



New South Wales

Georges River Local Environmental Plan 2021

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Public Spaces, pursuant to section 3.20 of the *Environmental Planning and Assessment Act 1979*, adopt the mandatory provisions of the *Standard Instrument (Local Environmental Plans) Order 2006* and prescribe matters required or permitted by that Order so as to make a local environmental plan as follows.

MALCOLM McDONALD

As delegate for the Minister for Planning and Public Spaces

Contents

	Page
Part 1 Preliminary	
1.1 Name of Plan	5
1.1AA Commencement	5
1.2 Aims of Plan	5
1.3 Land to which Plan applies	6
1.4 Definitions	6
1.5 Notes	6
1.6 Consent authority	6
1.7 Maps	6
1.8 Repeal of planning instruments applying to land	6
1.8A Savings provisions relating to development applications	7
1.9 Application of SEPPs	7
1.9A Suspension of covenants, agreements and instruments	7
Part 2 Permitted or prohibited development	
2.1 Land use zones	8
2.2 Zoning of land to which Plan applies	8
2.3 Zone objectives and Land Use Table	8
2.4 Unzoned land	9
2.5 Additional permitted uses for particular land	9
2.6 Subdivision—consent requirements	9
2.7 Demolition requires development consent	10
2.8 Temporary use of land	10
Land Use Table	
Part 3 Exempt and complying development	
3.1 Exempt development	21
3.2 Complying development	21
3.3 Environmentally sensitive areas excluded	22
Part 4 Principal development standards	
4.1 Minimum subdivision lot size	23
4.1AA Minimum subdivision lot size for community title schemes	23
4.1A Minimum subdivision lot size for dual occupancies	23
4.1B Minimum lot sizes and special provisions for certain dwellings	24
4.2 Rural subdivision	25
4.3 Height of buildings	25
4.3A Exceptions to height of buildings	25
4.4 Floor space ratio	25
4.4A Exceptions to floor space ratio—certain residential accommodation	26
4.4B Exceptions to floor space ratio—non-residential uses	27
4.5 Calculation of floor space ratio and site area	27
4.6 Exceptions to development standards	29

	Page	
Part 5	Miscellaneous provisions	
5.1	Relevant acquisition authority	31
5.2	Classification and reclassification of public land	31
5.3	Development near zone boundaries	32
5.4	Controls relating to miscellaneous permissible uses	32
5.5	Controls relating to secondary dwellings on land in a rural zone	33
5.6	Architectural roof features	33
5.7	Development below mean high water mark	33
5.8	Conversion of fire alarms	33
5.9	Dwelling house or secondary dwelling affected by natural disaster	34
5.9AA	(Repealed)	34
5.10	Heritage conservation	34
5.11	Bush fire hazard reduction	37
5.12	Infrastructure development and use of existing buildings of the Crown	37
5.13	Eco-tourist facilities	37
5.14	Siding Spring Observatory—maintaining dark sky	37
5.15	Defence communications facility	37
5.16	Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones	37
5.17	Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations	37
5.18	Intensive livestock agriculture	37
5.19	Pond-based, tank-based and oyster aquaculture	37
5.20	Standards that cannot be used to refuse consent—playing and performing music	39
5.21	Flood planning	39
5.22	Special flood considerations	40
Part 6	Additional local provisions	
6.1	Acid sulfate soils	41
6.2	Earthworks	42
6.3	Stormwater management	42
6.4	Foreshore area and coastal hazards and risk	43
6.5	Riparian land and waterways	44
6.6	Foreshore scenic protection area	44
6.7	Airspace operations	45
6.8	Development in areas subject to aircraft noise	46
6.9	Essential services	47
6.10	Design excellence	47
6.11	Environmental sustainability	48
6.12	Landscaped areas in certain residential and environment protection zones	49
6.13	Development in certain business zones	50
6.14	Restaurants or cafes and take away food and drink premises in Zone IN2	51
6.15	Location of sex services premises	51
6.16	Development in areas of activity hazard risk	52
Schedule 1	Additional permitted uses	53
Schedule 2	Exempt development	58
Schedule 3	Complying development	59

	Page	
Schedule 4	Classification and reclassification of public land	60
Schedule 5	Environmental heritage	61
Schedule 6	Pond-based and tank-based aquaculture	83
Dictionary		85

Georges River Local Environmental Plan 2021

under the

Environmental Planning and Assessment Act 1979

Part 1 Preliminary

1.1 Name of Plan

This Plan is *Georges River Local Environmental Plan 2021*.

1.1AA Commencement

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

1.2 Aims of Plan

- (1) This Plan aims to make local environmental planning provisions for land in Georges River in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.
- (2) The particular aims of this Plan are as follows—
 - (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
 - (a) to provide for housing choices to cater for changing demographics and population needs,
 - (b) to provide for a range of business uses which promote employment and economic growth and contribute to the viability and vibrancy of centres,
 - (c) to promote and facilitate an ecologically and economically sustainable and vegetated urban environment in which the needs and aspirations of the community are realised,
 - (d) to provide for a range of recreational, social, cultural and community service opportunities to meet the needs of the Georges River community,
 - (e) to protect and preserve the natural, built, cultural and Aboriginal heritage of Georges River and to build upon and enhance the character of local areas,
 - (f) to promote a high standard of urban design and built form,
 - (g) to protect, preserve and enhance the natural landform, vegetation and open space, especially foreshores or bushland, in order to maintain landscape amenity and public access and use,
 - (h) to protect, maintain and improve waterway health to achieve the environmental values of the community and uses for waterways,
 - (i) to facilitate infrastructure to support new development,
 - (j) to promote and facilitate transit-oriented development that encourages the use of public transport, cycling and walking.

1.3 Land to which Plan applies

- (1) This Plan applies to the land identified on the Land Application Map.
- (1A) Despite subclause (1), this Plan does not apply to the land identified as “Deferred matter” 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 official NSW legislation website in connection with this Plan. Requirements relating to the maps are set out in the documents entitled *Standard technical requirements for LEP maps* and *Standard requirements for LEP GIS data* which are available on the website of the Department of Planning and Environment.

1.8 Repeal of planning instruments applying to land

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

Note. The following local environmental plans are repealed under this provision—
Hurstville Local Environmental Plan 2012
Kogarah Local Environmental Plan 2012
- (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.

Note. While *Hurstville Local Environmental Plan 2012* no longer applies to the land to which this Plan applies, *Hurstville Local Environmental Plan 1994* will continue to apply to the land identified as “Deferred matter” under clause 1.3(1A).

1.8A Savings provisions relating to development applications

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

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

1.9 Application of SEPPs

- (1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 3.28 of the Act.
- (2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies—
State Environmental Planning Policy No 1—Development Standards

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—

Residential Zones

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

Business Zones

- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B6 Enterprise Corridor

Industrial Zones

- IN2 Light Industrial

Special Purpose Zones

- SP2 Infrastructure

Recreation Zones

- RE1 Public Recreation
- RE2 Private Recreation

Environment Protection Zones

- E1 National Parks and Nature Reserves
- E2 Environmental Conservation

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).

Land Use Table

Note. A type of development referred to in the Land Use Table is a reference to that type of development only to the extent it is not regulated by an applicable State environmental planning policy. The following State environmental planning policies in particular may be relevant to development on land to which this Plan applies—

State Environmental Planning Policy (Affordable Rental Housing) 2009 (including provision for secondary dwellings)

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

State Environmental Planning Policy (Infrastructure) 2007—relating to infrastructure facilities such as those that comprise, or are for, 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 (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy No 33—Hazardous and Offensive Development

State Environmental Planning Policy No 50—Canal Estate Development

State Environmental Planning Policy No 64—Advertising and Signage

State Environmental Planning Policy (Primary Production and Rural Development) 2019

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 promote a high standard of urban design and built form that enhances the local character of the suburb and achieves a high level of residential amenity.
- To provide for housing within a landscaped setting that enhances the existing environmental character of the Georges River local government area.

2 Permitted without consent

Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Boat sheds; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Early education and care facilities; Educational establishments; Emergency services facilities; Environmental facilities; Environmental protection works; Group homes; Health services facilities; Home businesses; Home industries; Jetties; Oyster aquaculture; Pond-based aquaculture; Public administration buildings; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Tank-based aquaculture

4 Prohibited

Any development not specified in item 2 or 3

Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To enable other land uses that contribute to the vibrancy of the neighbourhood.
- To promote a high standard of urban design and built form that enhances the local character of the suburb and achieves a high level of residential amenity.
- To provide for housing within a landscaped setting that enhances the existing environmental character of the Georges River local government area.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Early education and care facilities;

Educational establishments; Emergency services facilities; Environmental facilities; Environmental protection works; Group homes; Health services facilities; Home businesses; Home industries; Jetties; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Tank-based aquaculture

4 Prohibited

Pond-based aquaculture; Any other development not specified in item 2 or 3

Zone R4 High Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To enable other land uses that contribute to the vibrancy of the neighbourhood while ensuring that business centres remain the focus for business and retail activity.
- To encourage development that maximises public transport patronage and promotes walking and cycling.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Early education and care facilities; Educational establishments; Emergency services facilities; Environmental facilities; Environmental protection works; Group homes; Health services facilities; Home businesses; Hostels; Hotel or motel accommodation; Jetties; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation areas; Residential flat buildings; Respite day care centres; Restaurants or cafes; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Serviced apartments; Shops; Shop top housing; Small bars

4 Prohibited

Pond-based aquaculture; Tank-based aquaculture; Any other development not specified in item 2 or 3

Zone B1 Neighbourhood Centre

1 Objectives of zone

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To ensure development contributes to the vibrancy of the neighbourhood.

- To ensure residential development provides housing that meets the needs of the community.

2 Permitted without consent

Home occupations

3 Permitted with consent

Boarding houses; Business premises; Centre-based child care facilities; Community facilities; Medical centres; Neighbourhood shops; Neighbourhood supermarkets; Oyster aquaculture; Respite day care centres; Roads; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Attached dwellings; Backpackers' accommodation; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Function centres; General industries; Heavy industrial storage establishments; Heavy industries; Helipads; High technology industries; Highway service centres; Home occupations (sex services); Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Jetties; Landscaping material supplies; Marinas; Mooring pens; Moorings; Multi dwelling housing; Open cut mining; Passenger transport facilities; Pond-based aquaculture; Port facilities; Pubs; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential flat buildings; Restricted premises; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Semi-detached dwellings; Sewerage systems; Sex services premises; Specialised retail premises; Storage premises; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

Zone B2 Local Centre

1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To ensure development contributes to the vibrancy and economic viability of the centre.
- To allow residential development to provide housing that meets the needs of the community.

2 Permitted without consent

Home occupations

3 Permitted with consent

Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Attached dwellings; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; General industries; Heavy industrial storage establishments; Heavy industries; Helipads; High technology industries; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Jetties; Marinas; Mooring pens; Moorings; Multi dwelling housing; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential flat buildings; Rural industries; Rural workers' dwellings; Secondary dwellings; Semi-detached dwellings; Sewerage systems; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

Zone B3 Commercial Core

1 Objectives of zone

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To encourage a range of tourism, recreation, function and entertainment uses.
- To strengthen the viability of existing centres through increased economic activity and employment.

2 Permitted without consent

Nil

3 Permitted with consent

Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; 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; Backpackers' accommodation; Bed and breakfast accommodation; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; General industries; Heavy industrial storage establishments; Heavy industries; Helipads; Highway service centres; Home-based child care; Home businesses; Home industries; Home occupations; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Rural industries; Serviced apartments; Sewerage systems; Sex services premises; Storage premises; 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 B4 Mixed Use

1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To allow residential development that contributes to the vitality of the centre and provides housing that meets the needs of the community.
- To encourage the provision of community facilities and public infrastructure so that all residents have reasonable access to a range of facilities and services.

2 Permitted without consent

Home occupations

3 Permitted with consent

Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; 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; Animal boarding or training establishments; Attached dwellings; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; General industries; Heavy industrial storage establishments; Heavy industries; Highway service centres; Home occupations (sex services); Industrial

retail outlets; Industrial training facilities; Jetties; Marinas; Mooring pens; Moorings; Multi dwelling housing; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential flat buildings; Rural industries; Rural workers' dwellings; Secondary dwellings; Semi-detached dwellings; Sewerage systems; Sex services premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

Zone B6 Enterprise Corridor

1 Objectives of zone

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses).
- To maintain the economic strength of centres by limiting retailing activity.
- To provide for residential uses, but only as part of a mixed use development.
- To allow residential development that contributes to the vitality of the centre and provides housing that meets the needs of the community.
- To ensure that the access needs and traffic generated by development and their uses do not interfere with the safety and efficiency of the road network.

2 Permitted without consent

Home occupations

3 Permitted with consent

Business premises; Community facilities; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Landscaping material supplies; Light industries; Oyster aquaculture; Passenger transport facilities; Plant nurseries; Roads; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Attached dwellings; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Crematoria; Depots; Dual occupancies; Dwelling houses; Early education and care facilities; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; General industries; Heavy industrial storage establishments; Heavy industries; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Jetties; Marinas; Mooring pens; Moorings; Multi dwelling housing; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential flat buildings; Restricted premises; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Semi-detached dwellings; Sewerage systems; Sex services premises; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

Zone IN2 Light Industrial

1 Objectives of zone

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.
- To encourage a range of uses that support repair, reuse, recycling, remanufacturing and reprocessing of waste.

2 Permitted without consent

Nil

3 Permitted with consent

Agricultural produce industries; Depots; Funeral homes; Garden centres; Hardware and building supplies; Industrial training facilities; Light industries; Neighbourhood shops; Oyster aquaculture; Places of public worship; Roads; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Biosolids treatment facilities; Boat launching ramps; Boat sheds; Business premises; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Early education and care facilities; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; General industries; Health services facilities; Heavy industrial storage establishments; Heavy industries; Helipads; Highway service centres; Home businesses; Home occupations; Home occupations (sex services); Jetties; Marinas; Mooring pens; Moorings; Office premises; Open cut mining; Pond-based aquaculture; Port facilities; Pubs; Recreation facilities (major); Registered clubs; Residential accommodation; Respite day care centres; Roadside stalls; Rural industries; Sewage treatment plants; Shops; Small bars; Specialised retail premises; Tourist and visitor accommodation; Water recreation structures

Zone SP2 Infrastructure

1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To protect and provide for land used for community purposes and public infrastructure.

2 Permitted without consent

Nil

3 Permitted with consent

Aquaculture; Car parks; Community facilities; Markets; Public administration buildings; Recreation areas; Respite day care centres; Roads; Signage; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

Zone RE1 Public Recreation

1 Objectives of zone

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

2 Permitted without consent

Environmental facilities; Environmental protection works

3 Permitted with consent

Aquaculture; Boat launching ramps; Centre-based child care facilities; Emergency services 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; Signage; Take away food and drink premises; Water recreation structures; Water storage facilities

4 Prohibited

Any development not specified in item 2 or 3

Zone RE2 Private Recreation

1 Objectives of zone

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To ensure the scale, density and form of development reflects the nature of the recreational use of the land and is compatible with the surrounding urban form and natural setting.

2 Permitted without consent

Nil

3 Permitted with consent

Aquaculture; Bee keeping; Building identification signs; Business identification signs; Community facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Information and education facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Restaurants or cafes; Roads; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3

Zone E1 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 E2 Environmental Conservation

1 Objectives of zone

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

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Environmental facilities; Information and education facilities; Jetties; Oyster aquaculture; Roads

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; 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 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; Environmental facilities; Environmental protection works; Jetties; Kiosks; Marinas; Mooring pens; Moorings; Roads; Water recreation structures

4 Prohibited

Industries; 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 (Vegetation in Non-Rural Areas) 2017* and Part 5A of the *Local Land Services Act 2013*.
- (6) A heading to an item in Schedule 2 is part of that Schedule.

3.2 Complying development

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

Note. See also clause 5.8(3) which provides that the conversion of fire alarms is complying development in certain circumstances.
- (3) To be complying development, the development must—
 - (a) be permissible, with development consent, in the zone in which it is carried out, and

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

3.3 Environmentally sensitive areas excluded

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.
- (2) For the purposes of this clause—
environmentally sensitive area for exempt or complying development means any of the following—
- (a) the coastal waters of the State,
 - (b) a coastal lake,
 - (c) land within the coastal wetlands and littoral rainforests area (within the meaning of the *Coastal Management Act 2016*),
 - (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
 - (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
 - (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
 - (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
 - (h) land reserved under the *National Parks and Wildlife Act 1974* or land acquired under Part 11 of that Act,
 - (i) land reserved or dedicated under the *Crown Land Management Act 2016* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
 - (j) land that is a declared area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016* or declared critical habitat under Part 7A of the *Fisheries Management Act 1994*.

Part 4 Principal development standards

4.1 Minimum subdivision lot size

- (1) The objectives of this clause are as follows—
 - (a) to ensure that lots created by a subdivision have sufficient area to accommodate development on the lots that complies with relevant development standards and controls for the development,
 - (b) to ensure that subdivisions reflect and reinforce the predominant subdivision pattern of the area,
 - (c) to ensure that the lot sizes are appropriate for the environmental capability of the land, having regard to the land's topography and other natural features.
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (3A) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle and any right of carriageway is not to be included in calculating the lot size for the purposes of subclause (3).
- (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 1989*.

4.1AA Minimum subdivision lot size for community title schemes

[Not adopted]

4.1A Minimum subdivision lot size for dual occupancies

- (1) The objective of this clause is to ensure that the lot sizes for dual occupancies are appropriate for the environmental capability of the land, having regard to the land's topography and other natural features.
- (2) Despite clauses 4.1 and 4.1B, development consent may be granted for the subdivision of land—
 - (a) in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone R4 High Density Residential if—
 - (i) there is a dual occupancy on the land that was lawfully erected or a dual occupancy is proposed on the land, and
 - (ii) the lot size for each resulting lot will be at least 300 square metres, or
 - (b) in the Foreshore Scenic Protection Area as identified on the Foreshore Scenic Protection Area Map if—
 - (i) there is a dual occupancy on the land that was lawfully erected or a dual occupancy is proposed on the land, and
 - (ii) the lot size for each resulting lot will be at least 430 square metres.
- (3) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle and any right of carriageway is not to be included in calculating the lot size.

4.1B Minimum lot sizes and special provisions for certain dwellings

- (1) The objectives of this clause are as follows—
 - (a) to ensure that lots for residential accommodation are of sufficient size to accommodate proposed dwellings, setbacks to adjoining residential land, private open space and landscaped areas, driveways and vehicle manoeuvring areas,
 - (b) to ensure that dual occupancies in Zone R2 Low Density Residential retain the general low-density scale and character of existing single dwelling development,
 - (c) to ensure that multi dwelling housing in Zone R3 Medium Density Residential retain the general medium-density scale and character of existing multi dwelling development,
 - (d) to minimise any likely adverse impact of the development on the amenity of the area,
 - (e) where an existing lot is inadequate in terms of its area or width—to require the consolidation of 2 or more lots.
- (2) Development consent must not be granted to development on a lot in a zone shown in Column 2 of the table to this clause for a purpose shown in Column 1 of the table opposite that zone unless—
 - (a) 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, and
 - (b) the width of the lot at the front building line is equal to or greater than the width specified for that purpose and shown opposite in Column 4 of the table.

Column 1	Column 2	Column 3	Column 4
Attached dwellings	Zone R3 Medium Density Residential	800 square metres	21 metres
Attached dwellings	Zone R4 High Density Residential	800 square metres	21 metres
Dual occupancies	Zone R2 Low Density Residential	650 square metres	15 metres
Dual occupancies	Zone R3 Medium Density Residential	650 square metres	15 metres
Dual occupancies	Zone R4 High Density Residential	650 square metres	15 metres
Manor houses	Zone R3 Medium Density Residential	800 square metres	18 metres
Manor houses	Zone R4 High Density Residential	800 square metres	18 metres
Multi dwelling housing	Zone R3 Medium Density Residential	800 square metres	18 metres
Multi dwelling housing	Zone R4 High Density Residential	800 square metres	18 metres
Multi dwelling housing (terraces)	Zone R3 Medium Density Residential	800 square metres	21 metres
Multi dwelling housing (terraces)	Zone R4 High Density Residential	800 square metres	21 metres

- (3) Development consent must not be granted for the erection of a dual occupancy in the Foreshore Scenic Protection Area as identified on the Foreshore Scenic Protection Area Map unless the lot has an area of at least 1,000 square metres as shown on the Lot Size for Dual Occupancy Map.
- (4) Development consent must not be granted for the erection of a dual occupancy (attached) that provides for both dwellings facing a primary road unless the width of the lot at the front building line is at least 15 metres.
- (5) Development consent must not be granted for the erection of a dual occupancy (detached) unless the width of the lot at the front building line is at least—
 - (a) if only 1 dwelling faces the primary road—18 metres, or
 - (b) otherwise—22 metres.
- (6) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle and any right of carriageway is not to be included in calculating the lot size.

4.2 Rural subdivision

[Not applicable]

4.3 Height of buildings

- (1) The objectives of this clause are as follows—
 - (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,
 - (b) to minimise the impact of overshadowing, visual impact, disruption of views and loss of privacy on adjoining properties and open space areas,
 - (c) to ensure an appropriate height transition between new buildings and—
 - (i) adjoining land uses, or
 - (ii) heritage items, heritage conservation areas or Aboriginal places of heritage significance.
- (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 Exceptions to height of buildings

- (1) The objectives of this clause are as follows—
 - (a) to provide for building heights that establish the appropriate height for street frontages, buildings or groups of buildings,
 - (b) to achieve well-proportioned buildings with articulated design and massing.
- (2) Despite clause 4.3—
 - (a) the maximum height of a dual occupancy on land in Zone R3 Medium Density Residential or Zone R4 High Density Residential is 9 metres above ground level (existing), and
 - (b) the maximum height of a building that forms part of multi dwelling housing is 5 metres above ground level (existing) if the building is adjacent to the rear boundary of the lot.

4.4 Floor space ratio

- (1) The objectives of this clause are as follows—
 - (a) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,

- (b) to ensure that development provides appropriate built form transition between new buildings and—
 - (i) adjoining land uses, or
 - (ii) heritage items, heritage conservation areas or Aboriginal places of heritage significance,
 - (c) to control development density and intensity of land use, taking into account—
 - (i) the environmental constraints and values of the site, including retaining the scenic, visual, and landscape qualities of the area, and
 - (ii) the amenity of adjoining land and the public domain, and
 - (iii) the availability of infrastructure to service the site, and
 - (iv) the capacity of the road network to accommodate the vehicular and pedestrian traffic that a development will generate.
- (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.

4.4A Exceptions to floor space ratio—certain residential accommodation

- (1) The objectives of this clause are as follows—
 - (a) to ensure that the bulk and scale of development are compatible with the size of the lot,
 - (b) to promote good residential amenity.
- (2) The maximum floor space ratio for a dwelling house on land identified as “Area 1” on the Floor Space Ratio Map must not exceed the maximum floor space ratio specified in the table to this subclause.

Site area	Maximum floor space ratio
not more than 650 square metres	$[\text{site area} \times 0.55]:1$
more than 650 square metres but not more than 1,000 square metres	$[(\text{site area} - 650) \times 0.3 + 357.5] \div \text{site area}:1$
more than 1,000 square metres but not more than 1,500 square metres	$[(\text{site area} - 1000) \times 0.2 + 462.5] \div \text{site area}:1$
more than 1,500 square metres	$[(\text{site area} - 1,500) \times 0.1 + 562.5] \div \text{site area}:1$

- (3) The maximum floor space ratio for residential accommodation on land identified as “Area 2” on the Floor Space Ratio Map must not exceed 0.6:1.
- (4) The maximum floor space ratio for a dual occupancy must not exceed the maximum floor space ratio specified in the table to this subclause.

Site area	Maximum floor space ratio
not more than 1,000 square metres	$[\text{site area} \times 0.6]:1$
more than 1,000 square metres but not more than 1,500 square metres	$[(\text{site area} - 1000) \times 0.3 + 600] \div \text{site area}:1$
more than 1,500 square metres but not more than 2,000 square metres	$[(\text{site area} - 1500) \times 0.2 + 750] \div \text{site area}:1$
more than 2,000 square metres	$[(\text{site area} - 2000) \times 0.1 + 850] \div \text{site area}:1$

4.4B Exceptions to floor space ratio—non-residential uses

- (1) The objective of this clause is to encourage an appropriate mix of residential and non-residential uses in order to ensure a suitable level of non-residential floor space is provided to promote employment and reflect the hierarchy of the business zones.
- (2) This clause applies to development that is the erection of a new building or alterations or additions to an existing building.
- (3) Development consent must not be granted for development on land in Zone B1 Neighbourhood Centre, Zone B2 Local Centre or Zone B4 Mixed Use unless the non-residential floor space ratio is at least 0.3:1.
- (4) Development consent must not be granted for development on the following land identified on the Floor Space Ratio Map unless the non-residential floor space ratio is—
 - (a) for land identified as “Area 3”—at least 0.5:1,
 - (b) for land identified as “Area 4”—at least 1:1.
- (5) Development consent must not be granted for development on land identified as “Area 5” on the Floor Space Ratio Map unless the non-residential floor space ratio is at least 0.7:1.
- (6) Despite clause 4.4, development consent may be granted for a building situated on land identified as “Area 6” on the Floor Space Ratio Map if the consent authority is satisfied that—
 - (a) the gross floor area of the building will exceed the maximum gross floor area that would otherwise be permitted under clause 4.4 by an amount of no more than 7,023 square metres (the *bonus floor allowance*), and
 - (b) part of the building, with a floor area of not less than the bonus floor allowance, will be used for the purpose of hotel or motel accommodation.
- (7) In this clause—

non-residential floor space ratio means the ratio of the gross floor area of that part of a building used or proposed to be used for a purpose other than residential accommodation in a building on the site to the site area.

4.5 Calculation of floor space ratio and site area

- (1) **Objectives**

The objectives of this clause are as follows—

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

The *floor space ratio* of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) **Site area**

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

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

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

(4) **Exclusions from site area**

The following land must be excluded from the site area—

- (a) land on which the proposed development is prohibited, whether under this Plan or any other law,
- (b) community land or a public place (except as provided by subclause (7)).

(5) **Strata subdivisions**

The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

(6) **Only significant development to be included**

The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

(7) **Certain public land to be separately considered**

For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.

(8) **Existing buildings**

The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.

(9) **Covenants to prevent “double dipping”**

When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.

(10) **Covenants affect consolidated sites**

If—

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

- (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development, the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

(11) **Definition**

In this clause, *public place* has the same meaning as it has in the *Local Government Act 1993*.

4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows—
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless—
 - (a) the consent authority is satisfied that—
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Planning Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Planning Secretary must consider—
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot

Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following—
- (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,
 - (c) clause 5.4,
 - (d) clause 6.14.

Part 5 Miscellaneous provisions

5.1 Relevant acquisition authority

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

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

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

Type of land shown on Map	Authority of the State
Zone RE1 Public Recreation and marked “Local open space”	Council
Zone RE1 Public Recreation and marked “Regional open space”	The corporation constituted under section 2.5 of the Act
Zone B4 Mixed Use and marked “Local road widening”	Council
Zone SP2 Infrastructure and marked “Classified road”	Roads and Maritime Services
Zone E1 National Parks and Nature Reserves and marked “National Park”	Minister administering the <i>National Parks and Wildlife Act 1974</i>

- (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.

5.2 Classification and reclassification of public land

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

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

- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4—
- (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and

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

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

5.3 Development near zone boundaries

[Not adopted]

5.4 Controls relating to miscellaneous permissible uses

(1) Bed and breakfast accommodation

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

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

(2) Home businesses

If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 30 square metres of floor area.

(3) Home industries

If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 30 square metres of floor area.

(4) Industrial retail outlets

If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed—

- (a) 20% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
- (b) 400 square metres,
whichever is the lesser.

(5) Farm stay accommodation

If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

(6) **Kiosks**

If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 15 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 8 square metres.

(9) **Secondary dwellings on land other than land in a rural zone**

If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—

- (a) 60 square metres,
- (b) 10% of the total floor area of the principal dwelling.

(10) **Artisan food and drink industry exclusion**

If development for the purposes of an artisan food and drink industry is permitted under this Plan in an industrial or rural zone, the floor area used for retail sales (not including any cafe or restaurant area) must not exceed—

- (a) 20% of the gross floor area of the industry, or
 - (b) 400 square metres,
- whichever is the lesser.

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

[Not adopted]

5.6 Architectural roof features

[Not adopted]

5.7 Development below mean high water mark

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

5.8 Conversion of fire alarms

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

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

5.9 Dwelling house or secondary dwelling affected by natural disaster

[Not adopted]

5.9AA (Repealed)

5.10 Heritage conservation

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

(1) Objectives

The objectives of this clause are as follows—

- (a) to conserve the environmental heritage of the Georges River local government area,
- (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 (Infrastructure) 2007*.
- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

5.13 Eco-tourist facilities

[Not applicable]

5.14 Siding Spring Observatory—maintaining dark sky

[Not adopted]

5.15 Defence communications facility

[Not adopted]

5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones

[Not adopted]

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

[Not applicable]

5.18 Intensive livestock agriculture

[Not applicable]

5.19 Pond-based, tank-based and oyster aquaculture

(1) Objectives

The objectives of this clause are as follows—

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

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

(2) **Pond-based or tank-based aquaculture—matters of which consent authority must be satisfied before granting consent**

The consent authority must not grant development consent to carry out development for the purpose of pond-based aquaculture or tank-based aquaculture unless the consent authority is satisfied of the following—

- (a) that the development complies with the site location and operational requirements set out in Part 1 of Schedule 6 for the development,
- (b) in the case of—
 - (i) pond-based aquaculture or tank-based aquaculture in Zone R1 General Residential, Zone R2 Low Density Residential or Zone R5 Large Lot Residential—that the development is for the purpose of small scale aquarium fish production, and
 - (ii) pond-based aquaculture in Zone E3 Environmental Management or Zone E4 Environmental Living—that the development is for the purpose of extensive aquaculture, and
 - (iii) tank-based aquaculture in Zone R3 Medium Density Residential, Zone E3 Environmental Management or Zone E4 Environmental Living—that the development is for the purpose of small scale aquarium fish production, and
 - (iv) pond-based aquaculture or tank-based aquaculture in Zone W1 Natural Waterways, Zone W2 Recreational Waterways or Zone W3 Working Waterways—that the development will use waterways to source water.

- (3) The requirements set out in Part 1 of Schedule 6 are minimum requirements and do not limit the matters a consent authority is required to take into consideration under the Act or the conditions that it may impose on any development consent.

(4) **Extensive pond-based aquaculture permitted without consent in certain zones**

Development for the purpose of pond-based aquaculture, that is also extensive aquaculture, may be carried out without development consent if—

- (a) the development is carried out in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots or Zone RU6 Transition, and
- (b) the development complies with the site location requirements and operational requirements set out in Part 2 of Schedule 6.

(5) **Oyster aquaculture—additional matters that consent authority must consider in determining a development application**

In determining a development application for development for the purpose of oyster aquaculture, the consent authority must consider—

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

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

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

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

(7) **Definitions**

In this clause—

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

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

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

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

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

- (1) The consent authority must not refuse consent to development in relation to licensed premises on the following grounds—
 - (a) the playing or performance of music, including the following—
 - (i) the genre of music played or performed, or
 - (ii) whether the music played or performed is live or amplified, or
 - (iii) whether the music played or performed is original music, or
 - (iv) the number of musicians or live entertainment acts playing or performing, or
 - (v) the type of instruments played,
 - (b) whether dancing occurs,
 - (c) the presence or use of a dance floor or another area ordinarily used for dancing,
 - (d) the direction in which a stage for players or performers faces,
 - (e) the decorations to be used, including, for example, mirror balls, or lighting used by players or performers.
- (2) The consent authority must not refuse consent to development in relation to licensed premises on the grounds of noise caused by the playing or performance of music, if the consent authority is satisfied the noise may be managed and minimised to an acceptable level.
- (3) In this clause—

licensed premises has the same meaning as in the *Liquor Act 2007*.

5.21 Flood planning

- (1) The objectives of this clause are as follows—
 - (a) to minimise the flood risk to life and property associated with the use of land,
 - (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,
 - (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,
 - (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.

- (2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—
- (a) is compatible with the flood function and behaviour on the land, and
 - (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
 - (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
 - (d) incorporates appropriate measures to manage risk to life in the event of a flood, and
 - (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
- (3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—
- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,
 - (b) the intended design and scale of buildings resulting from the development,
 - (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,
 - (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.
- (4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.
- (5) In this clause—
- Considering Flooding in Land Use Planning Guideline*** means the *Considering Flooding in Land Use Planning Guideline* published on the Department’s website on 14 July 2021.
- flood planning area*** has the same meaning as it has in the Floodplain Development Manual.
- Floodplain Development Manual*** means the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

5.22 Special flood considerations

[Not adopted]

Part 6 Additional local provisions

6.1 Acid sulfate soils

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

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

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

- (6) Despite subclause (2), development consent is not required under this clause to carry out any works if—
 - (a) the works involve the disturbance of less than 1 tonne of soil, and
 - (b) the works are not likely to lower the watertable.

6.2 Earthworks

- (1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.
- (2) Development consent is required for earthworks unless—
 - (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or
 - (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.
- (3) In deciding whether to grant development consent, the consent authority must consider the following matters—
 - (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
 - (b) the effect of the development on the likely future use or redevelopment of the land,
 - (c) the quality of the fill or the soil to be excavated, or both,
 - (d) the effect of the development on the existing and likely amenity of adjoining properties,
 - (e) measures to minimise the need for cut and fill, particularly on sites with a slope of 15% or greater, by stepping the development to accommodate the fall in the land,
 - (f) the source of any fill material and the destination of any excavated material,
 - (g) the likelihood of disturbing relics,
 - (h) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
 - (i) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

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

6.3 Stormwater management

- (1) The objective of this clause is to minimise the impacts of urban stormwater on land to which this Plan applies and on adjoining properties, native bushland and receiving waters.
- (2) In deciding whether to grant development consent for development, the consent authority must be 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 detention or retention to minimise stormwater runoff volumes and reduce the development's reliance on mains water, groundwater or river water, and
- (c) avoids significant adverse impacts of stormwater runoff on adjoining properties, native bushland, receiving waters and the downstream stormwater system or, if the impact cannot be reasonably avoided, minimises and mitigates the impact, and
- (d) is designed to minimise the impact on public drainage systems.

6.4 Foreshore area and coastal hazards and risk

- (1) The objectives of this clause are as follows—
 - (a) to protect people and property from unacceptable risk from coastal hazards associated with climate change,
 - (b) to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the amenity of the area,
 - (c) to facilitate opportunities for public access to and along the foreshore.
- (2) This clause applies to the following land—
 - (a) land identified on the Coastal Hazard and Risk Map,
 - (b) land identified on the Foreshore Building Line Map.
- (3) Development consent must not be granted for development on land to which this clause applies except for the following purposes—
 - (a) the alteration, or demolition and rebuilding, of an existing building if the footprint of the building will not extend further forward than the footprint of the existing building into—
 - (i) the foreshore building line, or
 - (ii) the land identified on the Coastal Hazard and Risk Map,
 - (b) the erection of a building if the levels, depth or other exceptional features of the site make it appropriate to do so,
 - (c) boat sheds, cycling paths, fences, sea walls, swimming pools, water recreation structures or walking tracks.
- (4) In deciding whether to grant development consent, the consent authority must consider the following matters—
 - (a) whether the development addresses the impacts of sea level rise and tidal inundation as a result of climate change,
 - (b) whether the development could be located on parts of the site not exposed to coastal hazards,
 - (c) whether the development will cause congestion or generate conflict between people using open space areas or the waterway,
 - (d) whether the development will cause environmental harm by pollution or siltation of the waterway,
 - (e) opportunities to provide reasonable, continuous public access along the foreshore, considering the needs of property owners,
 - (f) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (5) In this clause—

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

foreshore building line means the line shown as the foreshore building line on the Foreshore Building Line Map.

6.5 Riparian land and waterways

- (1) The objective of this clause is to protect and maintain the following—
 - (a) water quality within waterways,
 - (b) the stability of the bed and banks of waterways,
 - (c) aquatic and riparian species, communities, populations and their habitats,
 - (d) ecological processes within waterways and riparian areas,
 - (e) Aboriginal cultural heritage values of riparian land and waterways.
- (2) This clause applies to land identified as “Sensitive land” on the Riparian Lands and Waterways Map.
- (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider the following—
 - (a) whether the development is likely to have an adverse impact on the following—
 - (i) the water quality and flows within the waterway,
 - (ii) the stability of the bed, shore and banks of the waterway,
 - (iii) the future rehabilitation of the waterway and riparian areas,
 - (iv) the biophysical, hydrological or ecological integrity of adjacent coastal wetlands, including the aquatic and riparian species, habitats and ecosystems of the waterway,
 - (v) indigenous trees and other vegetation,
 - (vi) opportunities for additional planting of local native riparian vegetation,
 - (b) whether the development is likely to increase water extraction from the waterway,
 - (c) whether the development will cause environmental harm by pollution or siltation of the waterway,
 - (d) 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 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.

6.6 Foreshore scenic protection area

- (1) The objectives of this clause are—
 - (a) to protect, maintain and improve the scenic amenity of the Georges River foreshore,
 - (b) to protect, maintain and improve significant views of and from the Georges River,
 - (c) to protect, maintain and improve the diversity and condition of native vegetation and habitats,

- (d) to reinforce and improve the dominance of landscape over built form, hard surfaces and cut and fill,
 - (e) to encourage the recovery of threatened species and their communities, populations and habitats,
 - (f) to enhance existing environmental, cultural and built character values of the foreshore.
- (2) This clause applies to land identified as “Foreshore scenic protection area” on the Foreshore Scenic Protection Area Map.
- (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must be satisfied that the development would facilitate the following—
- (a) the protection of the natural environment, including topography, rock formations, canopy vegetation or other significant vegetation,
 - (b) the avoidance or minimisation of the disturbance and adverse impacts on remnant vegetation communities, habitat and threatened species and populations,
 - (c) the maintenance and enhancement of native vegetation and habitat in parcels of a size, condition and configuration that will facilitate biodiversity protection and native flora and fauna movement through biodiversity corridors,
 - (d) the achievement of no net loss of significant vegetation or habitat,
 - (e) the avoidance of clearing steep slopes and facilitation of the stability of the land,
 - (f) the minimisation of the impact on the views and visual environment, including views to and from the Georges River, foreshore reserves, residential areas and public places,
 - (g) the minimisation of the height and bulk of the development by stepping the development to accommodate the fall in the land.

6.7 Airspace operations

- (1) The objectives of this clause are—
- (a) to provide for the effective and ongoing operation of the Sydney (Kingsford Smith) Airport by ensuring that its operation is not compromised by development that penetrates the Limitations or Operations Surface for that airport, and
 - (b) to protect the community from undue risk from that operation.
- (2) Development consent must not be granted to development to which this clause applies unless—
- (a) the consent authority has consulted the relevant Commonwealth body, and
 - (b) the relevant Commonwealth body advises the consent authority that—
 - (i) the development will penetrate the Limitations or Operations Surface but it does not object to the development, or
 - (ii) the development will not penetrate the Limitations or Operations Surface.
- (3) Development consent must not be granted to development to which this clause applies if the relevant Commonwealth body advises that the development will penetrate the Limitation or Operations Surface and should not be carried out.
- (4) In this clause—

Limitation or Operations Surface means the Obstacle Limitation Surface or the Procedures for Air Navigation Services Operations Surface as shown on the Obstacle Limitation Surface Map or the Procedures for Air Navigation Services Operations Surface Map for the Sydney (Kingsford Smith) Airport.

relevant Commonwealth body means the body, under Commonwealth legislation, that is responsible for development approvals for development that penetrates the Limitation or Operations Surface for the Sydney (Kingsford Smith) Airport.

6.8 Development in areas subject to aircraft noise

- (1) The objectives of this clause are as follows—
 - (a) to prevent certain noise sensitive developments from being located near the Sydney (Kingsford Smith) Airport and its flight paths,
 - (b) to assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,
 - (c) to ensure that land use and development in the vicinity of that airport do not hinder or have any other adverse impacts on the ongoing, safe and efficient operation of that airport.
- (2) This clause applies to development that—
 - (a) is on land that is near the Kingsford Smith Airport and in an ANEF contour of 20 or greater, and
 - (b) the consent authority considers is likely to be adversely affected by aircraft noise, and
 - (c) involves any one or more of the following—
 - (i) the erection of a new building,
 - (ii) a substantial alteration or addition to an existing building,
 - (iii) an alteration or addition to a building that is required by a development consent to be compliant with AS 2021—2015,
 - (iv) the change of use of any part of a building to a centre-based child care facility, educational establishment, entertainment facility, health services facility, place of public worship, public administration building or residential accommodation,
 - (v) the change of use of any part of a building on land that is in an ANEF contour of 25 or greater to business premises, a hostel, office premises, retail premises or tourist and visitor accommodation,
 - (vi) the change of use of any part of a building on land that is in an ANEF contour of 30 or greater to light industry.
- (3) In deciding whether to grant development consent to development to which this clause applies, the consent authority—
 - (a) must consider whether the development will result in the creation of a new dwelling or an increase in the number of dwellings or people affected by aircraft noise, and
 - (b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2015, and
 - (c) must be satisfied the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2015.
- (4) In this clause—

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

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

6.9 Essential services

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

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

6.10 Design excellence

- (1) The objective of this clause is to deliver the highest standard of sustainable architecture and urban design.
- (2) This clause applies to development on land referred to in subclause (3) involving—
 - (a) the erection of a new building, or
 - (b) additions or external alterations to an existing building that, in the opinion of the consent authority, are significant.
- (3) This clause applies to development on the following land—
 - (a) land identified on the Foreshore Scenic Protection Area Map if the development is for one or more of the following purposes—
 - (i) bed and breakfast accommodation,
 - (ii) health services facilities,
 - (iii) marinas,
 - (iv) residential accommodation, except for secondary dwellings,
 - (b) land in the following zones if the building concerned is 3 or more storeys or has a height of 12 metres or greater above ground level (existing), or both, not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking—
 - (i) Zone R4 High Density Residential,
 - (ii) Zone B1 Neighbourhood Centre,
 - (iii) Zone B2 Local Centre,
 - (iv) Zone B3 Commercial Core,
 - (v) Zone B4 Mixed Use,
 - (vi) Zone B6 Enterprise Corridor,
 - (vii) Zone IN2 Light Industrial.
- (4) Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.

- (5) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—
- (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,
 - (c) whether the development detrimentally impacts on view corridors,
 - (d) how the development addresses the following matters—
 - (i) the 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 and solar access, visual and acoustic privacy, noise, wind and reflectivity,
 - (viii) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of pedestrian networks,
 - (ix) the impact on, and proposed improvements to, the public domain,
 - (x) achieving appropriate interfaces at ground level between the building and the public domain,
 - (xi) excellence and integration of landscape design,
 - (xii) the provision of communal spaces and meeting places,
 - (xiii) the provision of public art in the public domain,
 - (xiv) the provision of on-site integrated waste and recycling infrastructure,
 - (xv) the promotion of safety through the application of the principles of crime prevention through environmental design.

6.11 Environmental sustainability

- (1) The objective of this clause is to ensure that development to which this clause applies is consistent with principles of best practice environmentally sensitive design.
- (2) This clause applies to development—
- (a) on land in the following zones—
 - (i) Zone R4 High Density Residential,
 - (ii) Zone B1 Neighbourhood Centre,
 - (iii) Zone B2 Local Centre,
 - (iv) Zone B3 Commercial Core,
 - (v) Zone B4 Mixed Use,
 - (vi) Zone B6 Enterprise Corridor,
 - (vii) Zone IN2 Light Industrial, and
 - (b) that involves—
 - (i) the erection of a new building, or
 - (ii) the change of use of an existing building, or

- (iii) alterations or additions to an existing building that, in the opinion of the consent authority, are significant.
- (3) Development consent must not be granted to development on land to which this clause applies if the building is 1,500 square metres in gross floor area or greater unless adequate consideration has been given to the following in the design of the building—
 - (a) water demand reduction, including water efficiency, water recycling and minimisation of potable water usage,
 - (b) energy demand reduction, including energy generation, use of renewable energy and reduced reliance on mains power,
 - (c) indoor environmental quality, including daylight provision, glare control, cross ventilation and thermal comfort,
 - (d) the minimisation of surfaces that absorb and retain heat and the use of surfaces that reflect heat where possible,
 - (e) a reduction in new materials consumption and use of sustainable materials, including recycled content in concrete, sustainable timber and PVC minimisation,
 - (f) transport initiatives to reduce car dependence such as providing cycle facilities, car share and small vehicle parking spaces.

6.12 Landscaped areas in certain residential and environment protection zones

- (1) The objectives of this clause are as follows—
 - (a) to ensure adequate opportunities exist for the retention or provision of vegetation that contributes to biodiversity and enhances the tree canopy of the Georges River local government area,
 - (b) to minimise urban run-off by maximising permeable areas on the sites of development,
 - (c) to ensure that the visual impact of development is minimised by sufficient and appropriately located landscaping that complements the scale of buildings,
 - (d) to ensure that the use of surfaces that absorb and retain heat are minimised.
- (2) This clause applies to land in the following zones—
 - (a) Zone R2 Low Density Residential,
 - (b) Zone R3 Medium Density Residential,
 - (c) Zone R4 High Density Residential,
 - (d) Zone E2 Environmental Conservation.
- (3) Despite subclause (2), this clause does not apply to development referred to in *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*, clause 4.
- (4) Development consent must not be granted to development on land to which the clause applies unless the consent authority is satisfied that the development—
 - (a) allows for the establishment of appropriate plantings—
 - (i) that are of a scale and density commensurate with the height, bulk and scale of the buildings to which the development relates, and
 - (ii) that will maintain and enhance the streetscape and the desired future character of the locality, and
 - (b) maintains privacy between dwellings, and

- (c) does not adversely impact the health, condition and structure of existing trees, tree canopies and tree root systems on the land or adjacent land, and
 - (d) enables the establishment of indigenous vegetation and habitat for native fauna, and
 - (e) integrates with the existing vegetation to protect existing trees and natural landscape features such as rock outcrops, remnant bushland, habitats and natural watercourses.
- (5) Development consent must not be granted to development on land to which this clause applies unless a percentage of the site area consists of landscaped areas that is at least—
- (a) for a dwelling house located on land outside the Foreshore Scenic Protection Area—20% of the site area, or
 - (b) for a dwelling house located on land within the Foreshore Scenic Protection Area—25% of the site area, or
 - (c) for a dual occupancy located on land outside the Foreshore Scenic Protection Area—25% of the site area, or
 - (d) for a dual occupancy located on land within the Foreshore Scenic Protection Area—30% of the site area, or
 - (e) for development in Zone R3 Medium Density Residential—20% of the site area, or
 - (f) for development in Zone R4 High Density Residential—10% of the site area, or
 - (g) for development in Zone E2 Environmental Conservation—70% of the site area.
- (6) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle and any right of carriageway is not to be included in calculating the site area for the purposes of subclause (5).
- (7) In this clause—
Foreshore Scenic Protection Area means land shown on the Foreshore Scenic Protection Area Map.

6.13 Development in certain business zones

- (1) The objectives of this clause are as follows—
- (a) to promote uses that attract pedestrian traffic along ground floor street frontages,
 - (b) to maintain existing, and encourage additional, non-residential uses along ground floor street frontages,
 - (c) to strengthen the viability of existing established centres,
 - (d) to maintain opportunities for business and retail development that is suited to high exposure locations.
- (2) This clause applies to land in the following zones—
- (a) Zone B1 Neighbourhood Centre,
 - (b) Zone B2 Local Centre,
 - (c) Zone B4 Mixed Use,
 - (d) Zone B6 Enterprise Corridor.
- (3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied the development will not cause

- a part of the ground floor of a building that is facing a street to be used for the purposes of residential accommodation or tourist and visitor accommodation.
- (4) Subclause (3) does not apply to a part of a building that is used for the following purposes—
- (a) entrances and lobbies, including as part of a mixed use development,
 - (b) access for fire services,
 - (c) essential services.
- (5) For development in Zone B6 Enterprise Corridor that is the erection of a new building, or alterations or additions to an existing building, that has a gross floor area on the ground floor greater than 500 square metres—development consent must not be granted for the development unless the consent authority is satisfied that at least 500 square metres of the gross floor area on the ground floor of the building will be used for both—
- (a) purposes other than residential accommodation or tourist and visitor accommodation, and
 - (b) uses specified in subclause (4).
- (6) In this clause—
- essential services* means the following—
- (a) the supply of water,
 - (b) the supply of electricity,
 - (c) the supply of telecommunications facilities,
 - (d) the disposal and management of sewage,
 - (e) stormwater drainage or on-site conservation,
 - (f) suitable vehicular access.

6.14 Restaurants or cafes and take away food and drink premises in Zone IN2

Development consent must not be granted to development for the purposes of a restaurant or cafe or take away food and drink premises on land in Zone IN2 Light Industrial if the gross floor area of the restaurant or cafe or take away food and drink premises is more than—

- (a) 20% of the gross floor area of the industrial activity located on the same land as the restaurant or café or take away food and drink premises, or
- (b) 200 square metres.

6.15 Location of sex services premises

- (1) The objective of this clause is to restrict the location of sex services premises.
- (2) Despite any other provision of this Plan, development consent must not be granted to 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 local road from, land—
 - (a) in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone RE1 Public Recreation or Zone E2 Environmental Conservation, or
 - (b) used for the purposes of a centre-based child care facility, a community facility, a school, a place of public worship or a hospital, or
 - (c) used for residential purposes.
- (3) In deciding whether to grant development consent, the consent authority must consider the following—

- (a) the impact of the proposed development, and the hours of operation of the premises, on any place likely to be regularly frequented by children—
 - (i) that adjoins the development, or
 - (ii) that can be viewed from the development, or
 - (iii) from which a person can view the development,
- (b) whether the proposed development will have an adverse impact on the amenity of the neighbourhood, taking into account—
 - (i) the size of the development or the number of employees working at the premises, and
 - (ii) other sex services premises located in the neighbourhood having similar hours of operation.

6.16 Development in areas of activity hazard risk

- (1) The objective of this clause is to minimise risk to life and property in the event of an emergency arising near a high pressure gas pipeline.
- (2) This clause applies to development for one or more of the following purposes on land identified as “High Pressure Gas Pipeline Risk Area” on the Activity Hazard Risk Map—
 - (a) centre-based child care facilities,
 - (b) early education and care facilities,
 - (c) educational establishments,
 - (d) health services facilities,
 - (e) seniors housing.
- (3) The consent authority must not determine a development application for development to which this clause applies, unless, in accordance with subclause (4), the consent authority has—
 - (a) consulted the Planning Secretary on the application, and
 - (b) taken into consideration the Planning Secretary’s submissions, if any.
- (4) The consent authority must—
 - (a) forward a copy of the application and the accompanying documents to the Planning Secretary within 7 days of receiving the application, and
 - (b) consider the Planning Secretary’s submissions within 28 days of forwarding the documents.

Schedule 1 Additional permitted uses

(Clause 2.5)

1 Use of certain land at 87A Jubilee Avenue, Beverley Park

- (1) This clause applies to land at 87A Jubilee Avenue, Beverley Park, being Lot 161, DP 19098.
- (2) Development for the purpose of a registered club is permitted with development consent.

2 Use of certain land at 7 Holley Road, Beverly Hills

- (1) This clause applies to land at 7 Holley Road, Beverly Hills, being Lot 78, DP 16723.
- (2) Development for the purpose of a registered club is permitted with development consent.

3 Use of certain land at 916–918 King Georges Road, Blakehurst

- (1) This clause applies to land at 916–918 King Georges Road, Blakehurst, being Lot 22, DP 575236 and Lot 252, DP 1999.
- (2) Development for the purpose of a shop is permitted with development consent if the floor space ratio of the buildings on the lot does not exceed 0.27:1.

4 Use of certain land at Princes Highway, Carlton

- (1) This clause applies to land at Jubilee Oval and Kogarah Park, Princes Highway, Carlton, being Lot 7084, DP 93146, Lots A and B, DP 316338, Lots A and B, DP 162265 and Lot 2, DP 170281.
- (2) Development for the purpose of an entertainment facility is permitted with development consent.

5 Use of certain land at 84D Roberts Avenue, Mortdale

- (1) This clause applies to land at 84D Roberts Avenue, Mortdale, being Lot 21, DP 542051.
- (2) Development for the following purposes is permitted with development consent—
 - (a) retail premises,
 - (b) centre-based child care facilities.

6 Use of certain land at 95 Mulga Road, Oatley

- (1) This clause applies to land at 95 Mulga Road, Oatley, being Lot 14, Section 11, DP 6368.
- (2) Development for the purpose of a vehicle repair station is permitted with development consent.

7 Use of certain land at 764 Forest Road, Peakhurst

- (1) This clause applies to land at 764 Forest Road, Peakhurst, being Lot 8, DP 659072.
- (2) Development for the purpose of a function centre is permitted with development consent.

8 Use of certain land at 12 and 14 Pindari Road, Peakhurst Heights

- (1) This clause applies to land at 12 and 14 Pindari Road, Peakhurst Heights, being Lots 58 and 59, DP 206906.

- (2) Development for the following purposes is permitted with development consent—
 - (a) office premises,
 - (b) a restaurant or cafe.

9 Use of certain land for limited commercial and residential purposes

- (1) This clause applies to the following land—
 - (a) 30 Jubilee Avenue, Carlton, being Lot 1, DP 577628,
 - (b) 32 Jubilee Avenue, Carlton, being Lot 2, DP 577628,
 - (c) 55 Jubilee Avenue, Carlton, being Lot 5, DP 170245,
 - (d) 115 Connells Point Road, Connells Point, being Lot E, DP 302306,
 - (e) 40 Bellevue Parade, Hurstville, being Lot 43, Section 7, DP 2793,
 - (f) 129 Laycock Road, Hurstville Grove, being Lot 1, DP 178839,
 - (g) 13–15 Gray Street, Kogarah, being Lots 1 and 2, DP 770957,
 - (h) 29–31 Rocky Point Road, Kogarah, being Lot 61, DP 6615,
 - (i) 4A Wyee Street, Kogarah Bay, being Lot A, DP 383186,
 - (j) 59 Rosa Street, Oatley, being Lot 1, DP 1080827,
 - (k) 281 Rocky Point Road, Sans Souci, being Lots 1 and 2, SP 65139,
 - (l) 283 Rocky Point Road, Sans Souci, being Lots 1 and 2, SP 67532,
 - (m) 393 Rocky Point Road, Sans Souci, being Lot E, DP 25589,
 - (n) 395–399 Rocky Point Road, Sans Souci, being Lot D, DP 25589,
 - (o) 401 and 403 Rocky Point Road, Sans Souci, being Lots B and C, DP 25589,
 - (p) 64 Blakesley Road, South Hurstville, being Lot 8, Section 3, DP 5453,
 - (q) 64 Blakesley Road, South Hurstville, being Lot 1, DP 947432,
 - (r) 100 Connells Point Road, South Hurstville, being Lot 1, DP 103456,
 - (s) 911 King Georges Road, South Hurstville, being Lot B, DP 324694.
- (2) Development for the purposes of any of the following is permitted with development consent—
 - (a) business premises,
 - (b) multi dwelling housing,
 - (c) office premises,
 - (d) residential flat buildings,
 - (e) restaurants or cafes,
 - (f) shops,
 - (g) shop top housing.
- (3) Development consent must not be granted under subclause (2) unless—
 - (a) no more than 2 floors are used for the development permitted by subclause (2), and
 - (b) the maximum floor space used for the purpose of business premises, office premises or shops is no more than 80m² or the existing commercial and retail floor space, whichever is greater.

10 Use of certain land for multi dwelling housing or dual occupancies (detached)

- (1) This clause applies to the following land—

- (a) 124 Princes Highway, Beverley Park, being Lot 1, DP 814106,
 - (b) 408 Princes Highway, Blakehurst, being Lot D, DP 362178,
 - (c) 17 Planthurst Road, Carlton, being Lot 143, DP 2022,
 - (d) 5 Denman Street, Hurstville, being Lot 12, DP 236321,
 - (e) 15 Greenbank Street, Hurstville, being Lot 16, DP 662877,
 - (f) 27 Hurstville Road, Hurstville, being Lot 31, DP 666112,
 - (g) 11 Hamer Street, Kogarah Bay, being Lot B, DP 340038,
 - (h) 40 Oatley Parade, Oatley, being Lot B, DP 363683,
 - (i) 44 Oatley Parade, Oatley, being Lot B, DP 381842,
 - (j) 54 Oatley Parade, Oatley, being Lot B, DP 382279,
 - (k) 9 Belmont Avenue, Penshurst, being Lot 7, DP 11194,
 - (l) 42 Dudley Street, Penshurst, being Lot 90, DP 5885,
 - (m) 721A and 721B King Georges Road, Penshurst, being Lot 32, DP 1010274 and Lot 12, DP 881035,
 - (n) 24 Penshurst Avenue, Penshurst, being Lot 2, DP 320644.
- (2) Development for the purpose of dual occupancies (detached) is permitted with development consent if the total site coverage of the proposed buildings does not exceed 30%.
- (3) Development for the purpose of multi dwelling housing is permitted with development consent if—
- (a) the total site coverage of the proposed buildings does not exceed 30%, and
 - (b) if a site has frontage to a classified road, the site frontage is at least 27m.

11 Use of certain land for a place of public worship

- (1) This clause applies to the following land—
- (a) 117 and 121 Morgan Street, Beverly Hills, being Lots 25–27, DP 12807,
 - (b) 438 King Georges Road, Beverly Hills, being Lot 22, DP 771989,
 - (c) 82 Ponyara Road, Beverly Hills, being Lot 301, DP 13496 and Lot 1300, DP 669323,
 - (d) 192 and 194 Stoney Creek Road, Beverly Hills, being Lots 22 and 23, DP 9505,
 - (e) 7, 9 and 11 Warrawee Place, Beverly Hills, being Lots 29–35, DP 13496,
 - (f) 1 and 3 Lorna Avenue, Blakehurst, being Lots 12 and 13, DP 15709,
 - (g) 48 Lynwood Street, Blakehurst, being Lots 10 and 11, DP 15709,
 - (h) 100 Stuart Street, Blakehurst, being Lot B, DP 344531,
 - (i) 34 Park Road, Carlton, being Lot 1, DP 326285, Lots 20–23, Section A, DP 2560 and Lot 19, Section A, DP 5409,
 - (j) 17 Planthurst Road, Carlton, being Lot 143, DP 2022,
 - (k) 247 Princes Highway, Carlton, being Lot 1, DP 301901,
 - (l) 112A Hillcrest Avenue, Hurstville Grove, being Lots 5 and 6, Section 7, DP 1650,
 - (m) 289A Kingsgrove Road, Kingsgrove, being Lots 12 and 13, DP 18444,
 - (n) 4 Morgan Street, Kingsgrove, being Lots 1 and 2, DP 216288,
 - (o) 3 Paterson Street, Kingsgrove, being Lot 62, DP 19078,

- (p) 26 Souter Street, Kogarah Bay, being Lots 15 and 16, Section 2, DP 1963,
 - (q) 909 Forest Road, Lugarno, being Lots 8 and 9, DP 241206,
 - (r) 977 Forest Road, Lugarno, being Lot 2, DP 405732,
 - (s) 1142 Forest Road, Lugarno, being Lot 9, DP 13473,
 - (t) 3A Old Forest Road, Lugarno, being Lots 18 and 19, DP 13473,
 - (u) 112 Morts Road, Mortdale, being Lots 26–28, DP 4374,
 - (v) 74 Walter Street, Mortdale, being Lot 100, DP 1136828,
 - (w) 3 Boundary Road, Oatley, being Lot A, DP 360268,
 - (x) 20 River Road, Oatley, being Lot 2, Section 5, DP 2297,
 - (y) 1 Woronora Parade, Oatley, being Lot 1, DP 900753, Lot A and B, DP 362134 and Lot 1, DP 315491,
 - (z) 60 Woronora Parade, Oatley, being Lots 1–3, Section 13, DP 979509 and Lot 40, DP 1033406,
 - (za) 33 Baumans Road, Peakhurst, being Lots 1–8, DP 20830,
 - (zb) 815 Forest Road, Peakhurst, being Lot 11, DP 136467,
 - (zc) 4A Whitegates Avenue, Peakhurst Heights, being Lot 5, DP 26545,
 - (zd) 22, 24 and 26 Dudley Street, Penshurst, being Lots A–C, DP 322282,
 - (ze) 671 King Georges Road, Penshurst, being Lot 100, DP 854121 and Lot 1, DP 312949,
 - (zf) 18 Penshurst Avenue, Penshurst, being Lot 3, DP 312214,
 - (zg) 55 Penshurst Street, Penshurst, being Lots 4 and 6, DP 14114 and Lot 5, DP 319474,
 - (zh) 96 Penshurst Street, Penshurst, being Lots 24 and 25, DP 8173,
 - (zi) 116A and 118 Penshurst Street, Penshurst, being Lot 2, DP 225248 and Lot 2, DP 625328,
 - (zj) 15 Percival Street, Penshurst, being Lot 21, DP 8173,
 - (zk) 181 Rocky Point Road, Ramsgate, being Lot 1, DP 1084543,
 - (zl) 43 Coleridge Street, Riverwood, being Lots 23 and 24, DP 15347,
 - (zm) 1 Newcombe Street, Sans Souci, being Lot 5, Section 1, DP 3896,
 - (zn) 323–329 Rocky Point Road, Sans Souci, being Lots 47–50, DP 4277 and Lots 1 and 2, Section 1, DP 3896,
 - (zo) 35 and 37 Culwulla Street, South Hurstville, being Lots 20–22, DP 4607,
 - (zp) 84 George Street, South Hurstville, being Lot 3, DP 534462.
- (2) Development for the purpose of a place of public worship is permitted with development consent.

12 Use of certain land for a service station

- (1) This clause applies to the following land—
- (a) 1044 Forest Road, Lugarno, being Lot A, DP 401276,
 - (b) 21 Boundary Road, Oatley, being Lots 1 and 2, DP 388264,
 - (c) 633–637 Forest Road, Peakhurst, being Lots 1 and 2, SP 48902,
 - (d) 742 Forest Road, Peakhurst, being Part Lots 5–10, DP 12823,
 - (e) 836 Forest Road, Peakhurst, being Lot 1, DP 209909,

- (f) 641 King Georges Road, Penshurst, being Lot A and B, DP 368871 and Lot 2, DP 321154.
- (2) Development for the purpose of a service station is permitted with development consent.

13 Use of certain land for office premises

- (1) This clause applies to the following land—
 - (a) 1 Penshurst Lane, Penshurst, being SP 54564,
 - (b) 3 Penshurst Lane, Penshurst, being Lot 1, DP 666371,
 - (c) 3A Penshurst Lane, Penshurst, being Lot 3, DP 925240,
 - (d) 52 Halstead Street, South Hurstville, being Lot 1, DP 24112,
 - (e) 53 Halstead Street, South Hurstville, being Lot A, DP 339086,
 - (f) 54 Halstead Street, South Hurstville, being Lot 2, DP 24112,
 - (g) 55 Halstead Street, South Hurstville, being SP 45503,
 - (h) 57 Halstead Street, South Hurstville, being Lot 101, DP 1212518,
 - (i) 59–69 Halstead Street, South Hurstville, being SP 82911,
 - (j) 71 Halstead Street, South Hurstville, being Lot 6, DP 24112.
- (2) Development for the purpose of office premises is permitted with development consent if the consent authority is satisfied that the premises will be used for a creative purpose.
- (3) In this clause—

creative purpose means a purpose that involves media, advertising, fine arts and craft, design, film and television, music, publishing, performing arts, cultural heritage institutions or other related purposes.

Schedule 2 Exempt development

(Clause 3.1)

Note 1. *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies exempt development under that Policy. The Policy has State-wide application. This Schedule contains additional exempt development not specified in that Policy.

Note 2. Exempt development may be carried out without the need for development consent under the Act. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply.

(When this Plan was made this Schedule was blank)

Schedule 3 Complying development

(Clause 3.2)

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

Part 1 Types of development

(When this Plan was made this Schedule 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
Allawah	Allawah Hotel	470 Railway Parade	Lots 263 and 264, DP 7182	Local	11
Allawah	Former Woids Avenue Congregational Church—St George Christian School	51–69 Woids Avenue	Lot 1, DP 1172012	Local	12
Beverley Park	House and garden, “McWilliam House”	188 Princes Highway	Lots 5 and 6, DP 17522	Local	13
Beverley Park	House and garden	177 Rocky Point Road	Lot 11, DP 1087596	Local	14
Beverley Park	Former Ramsgate Methodist Church—Ramsgate Community Church	181 Rocky Point Road	Lot 1, DP 1084543	Local	15
Beverly Hills	Beverly Hills Railway Station Group	East Hills rail line	Lot 10, DP 1211599	State	16
Beverly Hills	Federation style weatherboard house, early outbuildings and spatial qualities of the setting	71 Edgbaston Road	Lot 36, DP 13578	Local	17
Beverly Hills	Late Federation house “Woodville” and setting	79 Edgbaston Road	Lot B, DP 377604	Local	18
Beverly Hills	Interwar house “Hilcrest” and setting, including front fence	130 Stoney Creek Road	Lot 7, DP 18860	Local	19
Beverly Hills	Timber Federation period house “Devonia Farm” and setting	136 Stoney Creek Road	Lot 1, DP 20704	Local	110
Blakehurst	House and garden, “Braeside Castle”	4 Marie Dodd Crescent	Lot A, DP 29102	Local	111
Blakehurst	Georges River (Tom Ugly’s) Bridge	Princes Highway		Local	112

Suburb	Item name	Address	Property description	Significance	Item no
Blakehurst	House and garden	701 Princes Highway	Lot 5, DP 14570	Local	I13
Blakehurst	House and garden	139 Stuart Street	Lot 102, DP 739163	Local	I14
Blakehurst	House and garden	145 Stuart Street	Lots 1 and 2, DP 381985	Local	I15
Blakehurst	Bald Face Point Reserve	227 Stuart Street	Lot 1, DP 921050; Lot 1, DP 984057; Lot 7038, DP 93516	Local	I16
Blakehurst	Kyle Williams House and Reserve	52 Waratah Street	Lot 190, DP 1212712	Local	I17
Carlton	House and garden, "Yosemite"	18 Anglo Square	Lot 10, Section E, DP 5409	Local	I18
Carlton	House and garden, "Lohengrin"	24 Anglo Square	Lot 13, Section E, DP 5409	Local	I19
Carlton	House and garden	43 Arthur Street	Lot 24, Section A, DP 5409	Local	I20
Carlton	House and garden, "Titus"	45 Arthur Street	Lot 41, Section F, DP 5409	Local	I21
Carlton	Weatherboard cottages and their setting, including peppercorn tree	20 and 22 Botany Street	Lots 25–27, DP 5619	Local	I22
Carlton	Stone cottage "Old Ryan's Dairy" and setting	117 Botany Street	Lot 8, Section C, DP 975238	Local	I23
Carlton	Interwar bungalow "Grenfell" and setting	136 Carlton Parade	Lot 1, Section 2, DP 976510	Local	I24
Carlton	California bungalow and setting	3 Cronulla Street	Lots 12 and 13, DP 456222	Local	I25
Carlton	Interwar house and setting	7 Cronulla Street	Lot B, DP 320947	Local	I26
Carlton	Pair of semi-detached cottages "Semah" and "Waratah" and their settings, including front fences	30–32 Cronulla Street	Lot 1, DP 198189; Lot 1, DP 715915	Local	I27
Carlton	California bungalow "Beverley" and setting, including front fence	43 Cronulla Street	Lot 1, DP 85615	Local	I28

Suburb	Item name	Address	Property description	Significance	Item no
Carlton	Federation house “Glenreagh” and setting	77 Cronulla Street	Lot 1, DP 828358	Local	I29
Carlton	Late Federation house “Clapham” and setting, including front fences and Canary Island Date Palm	43 Durham Street	Lot 42, Section C, DP 975238	Local	I30
Carlton	House and former corner shop	41 Edward Street	Lot 23, Section B, DP 5409	Local	I31
Carlton	House and garden	86 Hampton Court Road	Lot 202, DP 1916	Local	I32
Carlton	House and garden, “Winchester”	10 Nielsen Avenue	Lot 48, DP 5452	Local	I33
Carlton	House and garden, “Linden”	16 Nielsen Avenue	Lot 45, DP 5452	Local	I34
Carlton	St Cuthbert’s Anglican Church, excluding Sunday school hall and rectory	34 Park Road	Lots 20–23, Section A, DP 2560; Lot 1, DP 326285; Lot 19, Section A, DP 5409	Local	I35
Carlton	House and garden	40 Park Road	Lots 3 and 4, Section F, DP 5409	Local	I36
Carlton	House and garden, “The Cobbles”	33 Park Street	Lot 1, DP 198769	Local	I37
Carlton	House and garden	1–3 Planthurst Road	Lot 10, DP 1037820	Local	I38
Carlton	House and garden	5 Planthurst Road	Lot 3, DP 211577	Local	I39
Carlton	Former Kogarah Hotel	247 Princes Highway	Lot 1, DP 301901	Local	I40
Carlton	Kogarah Park and Jubilee Oval, including reserve, war memorial and oval	249 Princes Highway	Lot 2, DP 170281; Lots A and B, DP 316338; Lot A, DP 162265; Lot 7084, DP 93146	Local	I41
Carlton	Carlton Railway Station	Railway Parade	Lot 1, DP 1138068	Local	I42
Carlton	Royal Hotel	314 Railway Parade	Lot 1, DP 174657	Local	I43
Carlton	House and garden	5 Waterview Street	Lot 201, DP 1053797	Local	I44
Carss Park	Carss Cottage	72 Carwar Avenue	Part of Lot 376, DP 1118749	State	I45

Suburb	Item name	Address	Property description	Significance	Item no
Carss Park	Carss Bush Park	72–82 Carwar Avenue	Part of Lot 1, DP 89019; Part of Lot 376, DP 1118749; Lots 5–8, DP 10791; Lot 4, DP 668319; Lot 1, DP 1109360; Lot 1, DP 177114; Lot 1, DP 125981; Lot 511, DP 752056	Local	I46
Carss Park	Blakehurst Primary School, including original 1881 weatherboard demountable classrooms and 1920–1930 administration and library buildings	294A Princes Highway	Lot 1, DP 128058; Lot 1, DP 126885	Local	I47
Connells Point	House and garden	116 Connells Point Road	Lot 219, DP 6202	Local	I48
Connells Point	House and garden, “Jacma”	222 Connells Point Road	Lot D, DP 414623	Local	I49
Connells Point	Connells Point Reserve	290 Connells Point Road	Lots 12–14, Section 1, DP 3362	Local	I50
Connells Point	House and garden, “Whitevale”	55 Greenacre Road	Lot 2, DP 214059	Local	I51
Connells Point	House and garden	8 Loch Maree Crescent	Lot 10, DP 29352	Local	I52
Connells Point	House and garden	219 Terry Street	Lot B, DP 323295	Local	I53
Hurstville	Federation house and setting, including front fence	69 Bristol Road	Lot B, DP 340048	Local	I54
Hurstville	Rendered Victorian house and setting	76 Bristol Road	Lot 13, DP 1866	Local	I55
Hurstville	Federation house and setting, including trees to rear garden	19 Carrington Avenue	Lot C, DP 330153	Local	I56
Hurstville	Pair of semi-detached Federation cottages	56 Carrington Avenue	SP 63285	Local	I57
Hurstville	Federation house and setting	71 Carrington Avenue	Lot 79, DP 1956	Local	I58
Hurstville	Federation house and setting	73 Carrington Avenue	Lot 78, DP 1956	Local	I59

Suburb	Item name	Address	Property description	Significance	Item no
Hurstville	Federation house “Canberra” and setting	75 Carrington Avenue	Lot 2, DP 204431	Local	I60
Hurstville	House and garden, “Maroo”	6 Carysfort Street	Lot A, DP 415190	Local	I61
Hurstville	Federation house and setting	2 Clevedon Road	Lot 34, DP 1866	Local	I62
Hurstville	Federation house “Dungog” and setting	4 Clevedon Road	Lot 33, DP 1866	Local	I63
Hurstville	Victory House	8 Crofts Avenue	SP 46769	Local	I64
Hurstville	House and garden, “Oxley”	11 Denman Street	SP 49471	Local	I65
Hurstville	Hurstville Oval and Velodrome	30 Dora Street	Lot 1, DP 919317; Lot 53, DP 9355	Local	I66
Hurstville	Four pairs of semi-detached Victorian cottages and settings	33–47 Dora Street	Lots 5–8, DP 237059; Lot 34, DP 836363; Lot 1, DP 794227	Local	I67
Hurstville	Federation house “Busigny” and setting, including traditional garden	50 Dora Street	Lot 8, DP 9355	Local	I68
Hurstville	Hurstville Scout Hall	116 Durham Street	Lot 5, DP 171179	Local	I69
Hurstville	War Memorial Monument	Forest Road		Local	I70
Hurstville	Allawah Reservoir (WS 0001)	2 Forest Road	Lots 1 and 7–9, DP 6584; Lot 1, DP 73077; Lots A–C, DP 308650; Lots A and B, DP 322974; Lots 1 and 2, DP 331657; Lot 1, DP 1019736; Lot 13, DP 666411; Lot 1, DP 1019740; Lot B, DP 303573	Local	I71
Hurstville	Hurstville Public School	80 Forest Road	Lot 32, DP 842051	Local	I72
Hurstville	Shop and residence	140 Forest Road	Lot 1, DP 82544	Local	I73
Hurstville	Commercial building	143 Forest Road	Lot 2, Section 1, DP 3232	Local	I74
Hurstville	St George Anglican Church	144 Forest Road	Lot 2, DP 207467	Local	I75
Hurstville	Retail building	160 Forest Road	Lot 69, DP 1595	Local	I76

Suburb	Item name	Address	Property description	Significance	Item no
Hurstville	Shop and residence	166 Forest Road	Lot 1, DP 901305	Local	I77
Hurstville	HT Wills & Co.	167–169 Forest Road	Lots 1 and 2, DP 219375	Local	I78
Hurstville	John Fretus Building	173A Forest Road	Lot 12, Section 1, DP 3232	Local	I79
Hurstville	Wingello	176 Forest Road	Lot 1, DP 901842	Local	I80
Hurstville	Shop and residence	178 Forest Road	Lot B, DP 392780	Local	I81
Hurstville	Glenvale Court	183B Forest Road	Lots 10 and 11, DP 15996	Local	I82
Hurstville	Retail building	184 Forest Road	Lot 1, DP 974595	Local	I83
Hurstville	Former Australian Gas Light Company showroom	185A Forest Road	Lot 1, DP 82309; Lots 1 and 2, DP 15996	Local	I84
Hurstville	Berkley building	195–197 Forest Road	Lots A and B, DP 411059	Local	I85
Hurstville	Electricity House building	213 Forest Road	Lot 1, DP 700214	Local	I86
Hurstville	Old Propeller building	218 Forest Road	Lot 30, DP 7051	Local	I87
Hurstville	Meridian Hotel	220 Forest Road	Lot 10, DP 852346	Local	I88
Hurstville	Soul Pattinson Building	225 Forest Road	Lot 22, DP 10296	Local	I89
Hurstville	Group of shops	232–242 Forest Road	Lot 5, DP 651591; Lots 1–4, DP 17612	Local	I90
Hurstville	Shop and residence	235 Forest Road	Lot 18, DP 10296; Lot 1, DP 82936	Local	I91
Hurstville	Shop and residence	239 Forest Road	Lot 16, DP 10296; Lot 1, DP 81168; Lots 1 and 2, DP 327296	Local	I92
Hurstville	Shop	244 Forest Road	Lot Y, DP 403117	Local	I93
Hurstville	Retail building	248 Forest Road	Lot 7, DP 9115; Lot X, DP 403117	Local	I94
Hurstville	Group of shops	255–273 Forest Road	Lots 7 and 8, DP 10296; Lots C–G, DP 304794; Lot 1, DP 611044	Local	I95
Hurstville	Retail building	272 Forest Road	Lot 23, DP 4799	Local	I96

Suburb	Item name	Address	Property description	Significance	Item no
Hurstville	Group of shops	277–291 Forest Road	Lot B, DP 331187; Lots A and B, DP 331185; Lot 4, DP 331186	Local	I97
Hurstville	Retail building with two shopfronts	307–307A Forest Road	Lots E and D, DP 17670	Local	I98
Hurstville	Hurstville Railway Substation	Between 309 and 309A Forest Road	Lot 101, DP 1240658	Local	I99
Hurstville	Centennial Bakery	319 Forest Road	Lot 8, DP 1201216	Local	I100
Hurstville	Retail building	338–340 Forest Road	Lot 1, DP 517273; Lot 1, DP 502856	Local	I101
Hurstville	Pair of retail buildings	342–344 Forest Road	Lots A and B, DP 168743	Local	I102
Hurstville	Hurstville Hotel	350 Forest Road	Lots L–O, DP 27426; Lots C–E, DP 168743	Local	I103
Hurstville	Belmontes Pizza Shop	372 Forest Road	Lot A, DP 399606	Local	I104
Hurstville	Federation house “Lilliesleaf” and setting	50 Gloucester Road	Lot 1, DP 957691	Local	I105
Hurstville	House and garden, “Loch Even”	2 Hillcrest Avenue	SP 86368	Local	I106
Hurstville	House and garden	22 Hillcrest Avenue	Lot 36, Section 1, DP 5040	Local	I107
Hurstville	Georges River College — Hurstville Boys Campus	Kenwyn Street	Lot 31, DP 842051	Local	I108
Hurstville	Victorian house “Vermont” and setting	14 Kimberley Road	Lot 90, DP 2005	Local	I109
Hurstville	Federation house and setting, including front fence	18 Kimberley Road	Lot 88, DP 2005	Local	I110
Hurstville	Weatherboard cottage “Kimberley” and setting	62 Kimberley Road	Lot 147, DP 2787	Local	I111
Hurstville	Weatherboard cottage “Lynne” and setting	39 Lily Street	Lot 29, Section A, DP 975238	Local	I112

Suburb	Item name	Address	Property description	Significance	Item no
Hurstville	Late Federation bungalow and setting, including front fence and traditional garden	53 Lily Street	Lots 118 and 119, DP 457004; Lots 21 and 22, Section A, DP 975238	Local	I113
Hurstville	Californian bungalow "Belbowrie" and setting, including front fence	76 Lily Street	Lot 1, DP 78137	Local	I114
Hurstville	Presbyterian Church	1 MacMahon Street	Lots 26–28, Section A, DP 1297; Lot 67, DP 7051	Local	I115
Hurstville	Friendly Societies' Dispensary Building	17 MacMahon Street	SP 58631; SP 72896	Local	I116
Hurstville	Fire Station	27 MacMahon Street	SP 58395	Local	I117
Hurstville	House and garden, "Leyholme"	4 Maher Street	Lot B, DP 407726	Local	I118
Hurstville	House and garden	17 Maher Street	Lot 441, DP 1163839	Local	I119
Hurstville	Hurstville South Public School, being two original school buildings (circa 1915 and 1917)	30 Maher Street	Lot A, DP 948241; Lots 8–10, DP 7247	Local	I120
Hurstville	House and garden	35 Maher Street	Lot 21, DP 7247	Local	I121
Hurstville	Victorian villa "Erina" and spatial qualities of the setting	18 Millett Street	Lot 22, Section D, DP 1426	Local	I122
Hurstville	Federation house "Alinda" and setting, including fence and garden layout	29 Millett Street	Lot 3, Section E, DP 1426; Lot 1, DP 917242	Local	I123
Hurstville	Victorian house "Overdale" and setting	67 Millett Street	Lot 13, Section 2, DP 1769	Local	I124
Hurstville	Federation house and setting	16 Patrick Street	Lot 1, DP 965662	Local	I125
Hurstville	Victorian house "Yarra-mundi" and remnant garden setting	75 Queens Road	Lot 3, DP 270404	Local	I126

Suburb	Item name	Address	Property description	Significance	Item no
Hurstville	Victorian house “Gladwyn” and garden setting	96 Queens Road	Lot 2, DP 316459	Local	I127
Hurstville	Fig tree in Binder Reserve	1D Regan Street	Lot 154, DP 13372	Local	I128
Hurstville	Free-standing terrace house and garden setting	24 Taunton Road	Lot 58, DP 2005	Local	I129
Hurstville	Federation house and setting	12 The Avenue	Lot 195, DP 1595	Local	I130
Hurstville	Victorian house “Lorne” and setting	18 The Avenue	Lot 192, DP 1595	Local	I131
Hurstville	Hurstville City Uniting Church	20–22 The Avenue	Lots 190 and 191, DP 1595	Local	I132
Hurstville	California bungalow “Claydon” and setting	78 The Avenue	Lot 1, DP 669335	Local	I133
Hurstville	Victorian house “Waimea” and front setback space	79 The Avenue	Lot 101, DP 1595	Local	I134
Hurstville	Victorian cottage “Erica” and front setback space	81 The Avenue	SP 45009	Local	I135
Hurstville	Victorian house “Roseleigh” and setting	82 The Avenue	Lot 156, DP 1595	Local	I136
Hurstville	Victorian house “Balgownie” and setting	84 The Avenue	Lot 155, DP 1595	Local	I137
Hurstville	Late Federation house “Yuriga”, later “Allerton”, and front garden	85 The Avenue	Lot 2, DP 166769	Local	I138
Hurstville	Federation house “Oikos” and front garden	87 The Avenue	Lot 1, DP 166769; Lot 97, DP 1595	Local	I139
Hurstville	Interwar house “Sylvan” and garden setting	89 The Avenue	Lot 96, DP 663361	Local	I140
Hurstville	Federation house “Oswaldene” and setting	90 The Avenue	Lots 152 and 153, DP 455605	Local	I141
Hurstville	Federation house “Lorraine” and setting	92 The Avenue	Lot A, DP 1866; Lot 1, DP 923650	Local	I142

Suburb	Item name	Address	Property description	Significance	Item no
Hurstville	Front portion of Victorian terrace "Waikouaiti"	95 The Avenue	Lot 93, DP 1595	Local	I143
Hurstville	Pair of Victorian semi-detached houses and settings	110–112 The Avenue	Lots 1 and 2, DP 202783	Local	I144
Hurstville	Transitional Federation / Interwar house and setting	1 Vine Street	Lot 101, DP 789023	Local	I145
Hurstville	Stone cottage "Senlack" and setting	26 Weston Road	Lot 189, DP 2787; Lot 190, DP 135084	Local	I146
Hurstville	House and garden	67 Woniora Road	SP 55657	Local	I147
Hurstville	Woniora Road School	83–85 Woniora Road	Lot 1, DP 616346	Local	I148
Hurstville	House and garden, "Fernleigh"	95 Woniora Road	Lot 18, DP 1608	Local	I149
Hurstville Grove	House and garden, "Yamba"	11 Cecil Street	Lot 27, Section 2, DP 1650	Local	I150
Hurstville Grove	House and garden, "Aintree"	41 Hillcrest Avenue	Lot 2, DP 980293	Local	I151
Hurstville Grove	House and garden	115 Hillcrest Avenue	Lot 20, Section 4, DP 1650	Local	I152
Hurstville Grove	Quarry Reserve (North), including reserve and quarry	29 and 29A Hurstville Road	Lots 28–30, DP 6816; Lot 1, DP 191623; Lot B, DP 356551; Lot 1, DP 223497; Lot 29, DP 528848; Lot 27, DP 532296; Lot 1, DP 227641; Lot 25, DP 528014; Lot 3, DP 532756; Lot 23, DP 528997; Lot 5, DP 528677; Lot 21, DP 529848; Lot 7, DP 528727; Lot 19, DP 528678; Lot 9, DP 528998; Lot 17, DP 528726; Lot 2, DP 232384; Lot 15, DP 528999; Lot 13, DP 528704; Lot 11, DP 236321	Local	I153
Hurstville Grove	House and garden	141 Lansdowne Street	Lot 1, DP 847983	Local	I154

Suburb	Item name	Address	Property description	Significance	Item no
Hurstville Grove	Moore Reserve	West Crescent, between Hurstville Road and Oatley Bay	Lot 7047, DP 1127644; Lots A and C, DP 187857; Lot A, DP 187853; Lots 5-8, DP 449747; Lot A, DP 187855; Lot A, DP 187858; Lot 1, DP 359867; Lot 1, DP 360230; Lot 2, DP 450322; Lot 2, DP 379410; Lot 2, DP 360235; Lot 2, DP 360233; Lot 1, DP 361093; Lot 1, DP 361825; Lot 1, DP 360227; Lots A and B, DP 360226; Lot 1, DP 433374; Lot 1, DP 363870; Lot 1, DP 360232; Lot 3, DP 526583; Lot A, DP 359870; Lot A, DP 359869; Lot A, DP 433393; Lot 2, DP 364066; Lot 1, DP 360237; Lot 1, DP 362212; Lots 1 and 2, DP 1114945; Lot 2, DP 360437; Lots 37, 52 and 71, Section 56, DP 5023; Lot 1, DP 1176951; Lot 2, DP 515398; Lot 1, DP 360229; Lots 5 and 6, DP 11265; Lot C, DP 359868; Lot 2, DP 211618; Lot 1, DP 361096; Lot 1, DP 363289; Lot 1, DP 363288; Lot A, DP 385168; Lot 1, DP 360228; Lot D, DP 360231;	Local	I155

Suburb	Item name	Address	Property description	Significance	Item no
			Lot E, DP 362296; Lot 1, DP 1115462; Lot B, DP 374610; Lot 4, DP 660911; Lot 1, DP 361675; Lot 1, DP 370329; Lot B, DP 338785; Lot 2, DP 362102; Lot 3, Section 9, DP 1604; Lot B, DP 342749; Lot B, DP 342706; Lot 2, DP 374842; Lot 3, DP 361092; Lot 2, DP 360549		
Kingsgrove	Victorian Villa cottage and setting	287 Stoney Creek Road	Lot 1, DP 593184	Local	I156
Kogarah	Former Commonwealth Bank	1 Belgrave Street	Lot 1, DP 710161	Local	I157
Kogarah	House and garden, "Tokio"	8 Belgrave Street	Lot 101, DP 1051252	Local	I158
Kogarah	House and garden, "Ulmarra"	3 Bellevue Street	Lot 13, DP 79370	Local	I159
Kogarah	House and garden, "Abestay"	11 Bellevue Street, now part of multi-unit development at 6 Blake Street	SP 70403	Local	I160
Kogarah	House and garden, "Essieville"	13 Bellevue Street, now part of multi-unit development at 6 Blake Street	SP 70403	Local	I161
Kogarah	House and garden	9 Bowns Road	Lot 14, Section 1, DP 975157	Local	I162
Kogarah	Kogarah School of Arts	10A Bowns Road	Lots 36 and 37, Section A, DP 976627; Lot 1, DP 1104088	Local	I163
Kogarah	House and garden	3-5 Chapel Street	Lot 19, DP 84876	Local	I164
Kogarah	St Patrick's Catholic Church	38 Chapel Street	Lot 1, DP 1207162	Local	I165
Kogarah	House and garden, "Bayview"	26 English Street	Lot 1, DP 85811	Local	I166
Kogarah	House and garden, "The Laurels"	45 English Street	Lot 1, DP 76252	Local	I167
Kogarah	House and garden	52 English Street	Lots 1 and 2, DP 445721	Local	I168

Suburb	Item name	Address	Property description	Significance	Item no
Kogarah	Terraces, “Te Komaraki”	72–74 English Street	Lots 1 and 2, DP 413914	Local	I169
Kogarah	House and garden	14 Garden Street	Lots 21 and 22, Section 1, DP 2635	Local	I170
Kogarah	Terraces	6–14 Gray Street and 170 Railway Parade	Lots 5–10, DP 237524	Local	I171
Kogarah	Kogarah Fire Station	26 Gray Street	Lot 1, DP 382771	Local	I172
Kogarah	House and garden	50 Gray Street	Lot 100, DP 1030386	Local	I173
Kogarah	Hogben Park	1 Harrow Road	Lots 3 and 5–12, Section 23, DP 1680; Lot 1, DP 178818; Lot 1, DP 1088770; Lot 12, Section 23, DP 370	Local	I174
Kogarah	Semi-detached dwellings and garden, “Falston”	24–26 High Street	Lots 1 and 2, DP 303588	Local	I175
Kogarah	Shop and residence	22 Hogben Street	Lot 1, DP 170609	Local	I176
Kogarah	Former Sixth Church of Christ Scientist—Grace Chinese Church	1A Kensington Street	Lot B, DP 337489	Local	I177
Kogarah	Former Kogarah Presbyterian Church and hall	13 and 17 Kensington Street	Lots 1 and 2, DP 1142870	Local	I178
Kogarah	Terraces, “Leah Buildings”	22–28 Montgomery Street	Lots A–C, DP 443736; Lot 1, DP 917849	Local	I179
Kogarah	Kogarah Courthouse	25–27 Montgomery Street	Lots 23 and 24, Section F, DP 1397	Local	I180
Kogarah	House and garden	15 Ocean Street	Lot 33, Section A, DP 976627	Local	I181
Kogarah	House and garden	15A Ocean Street	Lot 32, Section A, DP 976627	Local	I182
Kogarah	House and garden	17 Ocean Street	Lot 31, DP 61623	Local	I183
Kogarah	House and garden	19 Ocean Street	Lot 30, Section A, DP 976627	Local	I184
Kogarah	House and garden	23 Ocean Street	Lot 28, DP 82056	Local	I185
Kogarah	House and garden	25 Ocean Street	Lots 26 and 27, Section A, DP 976627	Local	I186

Suburb	Item name	Address	Property description	Significance	Item no
Kogarah	House and garden	27 Ocean Street	Lot 25, DP 575888	Local	I187
Kogarah	House and garden	47 Ocean Street	Lot 15, Section A, DP 976627	Local	I188
Kogarah	Terraces	2–8 Premier Street	Lots A–D, DP 442920	Local	I189
Kogarah	House and garden, “Stanmer”	10 Premier Street	Lot 64, Section D, DP 1397	Local	I190
Kogarah	Terraces, “Burn Brae”	12–18 Premier Street	Lots 1–4, DP 528047	Local	I191
Kogarah	St Paul’s Anglican Church and hall	53–57 Princes Highway	Lot 1, DP 1037176; Lot 1, DP 1049742; Lot B2, DP 397422	Local	I192
Kogarah	Shop and residence	111 Princes Highway	Lot 1, DP 735692	Local	I193
Kogarah	House and garden	195 Princes Highway	Lots 7 and 8, Section A, DP 976627	Local	I194
Kogarah	House and garden	4 Queens Avenue	Lot B, DP 384976	Local	I195
Kogarah	HV Evatt Memorial Reserve	71 Railway Lands	Lot 2, DP 871296	Local	I196
Kogarah	Shop	52 Railway Parade	Lot 1, DP 205973	Local	I197
Kogarah	Former post office	90 Railway Parade	Lot 1, DP 618131	Local	I198
Kogarah	Shops and offices	92 Railway Parade	Lot 1, DP 913023	Local	I199
Kogarah	Subway shops	200–204 Railway Parade	Lots 1–3, DP 201775	Local	I200
Kogarah	Shop	4 Regent Street	Lot 1, Section C, DP 1397	Local	I201
Kogarah	Shops	7–13 Regent Street	Lots A–D, DP 413452	Local	I202
Kogarah	Kogarah High School, being original three storey school building	28 Regent Street	Lot 11, DP 668184	Local	I203
Kogarah	House and garden, “Lindhurst Gallery”	6–8 Victor Street	Lots A and B, DP 360051	Local	I204
Kogarah	House and garden, “Hindmarsh”	2 Victoria Street	Lot 81, Section B, DP 1397	Local	I205
Kogarah	Terraces and garden, “Beatrice” and “Lillyville”	14–16 Victoria Street	Lots 72 and 73, Section B, DP 1397	Local	I206

Suburb	Item name	Address	Property description	Significance	Item no
Kogarah	St George Girls High School, being two storey main building	15 Victoria Street	Lot 1, DP 832046	Local	I207
Kogarah Bay	House and front garden, "Bayview"	28A Carlton Crescent	Lot 21, Section 15, DP 1963	Local	I208
Kyle Bay	House and garden	7 Cross Street	Lot 3, DP 209927	Local	I209
Kyle Bay	Kyle Bay Bowling Club	12A Merriman Street	Lot 10, DP 21299; Lot 12, DP 650783; Lots 9-11 and 40, Section 1, DP 7641; Lot 7316, DP 1154446	Local	I210
Lugarno	Stone wharf, walls, path and setting	Between Bayside Drive and Lime Kiln Bay	Lot 1, DP 793262; Lot 45, DP 237063; Lot 26, DP 232089	Local	I211
Lugarno	Stone house "The Hermitage" (remnant) and setting	1 Bayside Drive	Lot 3, DP 793262	Local	I212
Lugarno	Evatt Park	Forest Road	Lot 7, DP 702963; Lot 29, DP 27634	Local	I213
Lugarno	Lugarno Water Pumping Station	Corner of Forest Road and Cypress Drive	Lot 21, DP 239902	Local	I214
Lugarno	Convict Road	Northern side, end of Forest Road	Lots 8 and 9, DP 29596; Lot 181, DP 752056	Local	I215
Lugarno	Stone shed and ferry wharf slipway	Southern side, Forest Road	Lot 8, DP 29596	Local	I216
Lugarno	Cottage "Killarney" and setting	66A Moons Avenue	Lot 1, DP 506036	Local	I217
Lugarno	Memorial Obelisk	Corner of Ponderosa Place and Forest Road		Local	I218
Lugarno	Victorian house "Woodcliff" and setting	12 Woodcliff Parade	Lot 33, DP 237063	Local	I219
Mortdale	Weatherboard cottage "Magrathea" and setting	41 Boundary Road	Lot C, DP 369682	Local	I220

Suburb	Item name	Address	Property description	Significance	Item no
Mortdale	Mortdale Public School, being buildings A and B	1–21 and 27 Colebourne Avenue and 35 Judd Street	Lot 1, DP 910638; Lot 1, DP 723943; Lot 1, DP 182917; Lots 5 and 6, DP 622396	Local	I221
Mortdale	Electricity Substation No 10020	31 Cook Street	Lot B, DP 154171	Local	I222
Mortdale	Mortdale Railway Station Group setting	Illawarra rail line	Part of Lot 101, DP 1181296; Part of Lot 100, DP 1141151	Local	I223
Mortdale	Weatherboard bungalow and setting, including front fence and garden	11 Jersey Avenue	Lot 521, DP 565681	Local	I224
Mortdale	Mortdale Uniting Church and grounds	18 Morts Road	Lots 11 and 12, DP 4817	Local	I225
Mortdale	Mortdale Fire Station	38 Morts Road	Lot 101, DP 545765	Local	I226
Mortdale	Brick house “Longleaf”, excluding infill development to the rear	7 Mutual Road	SP 69358	Local	I227
Mortdale	Mortdale Memorial Park	65 Oxford Street	Lot 2, DP 232106; Lots 27–44, Section J, DP 2921	Local	I228
Oatley	House and garden, “Dulmar”	59 Ada Street	Lot 32, Section F, DP 2150	Local	I229
Oatley	Oatley Pleasure Grounds	16 and 16A Annette Street	Lot 20, DP 921615; Lots 21, 21A and 22, Section 56, DP 4442; Lot 452, DP 752056; Lots 1–4, DP 20130; Lots 251 and 252, DP 208422	Local	I230
Oatley	House and garden	23 Annette Street	Lot 29, Section 42, DP 4442	Local	I231
Oatley	House and garden	25 Annette Street	Lot 30, Section 42, DP 4442	Local	I232
Oatley	Oatley Park and Baths	1 Dame Mary Gilmour Road	Lot 13, DP 752056; Lot 542, DP 727277	Local	I233

Suburb	Item name	Address	Property description	Significance	Item no
Oatley	Oatley Memorial Clock	On traffic island in Frederick Street, west of intersection with Oatley Avenue		Local	I234
Oatley	Como Railway Bridge	Georges River		State	I235
Oatley	Oatley Railway Station Group	Illawarra rail line	Lots 5 and 11 DP 803349; Lot 14, DP 839742	State	I236
Oatley	Oatley Masonic Lodge	11A Letitia Street	Lot A, DP 325569; Lot 20, DP 1043366	Local	I237
Oatley	House and garden	56 Letitia Street	Lot C, DP 389898	Local	I238
Oatley	Semi-detached dwellings and garden, "Glenbrook"	90–92 Letitia Street	Lots 1 and 2, DP 526437	Local	I239
Oatley	Interwar bungalow and setting, including fence base	36 Lloyd Street	Lot 58, DP 9927	Local	I240
Oatley	George Fincham Pipe Organ	1 Myall Street	Lot 123, DP 801645	Local	I241
Oatley	Interwar bungalow "Bangala" and setting, including brick fence and frangipanni	7 Myall Street	Lot 24, Section 15, DP 4513	Local	I242
Oatley	Oatley Memorial Gardens	2B and 2C Oatley Avenue	Lots 1–26, DP 16690; Lot 1, DP 1170690	Local	I243
Oatley	Oatley Point Reserve	1 and 1A Phipps Street	Lots 22, 25 and 25A, Section 37, DP 4868; Lots 22A, 23, 23A, 24 and 24A, DP 4868; Lot 7050, DP 1027173	Local	I244
Oatley	House	92 Rosa Street	Lot 5, Section 42, DP 4442	Local	I245
Oatley	House and garden	9 Russell Street	Lot B, DP 367555	Local	I246
Oatley	House and garden	10 Russell Street	Lot 2, DP 231023	Local	I247
Oatley	Federation house "Lindaville" and setting	11 Waratah Street	Lot 4, DP 319565	Local	I248
Oatley	Federation house "Colwyn" and setting	30 Waratah Street	Lot 7, Section 8, DP 2297	Local	I249

Suburb	Item name	Address	Property description	Significance	Item no
Oatley	Rendered Victorian house "Merlewood" and setting	34 Waratah Street	Lot 1, DP 565314	Local	I250
Oatley	Federation house "Oxford" and setting around original house	8-10 Woronora Parade	SP 79366	Local	I251
Oatley	Federation house "Cambridge" and setting	22 Woronora Parade	Lot B, DP 368274	Local	I252
Oatley	Pair of semi-detached Federation cottages and settings	36-38 Woronora Parade	Lots A and B, DP 378215	Local	I253
Oatley	Federation house "Caprera" and setting	37 Woronora Parade	Lot 100, DP 1250001	Local	I254
Oatley	Weatherboard Federation house "Aigburth" / "Carthona" and setting	46 Woronora Parade	Lot 8, Section 13, DP 2297	Local	I255
Oatley	Federation house "Yengarie" and setting	51 Woronora Parade	Lot 11, Section 9, DP 2297	Local	I256
Oatley	Federation house "Truro" and setting	84 Woronora Parade	Lot 2, Section 12, DP 2297	Local	I257
Oatley	House and garden	42 Wyong Street	Lot 1, DP 1146269	Local	I258
Oatley	Derwent and Drake Oyster Farm	44 Wyong Street and Neverfail Bay	Lot 1, DP 803348	Local	I259
Peakhurst	Peakhurst Public School	65A Bonds Road	Lot B, DP 327027	Local	I260
Peakhurst	Salt Pan Creek sewage aqueduct	Behind 9 Elwin Street		Local	I261
Peakhurst	Interwar house "Rose Lea" and setting	589 Forest Road	Lot 4, DP 398982	Local	I262
Peakhurst	Holy Trinity Anglican Church	671 Forest Road, also known as 8-12 Neilson Avenue	Lot 567, DP 1088167	Local	I263
Peakhurst	"The Gardens on Forest: Clovelly" and grounds	764 Forest Road	Lot 8, DP 659072	Local	I264

Suburb	Item name	Address	Property description	Significance	Item no
Peakhurst	Wesleyan Chapel	800 Forest Road	Lot 376, DP 36537; Lot 1, DP 196789	Local	I265
Peakhurst Heights	Fig tree in Pickering Park	16A Isaac Street	Lot A, DP 36202	Local	I266
Peakhurst Heights	Fig tree in Lambert Reserve	13D Whitegates Avenue	Lot 37, DP 209573	Local	I267
Penshurst	Late Federation style house and setting	17 Arcadia Street	Lot 182, DP 1121781	Local	I268
Penshurst	Federation house "Hillside" and setting	19 Arcadia Street	Lot A, DP 976115	Local	I269
Penshurst	Late Federation style house "Alston" and setting	55 Cambridge Street	Lot 1, DP 508045	Local	I270
Penshurst	Federation cottage and original setting	60 Cambridge Street	Lot 1, DP 774307	Local	I271
Penshurst	House	16 Claremont Street	Lot 14, Section 6, DP 1650	Local	I272
Penshurst	House and garden	3 Dudley Street	Lot 2, DP 132515	Local	I273
Penshurst	Victorian bungalow "Torino" and setting	469 Forest Road	Lot 2, DP 511490	Local	I274
Penshurst	Victorian villa "Ithiel" and setting	55 Inverness Avenue	Lot X, DP 393801	Local	I275
Penshurst	St John the Evangelist's Anglican Church	645 King Georges Road	Lot 1, DP 732744	Local	I276
Penshurst	Revival Life Centre, "West Maling"	663–671 King Georges Road	Lot 100, DP 854121	State	I277
Penshurst	Penshurst Railway Station Group	Illawarra rail line—corner of Laycock Road (South) and Bridge Street	Lot 1, DP 1154260	Local	I278
Penshurst	Laycock Road street trees	Laycock Road		Local	I279
Penshurst	Penshurst Reservoirs and pumping station	12C Laycock Road	Lot 1, DP 906312	State	I280
Penshurst	House and garden, "Kintail"	51 Laycock Road	Lot 2, DP 16253	Local	I281

Suburb	Item name	Address	Property description	Significance	Item no
Penshurst	Stables, “Kintail”	57 Laycock Road	Lot 4, DP 16253	Local	I282
Penshurst	House	72 Pacific Avenue	Lot B, DP 330880	Local	I283
Penshurst	House and garden	24 Penshurst Avenue	Lot 2, DP 320644	Local	I284
Penshurst	House and garden, “Beverley”	25 Penshurst Avenue	Lots 5 and 6, DP 168912	Local	I285
Penshurst	Former Penshurst Post Office	27 Penshurst Street	Lot A, DP 357995	Local	I286
Penshurst	Penshurst Hotel	29 Penshurst Street	Lots 31 and 32, Section 2, DP 1399	Local	I287
Penshurst	Georges River College—Penshurst Girls Campus	51 Penshurst Street	Lot 1, DP 122301; Lot 1, DP 122321	Local	I288
Penshurst	Former St Joseph’s Convent	55 Penshurst Street	Lots 4 and 6, DP 14114; Lot 5, DP 319474	Local	I289
Penshurst	Federation bungalow and setting, including front fence	69 Penshurst Street	Lot 1, DP 228996	Local	I290
Penshurst	Federation house “Ferncliff” and setting	71 Penshurst Street	Lot 5, DP 28273	Local	I291
Penshurst	Two pairs of semi-detached Federation cottages—“Awaba” and “Waitia”; and “Werona” and “Yaralla”; and settings	102–108 Penshurst Street	Lot 10, DP 1003473; Lots 1 and 2, DP 206249; Lot 100, DP 854189	Local	I292
Penshurst	Weatherboard Federation cottage and setting	146 Penshurst Street	Lot 1, DP 902124	Local	I293
Ramsgate	Residential flat building, “Roma”	70 Ramsgate Road	SP 55373	Local	I294
Ramsgate	Shops	211–219 Rocky Point Road	SP 55373	Local	I295
Sans Souci	St Finbar’s Roman Catholic Church, primary school and convent	21 Broughton Street and 120 The Promenade	Lots 19–21, Section 3, DP 3896; Lots A–C, DP 313815; SP 80453	Local	I296
Sans Souci	House and garden, “Torwood”	12 Dalkeith Street	Lot 1, DP 21753	Local	I297

Suburb	Item name	Address	Property description	Significance	Item no
Sans Souci	House	12 Harris Street	Lot 15, Section 1, DP 975493	Local	I298
Sans Souci	St Andrew's Church—church only, excluding rectory	323–329 Rocky Point Road	Lots 48 and 49, DP 4277	Local	I299
Sans Souci	Sans Souci Public School, being original 2 storey school building	413 Rocky Point Road	Lots 4–17, Section 1, DP 288	Local	I300
Sans Souci	Stables	489 Rocky Point Road	SP 76105	Local	I301
Sans Souci	House and garden, "Blanche Cottage"	493 Rocky Point Road	Lot 71, DP 1162043	Local	I302
Sans Souci	Sans Souci Park, public baths and bathers pavilion	521 Rocky Point Road and 10 Water Street	Lot 7046, DP 93515; Lot 519, DP 752056	Local	I303
Sans Souci	Street trees	The Boulevard		Local	I304
Sans Souci	House and garden, "Kellaton"	50 The Boulevard	Lot 20, Section 2, DP 288	Local	I305
Sans Souci	Sandstone retaining wall	The Promenade		Local	I306
Sans Souci	House and garden	6 The Promenade	Lot 138, DP 553879	Local	I307
Sans Souci	Semi-detached dwelling and garden	133–135 The Promenade	Lot 52, DP 793379; Lot 101, DP 1127650	Local	I308
Sans Souci	House and garden, "Cuzco"	169 The Promenade	Lot A, DP 380694	Local	I309
Sans Souci	House, "Palmyra"	17 Vista Street	Lot 1, DP 216929	Local	I310
Sans Souci	House and garden, "Ellesmere"	23 Vista Street	Lot 2, DP 211561	Local	I311
Sans Souci	House and garden, "St Kilda House"	67 Vista Street	Lot 2, DP 232626	Local	I312
South Hurstville	Former South Hurstville Methodist Church—South Hurstville Uniting Church	37 and 38 Culwulla Street	Lots 21 and 22, DP 4607	Local	I313
South Hurstville	House and garden, "Pine Villa"	1 Derwent Street, now part of SP 65185, 824–828 King Georges Road	SP 65185	Local	I314

Suburb	Item name	Address	Property description	Significance	Item no
South Hurstville	St Raphael's Church and School	88 George Street	Lots 13–16, Section 7, DP 5453	Local	I315
South Hurstville	Former South Hurstville Bowling Club—Club Hurstville Sports	29 Greenacre Road	Lot 40, DP 1241815	Local	I316

Part 2 Heritage conservation areas

Description	Identification on Heritage Map	Significance
Penshurst Heritage Conservation Area	Shown by red hatching and labelled "C1"	Local
O'Brien's Estate Heritage Conservation Area	Shown by red hatching and labelled "C2"	Local
Kogarah South Heritage Conservation Area	Shown by red hatching and labelled "C3"	Local

Part 3 Archaeological sites

Suburb	Item name	Address	Property description	Significance	Item no
Blakehurst	Ruin—sandstone block dwelling	56 Townson Street	Lot B, DP 343565	Local	A1

Schedule 6 Pond-based and tank-based aquaculture

(Clause 5.19)

Part 1 Pond-based and tank-based aquaculture

Division 1 Site location requirements

1 Conservation exclusion zones

- (1) Must not be carried out on the following land, except to the extent necessary to gain access to water—
 - (a) land declared an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*,
 - (b) vacant Crown land,
 - (c) land within a wetland of international significance declared under the Ramsar Convention on Wetlands.
 - (2) Must not be carried out on the following land, except for the purposes of minimal infrastructure to support the extraction of water from, and discharge of water to, the land concerned—
 - (a) land declared as an aquatic reserve under the *Marine Estate Management Act 2014*,
 - (b) land declared as a marine park under the *Marine Estate Management Act 2014*.
- Note.** Nothing in this clause affects any requirement under an Act relating to land specified in this clause to obtain a licence or other authority under that Act for development of the land.

Division 2 Operational requirements

2 Species selection

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

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

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

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

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

5 Outlets from culture ponds etc

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

6 Definition

In this Division—

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

Part 2 Extensive pond-based aquaculture

Division 1 Site location requirements

7 Conservation exclusion zones

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

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

8 Flood liability

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

Division 2 Operational requirements

9 Species selection

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

10 Pond design

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

11 Culture water

Must use freshwater.

Dictionary

(clause 1.4)

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

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

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

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

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

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

Acid Sulfate Soils Map means the Georges River Local Environmental Plan 2021 Acid Sulfate Soils Map.

Activity Hazard Risk Map means the Georges River Local Environmental Plan 2021 Activity Hazard Risk Map.

advertisement has the same meaning as in the Act.

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

advertising structure has the same meaning as in the Act.

Note. The term is defined as a structure used or to be used principally for the display of an advertisement. Advertising structures are a type of **signage**—see the definition of that term in this Dictionary.

affordable housing has the same meaning as in the Act.

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

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

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

agriculture means any of the following—

- (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*.

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) a restaurant or cafe,
- (c) facilities for holding tastings, tours or workshops.

Note. See clause 5.4 for controls in industrial or rural zones relating to the retail floor area of an artisan food and drink industry.

Artisan food and drink industries are a type of **light industry**—see the definition of that term in this Dictionary.

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

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

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

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

backpackers' accommodation means a building or place that—

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

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

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

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

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

Note. See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation. Bed and breakfast accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

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

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

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

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

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

boarding house means a building that—

- (a) is wholly or partly let in lodgings, and
- (b) provides lodgers with a principal place of residence for 3 months or more, and
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

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

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

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

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

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

brothel has the same meaning as in the Act.

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

building has the same meaning as in the Act.

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

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

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

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

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

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

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

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

whichever distance is the shortest.

bush fire hazard reduction work has the same meaning as in the *Rural Fires Act 1997*.

Note. The term is defined as follows—

bush fire hazard reduction work means—

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

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

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

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

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

business identification sign means a sign—

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

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

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

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

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

and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, 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 that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

canal estate development means development that incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or

natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are constructed by or with the authority of a person or body responsible for those functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and that either—

- (a) includes the construction of dwellings (which may include tourist and visitor accommodation) of a kind other than, or in addition to—
 - (i) dwellings that are permitted on rural land, and
 - (ii) dwellings that are used for caretaker or staff purposes, or
- (b) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

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 land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

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 **retail 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.

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

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

Note. The term is defined as follows—

classified road means any of the following—

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

(See *Roads Act 1993* for meanings of these terms.)

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

clearing vegetation has the same meaning as in *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*.

coastal hazard has the same meaning as in the *Coastal Management Act 2016*.

Coastal Hazard and Risk Map means the Georges River Local Environmental Plan 2021 Coastal Hazard and Risk Map.

coastal lake means a body of water identified in Schedule 1 to *State Environmental Planning Policy (Coastal Management) 2018*.

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*.

commercial premises means any of the following—

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

community facility means a building or place—

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

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

community land has the same meaning as in the *Local Government Act 1993*.

correctional centre means—

- (a) any premises declared to be a correctional centre by a proclamation in force under section 225 of the *Crimes (Administration of Sentences) Act 1999*, including any juvenile correctional centre or periodic detention centre, and

(b) any premises declared to be a detention centre by an order in force under section 5(1) of the *Children (Detention Centres) Act 1987*,

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

Council means the Georges River Council.

crematorium means a building in which deceased persons or pets are cremated, whether or not it 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.

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

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

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

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

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

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

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

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

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

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

dwelling house means a building containing only one dwelling.

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

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

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

(c) school-based child care.

earthworks means excavation or filling.

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

eco-tourist facility means a building or place that—

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

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

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

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

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

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

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

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

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

emergency services organisation means any of the following—

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

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

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

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

estuary has the same meaning as in the *Water Management Act 2000*.

Note. The term is defined as follows—

estuary means—

- (a) any part of a river whose level is periodically or intermittently affected by coastal tides, or

- (b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea, or
- (c) anything declared by the regulations (under the *Water Management Act 2000*) to be an estuary, but does not include anything declared by the regulations (under the *Water Management Act 2000*) not to be an estuary.

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

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

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

extensive agriculture means any of the following—

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

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

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

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

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

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

farm stay accommodation means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.

Note. See clause 5.4 for controls relating to the number of bedrooms.

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

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

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

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

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

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

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

fish has the same meaning as in the *Fisheries Management Act 1994*.

Note. The term is defined as follows—

Definition of “fish”

- (1) **Fish** means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).
- (2) **Fish** includes—
 - (a) oysters and other aquatic molluscs, and
 - (b) crustaceans, and
 - (c) echinoderms, and
 - (d) beachworms and other aquatic polychaetes.
- (3) **Fish** also includes any part of a fish.
- (4) However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the *Fisheries Management Act 1994*.

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

floor space ratio—see clause 4.5.

Floor Space Ratio Map means the Georges River Local Environmental Plan 2021 Floor Space Ratio Map.

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

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

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

Foreshore Building Line Map means the Georges River Local Environmental Plan 2021 Foreshore Building Line Map.

Foreshore Scenic Protection Area Map means the Georges River Local Environmental Plan 2021 Foreshore Scenic Protection Area 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.

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 for Seniors or People with a Disability) 2004* 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 for Seniors or People with a Disability) 2004* 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 Georges River Local Environmental Plan 2021 Height of Buildings Map.

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

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

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

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

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

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

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

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

heritage impact statement means a document consisting of—

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

(c) proposals for measures to minimise that impact.

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

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

heritage management document means—

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

Heritage Map means the Georges River Local Environmental Plan 2021 Heritage Map.

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

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

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

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. 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)*.

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
- (c) the exhibition of any signage, or

- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

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

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

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

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

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

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

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

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

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

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

- (a) comprises rooms or self-contained suites, and
- (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

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

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

industrial retail outlet means a building or place that—

- (a) is used in conjunction with an industry (other than an artisan food and drink industry) or rural industry, and

- (b) is situated on the land on which the industry or rural industry is located, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located,

but does not include a warehouse or distribution centre.

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

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

industry means any of the following—

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

but does not include—

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

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

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

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

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

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

intensive plant agriculture means any of the following—

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

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

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

kiosk means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

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 Georges River Local Environmental Plan 2021 Land Application Map.

Land Reservation Acquisition Map means the Georges River Local Environmental Plan 2021 Land Reservation Acquisition Map.

Land Zoning Map means the Georges River Local Environmental Plan 2021 Land Zoning Map.

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

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

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

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

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

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

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

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

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

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

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

Note. Local distribution premises are a type of **warehouse or distribution centre**—see the definition of that term in this Dictionary.

Lot Size for Dual Occupancy Map means the Georges River Local Environmental Plan 2021 Minimum Lot Size for Dual Occupancy Map.

Lot Size Map means the Georges River Local Environmental Plan 2021 Lot Size Map.

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

manor house has the same meaning as in the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

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

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

market means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and

includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

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

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

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

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

mezzanine means an intermediate floor within a room.

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

mine subsidence district means a mine subsidence district proclaimed under section 15 of the *Mine Subsidence Compensation Act 1961*.

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

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

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

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

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

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

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

moveable dwelling has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows—

moveable dwelling means—

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

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

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

multi dwelling housing (terraces) has the same meaning as in the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

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, and may include ancillary services such as a post office, bank or dry cleaning, 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 receival, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

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.

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*.

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,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (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 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.

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) (Repealed)
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (la) specialised retail premises,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

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

Riparian Lands and Waterways Map means the Georges River Local Environmental Plan 2021 Riparian Lands and Waterways Map.

road means a public road or a private road within the meaning of the *Roads Act 1993*, and includes a classified road.

roadside stall means a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

Note. See clause 5.4 for controls relating to the gross floor area of roadside stalls.

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

rural industry means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following—

- (a) agricultural produce industries,
- (b) livestock processing industries,
- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (e) stock and sale yards,

- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

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

rural supplies means a building or place used for the display, sale or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

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

rural worker's dwelling means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land.

Note. Rural workers' dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

sawmill or log processing works means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

Note. Sawmill or log processing works are a type of **rural industry**—see the definition of that term in this Dictionary.

school means a government school or non-government school within the meaning of the *Education Act 1990*.

Note. Schools are a type of **educational establishment**—see the definition of that term in this Dictionary.

school-based child care means a building or place within a school that is used to provide out-of-school-hours care (including vacation care) for school children only.

Note. 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.

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 clause 5.4 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 clause 12 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, or
- (c) a group of self-contained dwellings, 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 ground floor retail premises or business premises.

Note. Shop top housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

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

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

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

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

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

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

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

small bar means a small bar within the meaning of the *Liquor Act 2007*.

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

spa pool has the same meaning as in the *Swimming Pools Act 1992*.

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

specialised retail premises means a building or place the principal purpose of which is the sale, hire or display of goods that are of a size, weight or quantity, that requires—

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

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

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

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

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

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

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

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

- (a) a space that contains only a lift shaft, stairway or meter room, or

- (b) a mezzanine, or
- (c) an attic.

swimming pool has the same meaning as in the *Swimming Pools Act 1992*.

Note. The term is defined as follows—

swimming pool means an excavation, structure or vessel—

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
 - (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,
- and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the *Swimming Pools Act 1992* not to be a swimming pool for the purposes of that Act.

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

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

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

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

telecommunications facility means—

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

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

temporary structure has the same meaning as in the Act.

Note. The term is defined as follows—

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

the Act means the *Environmental Planning and Assessment Act 1979*.

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

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

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

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

but does not include—

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

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

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

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

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

underground mining means—

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

but does not include open cut mining.

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

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

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

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

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

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

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

warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, and includes 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, sedgelands, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres

in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or

- (b) artificial wetland, including marshes, swamps, wet meadows, 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.