

# The Hills Local Environmental Plan 2019

[2019-596]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

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

### About this plan

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

### Authorisation

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

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New South Wales

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# The Hills Local Environmental Plan 2019



New South Wales

## Part 1 Preliminary

### 1.1 Name of Plan

This Plan is *The Hills Local Environmental Plan 2019*.

### 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 The Hills 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 guide the orderly and sustainable development of The Hills, balancing its economic, environmental and social needs,
  - (b) to provide strategic direction and urban and rural land use management for the benefit of the community,
  - (c) to provide for the development of communities that are healthy, connected and inclusive and that have services and facilities that meet their needs,
  - (d) to provide for well planned and liveable neighbourhoods through efficient and safe transport infrastructure, a range of housing options, and a built environment that is compatible with the cultural and natural heritage of The Hills,
  - (e) to preserve and protect the natural surroundings of The Hills and to identify environmentally significant land for the benefit of future generations,
  - (f) to contribute to the development of a prosperous local economy through the



identification and management of land to promote employment opportunities, rural productivity and tourism.

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

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

### **1.4 Definitions**

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

### **1.5 Notes**

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

### **1.6 Consent authority**

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

### **1.7 Maps**

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

#### **Note.**

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

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

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

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

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

**Note.**

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

- (2) (Repealed)
- (3) An amendment made to this plan by *The Hills Local Environmental Plan 2019 (Amendment No 7)* or *The Hills Local Environmental Plan 2019 (Amendment No 18)* does not apply to a development application made but not finally determined before the commencement of the amendment.
- (4) An amendment made to this Plan by Schedule 1.2 of *The Hills Local Environmental Plan 2019 (Amendment No 3)* does not apply to a development application made but not finally determined before the commencement of the amendment.
- (5) A development application made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Bella Vista and Kellyville Transport Oriented Development Precincts) 2024* must be determined as if that policy had not commenced.
- (6) An amendment made to clause 8.6 by *State Environmental Planning Policy Amendment (Exemptions) 2024* does not apply in relation to—
  - (a) a development application made, but not finally determined, before the commencement of the amendment, or
  - (b) a development application made on or after 30 November 2027.

## **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**

RU1 Primary Production

RU2 Rural Landscape

RU3 Forestry

RU5 Village

RU6 Transition

#### **Residential Zones**

R1 General Residential

R2 Low Density Residential

R3 Medium Density Residential

R4 High Density Residential

#### **Employment Zones**

E1 Local Centre

E3 Productivity Support

E4 General Industrial

#### **Mixed Use Zones**

MU1 Mixed Use

#### **Special Purpose Zones**

SP2 Infrastructure

SP3 Tourist

SP4 Enterprise

#### **Recreation Zones**

RE1 Public Recreation

RE2 Private Recreation

**Conservation Zones**

C1 National Parks and Nature Reserves

C2 Environmental Conservation

C3 Environmental Management

C4 Environmental Living

**Waterway Zones**

W2 Recreational Waterways

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

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

**2.3 Zone objectives and Land Use Table**

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

**Notes.**

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

an alternative to obtaining development consent).

4 Clause 2.6 requires consent for subdivision of land.

5 Part 5 contains other provisions which require consent for particular development.

## 2.4 Unzoned land

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

## 2.5 Additional permitted uses for particular land

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

## 2.6 Subdivision—consent requirements

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

### Notes.

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

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

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

### Note.

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

as the principal dwelling.

## 2.7 Demolition requires development consent

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

### Note.

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

## 2.8 Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 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 RU1 Primary Production



## **1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To facilitate the economic extraction of materials from land and the subsequent rehabilitation of that land.

## **2 Permitted without consent**

Bed and breakfast accommodation; Extensive agriculture; Home occupations

## **3 Permitted with consent**

Agriculture; Animal boarding or training establishments; Aquaculture; Artisan food and drink industries; Building identification signs; Business identification signs; Cellar door premises; Community facilities; Crematoria; Dual occupancies (attached); Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Garden centres; Home-based child care; Home businesses; Home industries; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Landscaping material supplies; Open cut mining; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Rural supplies; Secondary dwellings; Service stations; Veterinary hospitals; Water supply systems

## **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone RU2 Rural Landscape**

### **1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and

enhancing the natural resource base.

- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To encourage innovative and sustainable tourist development, sustainable agriculture and the provision of farm produce directly to the public.

## **2 Permitted without consent**

Bed and breakfast accommodation; Extensive agriculture; Home occupations; Moorings

## **3 Permitted with consent**

Agritourism; Animal boarding or training establishments; Aquaculture; Artisan food and drink industries; Boat building and repair facilities; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Community facilities; Correctional centres; Crematoria; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Garden centres; Health consulting rooms; Helipads; Heliports; Home-based child care; Home businesses; Home industries; Information and education facilities; Intensive plant agriculture; Jetties; Landscaping material supplies; Liquid fuel depots; Marinas; Markets; Mooring pens; Places of public worship; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Roadside stalls; Rural industries; Rural supplies; Secondary dwellings; Service stations; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities

## **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone RU3 Forestry**

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

- To enable development for forestry purposes.

- To enable other development that is compatible with forestry land uses.

## **2 Permitted without consent**

Roads; Uses authorised under the *Forestry Act 2012* or under Part 5B (Private native forestry) of the *Local Land Services Act 2013*

## **3 Permitted with consent**

Aquaculture; Environmental facilities; Environmental protection works; Plant nurseries; Public administration buildings; Restaurants or cafes

## **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone RU5 Village**

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

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To ensure the scale and type of development is compatible with the character and amenity of a rural village.
- To allow for residential development that contributes to the economic and social vitality of the village centre and does not detract from the primary objective of the zone.
- To promote transit oriented development principles and encourage walking and cycling to and from the centre.

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

Home businesses; Home occupations

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

Artisan food and drink industries; Attached dwellings; Building identification signs; Business identification signs; Business premises; Cellar door premises; Centre-based child care facilities; Community facilities; Dwelling houses; Kiosks; Markets; Medical centres; Neighbourhood shops; Neighbourhood supermarkets; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roadside stalls; Schools; Shop top housing; Take away

food and drink premises; Tank-based aquaculture; Any other development not specified in item 2 or 4

#### **4 Prohibited**

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

### **Zone RU6 Transition**

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

- To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage innovative and sustainable tourist development, sustainable agriculture and the provision of farm produce directly to the public.
- To ensure that development does not have a detrimental impact on the rural and scenic character of the land.

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

Bed and breakfast accommodation; Extensive agriculture; Home occupations

### **3 Permitted with consent**

Agricultural produce industries; Artisan food and drink industries; Building identification signs; Business identification signs; Cemeteries; Centre-based child care facilities; Community facilities; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Farm buildings; Farm gate premises; Farm stay accommodation; Flood mitigation works; Garden centres; Home-based child care; Home businesses; Home industries; Information and education facilities; Intensive plant agriculture; Landscaping material supplies; Markets; Oyster aquaculture; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Roadside stalls; Rural industries; Secondary dwellings; Tank-based aquaculture; Veterinary hospitals; Water supply systems

### **4 Prohibited**

Any other development not specified in item 2 or 3

## **Zone R1 General Residential**

### **1 Objectives of zone**

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To enable other land uses that support the adjoining or nearby commercial centres and protect the amenity of the adjoining or nearby residential areas.

### **2 Permitted without consent**

Home businesses; Home occupations

### **3 Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Business premises; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Group homes; Home-based child care; Hostels; Hotel or motel accommodation; Multi dwelling housing; Neighbourhood shops; Office premises; Oyster aquaculture; Places of public worship; Pond-based aquaculture;

Residential flat buildings; Respite day care centres; Restaurants or cafes; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

#### **4 Prohibited**

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

### **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 maintain the existing low density residential character of the area.

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

Home businesses; Home occupations

### **3 Permitted with consent**

Bed and breakfast accommodation; Building identification signs; Business identification signs; Centre-based child care facilities; Dual occupancies; Dwelling houses; Group homes; Health consulting rooms; Home-based child care; Oyster aquaculture; Pond-based aquaculture; Respite day care centres; Roads; Tank-based aquaculture; Any other development not specified in item 2 or 4

### **4 Prohibited**

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

## **Zone 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 encourage medium density residential development in locations that are close to population centres and public transport routes.

## **2 Permitted without consent**

Home businesses; Home occupations

## **3 Permitted with consent**

Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Group homes; Home-based child care; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Respite day care centres; Roads; Seniors housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

## **4 Prohibited**

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



## **Zone 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 encourage high density residential development in locations that are close to population centres and public transport routes.

### **2 Permitted without consent**

Home businesses; Home occupations

### **3 Permitted with consent**

Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Home-based child care; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Residential flat buildings; Respite day care centres; Roads; Shop top housing; Any other development not specified in item 2 or 4

### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Port facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation

facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

## **Zone E1 Local Centre**

### **1 Objectives of zone**

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To ensure the scale and type of development is compatible with the character and amenity of the surrounding area.
- To allow for residential development that contributes to the economic and social vitality of the centre and does not detract from the primary objective of the zone.
- To promote transit oriented development principles and encourage walking and cycling to and from the centre.

### **2 Permitted without consent**

Home businesses; Home occupations

### **3 Permitted with consent**

Amusement centres; Artisan food and drink premises; Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; 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; Multi dwelling housing; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation facilities (indoor); Respite day care centres; Service stations; Shop top housing; Tank-based aquaculture; Veterinary hospitals; Any other development not specified in item 2 or 4

#### **4 Prohibited**

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

## **2 Permitted without consent**

Nil

## **3 Permitted with consent**

Animal boarding or training establishments; Boat building and repair facilities; Building identification signs; Business identification signs; Business premises; Centre-based child care facilities; Community facilities; Depots; Food and drink premises; Function centres; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; 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; Serviced apartments; Specialised retail premises; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies; Any other development not specified in item 2 or 4

## **4 Prohibited**

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

premises; Rural industries; Sewerage systems; Sex services premises; Signage; Tourist and visitor accommodation; Waste disposal facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

## **Zone E4 General Industrial**

### **1 Objectives of zone**

- To provide a range of industrial, warehouse, logistics and related land uses.
- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.
- To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.
- To provide for a range of urban support services to serve the needs of residents in surrounding areas and workers in the locality.
- To facilitate the development of freight and logistics operations to enhance the viability and use of land in employment zones.
- To provide temporary overnight accommodation for the working population and businesses in the area.

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Building identification signs; Business identification signs; Depots; Food and drink premises; Freight transport facilities; Garden centres; General industries; Goods repair and reuse premises; Hardware and building supplies; Heliports; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Light industries; Local distribution premises; Neighbourhood shops; Oyster aquaculture; Self-storage units; Serviced apartments; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

#### **4 Prohibited**

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

#### **Zone MU1 Mixed Use**

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

- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To encourage leisure and entertainment facilities in the major centres that generate activity throughout the day and evening.
- To provide for high density housing that is integrated with civic spaces.

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

Home businesses; Home occupations

### **3 Permitted with consent**

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

### **4 Prohibited**

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

## **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**

Roads

### **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 SP3 Tourist**

### **1 Objectives of zone**

- To provide for a variety of tourist-oriented development and related uses.
- To provide for activities that support and relate to the natural assets of the area, in particular the river front.
- To provide for a range of support services to meet the needs of the surrounding residents that are complementary to the scale of adjoining land uses.
- To allow a range of recreation and tourism related activities to be carried out where such activities are within the servicing capacity of the infrastructure of the area.

### **2 Permitted without consent**

Home occupations; Moorings

### **3 Permitted with consent**

Aquaculture; Boat building and repair facilities; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Business premises; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Community facilities; Dwelling houses; Eco-tourist facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Food and drink premises; Function centres; Garden centres; Health consulting rooms; Home-based child care; Home businesses; Information and education facilities; Jetties; Kiosks; Landscaping material supplies; Marinas; Markets; Medical centres; Mooring pens; Places of public worship; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Roads; Rural supplies; Schools; Service stations; Shops; Tourist and



visitor accommodation; Vehicle repair stations; Waste or resource transfer stations; Water recreation structures; Wharf or boating facilities

#### **4 Prohibited**

Any development not specified in item 2 or 3.

### **Zone SP4 Enterprise**

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

- To provide for development and land uses that support enterprise and productivity.
- To encourage economic growth, business investment and employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To provide a range of office and light industrial uses.
- To make provision for high technology industries that use and develop advanced technologies, products and processes.

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

Nil

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

Building identification signs; Business identification signs; Business premises; Food and drink premises; Garden centres; Hardware and building supplies; Heliports; Hotel or motel accommodation; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Office premises; Oyster aquaculture; Plant nurseries; Self-storage units; Serviced apartments; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Any other development not specified in item 2 or 4

#### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works;

Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Port facilities; Recreation facilities (major); Research stations; Residential accommodation; Resource recovery facilities; Restricted premises; Rural industries; Sewerage systems; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Waste disposal facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

## **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

### **3 Permitted with consent**

Aquaculture; Boat launching ramps; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Emergency services facilities; Environmental facilities; Information and education facilities; Jetties; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Take away food and drink premises; Water recreation structures

### **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone RE2 Private Recreation**

### **1 Objectives of zone**

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

- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To promote tourism and entertainment related activities in appropriate areas.

## **2 Permitted without consent**

Environmental protection works

## **3 Permitted with consent**

Aquaculture; Boat launching ramps; Building identification signs; Business identification signs; Charter and tourism boating facilities; Community facilities; Environmental facilities; Hotel or motel accommodation; Jetties; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Restaurants or cafes; Roads; Serviced apartments; Water recreation structures

## **4 Prohibited**

Any development not specified in item 2 or 3

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

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

- To enable the management and appropriate use of land that is reserved under the *National Parks and Wildlife Act 1974* or that is acquired under Part 11 of that Act.
- To enable uses authorised under the *National Parks and Wildlife Act 1974*.
- To identify land that is to be reserved under the *National Parks and Wildlife Act 1974* and to protect the environmental significance of that land.

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

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

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

Nil

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone C2 Environmental Conservation**

### **1 Objectives of zone**

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

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Environmental facilities; Environmental protection works; Oyster aquaculture; Research stations; Roads

### **4 Prohibited**

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

## **Zone C3 Environmental Management**

### **1 Objectives of zone**

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To provide for residential development on the land having regard to the geotechnical constraints of the land.

### **2 Permitted without consent**

Home occupations

### **3 Permitted with consent**

Dwelling houses; Environmental protection works; Oyster aquaculture; Pond-based aquaculture; Roads; Tank-based aquaculture

#### **4 Prohibited**

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

### **Zone C4 Environmental Living**

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

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.

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

Home occupations

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

Bed and breakfast accommodation; Building identification signs; Business identification signs; Community facilities; Dual occupancies (attached); Dwelling houses; Emergency services facilities; Environmental protection works; Home-based child care; Home businesses; Oyster aquaculture; Pond-based aquaculture; Roads; Secondary dwellings; Tank-based aquaculture

#### **4 Prohibited**

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

### **Zone W2 Recreational Waterways**

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

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

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

Nil

### **3 Permitted with consent**

Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Charter and tourism boating facilities; Environmental facilities; Environmental protection works; Jetties; Kiosks; Marinas; Mooring pens; Moorings; Roads; Water recreation structures; Wharf or boating facilities

### **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

## **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 provide for the proper and orderly development of land,
  - (b) to prevent fragmentation or isolation of land,



- (c) to ensure that the prevailing character of the surrounding area is maintained.
- (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.
- (4) This clause does not apply in relation to the subdivision of any land—
  - (a) by the registration of a strata plan or strata plan of subdivision under the [Strata Schemes Development Act 2015](#), or
  - (b) by any kind of subdivision under the [Community Land Development Act 2021](#).

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

- (1) The objectives of this clause are as follows—
  - (a) to ensure that land to which this clause applies is not fragmented by inappropriate subdivisions that would create additional dwelling entitlements,
  - (b) to encourage rural cluster subdivision that will ensure the land is developed, managed and conserved in a holistic and sensitive manner where affected by biodiversity.
- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the [Community Land Development Act 2021](#) of land in any of the following zones—
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU6 Transition,
  - (d) Zone R1 General Residential,
  - (e) Zone R2 Low Density Residential,
  - (f) Zone R3 Medium Density Residential,
  - (g) Zone R4 High Density Residential,
  - (h) Zone SP3 Tourist,
  - (i) Zone C3 Environmental Management,

(j) Zone C4 Environmental Living,

but does not apply to a subdivision by the registration of a strata plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the [Community Land Development Act 2021](#)) is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

(3A) Despite subclause (3), the size of any lot resulting from a subdivision of land in Zone RU2 Rural Landscape or Zone RU6 Transition may be less than the minimum size shown on the [Lot Size Map](#) in relation to that land if—

- (a) the land to be subdivided under the community plan is not less than 10 hectares, and
- (b) the land to be subdivided under the community plan includes land identified as “Biodiversity” on the [Terrestrial Biodiversity Map](#) or a suitably qualified professional has assessed the relevant land and certified that the development will provide a better biodiversity outcome, and
- (c) after the subdivision, there will be no more than 1 lot (other than a lot comprising association property within the meaning of the [Community Land Development Act 1989](#)) for each 2 hectares subdivided, and
- (d) the size of any lot resulting from the subdivision (other than a lot comprising association property within the meaning of the [Community Land Development Act 1989](#)) is not less than 0.4 hectares or greater than 1 hectare.

(3B) The consent authority must not grant consent to development on land that has been subdivided under subclause (3A) unless it is satisfied that—

- (a) appropriate management measures will be in place that will ensure the protection of the landscape, biodiversity and rural setting of the land, and
- (b) productive agricultural land will not be lost.

(4) This clause applies despite clause 4.1.

#### **4.1A Minimum lot sizes for dual occupancies, dwelling houses, manor houses, multi dwelling housing and residential flat buildings**

- (1) The objective of this clause is to achieve planned residential density in certain zones.
- (2) Development consent may be granted to development on a lot in a zone shown in Column 2 of the table to this subclause for a purpose shown in Column 1 of the table, if the area of the lot is equal to or greater than the area specified in Column 3 of the table.

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
	Zone RU1 Primary Production	10 hectares
	Zone RU2 Rural Landscape	10 hectares
	Zone RU6 Transition	2 hectares
	Zone R1 General Residential	1,800 square metres
Dual occupancy (attached)	Zone R2 Low Density Residential	600 square metres
	Zone R3 Medium Density Residential	600 square metres
	Zone R4 High Density Residential	1,800 square metres
	Zone C4 Environmental Living	2,000 square metres
	Zone R1 General Residential	1,800 square metres
	Zone R2 Low Density Residential	700 square metres
Dual occupancy (detached)	Zone R3 Medium Density Residential	700 square metres
	Zone R4 High Density Residential	1,800 square metres
Dwelling house	Zone RU5 Village	2 hectares
Manor house	Zone R3 Medium Density Residential	900 square metres
	Zone R1 General Residential	1,800 square metres
	Zone R3 Medium Density Residential	1,800 square metres
Multi dwelling housing	Zone R4 High Density Residential	1,800 square metres
	Zone E1 Local Centre	1,800 square metres
	Zone R1 General Residential	4,000 square metres
Residential flat building	Zone R4 High Density Residential	4,000 square metres
	Zone E1 Local Centre	4,000 square metres

Zone MU1 Mixed Use

4,000 square metres

- (3) Despite subclause (2), development consent may be granted to development on a lot in a zone shown in Column 2 of the table to subclause (2) for multi dwelling housing or residential flat buildings where the area of the lot is less than the area specified in Column 3 of the table, if the consent authority is satisfied that—
- (a) the form of the proposed buildings is compatible with adjoining buildings in terms of their elevation to the street and building height, and
  - (b) the design and location of rooms, windows and balconies of the proposed buildings, and the open space to be provided, ensures acceptable acoustic and visual privacy, and
  - (c) all dwellings are designed to minimise energy needs and utilise passive solar design principles, and
  - (d) significant existing vegetation will be retained and landscaping is incorporated within setbacks and open space areas.
- (4) In this clause, **manor house** has the same meaning as in clause 1.5 of [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#).

**Note.**

Clause 3B.1A of the [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) provides that development for the purposes of manor houses is permitted with development consent in Zone R3.

**4.1B Exceptions to minimum lot sizes for certain residential development**

- (1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.
- (2) This clause applies to development on land in the following zones—
- (a) Zone R3 Medium Density Residential,
  - (b) Zone R4 High Density Residential.
- (3) Development consent may be granted to a single development application for development to which this clause applies that is both of the following—
- (a) the subdivision of land into 3 or more lots,
  - (b) the erection of an attached dwelling or a dwelling house on each lot resulting from the subdivision, but only if the size of each lot is equal to or greater than 240 square metres.
- (4) Development consent must not be granted to development to which this clause

applies for the purposes of dwelling houses or attached dwellings unless the consent authority is satisfied that—

- (a) the form of the proposed buildings is compatible with adjoining buildings in terms of their elevation relative to the street and building height, and
  - (b) the design and location of rooms, windows and balconies of the proposed buildings, and the open space to be provided, ensures acceptable acoustic and visual privacy and solar access, and
  - (c) all dwellings are designed to minimise energy needs and use passive solar design principles, and
  - (d) significant existing vegetation will be retained and landscaping is incorporated within setbacks and open space areas, and
  - (e) there is pedestrian access to each dwelling from the main street frontage.
- (5) Despite subclause (3), development must not be granted for the subdivision of land to which this clause applies unless the consent authority is satisfied that the subdivision is appropriate having regard to the impact on the residential amenity and streetscape in the area.

#### **4.1C Subdivision of dual occupancies**

- (1) The objectives of this clause are as follows—
- (a) to not allow development consent to be granted for the subdivision of certain dual occupancies,
  - (b) to maintain the prevailing character of lower density residential areas.
- (2) Despite any other provision of this Plan, development consent must not be granted for the subdivision of land on which a dual occupancy is erected, or proposed to be erected, if the subdivision would result in each of the dwellings that comprise the dual occupancy being located on separate lots unless—
- (a) the dual occupancy was erected, or the building work for the erection of the dual occupancy had commenced, before 5 December 2012, and
  - (b) the erection was, or is being carried out, under a development consent granted before 18 October 1996, and
  - (c) the plans approved by the development consent showed parts of the building as being intended for separate occupation, and
  - (d) the subdivision would create lots that substantially correspond with the parts shown on those plans as being for separate occupation, and

- (e) the land is being subdivided under a strata plan.

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

**Note.**

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

#### **4.2A Erection of dwelling houses or dual occupancies on land in certain rural and conservation zones**

- (1) The objectives of this clause are as follows—
  - (a) to minimise unplanned rural residential development,
  - (b) to enable the replacement of lawfully erected dwelling houses in rural and conservation zones.
- (2) This clause applies to land in the following zones—
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU6 Transition,
  - (d) Zone C3 Environmental Management,

(e) Zone C4 Environmental Living.

- (3) Development consent must not be granted for the erection of a dwelling house or dual occupancy on land in a zone to which this clause applies, and on which no dwelling has been erected, unless the land is—
- (a) a lot that is at least the minimum lot size specified for that land by this Plan, or
  - (b) a lot created under this Plan (other than under clause 4.2(3)), or
  - (c) a lot created before 5 December 2012 and on which the erection of a dwelling house or dual occupancy was permissible immediately before that date, or
  - (d) a lot resulting from a subdivision for which development consent (or equivalent) was granted before 5 December 2012 and on which the erection of a dwelling house or dual occupancy would have been permissible if the plan of subdivision had been registered before that date, or
  - (e) an existing holding.

**Note.**

A dwelling cannot be erected on a lot created under clause 9 of [State Environmental Planning Policy \(Rural Lands\) 2008](#) or clause 4.2.

- (4) Despite subclause (3), development consent may be granted for the erection of a dwelling house on land to which this clause applies if—
- (a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house, or
  - (b) the land would have been a lot or a holding referred to in subclause (3) had it not been affected by—
    - (i) a minor realignment of its boundaries that did not create an additional lot, or
    - (ii) a subdivision creating or widening a public road or public reserve or for another public purpose.

- (5) In this clause—

**existing holding** means land that—

- (a) was a holding on 13 May 1977, and
- (b) is a holding at the time the application for development consent referred to in subclause (3) is lodged,

whether or not there has been a change in the ownership of the holding since 13 May 1977, and includes any other land adjoining that land acquired by the owner since 13

May 1977.

**holding** means all adjoining land, even if separated by a road or railway, held by the same person or persons.

**Note.**

The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the stated date.

### **4.3 Height of buildings**

- (1) The objectives of this clause are as follows—
  - (a) to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape,
  - (b) to minimise the impact of overshadowing, visual impact and loss of privacy on adjoining properties and open space areas.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).

#### **4.3A Additional controls applying to shop top housing and residential flat buildings as part of mixed use development**

- (1) The objectives of this clause are as follows—
  - (a) to reinforce the Council's established centres hierarchy and ensure centres are appropriate in scale and design for their location,
  - (b) to ensure that shop top housing and residential flat buildings as part of mixed use developments are compatible with the prevailing character and amenity of surrounding land.
- (2) Development consent must not be granted to development on land identified as "Area C" on the [Key Sites Map](#) for the purposes of shop top housing if—
  - (a) the height of the building exceeds 7 metres, or
  - (b) less than 50% of the total floor area of the building will be used for non-residential purposes.
- (3) Development consent must not be granted to development on land identified as "Area D" on the [Key Sites Map](#) for the purposes of shop top housing or a residential flat building as part of a mixed use development if—
  - (a) the height of the building exceeds 10 metres, or
  - (b) less than 50% of the total floor area of the building will be used for non-residential purposes.



#### 4.4 Floor space ratio

- (1) The objectives of this clause are as follows—
  - (a) to ensure development is compatible with the bulk, scale and character of existing and future surrounding development,
  - (b) to provide for a built form that is compatible with the role of town and major centres.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#).

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

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

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

- (4) **Exclusions from site area** The following land must be excluded from the site area—
  - (a) land on which the proposed development is prohibited, whether under this Plan or any other law,

(b) community land or a public place (except as provided by subclause (7)).

- (5) **Strata subdivisions** The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.
- (6) **Only significant development to be included** The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.
- (7) **Certain public land to be separately considered** For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.
- (8) **Existing buildings** The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.
- (9) **Covenants to prevent “double dipping”** When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.
- (10) **Covenants affect consolidated sites** If—
- (a) a covenant of the kind referred to in subclause (9) applies to any land (**affected land**), and
  - (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,
- the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.
- (11) **Definition** In this clause, **public place** has the same meaning as it has in the [Local Government Act 1993](#).

#### 4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows—
  - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—
  - (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
  - (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

**Note—**

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

- (4) The consent authority must keep a record of its assessment carried out under subclause (3).
- (5) (Repealed)
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—
  - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
  - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

- (7) (Repealed)
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following—
- (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,
  - (c) clause 5.4,
    - (caa) clause 5.5,
    - (cab) (Repealed)
    - (ca) clause 6.3,
    - (cb) clause 7.11,
    - (cc) clause 7.15.

## Part 5 Miscellaneous provisions

### 5.1 Relevant acquisition authority

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

**Note.**

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

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

**Type of land shown on Map**

**Authority of the State**

Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 2.5 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Transport for NSW
Zone C1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <a href="#">National Parks and Wildlife Act 1974</a>
Zone C2 Environmental Conservation and marked "Local Environmental Conservation"	Council
Zone SP2 Infrastructure and marked "Railway Corridor"	The corporation constituted under section 2.5 of the Act
Zone SP2 Infrastructure and marked "Stormwater Management System"	Sydney Water Corporation
Zone SP2 Infrastructure and marked "Public Transport Corridor"	Transport for NSW
Zone SP2 Infrastructure and marked "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 protect land that is intended to be acquired for a public purpose.
- (2) Development consent must not be granted to any development on land identified on the [Land Reservation Acquisition Map](#) to be acquired for a public purpose unless the consent authority is satisfied that the development is likely to be consistent with the public purpose identified on that map for that land.

#### **5.2 Classification and reclassification of public land**

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

**Note.**

Under the [Local Government Act 1993](#), "public land" is generally land vested in or under the control of a council (other than roads and certain Crown land). The classification or reclassification of public land may

also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.

- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4—
  - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
  - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except—
  - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
  - (b) any reservations that except land out of the Crown grant relating to the land, and
  - (c) reservations of minerals (within the meaning of the *Crown Land Management Act 2016*).

**Note.**

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

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

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.
- (3) This clause does not apply to—

- (a) land in Zone RE1 Public Recreation, Zone C1 National Parks and Nature Reserves, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone W1 Natural Waterways, or
  - (aa) land in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential or Zone C4 Environmental Living, or
  - (b) land within the coastal zone, or
  - (c) land proposed to be developed for the purpose of sex services or restricted premises.
- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—
- (a) the development is not inconsistent with the objectives for development in both zones, and
  - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (5) This clause does not prescribe a development standard that may be varied under this Plan.

#### 5.4 Controls relating to miscellaneous permissible uses

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

**Note.**

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

- (2) **Home businesses** If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 50 square metres of floor area.
- (3) **Home industries** If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 100 square metres of floor area.
- (4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed—

- (a) 10% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
  - (b) 50 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 20 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 75 square metres.
- (9) **Secondary dwellings on land other than land in a rural zone** If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—
- (a) 60 square metres,
  - (b) 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) 10% of the gross floor area of the industry, or
  - (b) 50 square metres,
- whichever is the lesser.

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

If development for the purposes of a secondary dwelling is permitted under this Plan on land in a rural zone—



- (a) the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—
  - (i) 110 square metres,
  - (ii) 20% of the total floor area of the principal dwelling, and
- (b) [Not adopted]

### **5.6 Architectural roof features**

- (1) The objectives of this clause are as follows—
  - (a) to allow architectural roof features that will integrate with building composition and form and encourage a high quality built form.
- (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) RU1 Primary Production,
  - (b) RU2 Rural Landscape,
  - (b1) RU5 Village

- (c) RU6 Transition,
- (d) R2 Low Density Residential,
- (e) R3 Medium Density Residential,
- (f) C3 Environmental Management,
- (g) C4 Environmental Living.

(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 The Hills,
- (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**

- (1) The objectives of this clause are as follows—
  - (a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,
  - (b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.
- (2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.
- (3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that—
  - (a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and
  - (b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and
  - (c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and
  - (d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and native flora and fauna will be minimal, and
  - (e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and
  - (f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and
  - (g) the development will be located to avoid visibility above ridgelines and against

escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours, materials and landscaping with local native flora, and

- (h) any infrastructure services to the site will be provided without significant modification to the environment, and
- (i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and
- (j) the development will not adversely affect the agricultural productivity of adjoining land, and
- (k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment—
  - (i) measures to remove any threat of serious or irreversible environmental damage,
  - (ii) the maintenance (or regeneration where necessary) of habitats,
  - (iii) efficient and minimal energy and water use and waste output,
  - (iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,
  - (v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.

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

[Not adopted]

#### **5.15 Defence communications facility**

[Not adopted]

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

- (1) The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or conservation zones concerned (particularly between residential land uses and other rural land uses).
- (2) This clause applies to land in the following zones—
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,



- (c) Zone RU3 Forestry,
  - (d) Zone RU4 Primary Production Small Lots,
  - (e) Zone RU6 Transition,
  - (f) Zone R5 Large Lot Residential,
  - (g) Zone C2 Environmental Conservation,
  - (h) Zone C3 Environmental Management,
  - (i) Zone C4 Environmental Living.
- (3) A consent authority must take into account the matters specified in subclause (4) in determining whether to grant development consent to development on land to which this clause applies for either of the following purposes—
- (a) subdivision of land proposed to be used for the purposes of a dwelling,
  - (b) erection of a dwelling.
- (4) The following matters are to be taken into account—
- (a) the existing uses and approved uses of land in the vicinity of the development,
  - (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,
  - (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),
  - (d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).

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

[Not applicable]

#### **5.18 Intensive livestock agriculture**

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

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

farm, or

(vi) for a poultry farm not used for breeding poultry—

(A) within 5km of a poultry farm used for breeding poultry, or

(B) within 1km of a poultry farm not used for breeding poultry, or

(vii) for a pig farm—within 3km of another pig farm.

(5) The following types of development are specified for the purposes of subclause (4)—

(a) a cattle feedlot having a capacity to accommodate fewer than 50 head of cattle,

(b) a goat feedlot having a capacity to accommodate fewer than 200 goats,

(c) a sheep feedlot having a capacity to accommodate fewer than 200 sheep,

(d) a pig farm having a capacity to accommodate fewer than 20 breeding sows, or fewer than 200 pigs (of which fewer than 20 may be breeding sows),

(e) a dairy (restricted) having a capacity to accommodate fewer than 50 dairy cows,

(f) a poultry farm having a capacity to accommodate fewer than 1,000 birds for meat or egg production (or both).

(6) For the avoidance of doubt, subclause (4) does not apply to development that is prohibited or that may be carried out without development consent under this or any other environmental planning instrument.

(7) In this clause—

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

**residential zone** means Zone RU4 Primary Production Small Lots, Zone RU5 Village, Zone RU6 Transition, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone E3 Productivity Support, Zone MU1 Mixed Use, Zone C3 Environmental Management or Zone C4 Environmental Living.

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

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

(a) to encourage sustainable oyster, pond-based and tank-based aquaculture in the State, namely, aquaculture development that uses, conserves and enhances the community's resources so that the total quality of life now and in the future can be preserved and enhanced,

(b) to set out the minimum site location and operational requirements for permissible pond-based and tank-based aquaculture development.

(2) **Pond-based or tank-based aquaculture—matters of which consent authority must be satisfied before granting consent** The consent authority must not grant development consent to carry out development for the purpose of pond-based aquaculture or tank-based aquaculture unless the consent authority is satisfied of the following—

(a) that the development complies with the site location and operational requirements set out in Part 1 of Schedule 6 for the development,

(b) in the case of—

- (i) pond-based aquaculture 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**

- (1) The objectives of this clause are as follows—
  - (a) to diversify the uses of agricultural land without adversely impacting the principal use of the land for primary production,
  - (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses,
  - (c) to ensure that development does not have an adverse impact on the rural character of the locality.
- (2) Development consent must not be granted to development for the purposes of farm stay accommodation on a landholding unless the consent authority is satisfied all buildings or manufactured homes used to accommodate guests on the landholding will be—
  - (a) on the same lot as an existing lawful dwelling house, or
  - (b) on a lot of a size not less than the minimum lot size for a dwelling house to be permitted on the lot under an environmental planning instrument applying to the land.
- (3) Subclause (2) does not apply if the development is a change of use of an existing dwelling to farm stay accommodation.
- (4) Development consent must not be granted to development for the purposes of farm stay accommodation on land unless the consent authority has considered—
  - (a) whether the development will result in noise or pollution that will have a significant adverse impact on the following on or near the land—
    - (i) residential accommodation,

- (ii) primary production operations,
- (iii) other land uses, and
- (b) whether the development will have a significant adverse impact on the following on or near the land—
  - (i) the visual amenity or heritage or scenic values,
  - (ii) native or significant flora or fauna,
  - (iii) water quality,
  - (iv) traffic,
  - (v) the safety of persons, and
- (c) whether the development is on bush fire prone land or flood prone land, and
- (d) the suitability of the land for the development, and
- (e) the compatibility of the development with nearby land uses.

#### **5.25 Farm gate premises**

- (1) The objectives of this clause are as follows—
  - (a) to allow for tourism and related commercial uses on land used principally for primary production at a scale that does not adversely affect the principal use of the land for primary production,
  - (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.
- (2) Development consent must not be granted to development for the purposes of farm gate premises on land unless the consent authority has considered—
  - (a) whether the development will result in noise or pollution that will have a significant adverse impact on the following on or near the land—
    - (i) residential accommodation,
    - (ii) primary production operations,
    - (iii) other land uses, and
  - (b) whether the development will have a significant adverse impact on the following on or near the land—
    - (i) the visual amenity or heritage or scenic values,

- (ii) native or significant flora or fauna,
  - (iii) water quality,
  - (iv) traffic,
  - (v) the safety of persons, and
- (c) whether the development is on bush fire prone land or flood prone land, and
- (d) the suitability of the land for the proposed development, and
- (e) the compatibility of the development with nearby land uses.

## **Part 6 Urban release areas**

### **6.1 Definitions**

In this Part—

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

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

**urban release area** means an area of land shown hatched and marked “Urban Release Area” on the [Urban Release Area Map](#).

### **6.2 (Repealed)**

### **6.3 Public utility infrastructure**

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

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

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

## Part 7 Additional local provisions

### 7.1 Acid sulfate soils

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

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

- (3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been 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.

## **7.2 Earthworks**

- (1) The objectives of this clause are as follows—
  - (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,
  - (b) to allow earthworks of a minor nature without requiring a separate development consent.
- (2) Development consent is required for earthworks unless—
  - (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or
  - (b) the earthworks are ancillary to other development for which development consent has been given.
- (3) Before granting development consent for earthworks, the consent authority must consider the following matters—
  - (a) the likely disruption of, or any detrimental effect on, flooding or drainage patterns and soil stability in the locality of the development,
  - (b) the effect of the proposed development on the likely future use or redevelopment of the land,

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

### **7.3 (Repealed)**

### **7.4 Terrestrial biodiversity**

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

- (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—
  - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
  - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

### **7.5 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—
  - (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) development for the purposes of boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).
- (3) Development consent must not be granted under subclause (2) unless the consent authority is satisfied that—
  - (a) the development will contribute to achieving the objectives for the zone in which the land is located, and
  - (b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and
  - (c) the development will not cause environmental harm such as—
    - (i) pollution or siltation of the waterway, or
    - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or



- (iii) an adverse effect on drainage patterns, and
- (d) the development will not cause congestion of, or generate conflicts 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) the sea level rise or change of flooding patterns as a result of climate change have been considered.

#### **7.6 Landslide risk**

- (1) The objective of this clause is to ensure that development is commensurate to the underlying geotechnical conditions and to restrict development on unsuitable land.
- (2) This clause applies to land identified as “Landslide risk” on the [Landslide Risk Map](#).
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider whether the development’s design is responsive to the constraints of landslide risk, including—
  - (a) site layout, including access, and
  - (b) the building’s design and construction methods, and
  - (c) the amount of cut and fill that will be required, and
  - (d) waste water management, stormwater and drainage across the site, and
  - (e) the specific geotechnical constraints of the site.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—
  - (a) is designed, sited, constructed and will be managed to avoid any landslide risk and potential adverse impact on the development or on land in the vicinity of the development, and
  - (b) will appropriately manage waste water, stormwater and drainage across the site so as to not affect the rate, volume and quality of water leaving the land.

## 7.7 Design excellence

- (1) The objective of this clause is to deliver the highest standard of architectural and urban design.
- (2) This clause applies to development involving the erection of a new building or external alterations to an existing building if the building has a height of 25 metres or more.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence.
- (4) In considering whether the development exhibits design excellence, the consent authority must have regard to the 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) whether the development detrimentally impacts on any land protected by solar access controls established under a development control plan,
  - (e) the requirements of any development control plan to the extent that it is relevant to the proposed development,
  - (f) 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) the configuration and design of public access areas, recreation areas and communal open space on the site and whether that design incorporates exemplary and innovative treatments,
- (g) the findings of a panel of 3 or more persons that has been convened by the consent authority for the purposes of reviewing the design excellence of the development proposal.

(5) This clause does not apply to development on land within the Bella Vista Station Precinct, Kellyville Station Precinct or Showground Station Precinct.

### **7.8 Location of sex services premises**

- (1) The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.
- (2) Despite any other provision of this Plan, development consent must not be granted for development for the purposes of sex services premises if the premises will be located on land that adjoins, or that is separated only by a road, other than a classified road, from land—
  - (a) in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or
  - (b) used for the purposes of a centre-based child care facility, a community facility, a school or a place of public worship.
- (3) In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider the impact of the proposed sex services premises and its hours of operation on any place likely to be regularly frequented by children—
  - (a) that adjoins the proposed premises, or
  - (b) that can be viewed from the proposed premises, or
  - (c) from which a person can view the proposed premises.

### **7.9 Minimum commercial floor space in Norwest Town Centre**

- (1) The objective of this clause is to ensure that Norwest Town Centre continues to provide employment-generating activities.
- (2) This clause applies to land at Norwest Town Centre, being 11–13 Solent Circuit,

Norwest and comprising Lot 5074, DP 1003042.

- (3) Development consent must not be granted to development on land to which this clause applies if the development results in less than 6,000 square metres of commercial floor space on the land.

#### **7.10 Residential development yield on certain land**

- (1) The objectives of this clause are as follows—
  - (a) to ensure the provision of a mix of dwelling types in residential flat buildings, providing housing choice for different demographics, living needs and household budgets,
  - (b) to ensure that development for residential flat buildings does not place an unreasonable burden on the provision of services, facilities and infrastructure in the area to which this clause applies,
  - (c) to provide opportunities for suitable housing density that is compatible with existing development and the future character of the surrounding area,
  - (d) to promote development that accommodates the needs of larger households, being a likely future residential use.
- (2) This clause applies to land identified as “Area B” on the [Key Sites Map](#).
- (3) The consent authority may consent to the erection of residential flat buildings on the land containing a maximum of 1,300 dwellings.
- (4) If development under this clause will result in no more than 600 dwellings in residential flat buildings, development consent may be granted for the development only if the height of each residential flat building does not exceed 16 metres.
- (5) If development under this clause will result in more than 600 dwellings in residential flat buildings, development consent may be granted for the development only if—
  - (a) no more than 25% of the total number of dwellings (to the nearest whole number of dwellings) forming part of the development are studio or 1 bedroom dwellings, or both, and
  - (b) at least 10% of the total number of dwellings (to the nearest whole number of dwellings) forming part of the development are 3 or more bedroom dwellings, and
  - (c) the development comprises the following—
    - (i) Type 1 apartments—up to 30% of the total number of dwellings (to the nearest whole number of dwellings),
    - (ii) Type 2 apartments—up to 30% of the total number of dwellings (to the nearest

whole number of dwellings),

(iii) Type 3 apartments, and

(d) the following minimum number of car parking spaces are provided in the development—

(i) for each 1 bedroom dwelling—1 car parking space,

(ii) for each 2 or more bedroom dwelling—2 car parking spaces,

(iii) for every 5 dwellings—2 car parking spaces, in addition to the car parking spaces required for the individual dwelling.

(6) In this clause—

**internal floor area** does not include the floor area of any balcony.

**Type 1 apartment** means—

(a) a studio or 1 bedroom apartment with an internal floor area of at least 50 square metres but less than 65 square metres, or

(b) a 2 bedroom apartment with an internal floor area of at least 70 square metres but less than 90 square metres, or

(c) a 3 or more bedroom apartment with an internal floor area of at least 95 square metres but less than 120 square metres.

**Type 2 apartment** means—

(a) a studio or 1 bedroom apartment with an internal floor area of at least 65 square metres but less than 75 square metres, or

(b) a 2 bedroom apartment with an internal floor area of at least 90 square metres but less than 110 square metres, or

(c) a 3 or more bedroom apartment with an internal floor area of at least 120 square metres but less than 135 square metres.

**Type 3 apartment** means—

(a) a studio or 1 bedroom apartment with a minimum internal floor area of 75 square metres, or

(b) a 2 bedroom apartment with a minimum internal floor area of 110 square metres, or

(c) a 3 or more bedroom apartment with a minimum internal floor area of 135 square metres.

### **7.11 Development on certain land within the Sydney Metro Northwest Urban Renewal Corridor**

- (1) The objectives of this clause are as follows—
  - (a) to support the provision of increased housing around train stations forming part of the Sydney Metro Northwest at densities compatible with the future character of the surrounding area,
  - (b) to ensure the provision of a mix of dwelling types in residential flat buildings, providing housing choice for different demographics, living needs and household budgets,
  - (c) to promote development that accommodates the needs of larger households, consistent with the demographics and family household structures of The Hills Shire.
- (2) This clause applies to development that involves the erection of one or more buildings that contain dwellings on land identified as “Area A” or “Area B” on the [Floor Space Ratio Map](#).
- (3) Despite clause 4.4, the consent authority may consent to development on land to which this clause applies with a floor space ratio that does not exceed the increased floor space ratio identified on the [Floor Space Ratio Incentive Map](#), if the consent authority is satisfied that—
  - (a) no more than 25% of the total number of dwellings (to the nearest whole number of dwellings) contained in the development are to be studio or 1 bedroom dwellings, or both, and
  - (b) at least 20% of the total number of dwellings (to the nearest whole number of dwellings) contained in the development are to be 3 or more bedroom dwellings, and
  - (c) at least 40% of all 2 bedroom dwellings contained in the development will have a minimum internal floor area of 110 square metres, and
  - (d) at least 40% of all 3 bedroom dwellings contained in the development will have a minimum internal floor area of 135 square metres, and
  - (e) if the development is on land identified as “Area A” on the [Floor Space Ratio Map](#), the following minimum number of car parking spaces are to be provided for the development—
    - (i) for each dwelling—1 car parking space,
    - (ii) for every 5 dwellings—1 car parking space, in addition to the car parking space required for the individual dwelling, and

- (f) if the development is on land identified as “Area B” on the [Floor Space Ratio Map](#), the maximum number of car parking spaces that are to be provided for the development is the sum of the following—
  - (i) for each studio or 1 bedroom dwelling—0.5 car parking spaces,
  - (ii) for each 2 bedroom dwelling—0.8 car parking spaces,
  - (iii) for each 3 or more bedroom dwelling—1.3 car parking spaces,
  - (iv) for every 5 dwellings—1 car parking spaces, in addition to the car parking spaces required for each individual dwelling.

(3A) Despite clause 4.4, the consent authority may consent to development on Lot 501, DP 739611, being land to which this clause applies, with a floor space ratio that does not exceed the increased floor space ratio identified on the [Floor Space Ratio Incentive Map](#), if the consent authority is satisfied that—

- (a) at least 20% of the total number of dwellings (to the nearest whole number of dwellings) contained in the development are to be used as social housing premises, and
- (b) the maximum number of car parking spaces that are to be provided for the development is the sum of the following—
  - (i) for each studio or 1 bedroom dwelling—0.5 car parking spaces,
  - (ii) for each 2 bedroom dwelling—0.8 car parking spaces,
  - (iii) for each 3 or more bedroom dwelling—1.3 car parking spaces,
  - (iv) for every 5 dwellings—1 car parking spaces, in addition to the car parking spaces required for each individual dwelling.

(4) In this clause—

**internal floor area** does not include the floor area of any balcony.

**social housing premises** has the same meaning as in the [Residential Tenancies Act 2010](#).

#### **7.11A Development on certain land within the Castle Hill North Precinct**

- (1) The objectives of this clause are as follows—
  - (a) to promote development that prevents the fragmentation or isolation of land,
  - (b) to ensure the provision of quality public domain and improved pedestrian and cycle connections within local or strategic centres,

- (c) to facilitate development that is sympathetic to the character of heritage items.
- (2) This clause applies to land identified as “Area G”, “Area H”, “Area I”, “Area J”, “Area K” or “Area L” on the [Key Sites Map](#).
- (3) Despite clause 4.4, the consent authority may consent to development on land to which this clause applies with a floor space ratio that exceeds the increased floor space ratio identified on the [Floor Space Ratio Incentive Map](#) by up to 20%, if the consent authority is satisfied of the following—
  - (a) all lots comprising the land are amalgamated into a single lot,
  - (b) the requirements of clause 7.11(3) have been met,
  - (c) in relation to land identified as “Area G” on the [Key Sites Map](#)—publicly accessible common open space with a width of at least 5 metres will be provided along the eastern boundary of the land adjacent to Larool Crescent Reserve,
  - (d) in relation to land identified as “Area H” on the [Key Sites Map](#)—publicly accessible common open space with a width of at least 5 metres will be provided along the western boundary of the land adjacent to Larool Crescent Reserve,
  - (e) in relation to land identified as “Area I” on the [Key Sites Map](#)—the development will include active street frontages on Pennant Street,
  - (f) in relation to land identified as “Area J” on the [Key Sites Map](#)— pedestrian links will be provided through the land to connect Larool Crescent to Les Shore Place,
  - (g) in relation to land identified as “Area K” on the [Key Sites Map](#)—
    - (i) buildings on the land will not exceed three storeys along the Larool Crescent and Carramarr Road frontages, and
    - (ii) pedestrian links will be provided through the land to facilitate access between Barrawarn Place and Larool Crescent Reserve,
  - (h) in relation to land identified as “Area L” on the [Key Sites Map](#)—
    - (i) buildings on the land will be setback from Garthowen Crescent by at least 7.5 metres, and
    - (ii) pedestrian links will be provided through the land to connect the northern and southern frontages to Garthowen Crescent, and
    - (iii) one basement parking area will be provided on the land, including access roads through the land that will enable residents to enter into and exit from the northern and southern frontages to Garthowen Crescent, and
    - (iv) buildings on the land will not overshadow or detract from the heritage value



of Garthowen and a ground level common open space will be provided between Garthowen and those buildings.

#### **7.12 Maximum commercial floor space at 488-494 Old Northern Road, Dural**

- (1) This clause applies to that part of Lot 2, DP 839151 (being land at 488-494 Old Northern Road, Dural) that is in Zone E1 Local Centre.
- (2) Development consent must not be granted to development that results in more than 6,900 square metres of the gross floor area of all buildings on the land to which this clause applies being used for the purpose of commercial premises.

#### **7.13 Development at 370 Old Northern Road, Castle Hill**

- (1) The objectives of this clause are as follows—
  - (a) to provide for residential development that takes account of the special values of land in Zone C4 Environmental Living,
  - (b) to meet the needs of the current and future residents,
  - (c) to ensure the preservation of the existing significant vegetation on the site,
  - (d) to encourage development that ensures the land is managed and conserved in a holistic and sensitive manner,
  - (e) to promote high quality residential amenity in the urban environment.
- (2) This clause applies to land at 370 Old Northern Road, Castle Hill, being Lot 2, DP 135804, identified as “Area F” on the [Key Sites Map](#).
- (3) Despite any other provision of this Plan, the consent authority may, in accordance with this clause, grant consent to a development application to—
  - (a) subdivide the land, and
  - (b) erect an attached dwelling or dwelling house on each lot created by the subdivision that results in the erection of not more than 13.2 dwellings per hectare of the total area of the land to which this clause applies.
- (4) However, the consent authority may only grant the development consent if the consent authority is satisfied—
  - (a) the subdivision is to establish a neighbourhood scheme in accordance with the [Community Land Development Act 1989](#), and
  - (b) the landscape and biodiversity of the land is adequately protected having particular regard to the objectives stated in subclause (1)(a), (c) and (d).

#### **7.14 (Repealed)**

### **7.15 Development at 55 Coonara Avenue, West Pennant Hills**

- (1) This clause applies to land at 55 Coonara Avenue, West Pennant Hills, being Lot 61, DP 737386 (the **subject land**).
- (2) Development consent may be granted to a single development application for development on the subject land in Zone R3 Medium Density Residential or Zone R4 High Density Residential that is both of the following—
  - (a) the subdivision of land into 2 or more lots,
  - (b) the erection of a dwelling house, an attached dwelling or a semi-detached dwelling on each lot resulting from the subdivision, if the size of each lot is equal to or greater than—
    - (i) for the erection of a dwelling house—180 square metres, or
    - (ii) for the erection of an attached dwelling or a semi-detached dwelling—86 square metres.
- (3) Development consent must not be granted to development on the subject land unless the building setback of any building resulting from the development is equal to, or greater than, 11 metres from Coonara Avenue, West Pennant Hills.
- (4) Clause 7.7 (other than clause 7.7(4)(g)) extends to development on the subject land involving the erection of a new building, or external alterations to an existing building, of any height.
- (5) Development consent must not be granted to development on the subject land unless the consent authority is satisfied that the development—
  - (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and
  - (b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and
  - (c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.
- (6) Development consent must not be granted to development that results in more than 600 dwellings on the subject land.

### **7.16 Development on certain land at Castle Hill**

- (1) This clause applies to land identified as “Area 1” on the [Clause Application Map](#).
- (2) Development consent must not be granted to development on land to which this

clause applies unless the consent authority has obtained the concurrence of Transport for NSW.

- (3) In deciding whether to grant concurrence, Transport for NSW must take into consideration the potential effects of the development on proposed future road infrastructure in the locality.
- (4) Transport for NSW has 21 days from receiving the consent authority's request to inform the consent authority of its decision.
- (5) In this clause—

**Transport for NSW** has the same meaning as in the [Transport Administration Act 1988](#).

#### **7.17 Development at 1-56 Pennant Way, Castle Hill**

- (1) The objective of this clause is to facilitate appropriate pedestrian access between Larool Crescent and Les Shore Place.
- (2) This clause applies to land at 1-56 Pennant Way, Castle Hill, being Lot 501, DP 739611.
- (3) Development consent must not be granted for development for the purposes of residential accommodation on land to which this clause applies unless the consent authority is satisfied—
  - (a) that pedestrian links will be provided through the land to connect Larool Crescent to Les Shore Place, or
  - (b) having regard to the nature, scale and location of the development in relation to the land, that those pedestrian links would not be appropriate.

#### **7.18 Development at 93-107 Cecil Avenue and 9 and 10 Roger Avenue, Castle Hill**

- (1) This clause applies to land at 93-107 Cecil Avenue and 9 and 10 Roger Avenue, Castle Hill (the **subject land**), being—
  - (a) Lots 20 and 27, DP 15399,
  - (b) Lots 1 and 4, DP 531559,
  - (c) Lots 1 and 2, DP 547897,
  - (d) Lots 1-4, DP 581293,
  - (e) Lots 1 and 2, DP 591676,
  - (f) Lots 5 and 6, DP 705913,

(g) Lots 21 and 22, DP 778595,

(h) Lots 5 and 6, DP 29141.

(2) Development consent must not be granted to development that results in more than 460 dwellings on the subject land.

(3) Development consent must not be granted to development that results in less than 8,025 square metres of commercial floor space on the subject land.

#### **7.19 Development in Zones MU1 and SP4 for purposes of serviced apartments**

(1) The objectives of this clause are—

(a) to provide employment opportunities in higher order employment areas by ensuring that most of the available floor space is provided for commercial purposes, and

(b) to prevent substandard residential accommodation occurring through the conversion of serviced apartments to residential flat buildings.

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

(a) Zone MU1 Mixed Use,

(b) Zone SP4 Enterprise.

(3) Development consent must not be granted to development on land to which this clause applies for the purposes of a new building, or alterations to an existing building, that includes serviced apartments unless the consent authority is satisfied that the total gross floor area used for serviced apartments will not exceed 60% of the total gross floor area of the building.

(4) Development consent must not be granted to development on land in Zone MU1 Mixed Use for the following purposes unless the consent authority is satisfied of the matters specified in subclause (5)—

(a) a change of use from serviced apartments to residential flat buildings,

(b) the subdivision, under a strata scheme, of a building, or part of a building, that is, or has been, used for serviced apartments.

(5) Development consent must not be granted under subclause (4) unless the consent authority is satisfied that—

(a), (b) (Repealed)

(c) no more than 25% of the total number of dwellings, to the nearest whole number of dwellings, contained in the development will be studio or 1 bedroom dwellings,

or both, and

- (d) at least 20% of the total number of dwellings, to the nearest whole number of dwellings, contained in the development will be 3 or more bedroom dwellings, and
  - (e) at least 40% of all 2 bedroom dwellings contained in the development will have a minimum internal floor area of 110 square metres, and
  - (f) at least 40% of all 3 bedroom dwellings contained in the development will have a minimum internal floor area of 135 square metres, and
  - (g) the following minimum number of car parking spaces will be provided for the development—
    - (i) for each dwelling—1 car parking space,
    - (ii) for every 5 dwellings—1 car parking space, in addition to the car parking space required for the individual dwelling.
- (6) Development consent must not be granted under subclause (4) 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.

## **7.20 (Repealed)**

## **7.21 Active street frontages**

- (1) This clause applies to land identified as “Active street frontage” on the [Active Street Frontages Map](#).
- (2) Development consent must not be granted to the erection of a building, or the change of use of a building, on land to which this clause applies unless the consent authority is satisfied the building will have an active street frontage.
- (3) An active street frontage is not required for the part of a building used for 1 or more of the following—
  - (a) entrances and lobbies, including as part of mixed use development,
  - (b) access for fire services,
  - (c) vehicular access.

## **7.22 Development at 25-31 Brookhollow Avenue, Norwest**

- (1) This clause applies to 25-31 Brookhollow Avenue, Norwest, Lot 71, DP 1252765.

- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied the number of car parking spaces provided will not exceed the following—
  - (a) for hotel or motel accommodation—1 space for every 4 rooms,
  - (b) for commercial premises—1 space for every 100m<sup>2</sup> of gross floor area,
  - (c) for retail premises—1 space for every 60m<sup>2</sup> of gross floor area.
- (3) (Repealed)

### **7.23, 7.24 (Repealed)**

#### **7.25 Development at 21-23 Lexington Drive, Bella Vista**

- (1) This clause applies to Lot 7081, DP 1037626, 21-23 Lexington Drive, Bella Vista.
- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied the number of car parking spaces provided for commercial premises will result in—
  - (a) at least 1 space for every 60m<sup>2</sup> of gross floor area, and
  - (b) no more than 1 space for every 40m<sup>2</sup> of gross floor area.
- (3), (4) (Repealed)

#### **7.26 Development at 14-16 Brookhollow Avenue, Norwest**

- (1) This clause applies to Lot 3, DP 1010849, 14-16 Brookhollow Avenue, Norwest.
- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied the number of car parking spaces provided for commercial premises will result in—
  - (a) at least 1 space for every 100m<sup>2</sup> of gross floor area used for commercial premises, and
  - (b) no more than 1 space for every 75m<sup>2</sup> of gross floor area used for commercial premises.
- (3), (4) (Repealed)

#### **7.27 Bella Vista and Kellyville Transport Oriented Development Precincts Design Guide**

- (1) This clause applies to land identified as “Area 3” on the [Clause Application Map](#).
- (2) Development consent must not be granted for development on land to which this clause applies unless the consent authority has considered the *Bella Vista and Kellyville Transport Oriented Development Precincts Design Guide*.

## 7.28 Affordable housing

- (1) In this clause, ***The Hills Shire Affordable Housing Principles*** are as follows—
  - (a) affordable housing must be provided and managed to accommodate a diverse residential population in areas representative of all income groups in The Hills Shire,
  - (b) affordable housing must be rented to tenants at rents that do not exceed a benchmark of 30% of actual household income,
  - (c) dwellings provided for affordable housing must be managed to maintain their continued use as affordable housing,
  - (d) the Council must use the following, received by or on behalf of the Council, to improve or replace, or provide additional affordable housing in The Hills Shire—
    - (i) rent from affordable housing, excluding landlords' expenses, such as management and maintenance costs and rates and taxes payable in connection with the dwellings,
    - (ii) money from the disposal of affordable housing,
  - (e) affordable housing must consist of dwellings constructed to a standard that, in the opinion of the consent authority, is consistent with the same type of dwellings forming part of the development that are not intended to be used as affordable housing, particularly in relation to internal fittings and finishes, solar access and privacy.
- (2) This clause applies to development on land identified as an "Area" on the [Affordable Housing Map](#) resulting in—
  - (a) the erection of a new building with more than 200m<sup>2</sup> of gross floor area used for the purposes of residential accommodation, or
  - (b) alterations to an existing building that results in at least 200m<sup>2</sup> of additional gross floor area used for the purposes of residential accommodation.
- (3) This clause does not apply to development for the purposes of boarding houses, community housing, group homes, hostels or public housing.
- (4) Development consent must not be granted to development to which this clause applies unless the consent authority has considered the following—
  - (a) The Hills Shire Affordable Housing principles,
  - (b) the impact of the development on the existing mix and likely future mix of residential accommodation in The Hills Shire.

- (5) The consent authority may, when granting development consent to development to which this clause applies, impose a condition requiring an affordable housing contribution equivalent to the contribution specified in subclause (6).
- (6) The contribution for development is the amount of gross floor area equivalent to the percentage, shown for the land on the [Affordable Housing Map](#), of the gross floor area of the residential component of the development.
- (7) A condition imposed under this clause must permit a person to satisfy the condition by—
  - (a) a dedication, in favour of the Council, of land comprising 1 or more dwellings, each having a gross floor area of at least 50m<sup>2</sup> and a monetary contribution paid to the Council for any remainder, or
  - (b) a monetary contribution paid to the Council of equivalent value to the gross floor area specified in subclause (6).
- (8) The rate at which a monetary contribution is taken to be equivalent to floor area for the purposes of this clause must be calculated by reference to the market value of dwellings of a similar size to the dwellings in the proposed development.
- (9) In this clause—

**community housing** has the same meaning as in the [Community Housing Providers National Law \(NSW\)](#).

**public housing** has the same meaning as in the [Housing Act 2001](#).

#### **7.29 Development at 92 Balmoral Road, Bella Vista**

- (1) This clause applies to Lot 3, DP 552746, 92 Balmoral Road, Bella Vista.
- (2) A building on land to which this clause applies may have a building height of up to 51.5m.
- (3) The floor space ratio of buildings on a site on land to which this clause applies may be up to 2:1.
- (4) Subclauses (2) and (3) do not apply unless the consent authority is satisfied—
  - (a) the development will be consistent with the *Bella Vista and Kellyville Transport Oriented Development Precincts Design Guide*, and
  - (b) at least 3,000m<sup>2</sup> of the land will be used for the purposes of a single public open space that is at ground level, and
  - (c) at least 50% of the public open space will receive at least 4 hours of direct sunlight between 9am and 3pm on 21 June each year.



### **7.30 Development at 88A Balmoral Road, Bella Vista**

- (1) This clause applies to Lot 20, DP 1170934, 88A Balmoral Road, Bella Vista.
- (2) A building on land to which this clause applies may have a building height of up to 51.5m.
- (3) The floor space ratio of buildings on a site on land to which this clause applies may be up to 1.5:1.
- (4) Subclauses (2) and (3) do not apply unless the consent authority is satisfied that the development will include a pedestrian bridge that—
  - (a) crosses Elizabeth Macarthur Creek, and
  - (b) is built in a way consistent with the *Bella Vista and Kellyville Transport Oriented Development Precincts Design Guide*.

### **7.31 Development at 91 Balmoral Road, Bella Vista**

- (1) This clause applies to Lot 6, DP 1203920, 91 Balmoral Road, Bella Vista.
- (2) A building on land to which this clause applies may have a building height of up to 51.5m.
- (3) The floor space ratio of buildings on a site on land to which this clause applies may be up to 1.85:1.
- (4) Subclauses (2) and (3) do not apply unless the consent authority is satisfied—
  - (a) the development will be consistent with the *Bella Vista and Kellyville Transport Oriented Development Precincts Design Guide*, and
  - (b) at least 1,500m<sup>2</sup> of the site area will be used for the purposes of a single public open space that is at ground level, and
  - (c) at least 50% of the public open space will receive at least 4 hours of direct sunlight between 9am and 3pm on 21 June each year.

### **7.32 Additional building height on certain land at Samantha Riley Drive, Kellyville**

- (1) This clause applies to land identified as “Area M” on the [Key Sites Map](#).
- (2) A building on land to which this clause applies may have a building height of up to the building height shown for the land on the [Incentive Height of Buildings Map](#) if the consent authority is satisfied that the land has been or will be consolidated into a single lot.

### 7.33 Development at Waddell Road and Free Settlers Drive, Bella Vista

- (1) This clause applies to land identified as “Area N” on the *Key Sites Map*.
- (2) A building on land to which this clause applies may have a building height of up to 22.5m.
- (3) The floor space ratio of buildings on a site on land to which this clause applies may be up to 1.2:1.
- (4) Subclauses (2) and (3) do not apply unless the consent authority is satisfied that the land has been or will be consolidated into a single lot.

## Part 8 Bella Vista and Kellyville Station Precincts

### 8.1 Temporary use of land in Zone SP4 for the purpose of an entertainment facility

Despite clause 2.8(2), the temporary use of land within the Bella Vista Station Precinct or the Kellyville Station Precinct that is in Zone SP4 Enterprise may be for a maximum period of 3 years, but only if the temporary use of land is for the purpose of an entertainment facility.

### 8.2 Minimum lot sizes for residential flat buildings and shop top housing

Development consent may be granted to development on a lot within the Bella Vista Station Precinct or the Kellyville Station Precinct in a zone shown in Column 2 of the table to this clause for a purpose shown in Column 1 of the table, if the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the table.

Column 1	Column 2	Column 3
Residential flat building with a building height of 21 metres or more	Zone R1 General Residential	3,600 square metres
	Zone R4 High Density Residential	3,600 square metres
	Zone E1 Local Centre	3,600 square metres
Residential flat building with a building height of less than 21 metres	Zone R1 General Residential	1,500 square metres
	Zone R4 High Density Residential	1,500 square metres
Shop top housing with a building height of 21 metres or more	Zone R1 General Residential	3,600 square metres
	Zone R4 High Density Residential	3,600 square metres
	Zone E1 Local Centre	3,600 square metres

Shop top housing with a building height of less than 21 metres	Zone R1 General Residential	1,500 square metres
	Zone R4 High Density Residential	1,500 square metres
	Zone E1 Local Centre	1,500 square metres

### **8.3 Site area of development includes dedicated land**

(1) This clause applies to the following land—

- (a) Lot 10, DP 844963, Bella Vista,
- (b) Lots 9 and 10, DP 1244850, 42 Balmoral Road, Bella Vista,
- (c) Lot 1, DP 1237055, 40 Memorial Avenue, Bella Vista,
- (d) Lot 11, DP 1248362, 46 Memorial Avenue, Bella Vista,
- (e) Lot 6, DP 1203920, 91 Balmoral Road, Kellyville,
- (f) Lot 40, DP 1240383, 41 Memorial Avenue, Kellyville,
- (g) Lots 140 and 141, DP 1121172, 43 and 45 Memorial Avenue, Kellyville,
- (h) Lot 1410, DP 1249937, Old Windsor Road, Kellyville,
- (i) Lot 1451, DP 1255091, Old Windsor Road, Kellyville.

(2) The site area of proposed development on land to which this clause applies 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 the land had not been dedicated.

### **8.4 Minimum building setbacks**

Development consent must not be granted to development on land within the Bella Vista Station Precinct or the Kellyville Station Precinct unless the front building setback of any building resulting from the development is equal to, or greater than, the following—

- (a) for a building in Zone R1 General Residential or Zone R4 High Density Residential—5 metres,
- (b) for a residential flat building in Zone E1 Local Centre—5 metres,
- (c) for a building in Zone SP4 Enterprise with a street frontage to Old Windsor Road, Kellyville, north of Celebration Drive, Kellyville—10 metres from the eastern edge of the Old Windsor Road road reserve.

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

- (1) The objective of this clause is to ensure that development within the Bella Vista Station Precinct and the Kellyville Station Precinct occurs in accordance with a site-specific development control plan.
- (2) Development consent must not be granted for development on land within the Bella Vista Station Precinct or the Kellyville Station Precinct unless—
  - (a) a development control plan that provides for the matters specified in subclause (3) has been prepared for or applies to the land, or
  - (b) the development is of a minor nature and is consistent with the objectives of the zone in which the land is situated.
- (3) 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) distribution of land uses, including open space (its function and landscaping) and environment protection areas,
  - (c) heritage conservation, including both Aboriginal and European heritage,
  - (d) encouraging sustainable transport, including increased use of public transport, walking and cycling, road access and the circulation network and car parking provision, including integrated options to reduce car use,
  - (e) impact on, and improvements to, the public domain,
  - (f) identification and conservation of native flora and fauna habitat and habitat corridors on the site, including any threatened species, populations or ecological communities,
  - (g) the application of the principles of ecologically sustainable development,
  - (h) identification, extent and management of watercourses, wetlands and riparian lands and any buffer areas,
  - (i) environmental constraints, including climate change, acid sulfate soils, flooding, contamination and remediation,
  - (j) opportunities to apply integrated natural water-cycle design and integrated renewable energy design.

### **8.6 Design excellence in Bella Vista and Kellyville Station Precincts**

- (1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.

- (2) This clause applies to development involving the erection of a new building or external alterations to an existing building on land within the Bella Vista Station Precinct or the Kellyville Station Precinct.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence.
- (4) In considering whether the development exhibits design excellence, the consent authority must have regard to the 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) whether the development detrimentally impacts on any land protected by solar access controls established in the development control plan referred to in clause 8.5,
  - (e) the requirements of the development control plan referred to in clause 8.5,
  - (f) 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) the impact on any special character area,
  - (xii) achieving appropriate interfaces at ground level between the building and the public domain,
  - (xiii) excellence and integration of landscape design.
- (5) In addition, 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 21 metres or 6 storeys (or both) but not higher than 66 metres or 20 storeys (or both)—
    - (i) a design review panel reviews 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 66 metres or 20 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 findings of the design review panel.
- (7) Subclause (5)(b) also does not apply if—
- (a) the development is on land identified as an “Accelerated TOD Precinct” on the [Accelerated Transport Oriented Development Precincts Rezoning Areas Map](#), and
  - (b) the development is for the purposes of residential accommodation or a mixed use development involving residential accommodation, and
  - (c) the Planning Secretary certifies in writing that the development meets the criteria set out in the *Transport Oriented Development Design Competition Exemption Pathway Advisory Note* published by the Department in November 2024, and
  - (d) a design review panel reviews the development, and

(e) the consent authority takes into account the advice of the design review panel.

### **8.7 Active street frontages in Zones E1 and SP4**

- (1) This clause applies to land within the Bella Vista Station Precinct or the Kellyville Station Precinct identified as “Active street frontage” on the [Active Street Frontages Map](#).
- (2) Development consent must not be granted to the erection of a building, or the 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.
- (3) Despite subclause (2), an active street frontage is not required for any part of a building that is used for any of the following—
  - (a) entrances and lobbies (including as part of mixed use development),
  - (b) access for fire services,
  - (c) vehicular access.

### **8.8 Ground floor business premises and retail premises in Zones E1 and SP4**

- (1) This clause applies to land within the Bella Vista Station Precinct or the Kellyville Station Precinct identified as “Active street frontage” on the [Active Street Frontages Map](#).
- (2) Development consent must not be granted to the erection of a building, or the change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the ground floor of the building will be used only for the purpose of business premises or retail premises.

### **8.9 (Repealed)**

## **Part 9 Showground Station Precinct**

### **9.1 Minimum lot sizes for residential flat buildings and shop top housing**

Despite any other provision of this Plan, development consent may be granted to development on a lot within the Showground Station Precinct in a zone shown in Column 2 of the table to this clause for a purpose shown in Column 1 of the table, if the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the table.

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
Residential flat building with a building height of 11 metres or more	Zone R1 General Residential	3,600 square metres

	Zone R4 High Density Residential	3,600 square metres
	Zone E1 Local Centre	3,600 square metres
Residential flat building with a building height of less than 11 metres	Zone R1 General Residential	1,800 square metres
	Zone R4 High Density Residential	1,800 square metres
	Zone R1 General Residential	3,600 square metres
Shop top housing	Zone R4 High Density Residential	3,600 square metres
	Zone E1 Local Centre	3,600 square metres

## 9.2 Site area of proposed development includes dedicated land

The site area of proposed development on land within the Showground Station 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.

## 9.3 Minimum building setbacks

Development consent must not be granted to development on land within the Showground Station Precinct unless the front building setback of any building resulting from the development is equal to, or greater than, the distance shown for the land on the [Building Setback Map](#).

## 9.4 Development requiring the preparation of a development control plan

- (1) The objective of this clause is to ensure that development within the Showground Station Precinct occurs in accordance with a site-specific development control plan.
- (2) This clause applies to development on land—
  - (a) that has a site area of at least 3,600 square metres, and
  - (b) that is within the Showground Station Precinct.
- (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 or applies to the land, or



(b) 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) distribution of land uses, including open space (its function and landscaping) and environment protection areas,

(c) heritage conservation, including both Aboriginal and European heritage,

(d) encouraging sustainable transport, including increased use of public transport, walking and cycling, road access and the circulation network and car parking provision, including integrated options to reduce car use,

(e) the impact on, and improvements to, the public domain,

(f) identification and conservation of native flora and fauna habitat and habitat corridors on the site, including any threatened species, populations or ecological communities,

(g) the application of the principles of ecologically sustainable development,

(h) identification, extent and management of watercourses, wetlands and riparian lands and any buffer areas,

(i) environmental constraints, including climate change, acid sulfate soils, flooding, contamination and remediation,

(j) opportunities to apply integrated natural water-cycle design and integrated renewable energy design,

(k) built form controls,

(l) the incorporation of high quality public art into the fabric of buildings in the public domain or other publicly accessible areas.

## **9.5 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 development involving the erection of a new building or external alterations to an existing building on land within the Showground Station Precinct.

(3) Development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design

excellence.

- (4) In considering whether the development exhibits design excellence, the consent authority must have regard to the 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) whether the development detrimentally impacts on any land protected by solar access controls established in the development control plan referred to in clause 9.4,
  - (e) the requirements of the development control plan referred to in clause 9.4,
  - (f) 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) the impact on any special character area,
    - (xii) achieving appropriate interfaces at ground level between the building and the public domain,
    - (xiii) excellence and integration of landscape design.

- (5) In addition, 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 21 metres or 6 storeys (or both) but not higher than 66 metres or 20 storeys (or both)—
    - (i) a design review panel reviews 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 66 metres or 20 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 findings of the design review panel.
- (7) (Repealed)

#### **9.6 Active street frontages in Zones R1 and E1**

- (1) This clause applies to land within the Showground Station Precinct identified as “Area B” on the [Active Street Frontages Map](#).
- (2) Development consent must not be granted to the erection of a building, or the 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.
- (3) Despite subclause (2), an active street frontage is not required for any part of a building that is used for any of the following—
- (a) entrances and lobbies (including as part of mixed use development),
  - (b) access for fire services,
  - (c) vehicular access.

## 9.7 Residential development yield on certain land

- (1) This clause applies to development that involves the erection of one or more buildings containing dwellings on a lot within the Showground Station Precinct but only if—
  - (a) the site of the development has an area of at least 10,000 square metres, or
  - (b) the site satisfies one of the following and the consent authority is satisfied that development of the site under this clause will promote the orderly development of the precinct—
    - (i) the site has an area less than 10,000 square metres only because of the creation of roads,
    - (ii) the site is isolated and it is not practicable to aggregate lots to achieve a site area of 10,000 square metres because of the existing lot configuration,
    - (iii) the whole of the rear boundary of the site adjoins land zoned RE1 Public Recreation and the site has a depth of no more than 45 metres from that boundary to the road frontage of the site,
    - (iv) the site comprises lots 41, 42, 43, 44, 45, 46 and 47, DP 259525.
- (2) Despite clause 4.4, the consent authority may consent to development to which this clause applies with a floor space ratio that does not exceed the increased floor space ratio identified on the [Floor Space Ratio Incentive Map](#), if the consent authority is satisfied that—
  - (a) no more than 25% of the total number of dwellings (to the nearest whole number of dwellings) contained in the development are to be studio or 1 bedroom dwellings, or both, and
  - (b) at least 20% of the total number of dwellings (to the nearest whole number of dwellings) contained in the development are to be 3 or more bedroom dwellings, and
  - (c) at least 40% of all 2 bedroom dwellings contained in the development will have a minimum internal floor area of 110 square metres, and
  - (d) at least 40% of all 3 bedroom dwellings contained in the development will have a minimum internal floor area of 135 square metres, and
  - (e) the following minimum number of car parking spaces are to be provided on the site of the proposed development—
    - (i) for each dwelling—1 car parking space,
    - (ii) for every 5 dwellings—1 car parking space, in addition to the car parking space required for the individual dwelling.

(3) In this clause—

**internal floor area** does not include the floor area of any balcony.

## 9.8 (Repealed)

### Schedule 1 Additional permitted uses

(Clause 2.5)

#### 1 Use of certain land at Rouse Hill Regional Centre, Rouse Hill

- (1) This clause applies to land at Rouse Hill Regional Centre, Rouse Hill, shown as “Item 2” on the [Additional Permitted Uses Map](#).
- (2) Development for a purpose shown in Column 2 of the table to this clause is permitted with development consent in a zone shown opposite in Column 1, subject to any condition shown opposite in Column 3.

Column 1	Column 2	Column 3
	Residential flat buildings	
Zone R3 Medium Density Residential	Shop top housing	
	Business premises	In conjunction with shop top housing
Zone R4 High Density Residential	Business premises	In conjunction with shop top housing
	Attached dwellings	
Zone MU1 Mixed Use	Multi dwelling housing	

#### 2 Use of certain land at Samantha Riley Drive, Kellyville

- (1) This clause applies to certain land at Kellyville, being—
  - (a) 301 Samantha Riley Drive, comprising Lots 101 and 103, DP 1122070, and
  - (b) part of drainage reserves fronting Samantha Riley Drive, comprising part of Lot 192, DP 1249550, part of Lot 1, DP 1184376 and part of Lot 1, DP 1028391, shown as “Item 3” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of shops is permitted with development consent.
- (3) Development consent under subclause (2) may only be granted if the retail floor space on the site is no more than 1,900m<sup>2</sup>.

### **3 Use of certain land at Wilkins Avenue and Windsor Road, Beaumont Hills**

- (1) This clause applies to certain land at Beaumont Hills, being—
  - (a) part of 1-3 Wilkins Avenue, comprising part of Lot 101, DP 1124350, and
  - (b) RMB 104 Windsor Road, comprising Lot 7, DP 13822, and
  - (c) RMB 104A Windsor Road, comprising Lot 80, DP 1014622, and
  - (d) RMB 105 Windsor Road, comprising Lot 104, DP 1124350,shown as “Item 4” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of a garden centre and landscaping material supplies is permitted with development consent.

### **4 (Repealed)**

### **5 Use of certain land at Solent Circuit, Baulkham Hills**

- (1) This clause applies to that part of land at 11-13 Solent Circuit, Norwest, comprising Lot 5074, DP 1003042 that is shown as “Item 6” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of building identification signs, business identification signs, commercial premises or residential flat buildings is permitted with consent.

### **6 Use of certain land within Bella Vista Station Precinct in Zone SP4**

- (1) This clause applies to certain land within the Bella Vista Station Precinct that is in Zone SP4, shown as “Item 7” on the [Additional Permitted Uses Map](#).
- (2) Development for the purpose of a market is permitted with development consent.
- (3) Development for the purpose of a shop with a gross floor area not exceeding 2,500m<sup>2</sup> is permitted with development consent.

### **7 Use of certain land at 74 O’Briens Road, Cattai**

- (1) This clause applies to land at 74 O’Briens Road, Cattai, being Lot 28, DP 270416, shown as “Item 8” on the [Additional Permitted Uses Map](#).
- (2) Development for the purpose of dwelling houses is permitted with development consent.
- (3) Development consent under this clause may only be granted if the consent authority is satisfied that—
  - (a) the development will not result in the erection of more than 300 dwelling houses on the land to which this clause applies, and

(b) no dwelling house will be erected on a lot with a lot size of less than 450 square metres.

- (4) Development consent must not be granted for development under this clause unless a development control plan that provides for the phasing of development has been prepared for the land.

#### **8 Use of certain land at Commercial Road, Rouse Hill**

- (1) This clause applies to certain land at Commercial Road, Rouse Hill, being part of Lot 5, DP 30916, that is in Zone R1 General Residential, shown as “Item 9” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of shops is permitted with development consent.
- (3) Development consent under subclause (2) may only be granted if the retail floor space on the site is no more than 1,700m<sup>2</sup>.

#### **9 Use of certain land at 6 McCausland Place, Kellyville**

- (1) This clause applies to land at 6 McCausland Place, Kellyville, being Lot 1, DP1273532, shown as “Item 10” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of a residential flat building is permitted with development consent.
- (3) Development consent under subclause (2) may only be granted if the number of dwellings contained, or proposed to be contained, in the residential flat building does not exceed 20.

#### **10 Use of certain land at 26-30 Norbrik Drive, Bella Vista**

- (1) This clause applies to land at 26-30 Norbrik Drive, Bella Vista, being Lot 1, DP 1217654, shown as “Item 11” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of seniors housing is permitted with development consent.

#### **11 Use of certain land at 2 Natura Rise, Norwest**

- (1) This clause applies to certain land at 2 Natura Rise, Norwest, being SP 97750, shown as “Item 13” on the [Additional Permitted Uses Map](#).
- (2) Development for the following purposes is permitted with development consent—
- (a) restaurants or cafes, but only if the total maximum gross floor area of all restaurants and cafes on the land does not exceed 200m<sup>2</sup>,
  - (b) business premises or shops, but only if the total maximum gross floor area of all

business premises and shops on the land does not exceed 200m<sup>2</sup>.

**12 Use of certain land at 522 Windsor Road, Baulkham Hills**

- (1) This clause applies to land at 522 Windsor Road, Baulkham Hills, being Lot 553, DP 773889 and Lot 22, DP 1075051, shown as “Item 14” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of seniors housing and associated restaurants or cafes, shops or business premises is permitted with development consent.
- (3) Development consent under this clause may only be granted if—
  - (a) the number of beds contained in a residential care facility that is part of the development does not exceed 120, and
  - (b) the number of self-contained dwellings contained in the development does not exceed 70, and
  - (c) the gross floor area of any restaurant or cafe, shop or business premises contained in the development is no more than 100m<sup>2</sup>, with a maximum combined gross floor area of no more than 300m<sup>2</sup>.

**13 Use of certain land at Fullers Road and Old Northern Road, Glenhaven**

- (1) This clause applies to certain land at Glenhaven, being—
  - (a) 2 and 2a Fullers Road, being Lots 1 and 2, SP 46522, and
  - (b) 434 Old Northern Road, being Lot 1, DP 369807,shown as “Item 15” on the [Additional Permitted Uses Map](#).
- (2) Development for the purpose of seniors housing is permitted with development consent if the seniors housing comprises no more than 9 self-contained dwellings.

**14 Use of certain land within Bella Vista Station Precinct and Kellyville Station Precinct in Zone SP2**

- (1) This clause applies to certain land within the Bella Vista Station Precinct and the Kellyville Station Precinct that is in Zone SP2 Infrastructure, shown as “Item 20” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of an environmental facility or a recreation area is permitted with development consent.

**15 Use of certain land within Bella Vista Station Precinct and Kellyville Station Precinct in Zones R1 and R4**

- (1) This clause applies to certain land within the Bella Vista Station Precinct and the



Kellyville Station Precinct that is in Zone R1 General Residential and Zone R4 High Density Residential, shown as “Item 21” on the [Additional Permitted Uses Map](#).

- (2) Development for the purposes of an exhibition village or recreation facility (outdoor) is permitted with development consent.

#### **16 (Repealed)**

#### **17 Use of certain land at 55 Coonara Avenue, West Pennant Hills**

- (1) This clause applies to certain land at 55 Coonara Avenue, West Pennant Hills, being parts of Lot 61, DP 737386, that is in Zone C2, shown as “Item 23” and “Item 24” on the Additional Permitted Uses Map.
- (2) Development for the purposes of recreation areas or recreation facilities (indoor) is permitted with development consent on the land shown as “Item 23”.
- (3) Development for the following purposes is permitted with development consent on the land shown as “Item 24”—
  - (a) building identification signs,
  - (b) kiosks,
  - (c) recreation areas,
  - (d) restaurants or cafes, but only if the gross floor area of any restaurant or cafe on the land does not exceed 50 square metres.

#### **18 Use of certain land at 40 Solent Circuit, Norwest**

- (1) This clause applies to land at 40 Solent Circuit, Norwest, being Lot 2107, DP 1216268, shown as “Item 12” on the [Additional Permitted Uses Map](#).
- (2) Development for the following purposes is permitted with development consent—
  - (a) business premises, but only if the total gross floor area of all business premises on the land does not exceed 1,500m<sup>2</sup>,
  - (b) recreation facilities (indoor), but only if the total gross floor area of all recreation facilities (indoor) on the land does not exceed 1,500m<sup>2</sup>,
  - (c) restaurants or cafes, but only if the total gross floor area of all restaurants and cafes on the land does not exceed 500m<sup>2</sup>,
  - (d) shops, but only if the total gross floor area of all shops on the land does not exceed 1,000m<sup>2</sup>.

### **19 Use of certain land at 25–31 Brookhollow Avenue, Norwest**

- (1) This clause applies to 25–31 Brookhollow Avenue, Norwest, Lot 71, DP 1252765, identified as “Item 25” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of neighbourhood supermarkets is permitted with development consent if the gross floor area of all neighbourhood supermarkets on the land is no more than 1,000m<sup>2</sup>.

### **20 Use of certain land for residential flat buildings**

- (1) This clause applies to land in Zone E1 identified as “Item 26” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of residential flat buildings is permitted with development consent.

### **21 Use of certain land at 346–350 Old Northern Road, Castle Hill**

- (1) This clause applies to Lot 503, DP 1048808, 346–350 Old Northern Road, Castle Hill, identified as “Item 29” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of seniors housing 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.

### **Signage—business identification signs associated with home businesses, home industries or home occupations**

- (1) Only one per premises.
- (2) Maximum area—0.72m<sup>2</sup>.
- (3) Maximum height of freestanding sign—1.2m above natural ground level.
- (4) Must not be illuminated.

**Signage—real estate signs—advertising on premises or land for sale or rent**

- (1A) Must be carried out on land in—
  - (a) a rural, residential or employment zone, or
  - (b) Zone MU1, SP3, SP4, C3 or C4.
- (1) Only one per premises or street frontage, whichever is the greater.
- (2) Maximum area—2.5m<sup>2</sup>.
- (3) Must be removed when the property is sold or leased.
- (4) If located on a fence, must not project more than 100mm from the fence.
- (5) Must be displayed on the premises or land to which the sign relates.

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

- (1) Only one per street frontage.
- (2) Maximum area (residential areas)—1.5m<sup>2</sup>.
- (3) Maximum area (commercial and industrial areas)—3.5m<sup>2</sup>.
- (4) Must not include commercial advertising apart from the name of any event sponsor.
- (5) Must not be displayed earlier than 28 days before the event and must be removed within 14 days after the event.

**Temporary use of land**

The temporary use of land for any of the following purposes for a maximum period of 14 days (whether or not consecutive days) in any period of 12 months—

- (a) market,
- (b) circus,
- (c) auction,
- (d) community event.

**Signage—Bus shelter advertising**

- (1) Maximum—1 advertising panel per bus shelter, but the panel may have an advertisement on each side.
- (2) Maximum display area per panel on each side—1.2m × 1.8m.
- (3) Must not contain flashing or moving electronic content.

- (4) Must comply with the *Disability Standards for Accessible Public Transport 2002* made under the *Disability Discrimination Act 1992* of the Commonwealth and relevant Australian standards.
- (5) Must not adversely impact the amenity of a heritage item.
- (6) Must be erected by or on behalf of the Council.

**Signage—Advertising affixed to pole of street sign**

- (1) Maximum—2 advertising panels per street sign, but the panels may have an advertisement on each side.
- (2) Maximum display area per panel on each side—1.2m × 1.8m.
- (3) Must not contain flashing or moving electronic content.
- (4) Must comply with the *Disability Standards for Accessible Public Transport 2002* made under the *Disability Discrimination Act 1992* of the Commonwealth and relevant Australian standards.
- (5) If the street sign is in Zone RU1, Zone RU2, Zone RU3, Zone RU6, Zone R2 or Zone C4—must only be located on or near a main road.
- (6) Must not adversely impact the amenity of a heritage item.
- (7) Must be erected by or on behalf of the Council.

**Signage—Advertising on side of pedestrian bridge above road**

- (1) Maximum—1 advertising panel per direction of traffic under pedestrian bridge.
- (2) Must provide safe vertical clearance for vehicles.
- (3) Must not block visibility of oncoming traffic.
- (4) Must not contain flashing signage.
- (5) Must comply with the *Minimum coefficients of Luminous intensity per unit area for Class 2A Material* in AS/NZS 1906.1:2007, *Retroreflective materials and devices for road traffic control purposes, Part 1: Retroreflective sheeting*.
- (6) Must not adversely impact the amenity of a heritage item, the curtilage of a heritage item or existing public view lines of the heritage item.
- (7) Must be erected by or on behalf of the Council.

## 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
Annangrove	House	221 Annangrove Road	Lot 2, DP 529043	Local	I1
Annangrove	House	7 Blue Gum Road	Part Lot 4, DP 236989	Local	I2
Baulkham Hills	House	31 Cross Street	Lot 1, DP 213055	Local	I3
Baulkham Hills	"Chelsea Farm"	8-10 Englart Place	Lot 9, DP 255911	Local	I4
Baulkham Hills	Norfolk Pine ( <i>Araucaria heterophylla</i> ), marking original location of driveway for Chelsea Farm	14 Englart Place	Lot 11, DP 255911	Local	I5
Baulkham Hills	"Yootha Park"	11 Henry Street	Lot 7, DP 221937	Local	I6
Baulkham Hills	"Creasy's"	13 Old Northern Road	Lot 34, SP 93170 and common property	Local	I8
Baulkham Hills	House	37-43 Old Northern Road	Lot 23, DP 739791	Local	I9
Baulkham Hills	House	60 Old Northern Road	Lot 2, DP 207936	Local	I10
Baulkham Hills	House	67 Old Northern Road	Lot 5, SP 85667 and common property	Local	I11
Baulkham Hills	House	77 Old Northern Road	Lot 1, DP 1007799	Local	I12
Baulkham Hills	House	84 Old Northern Road	Lot 34, DP 129827	Local	I13
Baulkham Hills	House	118 Old Northern Road	Lot A, DP 333643	Local	I15
Baulkham Hills	House	121 Old Northern Road	Lot 84, DP 846106	Local	I16

Baulkham Hills	House	133 Old Northern Road	Lot 15, DP 845564	Local	I17
Baulkham Hills	House	135 Old Northern Road	Lot 14, DP 845564	Local	I18
Baulkham Hills	"Thornbury Lodge"	11 Owen Avenue	Lots 9 and 10, SP 53479 and common property	Local	I20
Baulkham Hills	House	15 Park Road	Lot 2, DP 228420	Local	I21
Baulkham Hills	"The Palms"	1 Pearce Street	Lot 1, DP 23482	Local	I22
Baulkham Hills	House	51 Seven Hills Road	Lot 10, DP 858072	Local	I23
Baulkham Hills	Bunya Pine ( <i>Araucaria bidwillii</i> ), marking original driveway for Chelsea Farm	Torry Burn Reserve No 171, 13Z Gleeson Avenue	Lot 1, DP 244012	Local	I26
Baulkham Hills	Joyce Farmhouse	15-15A Valerie Avenue	Lots 36 and 46, DP 238502	Local	I27
Baulkham Hills	Windsor Road from Baulkham Hills to Box Hill	Windsor Road	Within road reserve	Local	I28
Baulkham Hills	Bull and Bush Hotel	360 Windsor Road	Lot 2, DP 783941	Local	I30
Baulkham Hills	House	389A Windsor Road	Lot 5, DP 31331	Local	I31
Baulkham Hills	Norfolk Pine ( <i>Araucaria heterophylla</i> ), marking original entrance to Chelsea Farm	468 Windsor Road	Lot 6, DP 255472	Local	I32
Baulkham Hills	Norfolk Pine ( <i>Araucaria heterophylla</i> ), marking original entrance to Chelsea Farm	470 Windsor Road	Lot 7, DP 255472	Local	I33
Baulkham Hills	St Michael's Church	520 Windsor Road	Lot 100, DP 711470	Local	I34
Baulkham Hills	House	523 Windsor Road	Lot 10, DP 615435	Local	I35
Baulkham Hills	Alliance Church	524 Windsor Road	Lot 21, DP 852062	Local	I36
Beaumont Hills	Former Divine Word Mission	4 Sabal Place	Lot 1003, DP 857115	Local	I37

Beaumont Hills	Windsor Road from Baulkham Hills to Box Hill	Windsor Road		Local	I28
Bella Vista	Pearce family graves	Seven Hills Road	Lot 100, DP 707538	State	I24
Box Hill	Windsor Road from Baulkham Hills to Box Hill	Windsor Road		Local	I28
Castle Hill	House	71 Balintore Drive	Lot 7, DP 1093653	Local	I47
Castle Hill	"Fairholme"	157 Castle Hill Road	Lots 1 and 2, DP 135921; Lot A, DP 329990	Local	I48
Castle Hill	"Bellerive"	164-166 Excelsior Avenue	Lot 1, DP 516491	Local	I49
Castle Hill	Castle Hill House	6-10 Francis Street	Lot 234, DP 1005876	Local	I50
Castle Hill	"Garthowen"	14 Garthowen Crescent	Lot 2, DP 533390	Local	I51
Castle Hill	Cemetery	10 Gilbert Road	Crown Reserve No 1000480, Lot 7300, DP 1141491	Local	I52
Castle Hill	Gilroy College	19-37 Marie Street	Lot 1, DP 1073292; Lots 9, 10 and 47-51, DP 10049	Local	I53
Castle Hill	Gate and gateposts	36 Melia Court	Lot 2010, DP 879431	Local	I54
Castle Hill	House	108 Old Castle Hill Road	Lot 1, DP 585257	Local	I55
Castle Hill	House	171 Old Northern Road	Lot 1, DP 562174	Local	I56
Castle Hill	Durham Park	8/174 Old Northern Road	Lot 8, DP 1014035	Local	I57
Castle Hill	House	182 Old Northern Road	Lot 1, DP 209652	Local	I19
Castle Hill	The Old Parsonage	210 Old Northern Road	Lot X, DP 418941	Local	I58
Castle Hill	Former St Paul's Anglican Church	221-225 Old Northern Road	Lot 120, DP 817356	State	I59
Castle Hill	"Wansbrough House"	230 Old Northern Road	Lot 4, DP 533918	Local	I60



Castle Hill	Christadelphian Church	245 Old Northern Road	Lot 12, DP 1053191	Local	I62
Castle Hill	St Paul's Cemetery	247 Old Northern Road	Lot 11, DP 1053193	Local	I61
Castle Hill	Castle Hill Public School	264-266 Old Northern Road	Lot 101, DP 1000798	Local	I63
Castle Hill	Former police station	264-266 Old Northern Road	Lot 101, DP 1000798	Local	I64
Castle Hill	House	340 Old Northern Road	Lot 11, DP 1075777	Local	I65
Castle Hill	House	30-34 Showground Road	Lot 1, DP 1201722	Local	I66
Castle Hill	"Dogwoods"	74 Showground Road	Lot 202, DP 551843	Local	I67
Castle Hill	House	107 Showground Road	Lot 1, DP 578072	Local	I68
Castle Hill	House	128-132 Showground Road	Lot 406, DP 860609	Local	I69
Castle Hill	House	9 Stone Cottage Court	Lot 27, DP 270304	Local	I70
Castle Hill	Windsor Road from Baulkham Hills to Box Hill	Windsor Road		Local	I28
Cattai	"Terry Mount"	8 Dillwynia Avenue	Lot 60, DP 270953	Local	I78
Cattai	"Bungool" (Riverside Oaks Golf Course)	74 O'Briens Road	Lot 28, DP 270416	Local	I71
Cattai	"Rose Park"	62 Old Post Office Road	Lot 152, DP 1019110	Local	I72
Cattai	William Daley's grave	62 Old Post Office Road	Lot 152, DP 1019110	Local	I73
Cattai	"Johnstons"	31 Wianamatta Circuit	Lot 17, DP 270953	Local	I77
Cattai	"Caddie House", barn, silo and outbuildings (part of Cattai Estate)	2-18 Wisemans Ferry Road	Lot 2, DP 605329	State	I74

Cattai	"Hope Farm House", "Hope Farm Cottage", outbuilding and mill ruins (part of Cattai Estate)	50 Wisemans Ferry Road	Lot 40, DP 1144784	Local	175
Cattai	Slab hut	69 Wisemans Ferry Road	Lot 21, DP 843427	Local	176
Cattai	"Montrose"	96 Wisemans Ferry Road	Lot 101, DP 807427	Local	179
Cattai	"Stonehouse Grove"	1365 Wisemans Ferry Road	Lot 12, DP 811777	Local	180
Dural	Uniting Church Cemetery	14A Derriwong Road	Lot 1, DP 195296	Local	181
Dural	Hill Top	31 Kenthurst Road	Lot 1, DP 34815	Local	182
Dural	House	54-56 Kenthurst Road	Lot 2, DP 1039194	Local	183
Dural	"Allens House"	548 Old Northern Road	Lot 37, DP 715200	Local	184
Dural	House	600A Old Northern Road	Lot 101, DP 713628	Local	185
Dural	Dural Soldiers Memorial Hall	604 Old Northern Road	Lot 1, DP 656035	Local	186
Dural	"The Pines"	656Z Old Northern Road	Lot 11, DP 734457, Reserve No 555	Local	187
Glenhaven	"Rosenfels"	23 Glenhaven Road	Lot 1, DP 602286	Local	188
Glenhaven	Emmanuel Anglican Church	31 Glenhaven Road	Lot 1, DP 1240537	Local	189
Glenhaven	House	428 Old Northern Road	Part Lot 2, DP 568234	Local	190
Glenorie	Felton Mathew Marked Tree	140 Broadwater Road	Lot 18, DP 752039	Local	191
Glenorie	House	41 Cattai Ridge Road	Lot 2, DP 1111805	Local	192
Glenorie	House	79 Cattai Ridge Road	Lot 3, DP 624003	Local	193
Glenorie	"Abergeldie"	95 Cattai Ridge Road	Lot 1, DP 540834	Local	194
Glenorie	House	124 Cattai Ridge Road	Lot 1, DP 316917	Local	195

Glenorie	“Longstone House”	15 Mount View Road	Lot 2, DP 538286	Local	I96
Kellyville	House	29 Acres Road	Lot 44, DP 235228	Local	I97
Kellyville	“Mount Saint Francis”	8 Greyfriar Place	Lot 5, DP 1040498	Local	I98
Kellyville	House	19 Langford Smith Close	Lot 1, DP 1039914	Local	I99
Kellyville	“Lintbrae”, house	30 Regent Honeyeater Grove	Lot 21, DP 1201600	Local	I104
Kellyville	“Baden Farm”	6 Success Avenue	Lot 503, DP 878047	Local	I100
Kellyville	Windsor Road from Baulkham Hills to Box Hill	Windsor Road		Local	I28
Kellyville	House	9–11 Windsor Road	Lot 9, DP 621494	Local	I101
Kellyville	Kellyville Public School	35A Windsor Road	Lot 1, DP 439294; Lot 1, DP 782320; Lot 20, DP 206082	Local	I102
Kellyville	“Buena Vista”	43 Windsor Road	Lot 43, DP 847331	Local	I103
Kenthurst	House	33 Annangrove Road	Lot 1, DP 135820	Local	I105
Kenthurst	House	44 Annangrove Road	Lot 1, DP 229987	Local	I106
Kenthurst	“Sunnycrest”	2 Campbell Road	Lot 3, DP 586786	Local	I107
Kenthurst	House	11 Fuggles Road	Lot 5, DP 534130	Local	I108
Kenthurst	House and barn	1 Hafey Road	Lot 4, DP 239886	Local	I109
Kenthurst	Cottage	1 Hilton Place	Lot 1, DP 260257	Local	I110
Kenthurst	“Lavender Cottage”	45A Jones Road	Lot 3, DP 519461	Local	I111
Kenthurst	House	70 Kenthurst Road	Lot 43, DP 584117	Local	I112
Kenthurst	Former St Madeleine Sophie Borat Catholic Church	114A Kenthurst Road	Lot 2, DP 943767	Local	I113
Kenthurst	Kenthurst Literary Institute	131–135 Kenthurst Road	Lot 12, DP 758558	Local	I114
Kenthurst	House	1 Lawrence Road	Lot 1, DP 134911	Local	I115
Kenthurst	House	11 Lawrence Road	Lot 3, DP 549342	Local	I116
Kenthurst	House	2 Marieba Road	Lot 63, DP 731202	Local	I117

Kenthurst	House	29 Pitt Town Road	Lot 1, DP 242302	Local	I118
Kenthurst	Fence	46 Pitt Town Road	Lot 1, DP 549076	Local	I119
Kenthurst	House	50 Pitt Town Road	Lot 7, DP 135642	Local	I120
Kenthurst	“Speedwell”	68 Pitt Town Road	Lot 3, DP 586852	Local	I121
Kenthurst	Cottage	78 Pitt Town Road	Lot 1, DP 561074	Local	I122
Kenthurst	House and barn	79 Pitt Town Road	Lot 101, DP 598991	Local	I123
Kenthurst	House	17 Porters Road	Lot 2, DP 550216	Local	I124
Kenthurst	House	40 Porters Road	Lot 2, DP 255779	Local	I125
Kenthurst	“Maranoa”	42A Porters Road	Lot 6, DP 585099	Local	I126
Kenthurst	House	75 Porters Road	Lot 301, DP 731027	Local	I127
Leets Vale	“Berry Hill”, house	1832 River Road	Lot 119, DP 752025	Local	I128
Lower Portland	Cable ferry	River Road		Local	I138
Lower Portland	Slab barn	276 River Road	Lot 2, DP 611810	Local	I129
Lower Portland	“Dargle”	312 River Road	Lot 1, DP 109718	Local	I130
Lower Portland	Church	576 River Road	Lot 11, DP 818829	Local	I131
Lower Portland	“Peacocks”	578 River Road	Lot 12, DP 818829	Local	I132
Lower Portland	House	827-829 River Road	Lot 2, DP 544316	Local	I133
Lower Portland	Brown’s Cemetery	875 River Road	Lot 2, DP 34182	Local	I134
Lower Portland	Rexford	1073 River Road	Lot 1, DP 75366	Local	I135
Lower Portland	Stone dairy	1324 River Road	Lot 8, DP 236370	Local	I136
Lower Portland	Fig tree	1324 River Road	Lot 8, DP 236370	Local	I137
Maraylya	House	489-491 Boundary Road	Lot 1, DP 332184	Local	I139
Maraylya	Slab hut	52 St Johns Road	Lot 311, DP 1190756	Local	I140
Maroota	McFarland Grave	4 metres from centreline of Old Northern Road and 368 metres north of its intersection with Wisemans Ferry Road		Local	I141
Middle Dural	“Broadlands”	15 Cranstons Road	Lot 2, DP 624488	Local	I142
Middle Dural	House	45 Cranstons Road	Lot 1, DP 514642	Local	I143

Middle Dural	House	12 Garemyn Road	Lot 1, DP 214398	Local	I144
Middle Dural	"Glenroy", cottage	1 Glenroy Place	Lot 1, DP 253879	Local	I145
Middle Dural	"Cranston Cottage"	7 McLeod Road	Lot 1, DP 244143	Local	I146
Middle Dural	"St Elmo"	774 Old Northern Road	Lot D, DP 164591	Local	I147
Middle Dural	"Pinewood"	792 Old Northern Road	Lot 2, DP 416521	Local	I148
Middle Dural	"Carinya"	828 Old Northern Road	Lot 2, DP 225210	Local	I149
Middle Dural	House and barn	834 Old Northern Road	Lot 2, DP 231508	Local	I150
Nelson	House	11 Hession Road	Lot 21, DP 565883	Local	I151
Nelson	"Rosedale"	55 Nelson Road	Lot 2, DP 565176	Local	I152
Nelson	House	61 Nelson Road	Lot 201, DP 1195181	Local	I153
Norwest	St Joseph's Novitiate	Mackillop Drive	Lot 217, DP 1239622	Local	I7
Norwest	Avenue of trees leading to Castle Hill Country Club	7 and 9 Spurway Drive and Castle Hill Country Club, Spurway Drive	Lot 18, DP 1200327; Lot 3, DP 271187; Lot 2, DP 1246113	Local	I25
Norwest	Windsor Road from Baulkham Hills to Box Hill	Windsor Road		Local	I28
Rouse Hill	Rouse Hill Cemetery	10-12 Aberdour Avenue	Lots 50 and 51, DP 193021	Local	I182
Rouse Hill	House	288 Annangrove Road	Lot 3, DP 222080	Local	I181
Rouse Hill	Mungerie	2 Civic Way	Lot 1, DP 270520	Local	I183
Rouse Hill	"Aberdoon" house	39-41 Clower Avenue	Lot 1, DP 1016540	Local	I184
Rouse Hill	Royal Oak Inn	2 Commercial Road	Part Lot 101, DP 1058862	State	I185
Rouse Hill	Bridge structures	Below Windsor Road at Second Ponds Creek		Local	I188
Rouse Hill	Christchurch	2 Adelphi Street	Lot 10, DP 1087432	Local	I187

Rouse Hill	Windsor Road from Baulkham Hills to Box Hill	Windsor Road		Local	I28
Rouse Hill	Private burial ground	49Z Greensborough Avenue	Lot 202, DP 858563, William Harvey Reserve No 405	Local	I189
Sackville North	Uniting church and cemetery	520 Chapel Hill Road	Lot 1, DP 817086	Local	I190
Sackville North	The Parsonage, uniting church and cemetery	560 Chapel Hill Road	Lot 3, DP 740110	Local	I191
Sackville North	"Kelso Park"	422 Mud Island Road	Lot 3, DP 804271	Local	I192
Sackville North	"Pagewood"	165 Pages Wharf Road	Lot 41, DP 1093516	Local	I193
Sackville North	Cable ferry	Sackville Ferry Road		Local	I196
Sackville North	Cemetery	437 Sackville Ferry Road	Lot 7009, DP 93097	Local	I194
Sackville North	Brewongle Environmental Education Centre	720-728 Sackville Ferry Road	Part Lot 1, DP 121420	Local	I195
West Pennant Hills	"Glenhope"	113 Castle Hill Road	Lot 7, DP 1012463	Local	I197
West Pennant Hills	"Dunrath"	139 Castle Hill Road	Lot 1, DP 220867	Local	I198
West Pennant Hills	"Erambie Park"	37 Coonara Avenue	Lot 2032, DP 862072	Local	I199
West Pennant Hills	"Pine Ridge"	19 Doris Hirst Place	Lot 1, DP 1037463	Local	I200
West Pennant Hills	"Stoneleigh"	570 Pennant Hills Road	Lot 3, DP 1096405	Local	I201
Wisemans Ferry	Cable ferry	Old Northern Road		Local	I203
Wisemans Ferry	Residence and post office	5556 Old Northern Road	Lot 1, DP 724948	Local	I202
Wisemans Ferry	Cable ferry	Webbs Creek, River Road		Local	I208
Wisemans Ferry	House	2449 River Road	Lot 2, DP 230496	Local	I204
Wisemans Ferry	House	3014 River Road	Lot 2, DP 506468	Local	I205

Wisemans Ferry	St Mary Magdalene Anglican Church	3025 River Road	Lot 37, DP 1247320	Local	I206
Wisemans Ferry	Police station and residence	3031 River Road	Lot 7313, DP 1152156	Local	I207

## Part 2 Heritage conservation areas

Name of Heritage Conservation Area	Identification on Heritage Map	Significance
Balcombe Heights Community Buildings Complex and Cropley House	Shown by a heavy red line and hatched in red and labelled "C1"	Local
Bella Vista Homestead Complex	Shown by a heavy red line and hatched in red and labelled "C2"	State
Old Government Farm Site (Heritage Park)	Shown by a heavy red line and hatched in red and labelled "C3"	State

## Part 3 Archaeological sites

Suburb	Item name	Address	Property description	Significance	Item no
Baulkham Hills	Baulkham Hills Tramway Cutting	George Suttor Reserve No 84, 9Z Old Northern Road	Lot 5, DP 1108855 and Lot 7306, DP 1145649	Local	A1
Bella Vista	Original section of road and culvert	Old Windsor Road between Seven Hills Road and Windsor Road	Within road reserve	Local	A2
Box Hill	Bypassed section of road	162-170 Old Pitt Town Road	Within road reserve fronting Lot 10A, DP 11104; Lot 11, DP 10157; Lots 121 and 122, DP 562991; Lot 1, DP 581760	Local	A3
Cattai	Drainage trench and gate (part of Cattai Estate)	2 Caddie Road	Lot 1, DP 270953	Local	A8
Cattai	Slab hut ruin and quarry site	2 Caddie Road	Lot 1, DP 270953	Local	A9
Cattai	"The Ridge", quarry site	2 Caddie Road	Lot 1, DP 270953	Local	A7
Cattai	Private burial ground	660 Halcrows Road	Lot 3, DP 701464	Local	A4

Cattai	Ruins of Merrymount	74 O'Briens Road	Lot 28, DP 270416	Local	A5
Cattai	Old Caddie Homestead foundations (part of Cattai Estate)	2-18 Wisemans Ferry Road	Lot 2, DP 605329	Local	A10
Cattai	Cattai Horseworks (part of Cattai Estate)	Cattai National Park, 20-34 Wisemans Ferry Road	Lot 1, DP 605329	Local	A11
Cattai	Hope Farm Windmill, Hope Farm Mill Granary and Stockmans Cottage foundations (part of Cattai Estate)	50 Wisemans Ferry Road	Lot 40, DP 1144784	State	A6
Dural	Old Northern Road	Old Northern Road between Dural and Wisemans Ferry	Within road reserve	Local	A12
Glenorie	Old Northern Road	Old Northern Road between Dural and Wisemans Ferry	Within road reserve	Local	A12
Kellyville	House ruins	Cattai Creek Conservation Area, Reserve No 416, 194Z Glenhaven Road	Lot 151, DP 869424	Local	A13
Kellyville	Road and remnant post and rail fencing	Old Windsor Road between Seven Hills Road and Windsor Road	Within road reserve	Local	A2
Leets Vale	Convict built road (Mr Sharps Track)	2275 and 2277-2349 River Road	Lots 26 and 64, DP 752025	Local	A14
Maroota	Old Northern Road	Old Northern Road between Dural and Wisemans Ferry	Within road reserve	Local	A12
Maroota	Original section of Old Northern Road	Crown Reserve R74422, 3952-4006 Old Northern Road	Lot 131, DP 752039	Local	A15
Maroota	Bypassed section of Old Northern Road	4050 Old Northern Road	Within road reserve fronting Lot 238, DP 752039	Local	A18



Maroota	Original section of Old Northern Road	4132 Old Northern Road	Within road reserve fronting Lot 100, DP 650454	Local	A16
Maroota	Bypassed section of Old Northern Road	Crown Reserve R88205, 4230-4254 Old Northern Road	Lot 231, DP 752039	Local	A17
Maroota	Convict Built Road (Mr Sharps Track)	Crown Reserve, 5060 Old Northern Road	Lot 7304, DP 1144116	Local	A14
Middle Dural	Old Northern Road	Old Northern Road between Dural and Wisemans Ferry	Within road reserve	Local	A12
Rouse Hill	Queens Arms Inn site	1 Resolution Place	Lot 1, DP 285955	Local	A24
South Maroota	Great drain and stone cut foundations	274 Pacific Park Road	Lot 10, DP 752039	State	A25
West Pennant Hills	Cumberland State Forest, Bellamy Quarry and Sawpit	89-97 Castle Hill Road	Lots 1-7 and 15-17, DP 11133; Lot 1, DP 343971; Lot 1, DP 338977; Lot 1, DP 337618	Local	A26
Wisemans Ferry	Bridge and culvert	Old Northern Road	Part of road reserve, adjacent to Lot 4, DP 228881	Local	A30
Wisemans Ferry	Old Northern Road	Old Northern Road between Dural and Wisemans Ferry	Within road reserve	Local	A12
Wisemans Ferry	Watering hole	Old Northern Road	Part of road reserve adjacent to Lot 471, DP 827645	Local	A29
Wisemans Ferry	Convict road station	5426-5514 Old Northern Road	Lot 4, DP 228881	Local	A27
Wisemans Ferry	Two quarries	5426-5514 Old Northern Road	Lot 4, DP 228881	Local	A28
Wisemans Ferry	Convict built road (Mr Sharps Track)	2475-2483 and 2391-2429 River Road	Part of road reserve adjacent to and within Lot 11, DP 1052320	Local	A14

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

(Clause 5.19)

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

#### Division 1 Site location requirements

##### 1 Conservation exclusion zones

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

**Note.**

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

#### Division 2 Operational requirements

##### 2 Species selection

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

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

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

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

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

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

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

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

## **6 Definition**

In this Division—

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

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

## **Division 1 Site location requirements**

### **7 Conservation exclusion zones**

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

#### **Note.**

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

### **8 Flood liability**

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

## **Division 2 Operational requirements**

### **9 Species selection**

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

## 10 Pond design

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

## 11 Culture water

Must use freshwater.

## Dictionary

(Clause 1.4)

### Note.

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

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

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

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

### Note.

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

**Accelerated Transport Oriented Development Precincts Rezoning Areas Map** has the same meaning as in [State Environmental Planning Policy \(Housing\) 2021](#).

**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 [The Hills Local Environmental Plan 2019 Acid Sulfate Soils Map](#).

**Active Street Frontages Map** means the [The Hills Local Environmental Plan 2019 Active Street Frontages Map](#).

**Additional Permitted Uses Map** means the [The Hills Local Environmental Plan 2019 Additional Permitted Uses Map](#).

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

**Note.**

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

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

**Note.**

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

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

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

**Note.**

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

**Affordable Housing Map** means the [The Hills Local Environmental Plan 2019 Affordable Housing Map](#).

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

**Note.**

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

**agriculture** means any of the following—

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

**Note.**

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

**agritourism** means the following—

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

**Note—**

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

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

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

**Note.**

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

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

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

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

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

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

**Note.**

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

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

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

- (a) a retail area for the sale of the products,
- (b) the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided,

(c) facilities for holding tastings, tours or workshops.

**Note.**

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

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

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

**Note.**

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

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

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

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

**Note.**

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

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

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

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

**Note.**

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

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

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

**Note.**

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

**Bella Vista and Kellyville Transport Oriented Development Precincts Design Guide** means the *Bella Vista and Kellyville Transport Oriented Development Precincts Design Guide* published by the Department in November 2024.

**Bella Vista Station Precinct** means the land identified as “Bella Vista Station Precinct” on the [Sydney Metro Northwest Map](#).

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

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

**Note.**

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

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

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

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

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

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

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

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

**Note.**

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



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

**Note.**

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

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

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

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

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

**Note.**

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

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

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

whichever distance is the shortest.

**Building Setback Map** means the [The Hills Local Environmental Plan 2019 Building Setback Map](#).

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

**Note.**

The term is defined as follows—

**bush fire hazard reduction work** means—

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

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

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

**Note.**

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

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

**business identification sign** means a sign—

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

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

**Note.**

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

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

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

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

**Note.**

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

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

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

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

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

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

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

2003.

**Note.**

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

**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.)

**Clause Application Map** means the [The Hills Local Environmental Plan 2019 Clause Application Map](#).

**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](#).

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

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

**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 Incentive Map** means the [The Hills Local Environmental Plan 2019 Floor Space Ratio Incentive Map](#).

**Floor Space Ratio Map** means the [The Hills Local Environmental Plan 2019 Floor Space Ratio Map](#).

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

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

**Note.**

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

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

**foreshore building line** means—

- (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.

**Foreshore Building Line Map** means the [The Hills Local Environmental Plan 2019 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 [The Hills Local Environmental Plan 2019 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 [The Hills Local Environmental Plan 2019 Heritage Map](#).

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

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

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

**Note.**

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

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

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

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

**Note 1—**

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

**Note 2—**

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

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

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

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

**Note—**

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

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

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

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

**Note—**

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

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

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

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

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

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

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

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

**Note.**

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

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

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

(j) mortuaries.

**Note.**

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

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

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

**Note.**

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

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

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

**Note.**

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

**Incentive Height of Buildings Map** means the [The Hills Local Environmental Plan 2019 Incentive Height of Buildings Map](#).

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

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

but does not include a hostel.

**Note—**

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

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

transportation associated with any such activity.

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

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

but does not include a warehouse or distribution centre.

**Note.**

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

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

**industry** means any of the following—

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

but does not include—

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

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

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

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

but does not include extensive agriculture, aquaculture or the operation of facilities for drought or

similar emergency relief.

**Note.**

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

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

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

**Note.**

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

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

**Kellyville Station Precinct** means the land identified as “Kellyville Station Precinct” on the [Sydney Metro Northwest Map](#).

**Key Sites Map** means the [The Hills Local Environmental Plan 2019 Key Sites Map](#).

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

**Note.**

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

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

**Land Application Map** means the [The Hills Local Environmental Plan 2019 Land Application Map](#).

**Land Reservation Acquisition Map** means the [The Hills Local Environmental Plan 2019 Land Reservation Acquisition Map](#).

**Land Zoning Map** means the [The Hills Local Environmental Plan 2019 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.

**Landslide Risk Map** means the [The Hills Local Environmental Plan 2019 Landslide Risk Map](#).

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

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

**Note.**

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

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

**Note.**

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

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

**Note.**

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

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

**Lot Size Map** means the [The Hills Local Environmental Plan 2019 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,
- (m) specialised retail premises,
- (n) timber yards,
- (o) 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.

**Showground Station Precinct** means the land identified as “Showground Station Precinct” on the [Sydney Metro Northwest Map](#).

**signage** means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following—

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign or traffic control facilities.

**site area** means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

**Note.**

The effect of this definition is varied by clause 4.5 for the purpose of the determination of permitted floor space area for proposed development.

**site coverage** means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage—

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

**small bar** means a small bar within the meaning of the [Liquor Act 2007](#).

**Note.**

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

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

**Note.**

The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

**specialised retail premises** means a building or place the principal purpose of which is the sale, hire

or display of goods that are of a size, weight or quantity, that requires—

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

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

**Note.**

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

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

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

**Note.**

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

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

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

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

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

**Note.**

The term is defined as follows—

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

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

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

**Sydney Metro Northwest Map** means the [The Hills Local Environmental Plan 2019 Sydney Metro Northwest Map](#).

**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 [The Hills Local Environmental Plan 2019 Terrestrial Biodiversity Map](#).

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

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

**Note.**

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

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

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,

- (c) farm stay accommodation,
  - (d) hotel or motel accommodation,
  - (e) serviced apartments,
- but does not include—
- (f) camping grounds, or
  - (g) caravan parks, or
  - (h) eco-tourist facilities.

**transport depot** means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.

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

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

**Note.**

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

**underground mining** means—

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

but does not include open cut mining.

**Urban Release Area Map** means the [The Hills Local Environmental Plan 2019 Urban Release Area Map](#).

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

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

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

**Note.**

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



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

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

**Note.**

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

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

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

**Note.**

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

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

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

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

**Note.**

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

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

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

- (a) retention structures, and
- (b) treatment works, and

(c) irrigation schemes.

**Note.**

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

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

**Note.**

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

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

**Note.**

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

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

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

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

**Note.**

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

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

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

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

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

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

**wetland** means—

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

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

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

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