Use of land at 55 Kent Road and 293 Coward Street, Mascot**

- (1) This clause applies to the following land at Mascot, identified as “40” on the [Additional Permitted Uses Map](#)—
  - (a) Lot X, DP 408199, 55 Kent Road, and
  - (b) Lot 2, DP 1063293, 293 Coward Street.
- (2) Development for the purposes of restaurants or cafes is permitted with development consent.

**41 Use of certain land in Zone E4**

- (1) This clause applies to land in Zone E4, identified as “41” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of recreation facilities (indoor) is permitted with development consent.

**42 Use of land at 12 and 13 Production Avenue, Kogarah**

- (1) This clause applies to Lots 30 and 12, DP 29275, 12 and 13 Production Avenue, Kogarah, identified as “42” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of restricted premises is permitted with development consent.

**43 Use of certain land in Zones E1 and E3**

- (1) This clause applies to land in Zones E1 and E3, identified as “43” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of tourist and visitor accommodation is permitted with development consent.

**44 Use of certain land in Zone E3**

- (1) This clause applies to land in Zone E3, identified as “44” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of advertising structures is permitted with development consent.

**Schedule 2 Exempt development**

(Clause 3.1)

**Note 1—**

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

**Note 2—**

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

(When this Plan was made this Schedule was blank)

## **Schedule 3 Complying development**

(Clause 3.2)

**Note—**

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

### **Part 1 Types of development**

(When this Plan was made this Part was blank)

### **Part 2 Complying development certificate conditions**

**Note—**

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

#### **General conditions**

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

## **Schedule 4 Classification and reclassification of public land**

(Clause 5.2)

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

**Column 1**

**Column 2**

**Locality**

**Description**

Nil

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

## changed

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

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

Column 1	Column 2
Locality	Description
Nil	

## Schedule 5 Environmental heritage

(Clause 5.10)

### Part 1 Heritage items

Suburb	Item name	Address	Property description	Significance	Item no
Arncliffe	Arncliffe Railway Station Group	Arncliffe Railway station, Station Street and road bridge on Forest Road	Part Lot 9, DP 1227769	State, Local	11
Arncliffe	Federation cottage	9 Brennans Road	Lot 3, DP 10357	Local	12
Arncliffe	"Newstead"	1 Carlton Street	Lot 6, DP 1850	Local	13
Arncliffe	Victorian cottage	5 Dowling Street	Lot 3, DP 853549	Local	14
Arncliffe	Victorian cottage	9 Dowling Street	Lot 1, DP 853549	Local	15
Arncliffe	House	19 Dowling Street	Lot 100, DP 859517	Local	16
Arncliffe	Paired house	21 Duncan Street	Lot A, DP 186303	Local	17
Arncliffe	Paired house	23 Duncan Street	Lot 1, DP 875396	Local	18
Arncliffe	Stone cottage	25 Duncan Street	Lot 11, DP 875397	Local	19
Arncliffe	"Glenwood"	27-29 Eden Street	Lots 1 and 2, SP 61118	Local	110
Arncliffe	"Bard of Avon"	39 Eden Street	Lot 1, DP 650148	Local	111
Arncliffe	Californian bungalow	7 Fairview Street	Lot 20, DP 9096	Local	112
Arncliffe	Californian bungalow	21 Fairview Street	Lot 25, DP 9096	Local	113

Arncliffe	Street plantings	Firth Street		Local	I14
Arncliffe	Arncliffe Post Office	35 Firth Street	SP 98379	Local	I15
Arncliffe	Glenevie Lane	43A Firth Street (laneway between Nos 43 and 44 through to Stanley Street)	DP 1793	Local	I16
Arncliffe	Victorian shop and dwelling	45 Firth Street	Lot B, DP 365141	Local	I17
Arncliffe	St Francis Xavier Church group	2-4 and 6 Forest Road	Lot 1, DP 185896; Lots 13-15, DP 1227429	Local	I18
Arncliffe	St Francis Xavier Catholic Presbytery	26 Forest Road	Lot 53, DP 1229138	Local	I19
Arncliffe	Rosslyn Hospital	30 Forest Road	Lots 1-10, SP 47963	Local	I20
Arncliffe	"Gladstone" and "Wentworth"	134 and 136 Forest Road	Part Lot 49, Section B, DP 933; Lot B, DP 372194; Lot C, DP 395258	Local	I21
Arncliffe	House	137 Forest Road	Lot 50, DP 1919	Local	I22
Arncliffe	Arncliffe preschool and kindergarten	139 Forest Road	Lot 49, DP 1919	Local	I23
Arncliffe	"Coburra"	184 Forest Road	Lot A, DP 343038	Local	I24
Arncliffe	"Wilga"	220 Forest Road	Lots 3 and 8, DP 13853	Local	I25
Arncliffe	Californian bungalow	224 Forest Road	Lot 2, DP 13853	Local	I26
Arncliffe	Federation house	39 Hirst Street	Lot 2, DP 556457	Local	I27
Arncliffe	Federation house	79 Hirst Street	Lot 13, Section C, DP 2996	Local	I28
Arncliffe	House	8 Kembla Street	Lot 21, DP 865131	Local	I29
Arncliffe	House	31 Kyle Street	Lot 31, DP 1227886	Local	I30



Arncliffe	Wolli Creek Aqueduct	27 and 27A Lusty Street, Part 74, 1 Bonar Street	Part Lot 1, DP 8682; Lot 2, DP 444657; Lot 3, DP 86820 (part roadway between Turrella Street and Lusty Street and part bed of Wolli Creek)	State	131
Arncliffe	Palm trees	Mawson Street		Local	133
Arncliffe	Victorian terrace	3 and 4 Mitchell Street	Lots 35 and 36, DP 2069	Local	134
Arncliffe	Californian bungalow	12 Mitchell Street	Lot A, DP 439701	Local	135
Arncliffe	Timber Victorian house	16 Mitchell Street	Lot 24, DP 2069	Local	136
Arncliffe	Arncliffe Public School and "Teluba"	168-170 Princes Highway	Lot 1, DP 124274; Lots 10 and 11, DP 1066280	Local	137
Arncliffe	Walz quarry	Roach Street (between Gore Street and Forest Road)		Local	138
Arncliffe	"Meryton"	58 Roach Street	Lot 3, DP 22180	Local	139
Arncliffe	Victorian house	23 Segenhoe Street	Lot A, DP 339374	Local	140
Arncliffe	Victorian house	25 Segenhoe Street	Lot 16, Section E, DP 2271	Local	141
Arncliffe	Californian bungalow	27 Segenhoe Street	Lots 17 and 18, Section E, DP 2271	Local	142
Arncliffe	Victorian house	16 Stanley Street	Lot 47, DP 1229538	Local	143
Arncliffe	Victorian house	20 Stanley Street	Lot 45, DP 1229538	Local	144
Arncliffe	Victorian house	22 Stanley Street	Lot 44, DP 1229538	Local	145
Arncliffe	Victorian semi-detached dwelling	26 Stanley Street	Lot 42, DP 1229538	Local	146
Arncliffe	Victorian cottage	39 Station Street	Lot 21, DP 1673	Local	147
Arncliffe	Federation house	22 Walters Street	Lot A, DP 301582	Local	148
Arncliffe	Victorian cottage	23 Walters Street	Lot 2, DP 913129	Local	149

Arncliffe	House	73 West Botany Street	Lot 25, Section 3, DP 1633	Local	150
Arncliffe	Former hospital for women	112 West Botany Street	Lot 1, DP 229505	Local	151
Arncliffe	Arncliffe Park and monument	71A Wollongong Road	Lot 100, DP 1081168	Local	152
Arncliffe	House	78 Wollongong Road	Lot 2, DP 1434	Local	153
Arncliffe	House	117 Wollongong Road	Lot 9, DP 1387	Local	154
Arncliffe	House	148 Wollongong Road	Lot 12, DP 6460	Local	155
Arncliffe	“Dappeto”	171 Wollongong Road	Lot 1, DP 1218787	State	156
Arncliffe	Federation house	191 Wollongong Road	Lot 1, DP 972108	Local	157
Arncliffe	Federation house	193 Wollongong Road	Lot 3, DP 5343	Local	158
Arncliffe	“Fairview”	197 Wollongong Road	Lot A, DP 317797	Local	159
Arncliffe	House	215 Wollongong Road	Lot A, DP 442621	Local	160
Arncliffe	Federation house	258 Wollongong Road	Lot 1, DP 950168	Local	161
Arncliffe, Woll Creek	Southern and Western Suburbs Ocean Outfall Sewer (SWSOOS)—Western Main Carrier	11 and 13A Marsh Street	Part Lot 5, Lots 9 and 10, DP 1050923; Lot 17, DP 1069479	State	132
Banksia	Sandstone Victorian cottage	15 Bowmer Street	Lot 30, Section D, DP 1771	Local	162
Banksia	House	15 Cameron Street	Lot 11, Section 12, DP 2248	Local	163
Banksia	Sandstone Victorian cottage	1 Curtis Street	Lot A, DP 165784	Local	164
Banksia	Sandstone Victorian cottage	5 Curtis Street	Lot 1, DP 666244	Local	165
Banksia	Sandstone Victorian cottage	7 Curtis Street	Lot B, DP 165784	Local	166

Banksia	Part of single-storey terraced cottages known as Jackson's Row	11 Gibbes Street	Lot 1, DP 900433	Local	167
Banksia	Part of single-storey terraced cottages known as Jackson's Row	18 Gibbes Street	Lot 2, DP 984067	Local	168
Banksia	Stone house	7 Godfrey Street	Lot 53, Section E, DP 1771; Lot 54, DP 455079	Local	169
Banksia	Stone Victorian house	29 Godfrey Street,	Lot 41, Section E, DP 1771	Local	170
Banksia	Stone house	19 Monahan Avenue	Lot 46, DP 6679	Local	171
Banksia	Arncliffe Market Garden	212 West Botany Street	Lot 1, DP 514811	State	172
Banksia	Gardiner Park	15A Wollli Creek Road	Lots 1-4 and 11, Section I, DP 1771; Part Lot 12, Section I, DP 1771; Lot 661, DP 827186; Lot 1, DP 940560	Local	173
Banksmeadow	Sir Joseph Banks Hotel (circa 1920)	1354 Botany Road (corner of Botany Road and Waratah Street)	Part Lot 1, DP 73950	Local	174
Banksmeadow	Commercial building	1619 Botany Road	Lot 1, DP 913863	Local	175
Banksmeadow	Banksmeadow Public School	Brighton Street through to Wiggins Street	Lot 12, DP 859010	Local	176
Banksmeadow	Streetscape—verge plantings of Canary Island Date Palm ( <i>Phoenix canariensis</i> )	Brighton Street		Local	177
Banksmeadow	Former headmaster's residence to Banksmeadow Public School	60 Brighton Street	Lot 11, DP 859010	Local	178
Bardwell Park	Hillsdon's Nursery Cottage	112 Slade Road	SP 68708	Local	179
Bardwell Valley	Stone Federation house	15 East Street	Lot 4, DP 10685	Local	180

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Bardwell Valley	Californian bungalow cottage (part of a street precinct)	2 Hamilton Street	Lot 65, DP 9171	Local	181
Bardwell Valley	Californian bungalow cottage (part of a street precinct)	3 Hamilton Street	Lot 38, DP 9171	Local	182
Bardwell Valley	"Forsythe"	57 Hannam Street	Lot A, DP 325441	Local	183
Bardwell Valley	"Mill Cottage"	29-31 John Street	Lot 2, DP 67720	Local	184
Bardwell Valley	Quarry (includes rock faces and public reserve above)	40 John Street	Lots 1-3, DP 1088303	Local	185
Bardwell Valley	Californian bungalow	13 Lansdowne Street	Lot 10, DP 9171	Local	186
Bardwell Valley	Brick Californian bungalow cottage	17 Lansdowne Street	Lot 12, DP 9171	Local	187
Bardwell Valley	Stone cottage	28 The Glen Road	Lot 2, DP 10685	Local	188
Bardwell Valley	Stone cottage	30 The Glen Road	Lot 1, DP 10685	Local	189
Bexley	Stone cottage	17A Abercorn Street	Lot 701, DP 1054480	Local	190
Bexley	Federation house	68A Abercorn Street	Lot A, DP 378177	Local	191
Bexley	Federation house	78 Abercorn Street	Lot 3, DP 984963	Local	192
Bexley	"Dunvegan"	10 Albyn Street	Lot 1, DP 1018116	Local	193
Bexley	Bayview Lodge	2 Beaconsfield Street	Lot C, DP 400028	Local	194
Bexley	House	6 Beaconsfield Street	Lot 5B, DP 329521	Local	195
Bexley	Seaforth Park	16A Beaconsfield Street	Lot 50, DP 1680	Local	196

Bexley	Bardwell Creek Flora Reserve (south of Bexley Road)	369D and 369F Bexley Road	Part Lot 11, Section B, DP 4580; Lots 27-34, Section B, DP 4580; Lots 7-10 and 18-25, Section C, DP 4580; Lot 17, DP 9730; Lot 14, DP 14208; Lot 3, DP 17016; Lot 7, DP 17073; Lot 5, 6 and 8, DP 17225; Lot 7, DP 21406; Lot 2, DP 204870; Lot 4, DP 206746; Lot 6, DP 210027; Lot 1, DP 211151; Lot 4, DP 326997; Lot B, DP 327603; Lots A and B, DP 327604; Lot E, DP 328325; Lot 3, DP 532927; Lot 2, DP 605883; Lot 7008, DP 1031070; Lot 12, DP 1042165	Local	I97
Bexley	Former quarry	369E Bexley Road	Part Lots 12-20, Section B, DP 4580	Local	I98
Bexley	Donnans Reserve	389 Bexley Road	Lots 1 and 2, DP 119398; Lots 1 and 2, DP 559733	Local	I99
Bexley	Montrose (main house only)	80 Broadford Street	Lot 6, DP 651338	Local	I100
Bexley	Victorian terrace	42 Bruce Street	Lot A, DP 410796	Local	I101
Bexley	Barwell Park and Botanical Gardens	56 Bruce Street	Lots 8-11 and 25-29, Section 9, DP 1763	Local	I102
Bexley	Street plantings	Caledonian Street		Local	I103
Bexley	Federation house	4 Carrington Street	Lot 1, DP 944994	Local	I104
Bexley	Sewer vents	Connemarra Street (opposite Nos 1 and 28)		Local	I105

Bexley	Sandstone and brick Federation cottage	12 Connemarra Street	Lot 1, DP 902728	Local	I106
Bexley	Semi-detached dwelling	49 Connemarra Street	Lot 282, DP 811807	Local	I107
Bexley	Victorian house	50 Connemarra Street	Lot B, DP 33681	Local	I108
Bexley	Semi-detached dwelling	51 Connemarra Street	Lot 281, DP 811807	Local	I109
Bexley	Stone house	71 Connemarra Street	Lot 1, SP 70789	Local	I110
Bexley	Original church building and convent only	20-26 Croydon Road	Lot 21, DP 1162915	Local	I133
Bexley	Californian bungalow	8 Donnan Street	Lots 4 and 5, Section B, DP 6266	Local	I111
Bexley	John Downey's Cottage	14 Downey Street	Lot A, DP 325231	Local	I112
Bexley	Street plantings	Dunmore Street North		Local	I113
Bexley	Christ Church Anglican Church and hall	1A, 1B and 1C Dunmore Street North	Lots 19 and 20, Section 2, DP 1036; Part Lot 18, Section 2, DP 1680	Local	I114
Bexley	Federation house	12 Dunmore Street North	Lot 3, DP 412732	Local	I115
Bexley	Federation house	14 Dunmore Street North	Lot 2, DP 412732	Local	I116
Bexley	Federation house	16 Dunmore Street North	Lot 1, DP 412732	Local	I117
Bexley	Ercildoune	18 Dunmore Street North	Lot 100, DP 1050077	Local	I118
Bexley	Fairmont	20 Dunmore Street North	Lot B, DP 322348	Local	I119
Bexley	House	29 Dunmore Street North	Lot B, DP 900366	Local	I120
Bexley	Inter-war house	33 Dunmore Street North	Lot B, DP 324948	Local	I121
Bexley	Federation house	38 Dunmore Street North	Lot 4, DP 659447	Local	I122

Bexley	Federation house	40 Dunmore Street North	Lot D, DP 414121	Local	I123
Bexley	Street plantings	Forest Road (between St Georges Road and Waratah Street)		Local	I124
Bexley	St Andrew's Church	267 Forest Road	Lots 26 and 27, Section 3, DP 1114; Lot 4, DP 951021	Local	I125
Bexley	Ercildoune	274 Forest Road	Lot B, DP 384921	Local	I126
Bexley	Bexley Primary School	330 Forest Road	Part Lot 131, DP 1053602	Local	I127
Bexley	Original Bexley School buildings	339-377 Forest Road	Lot 11, DP 857373	Local	I128
Bexley	Bexley School of Arts	476-476A Forest Road	Lots 81 and 82, DP 748688	Local	I129
Bexley	Victorian house	496 Forest Road	Lot 100, DP 1230513	Local	I130
Bexley	Milk Depot Group (Art Deco style commercial buildings)	623 Forest Road	Lot 704, DP 1056168	Local	I131
Bexley	Bexley Congregation Church	626-628 Forest Road and 3 Wood Street	Lots 700 and 701, DP 1146232	Local	I132
Bexley	Street plantings	Gladstone Street, R 854 Gladstone Street		Local	I134
Bexley	Californian bungalow	12 Gladstone Street	Lot 2, DP 880870	Local	I135
Bexley	Bexley Uniting Church—(Federation style (1926))	29 Gladstone Street	Lot 1, DP 913135; Lot 34, DP 1061827	Local	I136
Bexley	House	31 Gladstone Street	Lot 32, Section 7, DP 1680	Local	I137
Bexley	Tonbridge	33 Gladstone Street	Lot 31, Section 7, DP 1680	Local	I138
Bexley	Group of houses	25-33 and 37 Harrow Road	Lots 1-5 and 7, DP 22420	Local	I139
Bexley	St Elmo	50 Harrow Road	Lot 1, DP 21617	Local	I140
Bexley	Italia	77 Harrow Road	Lot 1, DP 219456	Local	I141

Bexley	Esperanza	83 Harrow Road	Lot 1, DP 585490	Local	I142
Bexley	Federation house	87 Harrow Road	Lot 2, DP 902392	Local	I143
Bexley	Bardwell Creek Flora Reserve (north of Bexley Road)	2A Hillcrest Avenue (part of Bardwell Valley Golf Course)		Local	I144
Bexley	House	30 Kingsland Road South	Lot 1, DP 953135	Local	I145
Bexley	House	1 Park Avenue	Lot 1, DP 960924	Local	I146
Bexley	Street plantings	Queen Victoria Street (both sides), R 71 Queen Victoria Street		Local	I147
Bexley	Service station	74 Queen Victoria Street	Lot B, DP 326518	Local	I148
Bexley	Former Bexley Council Chambers (Jack & Jill Kindergarten)	131 Queen Victoria Street	Lot C, DP 417935	Local	I149
Bexley	Bexley Fire Station	163 Queen Victoria Street	SP 60800	Local	I150
Bexley	Stone dwelling	26 Stoney Creek Road	Lot 71, DP 1594	Local	I151
Bexley	St Gabriel's Church—Post War American Colonial (1952)	55 Stoney Creek Road	Lot 64, DP 9826; Lot 1, DP 305969	Local	I152
Bexley	Bexley Park	95 Stoney Creek Road	Lot 98, DP 8760; Lot 1, DP 964567	Local	I153
Bexley	Stone house	22 Verdun Street	Lot A, DP 373398	Local	I154
Bexley	"Dundry"	44 Verdun Street	Lot A, DP 335234	Local	I155
Bexley	"Cardeeri" (cottage)	48 Waratah Street	Lot 40, DP 4690	Local	I156



Bexley	Marist College	52 Wolseley Street	Lots 10, 11, 29, 32, 33 and 35, Section 21, DP 1680; Lots 1 and 2, DP 301625; Lots A and B, DP 348536; Lots C and D, DP 349327; Lot F, DP 349328; Lots A and B, DP 350585; Lots 2 and 3, DP 456804; Lot 1, DP 980285	Local	I157
Bexley North	Glendalough McIlveen Museum and Research Centre	120 Kingsland Road North	Lot B, DP 347347; Lot 52, DP 524952	Local	I158
Bexley North	Stotts Reserve	167 Slade Road	Lots 26-29, 54 and 56-59, DP 16044; Lot 12, DP 19286; Lots 30, 33 and 37, DP 1222255; Lot 200, DP 1222256; Lots 9-13 and 23, DP 1227231	Local	I159
Botany/ Daceyville/ Eastlakes/ Mascot/ Pagewood	Botany water reserves	About 200ha between Mascot and Botany extending from the northern shore of Botany Bay to Gardeners Road including the Lakes and Eastlakes Golf Courses and Mill and Engine Ponds	Lots 4 and 13 DP 87663; Lot 1, DP 233011; Lot 1, DP 241650; Lots 2473 and 2825, DP 752015; Lots 5, 6 and 7, DP 780391; Lot 3, DP 780392; Lot 2, DP 854374; Lots 1 and 2, DP 1039418	State	I160
Botany	Booralee Park	Bounded by Sydenham Railway Line and Daniel, Bay, Lord, Myrtle and Jasmine Streets	Lot 7078, DP 1027047	Local	I161
Botany	Sir Joseph Banks Hotel (former, circa 1840)	23 Anniversary Street	Lots 1-19, SP 62214	State	I162
Botany	Fire station (circa 1906)	1-3 Banksia Street	Lot A, DP 328019	Local	I163
Botany	Post office (circa 1923)	2 Banksia Street	Lot 1, DP 208627	Local	I164

Botany	House	6 Banksia Street	Lot A, DP 332049	Local	I165
Botany	House	7 Banksia Street	Lot 7, DP 5177	Local	I166
Botany	House	8 Banksia Street	Lot B, DP 332049	Local	I167
Botany	House	47 Banksia Street	Lot B, DP 331090	Local	I168
Botany	Streetscape—verge plantings of Canary Island Date Palm ( <i>Phoenix canariensis</i> )	Bay Street (western side of Botany Road)		Local	I169
Botany	House group	10–14 Bay Street	Lots 1, 2 and 3, DP 748509	Local	I170
Botany	House	16 Bay Street	Lot 1, DP 998741	Local	I171
Botany	House	19 Bay Street	Lot 1, DP 904269	Local	I172
Botany	House group	45–57 Bay Street	Lot 1, Section B, DP 3449; Lots A–D, DP 436271; Lots A and B, DP 439683	Local	I173
Botany	Corner store—“Alto”	50–52 Bay Street	Lot 2, DP 11383	Local	I174
Botany	House	135 Bay Street	Lot 1, DP 335932	Local	I175
Botany	House	145 Bay Street	Lot 101, DP 732151	Local	I176
Botany	House	147 Bay Street	Lot A, DP 389313	Local	I177
Botany	House—“The White House”	151 Bay Street	Lots 9 and 10, Section G, DP 1787	Local	I178
Botany	House group	165–179 Bay Street	Lots X and Y, DP 100856; Lots 1–4, DP 223896; Lots A and B, DP 443066	Local	I179
Botany	Botany Public School (circa 1869)	1076 Botany Road	Lot 1, DP 194311; Lot 1, DP 433364	Local	I180
Botany	Hippo’s Friends Child Care Centre	1082 Botany Road	Lot 1, DP 112970	Local	I181
Botany	Finnies buildings	1094–1098 Botany Road	Lots 43–45, DP 856900	Local	I182
Botany	Captain Cook Hotel	1114 Botany Road	Lot 1, DP 1112025	Local	I183

Botany	House group	1158-1168 Botany Road	Lot A, DP 310296; Lots C-E, DP 353030; Lots A and B, DP 438725	Local	I184
Botany	Commercial/ residential building	1226 Botany Road	Part Lot 8, Section 2, DP 773	Local	I185
Botany	House group	1268-1270 Botany Road	Lot A, DP 352054; Lot 7, DP 657544	Local	I186
Botany	St Matthew's Anglican Church (circa 1862)	1331 Botany Road (corner of Botany Road and Lord Street)	Lots 1 and 3, DP 593463	Local	I187
Botany	Botany Uniting Church	1355 Botany Road	Part Lot 4, Section B, DP 1787; Part Lot 1, DP 566495	Local	I188
Botany	John Brotchie Kindergarten (formerly Botany School of Arts hall)	1361 Botany Road	Lot 14, DP 660975	Local	I189
Botany	House	1365 Botany Road	Lot 1, DP 217275	Local	I190
Botany	Botany Town Hall (circa 1898)	1423 Botany Road (corner of Botany Road and Edward Street)	Lot 14, DP 3592; Part Lot 5, DP 5177	Local	I191
Botany	House—"Helena"	1424 Botany Road	Lot 49, DP 4747	Local	I192
Botany	Police station (circa 1871)	1441 Botany Road	Lot 100, DP 1052312	Local	I193
Botany	Boarding house (front building)	1443 Botany Road	Lot 15, Section 8, DP 773	Local	I194
Botany	House	1447 Botany Road	Lot 1, DP 965554	Local	I195
Botany	Presbyterian Church of Australia and manse	1561-1563 Botany Road	SP 98460	Local	I196
Botany	Streetscape—verge plantings of Canary Island Date Palm ( <i>Phoenix canariensis</i> )	Brown Avenue		Local	I197
Botany	Electricity Substation No 153	14 Byrnes Street	Lot 1, DP 310135	Local	I198
Botany	House	31 Cranbrook Street	Lots 7 and 8, Section 9, DP 773	Local	I199

Botany	House	35 Cranbrook Street	Lot 10, Section 9, DP 773	Local	I200
Botany	House	37 Cranbrook Street	Lot 11, Section 9, DP 773	Local	I201
Botany	Terrace group	42-54 Daphne Street	SP 62387	Local	I202
Botany	House group	18-20 Erith Street	Lot 7, Section 2, DP 889; Lot 8, DP 318902	Local	I203
Botany	Sir Joseph Banks Park	Fremlin Street	Lot 1, DP 668135	Local	I204
Botany	Sydney Water Corporation Sewage Pumping Station SP0060	Corner of McFall and Erith Streets	Lots 12 and 13, Section 2, DP 889	Local	I205
Botany	House group	21-23 Salisbury Street	Lots 1 and 2, Section 15, DP 773	Local	I206
Botany	Streetscape—verge plantings of Canary Island Date Palm ( <i>Phoenix canariensis</i> )	Swinbourne Street (William to Queen Streets)		Local	I207
Botany	Sydney Water Corporation sewer vent	Tenterden Road		Local	I208
Botany	House	16 Tenterden Road	Lot 1, DP 723591	Local	I209
Botany	House	50 Tenterden Road	Lot 11 and 12, DP 455886	Local	I210
Botany	House	54 Tenterden Road	Lot 13, DP 935631	Local	I211
Botany	House group	63-65 Tenterden Road	Lots A and B, DP 387770	Local	I212
Botany	House	84 Tenterden Road	Lot B, DP 338192	Local	I213
Botany	Residential building	16 The Esplanade	Lot B, DP 323638	Local	I214
Botany	Electricity Substation No 340	3 William Street (corner of Swinbourne and William Streets)	Lot 1, DP 669129	Local	I215
Botany	House	2 Woodstock Street	Lot 14, Section 13, DP 773	Local	I216
Brighton-Le-Sands	Brighton-Le-Sands Houses (Brighton Parade precinct)	3, 9, 11, 23 and 33 Brighton Parade	Lots 5, 10 and 16, DP 15057; Lots 1 and 4, DP 78024	Local	I217

Brighton-Le-Sands	School building—Brighton-Le-Sands Public School (1916)	35 Crawford Road	Lots 1 and 2, DP 194470	Local	I218
Brighton-Le-Sands, Dolls Point, Kyeemagh, Monterey, Ramsgate Beach, Sans Souci, Sandringham	Cook Park	General Holmes Drive, The Grand Parade		Local	I219
Brighton- Le-Sands	Kings Wetland	Kings Road	Part Lot 1, DP 214047; Lot 1, DP 229723	Local	I220
Brighton-Le-Sands	Street trees	Princess Street		Local	I221
Brighton-Le-Sands	Group of houses	26-26A, 28, 35, 37, 40 and 53 Teralba Road	Lots 25, 45, 53 and 54, DP 11976; Lot 1, DP 564103; Lot 700, DP 1059734	Local	I222
Brighton-Le-Sands	Row of <i>Araucaria</i> trees	The Grand Parade (in Cook Park)		Local	I223
Brighton-Le-Sands	Brighton Baths	The Grand Parade	Part Lot 3, DP 1165618	Local	I224
Brighton-Le-Sands	Row of terraces	64-68 The Grand Parade	Lot 8, DP 33420; Lot 9, DP 651072; Lot 11, DP 654651; Lot 10, DP 662061; Lot 1, DP 798421	Local	I225
Carlton	Carlton School of Arts	13 Argyle Street (corner of Short Street)	Lot 18, Section 1, DP 2122	Local	I226
Carlton	Carlton House	92 Carlton Parade	Lot 2, DP 958201	Local	I227
Carlton	Victorian terrace	12 Ethel Street	Lot 8, Section 20, DP 2122	Local	I228
Carlton	House	52 Fleet Street	Lot 5, DP 533438	Local	I229
Carlton	Cottage (half of semi-detached dwelling)	4 Grantham Street	Lot 101, DP 740911	Local	I230

Carlton	Single fronted Victorian cottage	51 Grantham Street	Lot 1, DP 73551	Local	I231
Carlton	Wambrook	26 Grey Street	Lot 38, Section 12, DP 2122	Local	I232
Carlton	House	5 High Street	Lot 7, Section 7, DP 2122	Local	I233
Carlton	Cottage	56 Hill Street	Lot E, DP 900655	Local	I234
Carlton	House	95 Mill Street	Lot 5, Section 16, DP 2122	Local	I235
Carlton	House	65 Short Street	Lot 2, DP 221335	Local	I236
Carlton	House	67 Short Street	Lot 1, DP 221335	Local	I237
Carlton	Stone cottage	66 Willison Road	Lot 32, Section 8, DP 3252	Local	I238
Carlton	Shop	76 Willison Road	Lot 37, Section 9, DP 3252	Local	I239
Daceyville	Dacey Garden Reserve and substation	Corner of Gardeners and Bunnerong Roads	Lot 7003, DP 1027005; Lots 1-3, DP 1163798	Local	I240
Daceyville	Commercial building group	1-11 General Bridges Crescent	Lots 304-309, DP 32175	Local	I241
Daceyville	Marist Brothers School and presbytery	Haig Avenue	Part Lot 1, DP 186759	Local	I242
Daceyville	Former St Michael's Church (now hall)	Haig Avenue	Lot 1, DP 666538	Local	I243
Daceyville	Daceyville Public School	Joffre Crescent	Lot 5248, DP 820566; Lots 1 and 2, DP 997642	Local	I244
Daceyville	Former community centre	3 Wills Crescent (corner of Wills Crescent and Haig Avenue)	Lot 310, DP 32173	Local	I245
Dolls Point	Primrose House	190 Russell Avenue	Lot 2, DP 530790; Lot 449, DP 752056	Local	I246
Eastlakes	House	70 Florence Avenue	Corner Lot 127, DP 17209	Local	I247
Hillsdale	Matrville Public School	310 Bunnerong Road (corner of Bunnerong and Beauchamp Roads)	Lots 238 and 239, DP 752015	Local	I248

Kingsgrove	Pembroke Cottage	9 Bennett Street	Lot D, DP 382653	Local	I249
Kogarah	House	34 Kitchener Street	Lot 12, Section F, DP 1562; Lot 1, DP 315194	Local	I250
Kogarah	Sandstone Victorian cottage	38 Kitchener Street	Lot 1, DP 310720	Local	I251
Kogarah	Stone cottage only	7 Robertson Street	SP 41680	Local	I253
Kogarah	Peach Chambers (Federation style commercial building)	17, 18 and 19 Station Street	Lots 370 and 371, DP 869155	Local	I254
Kogarah	Taylor Street Group	16, 18, 20, 22, 24, 26, 28 and 30 Taylor Street	Lots B-H and J, DP 435790	Local	I255
Kogarah	Toomevara Lane Chinese Market Garden	29A Toomevara Street	Lot 5, DP 568192; Lot 1, DP 723897	State	I256
Kogarah	Queens Avenue landscaping	Victoria Way		Local	I252
Kogarah	Frys Reserve (including railway land)	1 and 1A Warialda Street	Lots 20, 21, 22 and 23, Section 23, DP 1680; Lot 31, DP 14224; Lot Z, DP 189440; Lots 1 and 2, DP 191678; Lots 12-19, DP 456694; Lot 1, DP 653416; Part Lot 1, DP 859131	Local	I257
Kurnell	Towra Point Nature Reserve and Quibray Bay	Towra Point	Lot 2, DP 856868	State	I258
Kyeemagh	Kyeemagh Market Gardens	2A, 2B, 2D and 2E Occupation Road	Lots 2, 3 and Part Lot 4, DP 17133; Lot 4, DP 529923	State	I259
Mascot	Alexandra Canal (including sandstone embankment)	Alexandra Canal	Alexandra Canal	State	I260
Mascot	Ricketty Street bridge	Over Alexandra Canal		Local	I261
Mascot	Memorial Park	814 Botany Road and 149A Coward Street	Lot 1, DP 72528; Lot 2, DP 611027	Local	I262
Mascot	Mature Ficus	818 Botany Road	Lot D, DP 420209	Local	I263

Mascot	Commercial building group	891-917 Botany Road	Lot 1, DP 80274; Lots A and B, DP 87517; Lots A-D, DP 103750; Lots 1 and 2, DP 504610; Lots 2-4, DP 598272; Lot 1, DP 784041	Local	I264
Mascot	Former Tennyson Hotel, now Mascot Inn	952 Botany Road (corner of High Street and Botany Road)	Lot 1, DP 657249	Local	I265
Mascot	House group	999 Botany Road	Part Lot 1, DP 918245	Local	I266
Mascot	Electricity Substation No 147	1001 Botany Road	Lot 1, DP 232836	Local	I267
Mascot	Former National Bank of Australasia	1005 Botany Road, corner of Botany Road and Coward Street	Lot A, DP 319304	Local	I268
Mascot	Coronation Hall	1007 Botany Road (corner of Coward and Botany Roads)	Lot 1, DP 202492	Local	I269
Mascot	Commercial building group	1009-1021 Botany Road	Lot 1, DP 213130; Lots A and B, DP 349471; Lots A-C and Corner Lot D, DP 440204	Local	I270
Mascot	Mature Hoop Pine	1055 Botany Road	Lot 13, DP 1035450	Local	I271
Mascot	House	1075 Botany Road	Lot 1, DP 314593; Lot 1, DP 939651	Local	I272
Mascot	Commercial building group	1133-1135 Botany Road (corner of Botany Road and King Street)	Lot 1, DP 930137; Part Lot 1, DP 932383	Local	I273
Mascot	Commercial building group	1171-1173 Botany Road	Lot 11, Section 1, DP 1873	Local	I274
Mascot	Commercial building group	1175-1177 Botany Road	Lots 3 and 4, DP 617916	Local	I275
Mascot	Commercial building group	1183-1185 Botany Road	Lot C, DP 341159	Local	I276



Mascot	Commercial building group	1187-1189 Botany Road	Lots 1 and 2, DP 541076	Local	I277
Mascot	Commercial building group	1193-1203 Botany Road	Lot A, DP 339491; Lots D-F, DP 402625; Lot 12, DP 832835; Lot 1, DP 1127006	Local	I278
Mascot	Commercial building group	1209-1223 Botany Road	Lots B-D, DP 30500; Lots 1 and 2, DP 204954; Lots A and B, DP 445050; Lot 1, DP 827779	Local	I279
Mascot	Single storey terrace group	1239-1245 Botany Road	Lot 1, DP 327594; Lots 1 and 2, DP 501790; Lot 1, DP 911127	Local	I280
Mascot	Beckenham Memorial Church	1293-1295 Botany Road	Part Lots 6-9, DP 3280	Local	I281
Mascot	Mascot Park	Coward Street (corner of O'Riordan Street)	Lot 7073, DP 93716; Lot 1, DP 668903	Local	I282
Mascot	House	85 Coward Street	Lot 1, DP 501282	Local	I283
Mascot	Shop	95 Coward Street	Lot A, DP 502775	Local	I284
Mascot	House	110 Coward Street	Lot 1, DP 999395	Local	I285
Mascot	Shop	115 Coward Street	Lot 4, DP 115029	Local	I286
Mascot	House	117 Coward Street	Lot 3, DP 115029	Local	I287
Mascot	Uniting Church and rectory	118-122 Coward Street	Lot B, DP 155557; Lot 1, DP 197503; Lot 2, DP 917174; Lot 1, DP 917524	Local	I288
Mascot	House	119 Coward Street	Lot 34, Section 1, DP 4089	Local	I289
Mascot	House	121 Coward Street	Lot 2, DP 201169	Local	I290
Mascot	House—"Orara"	123 Coward Street	Lot 1, DP 201169	Local	I291
Mascot	House—"Highhurstwood"	125 Coward Street	Lots 38 and 39, Section 1, DP 4089	Local	I292
Mascot	Fire station	139 Coward Street	Lot C, DP 330647; Lot 46, DP 667051	Local	I293
Mascot	Botany Family Day Care	149 Coward Street	Lot 1, DP 1136361	Local	I294

Mascot	Sydney Water Corporation Pumping Station SP0053	153 Coward Street	Lot 1, DP 303674	Local	I295
Mascot	House group	1-3 Flora Street	Lots 10 and 11, DP 15353	Local	I296
Mascot	House	71 Frogmore Street	Lot 16, Section 8, DP 1873	Local	I297
Mascot	Commonwealth Water Pumping Station and Sewage Pumping Station No 38	General Holmes Drive (west of Engine Pond, within the boundary of Sydney (Kingsford Smith) Airport)	Part Lot 8, DP 1050923	Local	I298
Mascot	House	16 Hardie Street	Lot 43, Section 1, DP 1873	State	I299
Mascot	House	30 Hardie Street	Lot 35, Section 1, DP 1873	Local	I300
Mascot	Corner store	45 Hardie Street (corner of Hardie and Hollingshed Streets)	Lot 2, DP 318467	Local	I301
Mascot	House	61 Hardie Street	Lots 9 and 10, Section 4, DP 1873	Local	I302
Mascot	House—"Verandale"	87 Hardie Street	Lots 23 and 24, Section 4, DP 1873	Local	I303
Mascot	House	3 Hicks Avenue	Lot 29, Section 3, DP 937	Local	I304
Mascot	House	16 Hicks Avenue	Lots 1 and 2, DP 135158	Local	I305
Mascot	House	24 Hicks Avenue	Lot 17, Section 2, DP 937	Local	I306
Mascot	House	27 Hicks Avenue	Lot B, DP 301997	Local	I307
Mascot	House	36 Hicks Avenue	Lot 19, Section 1, DP 937	Local	I308
Mascot	House	96 High Street	Lot 1, DP 615829	Local	I309
Mascot	Mature Ficus	112 High Street	Lot 2, DP 593694	Local	I310
Mascot	House—"Daktari"	114 High Street	Lot 21, DP 771708	Local	I311

Mascot	House group	15-17 Johnson Street	Lots A and B, DP 409409	Local	I312
Mascot	House	18 Johnson Street	Lot 46, Section 3, DP 1873	Local	I313
Mascot	House	20 Johnson Street	Lot 45, Section 3, DP 1873	Local	I314
Mascot	House	38 Johnson Street	Lot 35, Section 3, DP 1873	Local	I315
Mascot	House	68 Johnson Street	Lot 36, Section 4, DP 1873	Local	I316
Mascot	House	90 Johnson Street	Lot 25, Section 4, DP 1873	Local	I317
Mascot	Mascot Public School building group	King Street	Lot 1, DP 813088	Local	I318
Mascot	Christian Fellowship Centre	40 King Street	Lot 14, Section 8, DP 937	Local	I319
Mascot	House group	62-64 King Street	Lots A and B, DP 304230	Local	I320
Mascot	House group	144-148 King Street	Lots A-C, DP 404442	Local	I321
Mascot	Terrace group	150-160 King Street	Lots A-F, DP 436563	Local	I322
Mascot	House	151 King Street	Lot 2, DP 576454	Local	I323
Mascot	House	159 King Street	Lot 1, Section 1, DP 977264	Local	I324
Mascot	House group	164-164A King Street	Lots A and B, DP 432492	Local	I325
Mascot	House—"Beverley"	190A-190C King Street	Lots 201-203, DP 1246248	Local	I326
Mascot	House (front dwelling)	191 King Street	Lot 2, DP 285422	Local	I327
Mascot	Terrace group	192-204 King Street	Lots X-Z, DP 440648; Lots A-D, DP 440093	Local	I328
Mascot	Railway bridge over Botany Road	Near McBurney Avenue	Over road	Local	I329
Mascot	House	10 Miles Street	Lot 1, DP 999385	Local	I330
Mascot	House	174 Sutherland Street	Lot 17, Section 10, DP 1873	Local	I331

Mascot	House	1 Walker Avenue	Lot 11, DP 18877	Local	I332
Mascot	House	64–66 Wellington Street	Lots 12 and 13, DP 615592	Local	I333
Monterey	Patmore Swamp	99 President Avenue (part of North Scarborough Park)	Lot 14, DP 20365; Lot 7072, DP 93145; Lots 199, 473 and 536, DP 752056; Lots 1 and 3, DP 1113262	Local	I334
Pagewood	Bonnie Doon Golf Club House	Banks Avenue	Part Lot 2871, DP 752015	Local	I335
Pagewood	Harris Reserve	Bunnerong Road	Lot 7011, DP 1027015	Local	I336
Pagewood	Glanville Reserve, including streetscape—verge plantings of Canary Island Date Palm ( <i>Phoenix canariensis</i> )	Bounded by Glanville Avenue, White Road and Kerr Crescent	Lot 7013, DP 1027018	Local	I337
Pagewood	Jellicoe Park	Park Parade	Lot 7067, DP 1059870; Lots 7325–7327, DP 1153726	Local	I338
Ramsgate	Hawthorne Street Reserve/Leo Smith Reserve	99 President Avenue (Scarborough Park, off Hawthorne Street)	Lot 14, DP 20365; Lot 7072, DP 93145; Lots 199, 473 and 536, DP 752056; Lots 1 and 3, DP 1113262	Local	I339
Ramsgate	Fig trees	99 President Avenue (South Scarborough Park, immediately north of Ramsgate Road)	Lot 14, DP 20365; Lot 7072, DP 93145; Lots 199, 473 and 536, DP 752056; Lots 1 and 3, DP 1113262	Local	I340
Ramsgate	Sans Souci Literary Institute	107 Ramsgate Road	Lots 82 and 83, DP 2032	Local	I341
Rockdale	Uniting Church and buildings	11 Bay Street	Part Lot 1, DP 798278	Local	I342
Rockdale	Rock Lynn	58 Bestic Street	Lot 1, Section 11, DP 1677	Local	I343

Rockdale	Roslyn Hall	85-89 Cameron Street	Lots 1-4, Section 4, DP 1677	Local	I344
Rockdale	Banbury Cottage	23 Chandler Street	Lot B, DP 343582	Local	I345
Rockdale	Sandstone Victorian cottage	105 Farr Street	Lot 1, DP 971045	Local	I346
Rockdale	House	142 Farr Street	Lot 8, Section 1, DP 1677	Local	I347
Rockdale	Lincluden	73 Frederick Street	Lots 97 and 98, DP 1353	Local	I348
Rockdale	Palm trees on verge	Gloucester Street (southern side)		Local	I349
Rockdale	Yamba Worra	11 Heathcote Street	Lot 1, DP 230535	Local	I350
Rockdale	Victorian house	70 King Street	Lot 20, Section 3, DP 1547	Local	I351
Rockdale	Lydham Hall	18 Lydham Avenue	Lot A, DP 387441	State	I352
Rockdale	Federation house	18 Oakura Street	Lot 2, DP 500838	Local	I353
Rockdale	Rockdale Public School	2 Pitt Street	Lots 3 and 6-25, Section 4, DP 1547; Lot 19, Section 3A, DP 2694; Lot 1, DP 120175; Lots 1 and 2, DP 120176; Lots 1-5, DP 121406; Lot 1, DP 795753; Lot 1, DP 975729	Local	I354
Rockdale	Rockdale Town Hall	444-448 Princes Highway	Lot 71, DP 1208041	Local	I355
Rockdale	Rockdale School of Arts (Guild Theatre)	87 Railway Street	Lots 2 and 3, DP 3560	Local	I356
Rockdale	Brick buildings on platforms, signal box and overhead booking office	Rockdale Railway Station and Yard Group	Part Lot 51, DP 1004378	State	I357
Rockdale	St Joseph's Convent	3-11 Walz Street	Lot 201, DP 1147226	Local	I358
Rockdale	Wilson's Farmhouse	310 West Botany Street	Lot 1, DP 34647; Lot 1, DP 517350	State	I359

Rosebery	Former bank building	686 Botany Road (corner of Botany and Gardeners Roads)	Lot A, DP 411716	Local	I360
Rosebery	Newmarket Hotel	889 Botany Road (corner of Botany and Gardeners Roads)	Lots 2 and 3, DP 215517	Local	I361
Rosebery	The Lakes Hotel	305 Gardeners Road (corner of Macquarie Street and Gardeners Road)	Lot A, DP 187154; Lot 10, DP 1142723	Local	I362
Rosebery	Former Roxy Theatre	409 Gardeners Road	Lot 1, DP 217097; Lot 5, DP 223717	Local	I363
Rosebery	Terrace group	467-473 Gardeners Road	Lots 1-4, DP 221797	Local	I364
Rosebery	House	485 Gardeners Road	Lot B, DP 442890	Local	I365
Rosebery	Terrace group	523-537 Gardeners Road	Lots 3-8, DP 29124; Lots A and B, DP 442415	Local	I366
Rosebery	Terrace group	539-543 Gardeners Road	Lot 2, DP 29124; Lot 1, DP 75241; Lot 6, DP 215519	Local	I367
Rosebery	House	27 Gordon Street	Lots 11 and 12, DP 832654	Local	I368
Rosebery	House	45 Gordon Street	Lots 14 and 15, Section 2, DP 3986	Local	I369
Rosebery	House	50 Gordon Street	Lot 15, Section 1, DP 3986	Local	I370
Rosebery	House	14 Harris Street	Lot 16, DP 12826	Local	I371
Rosebery	House	51 Harris Street	Lot 14, Section 13, DP 939789	Local	I372
Rosebery	House	23 Henley Street	Lot 28, DP 1037758	Local	I373
Rosebery	House	4 Macquarie Street	Lot B, DP 151267	Local	I374
Rosebery	House group	37-39 Maloney Street	Lots A and B, DP 398795	Local	I375

Rosebery	St Therese's Catholic Church building group	37 Sutherland Street and (corner of Coward and Sutherland Streets)	Lot 1, DP 87303; Lot 3, DP 523972	Local	I376
Sans Souci	Tram route relics, tram shelter, island and plantings	Clareville Avenue (corner Russell Avenue)		Local	I377
Sans Souci	Fontainebleau	7 Napoleon Street	Lot 1, DP 230847	Local	I378
Sans Souci	Cook Park	Riverside Drive		Local	I379
Sans Souci	Norfolk Island pine trees	Riverside Drive (between Napoleon and Waldron Streets)		Local	I380
Sans Souci	Timber cottage	586 Rocky Point Road	Lot 700, DP 1196271	Local	I381
Sydney Airport	Ruins of the former Botany Pumping Station	Within the boundary of Sydney (Kingsford Smith) Airport	Part Lot 8, DP 1050923	Local	I382
Sydney Airport	Sydney (Kingsford Smith) Airport group	Airport Drive	Part Lot 8, DP 1050923	Local	I383
Turrella	Old St David's Church	2 Edward Street	Lot 4, DP 1043010	Local	I384
Turrella, Wollri Creek	Wollri Creek Wetlands	Part 75 Henderson Street, part Railway lands	Lot 5, DP 431083; Part Lot 1, DP 775302 (MS 16565 3000 SY); Lots 12 and 13, DP 1149053; part bed of Wollri Creek	Local	I385
Turrella	Cairnsfoot Special School	18 Loftus Street	Lot 1, DP 120192	State	I386
Turrella	Victorian house	28 Walker Street	Lot B, DP 379190	Local	I387
Wollri Creek	Tempe House and St Magdalene's Chapel	1 Princes Highway	Lot 1, DP 270821	State	I388
Wollri Creek	Wollri Creek Valley	Wollri Creek		Local	I389

## Part 2 Heritage conservation areas

Name of heritage conservation area	Identification on heritage map	Significance
Botany Township Heritage Conservation Area	Shown by a red outline with red hatching and labelled "C2"	Local

Daceyville Garden Suburb  
Heritage Conservation Area

Shown by a red outline with red  
hatching and labelled "C1"

Local

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

(Clause 5.19)

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

#### Division 1 Site location requirements

##### 1 Conservation exclusion zones

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

##### Note—

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

#### Division 2 Operational requirements

##### 2 Species selection

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

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

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

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



### **aquaculture—freshwater discharges**

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

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

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

#### **6 Definition**

In this Division—

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

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

### **Division 1 Site location requirements**

#### **7 Conservation exclusion zones**

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

#### **Note—**

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

#### **8 Flood liability**

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

### **Division 2 Operational requirements**

#### **9 Species selection**

Species of fish or marine vegetation cultivated or kept must be consistent with the

relevant aquaculture industry development plan (within the meaning of clause 5.19).

## 10 Pond design

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

## 11 Culture water

Must use freshwater.

## Dictionary

(Clause 1.4)

**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 [Bayside Local Environmental Plan 2021 Acid Sulfate Soils Map](#).

**Active Street Frontages Map** means the [Bayside Local Environmental Plan 2021 Active Street Frontages Map](#).

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

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

**Note—**

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

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

**Note—**

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

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

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

**Note—**

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

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

**Note—**

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

**agriculture** means any of the following—

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

**Note—**

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

**agritourism** means the following—

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

**Note—**

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

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

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

**Note—**

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

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

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

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

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

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

**Note—**

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

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

**Arncliffe Precinct** means the land identified as “Arncliffe Precinct” on the [Design Excellence Map](#).

**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.

**Banksia Precinct** means the land identified as “Banksia Precinct” on the [Design Excellence Map](#).

**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.

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

**classified road** has the same meaning as in the *Roads Act 1993*.

**Note—**

The term is defined as follows—

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

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

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

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

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

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

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

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

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

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

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

- (a) has at least 6 private rooms, some or all of which may have private kitchen and bathroom facilities, and
- (b) provides occupants with a principal place of residence for at least 3 months, and
- (c) has shared facilities, such as a communal living room, bathroom, kitchen or laundry, maintained by a managing agent, who provides management services 24 hours a day,

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

**Note—**

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

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

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

**commercial 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 Bayside Council.

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

**Note—**

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

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

for conducting memorial services.

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

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

**Note—**

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

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

**Note—**

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

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

**Note—**

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

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

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

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

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

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

**Note—**

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

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

**Note—**

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

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

**Note—**

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

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

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

**Note—**

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

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

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

**earthworks** means excavation or filling.

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

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

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

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

**Note—**

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

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

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

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

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

- (a) making or generating electricity, or

(b) electricity storage.

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

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

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

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

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

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

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

**Note—**

The term is defined as follows—

**estuary** means—

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

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

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

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

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

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

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

**Note—**

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

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

**Note—**

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

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

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

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

- (a) on a commercial farm, and
- (b) ancillary to the farm, and
- (c) used to provide visitors to the farm, on a commercial basis, with small-scale and low-impact tourist or recreational activities, including the following, but not including motor sports—

- (i) horse riding,
- (ii) farm tours,
- (iii) functions or conferences,
- (iv) farm field days.

**Note—**

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

**farm gate premises—**

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

**Note—**

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

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

- (a) on a commercial farm, and
- (b) ancillary to the farm, and
- (c) used to provide temporary accommodation to paying guests of the farm, including in buildings or moveable dwellings.

**Note—**

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

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

**Note—**



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

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

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

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

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

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

**Note—**

The term is defined as follows—

**Definition of “fish”**

(1)

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

(2)

**Fish** includes—

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

(3)

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

(4)

However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition

by the regulations under the [Fisheries Management Act 1994](#).

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

**floor space ratio**—see clause 4.5.

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

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

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

**Note—**

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

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

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

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

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

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

**Note—**

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

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

- (a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated

supplies, and items associated with the construction and maintenance of outdoor areas,

(b) pets and pet supplies,

(c) fresh produce.

**Note—**

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

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

**Note—**

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

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

**Note—**

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

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

(a) the area of a mezzanine, and

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

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

but excludes—

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

(e) any basement—

(i) storage, and

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

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

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

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

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

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

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

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

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

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

**Note—**

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

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

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

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

**Note—**

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

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

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

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

**Note—**

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

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

**Note—**

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

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

future development on other land in the locality), pose a significant risk in the locality—

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

**Note—**

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

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

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

**Note—**

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

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

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

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

**Note—**

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

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

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

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

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

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

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

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

**Note—**

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

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

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

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

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

**Note—**

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

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

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

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

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

**heritage impact statement** means a document consisting of—

- (a) a statement demonstrating the heritage significance of a heritage item or heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance, and

(c) proposals for measures to minimise that impact.

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

**Note—**

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

**heritage management document** means—

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

**Heritage Map** means the [Bayside Local Environmental Plan 2021 Heritage Map](#).

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

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

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

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

**Note—**

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

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

- (a) a restaurant or cafe,

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

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

**Note 1—**

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

**Note 2—**

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

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

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

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

**Note—**

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

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

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



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

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

**Note—**

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

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

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

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

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

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

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

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

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

**Note—**

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

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

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

**Note—**

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

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

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

**Note—**

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

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

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

**Note—**

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

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

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

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

but does not include a warehouse or distribution centre.

**Note—**

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

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

**industry** means any of the following—

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

but does not include—

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

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

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

- (a) dairies (restricted),

- (b) feedlots,
- (c) pig farms,
- (d) poultry farms,

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

**Note—**

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

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

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

**Note—**

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

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

**Intensive Urban Development Area Map** means the [Bayside Local Environmental Plan 2021 Intensive Urban Development Area Map](#).

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

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

**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 [Bayside Local Environmental Plan 2021 Land Application Map](#).

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

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

**landholding** means an area of land—

- (a) constituted or worked as a single property, and

(b) if comprising more than 1 lot—the lots are—

- (i) contiguous, or
- (ii) separated only by a road or watercourse.

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

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

**Note—**

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

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

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

**Note—**

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

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

**Note—**

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

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

**Note—**

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

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

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

**maintenance**, in relation to a heritage item, Aboriginal object or Aboriginal place of heritage significance, or a building, work, archaeological site, tree or place within a heritage conservation area,

means ongoing protective care, but does not include the removal or disturbance of existing fabric, alterations (such as carrying out extensions or additions) or the introduction of new materials or technology.

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

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

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

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

**Note—**

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

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

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

**Note—**

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

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

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

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

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

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

**Note—**

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

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

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

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

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

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

**Note—**

The term is defined as follows—

**moveable dwelling** means—

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

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

**Note—**

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

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

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

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

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

**neighbourhood shop** means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of

people who live or work in the local area, but does not include neighbourhood supermarkets or restricted premises.

**Note—**

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

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

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

**Note—**

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

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

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

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

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

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

**Note—**

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

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

**Note—**

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

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

**Note—**



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

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

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

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

**Note—**

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

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

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

**people who are socially disadvantaged** means—

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

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

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

**Note—**

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

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

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

**Note—**

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

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

**Note—**

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

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

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

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

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

**Note—**

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

**primitive camping ground** means a camping ground approved under the [Local Government Act 1993](#), Chapter 7, Part 1 as a primitive camping ground.

**Note—**

Primitive camping ground is a type of **camping ground**—see the definition of that term in this Dictionary.

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

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

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

**Note—**

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

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

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

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

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

**public utility undertaking** means any of the following undertakings carried on or permitted to be carried on by or by authority of any Public Service agency or under the authority of or in pursuance of any Commonwealth or State Act—

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

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

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

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

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

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

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

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

**recreation facility (outdoor)** means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

**Reduced Level (RL)** means height above the Australian Height Datum, being the datum surface

approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

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

**registered community housing provider** has the same meaning as in the [Community Housing Providers \(Adoption of National Law\) Act 2012](#), section 13.

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

**Note—**

The term is defined as follows—

**relic** means any deposit, artefact, object or material evidence that—

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

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

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

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

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

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

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

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

**Note—**

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

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

**Note—**

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

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

**Note—**

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

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

**restaurant or cafe** means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided, but does not include the preparation and serving of food and drink to people that occurs as part of—

- (a) an artisan food and drink industry, or
- (b) farm gate premises.

**Note—**

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

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

**restriction facilities** means facilities where animals are constrained for management purposes,

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

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

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

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

**Note—**

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

**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.

**Stream Order Map** means the [Bayside Local Environmental Plan 2021 Stream Order Map](#).

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

**Note—**

The term is defined as follows—

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

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the

purpose of swimming, wading, paddling or any other human aquatic activity,

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

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

**Note—**

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

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

**Note—**

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

**telecommunications facility** means—

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

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

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

**Note—**

The term is defined as follows—

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

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

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

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

**Note—**

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

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

- (a) backpackers' accommodation,
  - (b) bed and breakfast accommodation,
  - (c) farm stay accommodation,
  - (d) hotel or motel accommodation,
  - (e) serviced apartments,
- but does not include—
- (f) camping grounds, or
  - (g) caravan parks, or
  - (h) eco-tourist facilities.

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

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

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

**Note—**

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

**underground mining** means—

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

but does not include open cut mining.

**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).

**Waterways Map** means the [Bayside Local Environmental Plan 2021 Waterways Map](#).

**wetland** means—

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

**Wetlands Map** means the [Bayside Local Environmental Plan 2021 Wetlands Map](#).

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

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

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