Warringah Local Environmental Plan 2011

[2011-649]

Status information

Currency of version
Current version for 17 April 2020 to date (accessed 6 August 2020 at 15:21)
Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force
The provisions displayed in this version of the legislation have all commenced. See Historical Notes

See also—
Planning Legislation Amendment Bill 2019

About this Plan
This Plan is a standard instrument local environmental plan under the Environmental Planning and Assessment Act 1979.

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

File last modified 24 July 2020.
Warringah Local Environmental Plan 2011

[2011-649]

Contents

Part 1 Preliminary ........................................................................................................................................... 6

1.1 Name of Plan ........................................................................................................................................... 6

1.1AA Commencement ................................................................................................................................. 6

1.2 Aims of Plan ............................................................................................................................................ 6

1.3 Land to which Plan applies ....................................................................................................................... 7

1.4 Definitions ............................................................................................................................................... 7

1.5 Notes ....................................................................................................................................................... 7

1.6 Consent authority ..................................................................................................................................... 7

1.7 Maps ........................................................................................................................................................ 7

1.8 Repeal of planning instruments applying to land ....................................................................................... 8

1.8A Savings provision relating to development applications ......................................................................... 8

1.9 Application of SEPPs ................................................................................................................................. 8

1.9A Suspension of covenants, agreements and instruments ........................................................................... 9

Part 2 Permitted or prohibited development .................................................................................................. 9

2.1 Land use zones ......................................................................................................................................... 9

2.2 Zoning of land to which Plan applies ..................................................................................................... 10

2.3 Zone objectives and Land Use Table ..................................................................................................... 10

2.4 Unzoned land ......................................................................................................................................... 11

2.5 Additional permitted uses for particular land .......................................................................................... 11

2.6 Subdivision—consent requirements ....................................................................................................... 11

2.7 Demolition requires consent .................................................................................................................. 12

2.8 Temporary use of land ............................................................................................................................. 12

Land Use Table ........................................................................................................................................... 13

Note .................................................................................................................................................................. 13

Zone RU4 Primary Production Small Lots ...................................................................................................... 13

Zone R2 Low Density Residential .................................................................................................................. 14

Zone R3 Medium Density Residential .......................................................................................................... 14

Zone B1 Neighbourhood Centre .................................................................................................................... 15
Zone B2 Local Centre ................................................................. 16
Zone B3 Commercial Core ..................................................... 16
Zone B4 Mixed Use ............................................................... 17
Zone B5 Business Development ............................................ 18
Zone B7 Business Park ......................................................... 19
Zone IN1 General Industrial .................................................. 20
Zone IN2 Light Industrial ..................................................... 21
Zone SP1 Special Activities .................................................. 21
Zone SP2 Infrastructure ........................................................ 22
Zone RE1 Public Recreation .................................................. 22
Zone RE2 Private Recreation ................................................ 23
Zone E1 National Parks and Nature Reserves ............................. 23
Zone E2 Environmental Conservation ..................................... 24
Zone E3 Environmental Management ..................................... 24
Zone E4 Environmental Living ............................................... 25
Zone W1 Natural Waterways .................................................. 26

Part 3 Exempt and complying development .................................. 26
  3.1 Exempt development ........................................................ 26
  3.2 Complying development .................................................... 27
  3.3 Environmentally sensitive areas excluded ............................. 28

Part 4 Principal development standards ........................................ 29
  4.1 Minimum subdivision lot size ........................................... 29
  4.1AA Minimum subdivision lot size for community title schemes ................................................................. 29
  4.2 Rural subdivision ............................................................ 30
  4.2A Minimum subdivision lot size for strata subdivision of residential or tourist and visitor accommodation in certain zones ................................................................. 30
  4.3 Height of buildings ............................................................ 31
  4.4 Floor space ratio ............................................................... 31
  4.5 Calculation of floor space ratio and site area .......................... 32
  4.6 Exceptions to development standards .................................. 32

Part 5 Miscellaneous provisions .................................................. 33
  5.1 Relevant acquisition authority .......................................... 33
  5.1A Development on land intended to be acquired for a public purpose ................................................................. 34
  5.2 Classification and reclassification of public land ...................... 35
  5.3 Development near zone boundaries .................................... 35
  5.4 Controls relating to miscellaneous permissible uses .................... 36
  5.5 (Repealed) ........................................................................ 37
  5.6 Architectural roof features ................................................ 37
  5.7 Development below mean high water mark ............................ 37
  5.8 Conversion of fire alarms .................................................. 37
5.9, 5.9AA (Repealed) .......................................................................................................................... 38
5.10 Heritage conservation .................................................................................................................. 38
5.11 Bush fire hazard reduction .......................................................................................................... 41
5.12 Infrastructure development and use of existing buildings of the Crown .................................. 41
5.13 Eco-tourist facilities ..................................................................................................................... 41
5.14 Siding Spring Observatory—maintaining dark sky ................................................................... 41
5.15 Defence communications facility .............................................................................................. 41
5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones ............................................................................................................................ 42
5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations ............................................................................................................................................. 42
5.18 Intensive livestock agriculture .................................................................................................... 42
5.19 Pond-based, tank-based and oyster aquaculture ........................................................................ 42

**Part 6 Additional local provisions** .................................................................................................. 43

6.1 Acid sulfate soils .................................................................................................................................. 43
6.2 Earthworks ............................................................................................................................................. 45
6.3 Flood planning ...................................................................................................................................... 45
6.4 Development on sloping land ........................................................................................................... 46
6.5 Coastline hazards .............................................................................................................................. 47
6.6 Erection of dwelling houses in Zone E3 Environmental Management ............................................. 47
6.7 Residential flat buildings in Zone B4 Mixed Use ............................................................................. 48
6.8 Subdivision of certain land ............................................................................................................. 48
6.9 Location of sex services premises .................................................................................................. 49
6.10 Development for the purposes of secondary dwellings in Zones R2 and R3 ................................ 49

**Part 7 Dee Why Town Centre** .......................................................................................................... 50

7.1 Definitions ............................................................................................................................................. 50
7.2 Land to which this Part applies ....................................................................................................... 50
7.3 Objectives for development within Dee Why Town Centre ......................................................... 50
7.4 Development must be consistent with objectives for development and design excellence ............ 52
7.5 Design excellence within Dee Why Town Centre ........................................................................... 52
7.6 Height of buildings ............................................................................................................................ 53
7.6A Podium heights .................................................................................................................................. 54
7.7 Site A Oaks Avenue above podium elements .................................................................................. 54
7.8 Site B Oaks Avenue above podium elements .................................................................................. 55
7.9 Site A Proposed New Road above podium elements ....................................................................... 56
7.10 Allowance for external ancillary plant and roof access ................................................................. 56
7.11 Town Square and pedestrian connections .................................................................................... 57
7.12 Provisions promoting retail activity .............................................................................................. 58
7.13 Mobility, traffic management and parking .................................................................................... 59
7.14 Community infrastructure floor space in Dee Why Town Centre ................................................ 60

**Schedule 1 Additional permitted uses** ............................................................................................ 61
Schedule 2 Exempt development ................................................................. 66
Schedule 3 Complying development .......................................................... 66
Schedule 4 Classification and reclassification of public land ......................... 68
Schedule 5 Environmental heritage ............................................................ 69
Schedule 6 Pond-based and tank-based aquaculture .................................. 78
Schedule 6 Amendment of other environmental planning instruments ............... 80
Dictionary ...................................................................................................... 81
Historical notes .......................................................................................... 120
Warringah Local Environmental Plan 2011

Part 1 Preliminary

1.1 Name of Plan

This Plan is *Warringah Local Environmental Plan 2011*.

1.1AA Commencement

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

1.2 Aims of Plan

(1) This Plan aims to make local environmental planning provisions for land in that part of Northern Beaches local government area to which this Plan applies (in this Plan referred to as *Warringah*) in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.

(2) The particular aims of this Plan are as follows—

(a) to create a land use framework for controlling development in Warringah that allows detailed provisions to be made in any development control plan made by the Council,

(b) to recognise the role of Dee Why and Brookvale as the major centres and employment areas for the sub-region,

(c) to maintain and enhance the existing amenity and quality of life of the local community by providing for a balance of development that caters for the housing, employment, entertainment, cultural, welfare and recreational needs of residents and visitors,

(d) in relation to residential development, to—

   (i) protect and enhance the residential use and amenity of existing residential environments, and

   (ii) promote development that is compatible with neighbouring development in terms of bulk, scale and appearance, and

   (iii) increase the availability and variety of dwellings to enable population growth without having adverse effects on the character and amenity of Warringah,

(e) in relation to non-residential development, to—

   (i) ensure that non-residential development does not have an adverse effect on the amenity
of residential properties and public places, and

(ii) maintain a diversity of employment, services, cultural and recreational facilities,

(f) in relation to environmental quality, to—

(i) achieve development outcomes of quality urban design, and

(ii) encourage development that demonstrates efficient and sustainable use of energy and
resources, and

(iii) achieve land use relationships that promote the efficient use of infrastructure, and

(iv) ensure that development does not have an adverse effect on streetscapes and vistas, public places, areas visible from navigable waters or the natural environment, and

(v) protect, conserve and manage biodiversity and the natural environment, and

(vi) manage environmental constraints to development including acid sulfate soils, land slip risk, flood and tidal inundation, coastal erosion and biodiversity,

(g) in relation to environmental heritage, to recognise, protect and conserve items and areas of natural, indigenous and built heritage that contribute to the environmental and cultural heritage of Warringah,

(h) in relation to community well-being, to—

(i) ensure good management of public assets and promote opportunities for social, cultural and community activities, and

(ii) ensure that the social and economic effects of development are appropriate.

1.3 Land to which Plan applies

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

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

1.4 Definitions

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

1.5 Notes

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

1.6 Consent authority

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

1.7 Maps

(1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name—
(a) approved by the local plan-making authority when the map is adopted, and

(b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the local plan-making authority when the instruments are made.

(1AA) (Repealed)

(2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.

(3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.

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

Note. The maps adopted by this Plan are to be made available on the 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—

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

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

1.8A Savings provision relating to development applications

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

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

(2) If a development application has been made before the commencement of State Environmental Planning Policy Amendment (Planning for Bush Fire Protection) 2020 in relation to land to which this plan applies and the application has not been finally determined before that commencement, the application must be determined as if that Policy had not commenced.

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 relevant instrument within the meaning of section 13.4 of the *Crown Land Management Act 2016*, or

(c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or

(d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or

(e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or

(f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or

(g) to any planning agreement within the meaning of Subdivision 2 of Division 7.1 of the Act.

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

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

**Part 2 Permitted or prohibited development**

2.1 Land use zones

The land use zones under this Plan are as follows—

*Rural Zones*

RU4 Primary Production Small Lots

*Residential Zones*

R2 Low Density Residential

R3 Medium Density Residential
**Business Zones**
- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- B7 Business Park

**Industrial Zones**
- IN1 General Industrial
- IN2 Light Industrial

**Special Purpose Zones**
- SP1 Special Activities
- SP2 Infrastructure

**Recreation Zones**
- RE1 Public Recreation
- RE2 Private Recreation

**Environment Protection Zones**
- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living

**Waterway Zones**
- W1 Natural Waterways

### 2.2 Zoning of land to which Plan applies

For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.

### 2.3 Zone objectives and Land Use Table

1. The Land Use Table at the end of this Part specifies for each zone—
   1. the objectives for development, and
   2. development that may be carried out without development consent, and
   3. development that may be carried out only with development consent, and
(d) development that is prohibited.

(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

(3) In the Land Use Table at the end of this Part—

(a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and

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

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

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

2.4 Unzoned land

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

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

(a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and

(b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

2.5 Additional permitted uses for particular land

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

(a) with development consent, or

(b) if the Schedule so provides—without development consent,

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

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

2.6 Subdivision—consent requirements

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

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

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

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

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

2.7 Demolition requires consent

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

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

2.8 Temporary use of land

(1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.

(2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.

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

(a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and

(b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and

(c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and

(d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

(4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.

(5) Subclause (3)(d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).
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 RU4 Primary Production Small Lots

1 Objectives of zone

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

2 Permitted without consent

- Home-based child care; Home occupations

3 Permitted with consent

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

Any development not specified in item 2 or 3

Zone R2  Low Density Residential

1 Objectives of zone

• To provide for the housing needs of the community within a low density residential environment.

• To enable other land uses that provide facilities or services to meet the day to day needs of residents.

• To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home businesses; Hospitals; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Tank-based aquaculture; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

Zone R3  Medium Density Residential

1 Objectives of zone

• To provide for the housing needs of the community within a medium density residential environment.

• To provide a variety of housing types within a medium density residential environment.

• To enable other land uses that provide facilities or services to meet the day to day needs of residents.

• To ensure that medium density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.

• To ensure that medium density residential environments are of a high visual quality in their presentation to public streets and spaces.

2 Permitted without consent

Home-based child care; Home occupations
3 **Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Group homes; Home businesses; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Seniors housing; Tank-based aquaculture; Veterinary hospitals

4 **Prohibited**

Pond-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 that neighbourhood centres provide a village-like atmosphere and safety and comfort for pedestrians.
- To minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of any adjoining or nearby residential land uses.

2 **Permitted without consent**

Home-based child care; Home occupations

3 **Permitted with consent**

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

4 **Prohibited**

Advertising structures; Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Cemeteries; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Entertainment facilities; Environmental facilities; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Hospitals; Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Marinas; Mooring pens; Moorings; Open cut mining; Passenger transport facilities; Pond-based aquaculture; Port facilities; Pubs; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Retail premises; Rural industries; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Waste or resource management facilities; Water recreation structures; 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 provide an environment for pedestrians that is safe, comfortable and interesting.
• To create urban form that relates favourably in scale and in architectural and landscape treatment to neighbouring land uses and to the natural environment.
• To minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of any adjoining or nearby residential land uses.

2 Permitted without consent

Home-based child care; 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

Advertising structures; Agriculture; Air transport facilities; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Environmental facilities; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Moorings; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Rural industries; Sex services premises; Storage premises; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Waste or resource management facilities; Water recreation structures; 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 recognise and support the role of Warringah Mall as a retail centre of sub-regional significance.

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

Advertising structures; Agriculture; Air transport facilities; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Moorings; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Rural industries; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Waste or resource management facilities; Water recreation structures; 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 reinforce the role of Dee Why as the major centre in the sub-region by the treatment of public spaces, the scale and intensity of development, the focus of civic activity and the arrangement of land uses.

• To promote building design that creates active building fronts, contributes to the life of streets and public spaces and creates environments that are appropriate to human scale as well as being comfortable, interesting and safe.

• To promote a land use pattern that is characterised by shops, restaurants and business premises on the ground floor and housing and offices on the upper floors of buildings.
• To encourage site amalgamations to facilitate new development and to facilitate the provision of car parking below ground.

2 Permitted without consent

Home-based child care; 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; Residential flat buildings; 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

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

Zone B5 Business Development

1 Objectives of zone

• To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.

• To provide for the location of vehicle sales or hire premises.

• To create a pedestrian environment that is safe, active and interesting by incorporating street level retailing and business uses.

2 Permitted without consent

Nil

3 Permitted with consent

Centre-based child care facilities; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Landscaping material supplies; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Respite day care centres; Roads; Self-storage units; Specialised retail premises; Take away food and drink premises; Tank-based aquaculture; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4
4 **Prohibited**

Advertising structures; Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Marinas; Mooring pens; Moorings; Office premises; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Retail premises; Rural industries; Sex services premises; Storage premises; Tourist and visitor accommodation; Waste or resource management facilities; Water recreation structures; Wharf or boating facilities; Wholesale supplies

**Zone B7  Business Park**

**1 Objectives of zone**

- To provide a range of office and light industrial uses.
- To encourage employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To create business park employment environments of high visual quality that relate favourably in architectural and landscape treatment to neighbouring land uses and to the natural environment.
- To minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of adjoining or nearby residential land uses.

**2 Permitted without consent**

Nil

**3 Permitted with consent**

Centre-based child care facilities; Garden centres; Hardware and building supplies; Light industries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Respite day care centres; Roads; Self-storage units; Take away food and drink premises; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 4

**4 Prohibited**

Advertising structures; Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Business premises; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industrial retail...
outlets; Industrial training facilities; Industries; Information and education facilities; Marinas; Mooring pens; Moorings; Open cut mining; Places of public worship; Pond-based aquaculture; Port facilities; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Retail premises; Rural industries; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Waste or resource management facilities; Water recreation structures; Wharf or boating facilities; Wholesale supplies

Zone IN1  General Industrial

1 Objectives of zone

• To provide a wide range of industrial and warehouse land uses.
• To encourage employment opportunities.
• To minimise any adverse effect of industry on other land uses.
• To support and protect industrial land for industrial uses.
• To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
• To enable a range of compatible community and leisure uses.
• To maintain the industrial character of the land in landscaped settings.

2 Permitted without consent

Nil

3 Permitted with consent

Boat building and repair facilities; Depots; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Light industries; Liquid fuel depots; Neighbourhood shops; Oyster aquaculture; Places of public worship; Roads; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Heavy industries; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Information and education facilities; Marinas; Mooring pens; Moorings; Open cut mining; Passenger transport facilities; Pond-based aquaculture; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Wharf or boating facilities; Wholesale supplies
structures; 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 maintain the industrial character of the land in landscaped settings.

2 Permitted without consent

Nil

3 Permitted with consent

Depots; Garden centres; Hardware and building supplies; Industrial training facilities; Light industries; Neighbourhood shops; Oyster aquaculture; Places of public worship; Roads; Storage premises; Take away food and drink premises; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Car parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Function centres; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industrial retail outlets; Industries; Information and education facilities; Marinas; Mooring pens; Moorings; Open cut mining; Passenger transport facilities; Pond-based aquaculture; Port facilities; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sex services premises; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Waste or resource management facilities; Water recreation structures; Wharf or boating facilities; Wholesale supplies

Zone SP1  Special Activities

1 Objectives of zone

• To provide for special land uses that are not provided for in other zones.
• To provide for sites with special natural characteristics that are not provided for in other zones.

• To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

2 Permitted without consent

Nil

3 Permitted with consent

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

4 Prohibited

Any development not specified in item 2 or 3

Zone SP2 Infrastructure

1 Objectives of zone

• To provide for infrastructure and related uses.

• To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent

Nil

3 Permitted with consent

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

4 Prohibited

Any development not specified in item 2 or 3

Zone RE1 Public Recreation

1 Objectives of zone

• To enable land to be used for public open space or recreational purposes.

• To provide a range of recreational settings and activities and compatible land uses.

• To protect and enhance the natural environment for recreational purposes.

• To protect, manage and restore public land that is of ecological, scientific, cultural or aesthetic value.

• To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
2 Permitted without consent

Environmental facilities; Environmental protection works; Roads

3 Permitted with consent

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

4 Prohibited

Any development not specified in item 2 or 3

Zone RE2 Private Recreation

1 Objectives of zone

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

• To provide a range of recreational settings and activities and compatible land uses.

• To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Nil

3 Permitted with consent

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

4 Prohibited

Any development not specified in item 2 or 3

Zone 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
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.

• To protect and enhance the quality and character of visually sensitive areas and preserve significant natural landforms in their natural state.

• To manage development in areas having steep sloping topography or that are subject to any potential landslip.

• To manage water quality in significant water catchment areas.

• To ensure that development, by way of its type, design and location, complements and enhances the natural environment in environmentally sensitive areas.

2 Permitted without consent

Nil

3 Permitted with consent

Environmental protection works; Oyster aquaculture; Roads

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; 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 E3  Environmental Management

1 Objectives of zone

• To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.

• To provide for a limited range of development that does not have an adverse effect on those values.

• To ensure that development, by way of its character, design, location and materials of construction, is integrated into the site and natural surroundings, complements and enhances the natural environment and has minimal visual impact.
• To protect and enhance the natural landscape by conserving remnant bushland and rock outcrops and by encouraging the spread of an indigenous tree canopy.

• To protect and enhance visual quality by promoting dense bushland buffers adjacent to major traffic thoroughfares.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

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

4 Prohibited

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

Zone E4 Environmental Living

1 Objectives of zone

• To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.

• To ensure that residential development does not have an adverse effect on those values.

• To provide for the continuance of a limited range of existing small-scale water-related business and leisure uses.

• To ensure that development, by way of its character, design, location and materials of construction, is integrated into the site and natural surroundings, complements and enhances the natural environment and has minimal visual impact.

• To protect and enhance the natural landscape by conserving remnant bushland and rock outcrops and by encouraging the spread of an indigenous tree canopy.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Community facilities; Dwelling houses; Emergency services facilities; Environmental protection works; Health consulting rooms; Home businesses; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Roads; Tank-based aquaculture
Zone W1  Natural Waterways

1 Objectives of zone

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

2 Permitted without consent

Environmental protection works

3 Permitted with consent

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

4 Prohibited

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

Part 3 Exempt and complying development

3.1 Exempt development

(1) The objective of this clause is to identify development of minimal environmental impact as exempt development.

(2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.

(3) To be exempt development, the development—

(a) must meet the relevant deemed-to-satisfy provisions of the Building Code of Australia or, if there are no such relevant provisions, must be structurally adequate, and

(b) must not, if it relates to an existing building, cause the building to contravene the Building Code of Australia, and

(c) must not be designated development, and

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

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

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

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

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

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

(4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9 is exempt development only if—

(a) the building has a current fire safety certificate or fire safety statement, or

(b) no fire safety measures are currently implemented, required or proposed for the building.

(5) To be exempt development, the development must—

(a) be installed in accordance with the manufacturer’s specifications, if applicable, and

(b) not involve the removal, pruning or other clearing of vegetation that requires a permit, development consent or other approval unless it is undertaken in accordance with a permit, development consent or other approval.

*Note.* See *State Environmental Planning Policy (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.

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

(a) be carried out at least 1 metre from any registered easement, sewer main or water main, or, if less than 1 metre, meet the requirements of the relevant public authority relating to development over sewer mains or water mains, and

(b) not be carried out on land used for restricted premises or sex services premises.

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

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

3.3 Environmentally sensitive areas excluded

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

(2) For the purposes of this clause—

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

(a) the coastal waters of the State,

(b) a coastal lake,

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

(d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,

(e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,

(f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,

(g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,

(h) land reserved under the *National Parks and Wildlife Act 1974* or land acquired under Part 11 of that Act,

(i) land reserved or dedicated under the *Crown Land Management Act 2016* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,

(j) land that is a declared area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016* or declared critical habitat under Part 7A of the *Fisheries Management Act 1994*. 
Part 4 Principal development standards

4.1 Minimum subdivision lot size

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

(a) to protect residential character by providing for the subdivision of land that results in lots that are consistent with the pattern, size and configuration of existing lots in the locality,

(b) to promote a subdivision pattern that results in lots that are suitable for commercial and industrial development,

(c) to protect the integrity of land holding patterns in rural localities against fragmentation,

(d) to achieve low intensity of land use in localities of environmental significance,

(e) to provide for appropriate bush fire protection measures on land that has an interface to bushland,

(f) to protect and enhance existing remnant bushland,

(g) to retain and protect existing significant natural landscape features,

(h) to manage biodiversity,

(i) to provide for appropriate stormwater management and sewer infrastructure.

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(3A) For the purposes of subclause (3), in calculating the size of a lot the area of any access corridor (including any right of carriageway, access way or other area that provides for vehicle access) is to be excluded, whether the access corridor is to be created or is in existence at the time of the application for development consent for the subdivision.

(4) This clause does not apply in relation to the subdivision of any land—

(a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or

(b) by any kind of subdivision under the Community Land Development Act 1989.

4.1AA Minimum subdivision lot size for community title schemes

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

(a) to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.

(2) This clause applies to a subdivision (being a subdivision that requires development consent) under the Community Land Development Act 1989 of land in any of the following zones—
(a) Zone RU4 Primary Production Small Lots,
(b) Zone E3 Environmental Management,
(c) Zone E4 Environmental Living,

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

(3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the Community Land Development Act 1989) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(4) This clause applies despite clause 4.1.

4.2 Rural subdivision

(1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.

(2) This clause applies to the following rural zones—

(a) Zone RU1 Primary Production,
(b) Zone RU2 Rural Landscape,
(baa) Zone RU3 Forestry,
(c) Zone RU4 Primary Production Small Lots,
(d) Zone RU6 Transition.

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

(3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.

(4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.

(5) A dwelling cannot be erected on such a lot.

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

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

(1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.

(2) This clause applies to land in the following zones that is used, or proposed to be used, for residential accommodation or tourist and visitor accommodation—
(a) Zone RU4 Primary Production Small Lots,

(b) Zone E3 Environmental Management,

(c) Zone E4 Environmental Living.

(3) Development consent must not be granted for the subdivision of a lot to which this clause applies under a strata plan that would create lots below the minimum size shown on the Lot Size Map for that lot.

4.3 Height of buildings

(1) The objectives of this clause are as follows—
(a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,
(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,
(c) to minimise any adverse impact of development on the scenic quality of Warringah’s coastal and bush environments,
(d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

(2A) If the Height of Buildings Map specifies, in relation to any land shown on that map, a Reduced Level for any building on that land, any such building is not to exceed the specified Reduced Level.

4.4 Floor space ratio

(1) The objectives of this clause are as follows—
(a) to limit the intensity of development and associated traffic generation so that they are commensurate with the capacity of existing and planned infrastructure, including transport infrastructure,
(b) to provide sufficient floor space to meet anticipated development needs for the foreseeable future,
(c) to ensure that buildings, by virtue of their bulk and scale, are consistent with the desired character of the locality,
(d) to manage the visual impact of development when viewed from public spaces,
(e) to maximise solar access and amenity for public areas.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.
4.5 Calculation of floor space ratio and site area

[Not adopted]

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.

Note. When this Plan was made it did not contain Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU6 Transition or Zone R5 Large Lot Residential.

(7) 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.

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

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

Part 5 Miscellaneous provisions

5.1 Relevant acquisition authority

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

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

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

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

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

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

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

(1) The objective of this clause is to limit development on certain land intended to be acquired for a public purpose.

(2) This clause applies to land shown on the Land Reservation Acquisition Map and specified in Column 1 of the Table to this clause and that has not been acquired by the authority of the State specified for that land in clause 5.1.

(3) Development consent must not be granted to any development on land to which this clause applies other than development for a purpose specified opposite that land in Column 2 of the Table.

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Land</strong></td>
<td><strong>Development</strong></td>
</tr>
<tr>
<td>Zone RE1 Public Recreation and marked “Local open space”</td>
<td>Earthworks; Recreation areas</td>
</tr>
<tr>
<td>Zone RE1 Public Recreation and marked “Regional open space”</td>
<td>Earthworks; Recreation areas</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Classified road”</td>
<td>Earthworks; Roads</td>
</tr>
</tbody>
</table>
5.2 Classification and reclassification of public land

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

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

(2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the Local Government Act 1993.

(3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the Local Government Act 1993.

(4) The public land described in Part 1 of Schedule 4—

(a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and

(b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.

(5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except—

(a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and

(b) any reservations that except land out of the Crown grant relating to the land, and

(c) reservations of minerals (within the meaning of the Crown Land Management Act 2016).

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

5.3 Development near zone boundaries

(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 10 metres.

(3) This clause does not apply to—

(a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural
Waterways, or

(a1) land in Zone RU4 Primary Production Small Lots, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone B1 Neighbourhood Centre, Zone B2 Local Centre, Zone B3 Commercial Core, Zone B4 Mixed Use, Zone B5 Business Development, Zone B7 Business Park, Zone IN1 General Industrial, Zone IN2 Light Industrial, Zone RE2 Private Recreation or Zone E4 Environmental Living, or

(b) land within the coastal zone, or

(c) land proposed to be developed for the purpose of sex services or restricted premises.

(4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—

(a) the development is not inconsistent with the objectives for development in both zones, and

(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

(5) This clause does not prescribe a development standard that may be varied under this Plan.

5.4 Controls relating to miscellaneous permissible uses

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

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

(2) **Home businesses** If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 50 square metres of floor area.

(3) **Home industries** If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 50 square metres of floor area.

(4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed—

(a) 33% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or

(b) 400 square metres,

whichever is the lesser.

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

(6) **Kiosks** If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 50 square metres.

(7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 80 square metres.

(7AA) **Neighbourhood supermarkets** If development for the purposes of a neighbourhood supermarket is permitted under this Plan, the gross floor area must not exceed 1,000 square metres.

(8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 20 square metres.

(9) **Secondary dwellings** If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—

(a) 60 square metres,

(b) 11% of the total floor area of the principal dwelling.

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

(a) 33% of the gross floor area of the industry, or

(b) 400 square metres,

whichever is the lesser.

5.5 **(Repealed)**

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, 5.9AA (Repealed)

5.10 Heritage conservation

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

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

(a) to conserve the environmental heritage of Warringah,

(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,

(c) to conserve archaeological sites,

(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) Requirement for consent Development consent is required for any of the following—

(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—

(i) a heritage item,
(ii) an Aboriginal object,

(iii) a building, work, relic or tree within a heritage conservation area,

(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,

(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,

(d) disturbing or excavating an Aboriginal place of heritage significance,

(e) erecting a building on land—

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,

(f) subdividing land—

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) **When consent not required** However, development consent under this clause is not required if—

(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—

(i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and

(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or

(b) the development is in a cemetery or burial ground and the proposed development—

(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and

(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or

(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or

(d) the development is exempt development.
(4) **Effect of proposed development on heritage significance** The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) **Heritage assessment** The consent authority may, before granting consent to any development—

(a) on land on which a heritage item is located, or

(b) on land that is within a heritage conservation area, or

(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) **Heritage conservation management plans** The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) **Archaeological sites** The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies)—

(a) notify the Heritage Council of its intention to grant consent, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) **Aboriginal places of heritage significance** The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—

(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and

(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) **Demolition of nominated State heritage items** The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—

(a) notify the Heritage Council about the application, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
(10) **Conservation incentives** The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—

(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and

(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and

(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and

(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and

(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

5.11 **Bush fire hazard reduction**

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without development consent.

*Note.* The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

5.12 **Infrastructure development and use of existing buildings of the Crown**

(1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under *State Environmental Planning Policy (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 applicable]

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

[Not applicable]

5.18 Intensive livestock agriculture

[Not applicable]

5.19 Pond-based, tank-based and oyster aquaculture

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

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

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

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

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

(b) in the case of—

(i) pond-based aquaculture 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.

**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.

<table>
<thead>
<tr>
<th>Class of land</th>
<th>Works</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Any works.</td>
</tr>
<tr>
<td>2</td>
<td>Works below the natural ground surface. Works by which the watertable is likely to be lowered.</td>
</tr>
<tr>
<td>3</td>
<td>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.</td>
</tr>
<tr>
<td>4</td>
<td>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.</td>
</tr>
<tr>
<td>5</td>
<td>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.</td>
</tr>
</tbody>
</table>

(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.

(4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if—

(a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and

(b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.

(5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power)—

(a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,

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

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

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

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

6.2 Earthworks

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

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

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

(2) Development consent is required for earthworks unless—

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

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

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

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

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

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

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

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

(f) the likelihood of disturbing relics,

(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

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

6.3 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 land’s flood hazard, taking into account projected changes as a result of climate change,

(c) to avoid significant adverse impacts on flood behaviour and the environment.
(2) This clause applies to land at or below the flood planning level.

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

(a) is compatible with the flood hazard of the land, and

(b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and

(c) incorporates appropriate measures to manage risk to life from flood, and

(d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and

(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

(4) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN: 0 7347 5476 0), published in 2005 by the NSW Government, unless it is otherwise defined in this clause.

(5) In this clause—

  flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

### 6.4 Development on sloping land

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

(a) to avoid significant adverse impacts on development and on properties in the vicinity of development sites resulting from landslides originating either on or near sloping land,

(b) to ensure the impacts of storm water runoff from development on or near sloping land are minimised so as to not adversely affect the stability of the subject and surrounding land,

(c) to ensure subsurface flows are not adversely affected by development so as to not impact on the stability of existing or adjoining land.

(2) This clause applies to land shown as Area A, Area B, Area C, Area D and Area E on the Landslip Risk Map.

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

(a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and

(b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and

(c) the development will not impact on or affect the existing subsurface flow conditions.
6.5 Coastline hazards

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

(a) to avoid significant adverse impacts from coastal hazards,
(b) to enable evacuation of coastal risk areas in an emergency,
(c) to ensure uses are compatible with coastal risks,
(d) to preserve and protect Collaroy Beach, Narrabeen Beach and Fishermans Beach as national assets for public recreation and amenity.

(2) This clause applies to the land shown on the Coastline Hazard Map as—

(a) Area of Wave Impact and Slope Adjustment, and
(b) Area of Reduced Foundation Capacity.

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

(a) will not significantly adversely affect coastal hazards, and
(b) will not result in significant detrimental increases in coastal risks to other development or properties, and
(c) will not significantly alter coastal hazards to the detriment of the environment, and
(d) incorporates appropriate measures to manage risk to life from coastal risks, and
(e) avoids or minimises exposure to coastal hazards, and
(f) makes provision for relocation, modification or removal of the development to adapt to coastal hazards and NSW sea level rise planning benchmarks.

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the foundations of the development have been designed to be constructed having regard to coastal risk.

(5) A word or expression used in this clause has the same meaning as it has in the NSW Coastal Planning Guidelines: Adapting to Sea Level Rise (ISBN 978-1-74263-035-9) published by the NSW Government in August 2010, unless it is otherwise defined in this Plan.

6.6 Erection of dwelling houses in Zone E3 Environmental Management

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

(a) to restrict the density of development and promote consolidation of land holdings in Zone E3 Environmental Management,
(b) to protect and enhance the ecological values of natural watercourses and natural bushland in the zone,
(c) to maintain and enhance the scenic quality of the zone including landforms and vegetation,
(d) to minimise siltation and pollution of Narrabeen Lagoon and its catchment.

(2) Development consent must not be granted to the erection of a dwelling house on a lot in Zone E3 Environmental Management if the lot has an area of less than 20 hectares.

(3) Despite subclause (2)—

(a) development consent may be granted to the erection of 1 dwelling house on an existing lot in Zone E3 Environmental Management if the lot has an area of less than 20 hectares but not less than 2 hectares, and

(b) development consent may be granted to the erection of 1 dwelling house on Lot 33, DP 870625, Pinduro Place, Cromer.

(4) In subclause (3)(a), an existing lot means all adjacent or adjoining land held by the same person or persons on 8 March 1974.

(5) This clause does not apply to Lot 52, DP 819308, Lot 12, DP 225340, Lot 5, DP 260080, Lot 3, DP 534463, Lot 13, DP 587071, Lot 33, DP 222330, Lots 38 and 39, DP 238042, Lot A, DP 347637, Lot 2, DP 526613, Lot 11, DP 244797 or Lots 5 and 6, DP 514039.

6.7 Residential flat buildings in Zone B4 Mixed Use

Development consent must not be granted to a residential flat building in Zone B4 Mixed Use with a dwelling at the ground floor level.

6.8 Subdivision of certain land

(1) Without limiting clause 4.1(3), the subdivision of Lot 975, DP 752038, Perentie Road, Belrose—

(a) must not result in the creation of more than 12 lots, and

(b) must preserve existing bushland in the southeastern and eastern portions of the lot, and

(c) must include adequate stormwater management and sewer infrastructure, and

(d) must include asset protection zones in accordance with Planning for Bush Fire Protection that may include a perimeter road located between the bushland referred to in paragraph (b) and the remainder of the lot.

(2) Without limiting clause 4.1(3), the subdivision of Lot 11, DP 1040417 and Lots 1 and 2, DP 1152206, Perentie Road, Belrose—

(a) must include asset protection zones (in accordance with Planning for Bush Fire Protection), and

(b) must ensure that all lots contain a suitable building area that will allow for the preservation of natural landscape features including rock outcrops.

(3) Without limiting clause 4.1(3), the subdivision of land known as Belrose Road Corridor being Lot 52, DP 819308, Lot 12, DP 225340, Lot 5, DP 260080, Lot 3, DP 534463, Lot 13, DP 587071, Lot 33, DP 222330, Lots 38 and 39, DP 238042, Lot A, DP 347637, Lot 2, DP 526613, Lot 11, DP 244797 and Lots 5 and 6, DP 514039—
(a) must not result in the creation of more than 54 lots, and

(b) must include the creation of lots (in addition to those referred to in paragraph (a)) that contain land in Zone RE1 Public Recreation.

(4) In this clause—


### 6.9 Location of sex services premises

(1) The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.

(2) In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider the following—

(a) whether the premises will be located on land that adjoins, is directly opposite or is separated only by a local road from land—

   (i) in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or

   (ii) used for the purposes of a centre-based child care facility, a community facility, a school or a place of public worship,

(b) the impact the proposed development and its hours of operation is likely to have on any place likely to be regularly frequented by children—

   (i) that adjoins the proposed development, or

   (ii) that can be viewed from the proposed development, or

   (iii) from which a person can view the proposed development.

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

(1) The objective of this clause is to ensure that secondary dwellings on land to which this clause applies are of low impact and without adverse effects on the specific ecological, social and aesthetic values of the land.

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

   (a) Zone R2 Low Density Residential,

   (b) Zone R3 Medium Density Residential.

(3) Despite clause 5.4(9), development consent may be granted for development for the purposes of a secondary dwelling on land to which this clause applies if—

   (a) the total floor area of the secondary dwelling does not exceed 75 square metres, and
(b) the consent authority is satisfied that the secondary dwelling will be located entirely within an existing principal dwelling that contains no other secondary dwelling.

(4) In this clause—

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

(a) the erection of, or alterations or additions to, a secondary dwelling,

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

**Note.** See also Division 2 of Part 2 of *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

## Part 7 Dee Why Town Centre

### 7.1 Definitions

In this Part—

**Dee Why Town Centre** means the land shown on the Centres Map as the Dee Why Town Centre.

**Proposed New Road** means the land shown on the Key Sites Map as the Proposed New Road.

**Site A** means the land shown on the Key Sites Map as Site A.

**Site B** means the land shown on the Key Sites Map as Site B.

**Site C** means the land shown on the Key Sites Map as Site C.

**Site D** means the land shown on the Key Sites Map as Site D.

**Site E** means the land shown on the Key Sites Map as Site E.

**Town Square** means the land shown on the Key Sites Map as the Town Square.

### 7.2 Land to which this Part applies

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

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

The objectives of this Part are as follows—

(a) to create an attractive living centre that sustains the social, economic and environmental needs of its community and visitors,

(b) to ensure a balance between the provision of high quality housing with a mix of retail, business, employment, civic, cultural and recreational facilities,

(c) to ensure that development is consistent with the role of Dee Why as a major centre for the sub-region,

(d) to create a built environment on Site A and Site B that has unified and consistent building form that includes—

   (i) definition of street edges by the establishment of podiums to create walls of 3 and 4 storeys
in height, and

(ii) above podium level elements that step back to achieve adequate levels of natural sunlight and high levels of amenity to occupiers of the buildings, surrounding development and the adjacent public domain, and

(iii) 2 iconic slimline towers in the western part of the centre (Site B) and one smaller tower in the eastern part of the centre (Site A) that will largely provide for a transition in height from west to east, and

(iv) mid-rise elements that reflect the simple clarity of design displayed by the tower and podium elements,

to ensure that taller buildings that are distributed across the Dee Why Town Centre from west to east provide a coordinated, modulated and varied skyline and that the towers are spatially separated to provide useable public spaces, including a Town Square,

to achieve a pattern of development that reflects the underlying urban form in Dee Why with predominantly east-west orientated buildings and high levels of visual and physical permeability,

to achieve good sunlight penetration to public spaces and Oaks Avenue,

to ensure that development responds to the surrounding natural environment and protects the scenic qualities of Dee Why and its views and vistas,

to establish ground floor levels that are occupied by retail uses that—

(i) are highly active, accessible to the street and create a lively ambience, and

(ii) provide a mix of retail shops, cafes and restaurants at the edges of street, pedestrian areas and open spaces, and

(iii) are at the same level as the footpaths and provide opportunities for a generous promenade and distinctive street tree planting for shade and shelter,

(j) to accommodate additional employment opportunities, service functions and space for business, consistent with the role of Dee Why as a major centre, by providing at least 2 levels (including the ground floor) of development for non-residential purposes,

(k) to ensure that signage associated with the new development is of high quality, is innovative, coordinated and minimised to avoid visual clutter and will complement the overall urban design, streetscape and architectural quality and amenity of the Dee Why Town Centre,

(l) to ensure that development within the Dee Why Town Centre is designed to take account of, and be compatible with, the hydrological conditions associated with the Dee Why Lagoon South Catchment,

(m) to ensure that development within the Dee Why Town Centre positively contributes to the visual quality and pedestrian comfort of the public domain and provides a seamless integration between public and private spaces,

(n) to achieve a consistent built form character that features podiums that define street edges, and to
reduce the visual scale of built form, except on land on Site A or Site B,

(o) to ensure that development is designed with consideration of transport infrastructure,

(p) to ensure that development within the Dee Why Town Centre is designed to contribute to the provision of a network of green spaces, natural systems and semi-natural systems, including parks, waterways, bushland and private gardens that are strategically planned, designed and managed to support a good quality of life in an urban environment.

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

(1) Development consent must not be granted to development on land in the Dee Why Town Centre unless the consent authority is satisfied that the development—

(a) is consistent with the objectives of this Part that are relevant to that development, and

(b) incorporates—

(i) stormwater management measures, including water sensitive urban design and ecologically sustainable development principles, and

(ii) innovative design solutions that minimise stormwater impacts, including stormwater quantity and quality impacts, on the Dee Why Lagoon system, and

(iii) finished floor levels and basement car park entry levels that include adequate freeboards to protect against the entry of stormwater from the Council’s street drainage system, and

(iv) continuous colonnades or pedestrian awnings on those parts of any building that are on the edges of streets or public spaces.

(2) Development consent must not be granted to development on Site B, at the Howard Avenue frontage, unless the consent authority is satisfied that the development will be lined by trees of distinctive coastal indigenous species that provide landscape elements while not obscuring the views into and out of the Town Square from Pittwater Road or Howard Avenue.

(3) Development consent must not be granted to development involving the construction of a new building or external alterations to an existing building on land within the Dee Why Town Centre unless the consent authority is satisfied that the development exhibits design excellence.

7.5 Design excellence within Dee Why Town Centre

In determining whether development exhibits design excellence, the consent authority must have regard to the following matters—

(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,

(b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,

(c) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resources, energy and
water efficiency,

(d) whether satisfactory arrangements have been made to ensure that the proposed design is carried through to the completion of the development concerned,

(e) whether the configuration and design of communal access and communal recreational areas within the residential elements of development incorporate exemplary and innovative treatments and will promote a socially effective urban village atmosphere,

(f) whether the development connects with and provides a high quality interface with surrounding streets and public domain areas at the pedestrian level,

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

7.6 Height of buildings

(1) The objectives of this clause, in addition to the objectives stated in clause 4.3, are to limit overshadowing to—

(a) the front set back areas on the southern side of Oaks Avenue opposite Site A on 22 June in any year, and

(b) the public footpath on the southern side of Oaks Avenue opposite Site B on 22 June in any year, and

(c) the Town Square on 22 June in any year.

(1A) This clause applies to the height of buildings on Site A and Site B.

(2) If the location of the following is varied by not more than 2 metres in any horizontal direction from the location as shown on the Height of Buildings Map, that map is taken to be amended so as to permit that tower in that new location rather than in the location shown on that map—

(a) the proposed tower on Site A shown on the Height of Buildings Map as having a maximum height of 52.5 metres,

(b) the proposed tower on Site B shown on the Height of Buildings Map as having a maximum height of 75 metres,

(c) the proposed tower on Site B shown on the Height of Buildings Map as having a maximum height of 78 metres.

(3) Nothing in subclause (2) permits development that results in any one or more of the following—

(a) the floor area of any floor of a tower being greater than it would have been had the location of the tower not been moved,

(b) less than 2 hours of sunlight being provided between 10.00 am and 2.00 pm on 22 June in any year to—

(i) the front setback areas on the southern side of Oaks Avenue opposite Site A, or
(ii) the public footpath on the southern side of Oaks Avenue opposite Site B at a distance of 6 metres from the property boundary,

(c) less than 4 hours of sunlight being provided on 22 June in any year to the Town Square.

7.6A Podium heights

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

(a) to achieve a consistent built form character that features podiums that define the street edge, and to ensure upper level setbacks reduce the visual prominence of building height,

(b) to maximise building separation for the purposes of visual appearance, privacy and maintaining solar access to adjoining properties and the public domain.

(2) Development consent may be granted to the erection of buildings on the following land with the following maximum podium heights—

(a) Site A—3 storeys,

(b) Site B—4 storeys,

(c) land fronting Pittwater Road (except land on Site A or Site B)—3 storeys,

(d) land not fronting Pittwater Road (except land on Site A or Site B)—2 storeys.

(3) This clause does not apply to the following land—

(a) Part Lot 11, DP 577062 (known as 23 Fisher Road, Dee Why),

(b) Lot CP, SP 81758 (known as 25 Fisher Road, Dee Why),

(c) Lot CP, SP 75040 (known as 20 Kingsway, Dee Why),

(d) Lot CP, SP 4066 (known as 18 Kingsway, Dee Why),

(e) Lot CP, SP 83379 (known as 4–16 Kingsway, Dee Why),

(f) Lot CP, SP 1902 (known as “Kingsway Court”, 2 Kingsway, Dee Why).

7.7 Site A Oaks Avenue above podium elements

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

(a) to allow buildings on land shown as “Area 1” on the Height of Buildings Map and fronting Oaks Avenue to have components above the height permitted by clause 4.3(2) (the podium level),

(b) to control building bulk above the podium level on that land,

(c) to limit the depth of buildings and control the gross floor area above the podium level on that land,

(d) to limit overshadowing to the front setback areas on the southern side of Oaks Avenue opposite Site A on 22 June in any year,
(e) to allow design flexibility.

(2) This clause applies to buildings on land shown as “Area 1” on the *Height of Buildings Map*.

(3) Despite clause 4.3, development consent may be granted to the erection of a building on land shown as “Area 1” on the *Height of Buildings Map* that has a component above the podium level but only if—

(a) the total gross floor area of the components of the buildings above the podium level does not exceed 2,000 square metres, and

(b) a minimum of 20% of the east-west length of Site A above the podium level comprises physical breaks or separation between buildings, and

(c) any component of the building above the podium level does not extend north beyond the Oaks Avenue rear building alignment line of Site A, being the line 32 metres from the Oaks Avenue front building line (which is 2.275 metres from the Oaks Avenue boundary of Site A), and

(d) the building is sited or located under a plane that projects at an angle of 29 degrees from the height of 28.5 metres above the Oaks Avenue front building line (which is 2.275 metres from the Oaks Avenue boundary of Site A), and

(e) no less than 2 hours of sunlight is provided between 10.00 am and 2.00 pm to the front setback areas on the southern side of Oaks Avenue opposite Site A on 22 June in any year.

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

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

(a) to allow buildings on land shown as “Area 2” on the *Height of Buildings Map* to have components above the height permitted by clause 4.3(2) (the *podium level*),

(b) to control building bulk above the podium level on that land,

(c) to limit the depth of buildings and control the gross floor area above the podium level on that land,

(d) to ensure that there is an adequate separation between the above podium level buildings’ envelopes shown on the *Height of Buildings Map* for the towers and surrounding podium of the Howard Avenue side of the site and the buildings south of the rear building alignment of Site B,

(e) to limit overshadowing of the public footpath on the southern side of Oaks Avenue opposite Site B on 22 June in any year,

(f) to allow design flexibility.

(2) This clause applies to buildings on land shown as “Area 2” on the *Height of Buildings Map*.

(3) Despite clause 4.3, development consent may be granted to the erection of a building on land shown as “Area 2” on the *Height of Buildings Map* that has a component above the podium level but only if—
(a) the total gross floor area of the components of the buildings above the podium level does not exceed 3,800 square metres, and

(b) a minimum of 20% of the east-west length of Site B above the podium level comprises physical breaks or separation between buildings, and

(c) any component of the building above the podium level does not extend north beyond the Oaks Avenue rear building alignment line of Site B, being the line 27.5 metres from the Oaks Avenue front building line (which is 2.275 metres from the Oaks Avenue boundary of Site A), and

(d) no less than 2 hours of sunlight is provided between 10.00 am and 2.00 pm to the footpath on the southern side of Oaks Avenue opposite Site B at a distance of 6 metres from the property boundary on 22 June in any year.

7.9 Site A Proposed New Road above podium elements

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

(a) to allow buildings on land shown as “Area 3” on the Height of Buildings Map to have components above the height permitted by clause 4.3(2) (the podium level),

(b) to control building bulk above the podium level on that land,

(c) to limit the depth of buildings and control the gross floor area above the podium level,

(d) to allow design flexibility.

(2) This clause applies to buildings on land shown as “Area 3” on the Height of Buildings Map.

(3) Despite clause 4.3, development consent may be granted to the erection of a building on land shown as “Area 3” on the Height of Buildings Map that has a component above the podium level but only if—

(a) the total gross floor area of the components of the buildings on the land shown as “Area 3” on the Height of Buildings Map above the podium level does not exceed 1,000 square metres, and

(b) any component of the building above the podium level does not extend west beyond the Proposed New Road rear building alignment line, being the line 19.5 metres from the Proposed New Road front building line (which is the western alignment of the Proposed New Road), and

(c) the building is sited or located under a plane that projects at an angle of 45 degrees from the height of 25 metres above the Proposed New Road from the east to west direction, and

(d) the height of the building does not exceed 43.5 metres.

7.10 Allowance for external ancillary plant and roof access

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

(a) to ensure that the height, scale and number of permanent or temporary external ancillary structures located on roofs of buildings do not add to the perceived height of buildings or
detract from the roof form of buildings,

(b) to ensure that roof forms are attractive when viewed from surrounding vantage points, including when viewed, at a short distance, from the public domain and surrounding apartment buildings, and when viewed, from a long distance, from the southern and western hill sides that have northerly and easterly aspects, respectively, over Dee Why,

(c) to promote low scale vegetative landscaping of podium roofs of buildings and the use of podium roof spaces as areas for passive recreation for residents of the buildings concerned.

(2) Development consent must not be granted to development on land in the Dee Why Town Centre involving the construction of a new building or external alterations to an existing building unless the consent authority is satisfied that—

(a) the height of any external ancillary plant or access point is minimised and does not exceed 3.0 metres, and

(b) any external ancillary plant or access point is suitably integrated with landscaping or architectural elements of the building, and

(c) any external ancillary plant or access point is centrally located within the roof area to minimise or completely avoid being visible from the public domain in close proximity to the building, and

(d) the total area of such plant and access points does not exceed 10% of the roof area, and

(e) any balustrade or similar safety restraint (except a building parapet) is set in from the roof edge at least 3 metres, and

(f) no external ancillary plant is located on the roof of the tall tower located on Site A or the two slimline towers on Site B.

(3) In this clause—

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

### 7.11 Town Square and pedestrian connections

(1) The objective of this clause is to ensure that development within the Dee Why Town Centre will include a Town Square that will be the heart of the community and will contain attractive, useable open spaces that are interlinked by a secure network of pedestrian connections.

(2) Development consent must not be granted to development involving the construction of a new building or external alterations to an existing building on Site B unless the consent authority is satisfied that the development will—

(a) be consistent with the establishment and maintenance of a Town Square that addresses Howard Avenue and that will—

(i) occupy all of the land shown as “Town Square” on the **Key Sites Map**, and

(ii) be a flexible, multi-use space that will be suitable to accommodate markets,
entertainment and community events and serve as a meeting place for the general public, and

(iii) be surrounded by colonnades at its perimeter that will provide all weather access to the ground floor retail outlets, and

(iv) include landscaping throughout the space that provides an appropriate canopy of indigenous tree species to enhance its amenity, and

(b) include retail uses located at ground level at the perimeter of the Town Square that will provide opportunities for alfresco dining, casual seating and recreation, and

(c) ensure that residential accommodation situated above the Town Square will provide maximum visibility of the Town Square and bring life and vitality to the Town Square throughout the day, and

(d) incorporate and maintain a north-south Pedestrian Connection that will link the Town Square with Oaks Avenue that will—

(i) occupy all of the land shown as “Pedestrian Connection” on the Key Sites Map, and

(ii) in conjunction with the Town Square, provide a strong physical and visual connection between Howard Avenue and Oaks Avenue ensuring a high level of permeability for the Dee Why Town Centre, and

(iii) provide a generous pedestrian and retail precinct, and

(iv) be lined by retail development, with double storey colonnades providing access on a 24 hour, 7 days a week basis, and

(v) be designed to ensure all weather access to ground level retail, food and beverage outlets, and

(vi) have a clear width of not less than 14 metres to ensure high levels of sunlight access and provide view lines through the development.

(3) Despite clause 4.3, development consent may be granted to the construction of a pedestrian footbridge, on the land shown as “Pedestrian Footbridge” on the Key Sites Map that provides a connection between the first floor level of buildings located within Site B, if the consent authority is satisfied that the footbridge—

(a) will not adversely affect the incorporation and maintenance of the north-south Pedestrian Connection, and

(b) will be constructed of light-weight and transparent material, and any visual impact of the footbridge will be minimised.

7.12 Provisions promoting retail activity

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

(a) to promote retail activity on the ground and first floors of new buildings in the Dee Why Town Centre,
(b) to promote employment generating uses in addition to retail activity.

(2) Development consent must not be granted to development in the Dee Why Town Centre unless the consent authority is satisfied that—

(a) the ground floor level of buildings on Site A, Site B, Site C, Site D or Site E will not be used for any of the following (other than the provision of access to any of the following)—

   (i) residential accommodation,

   (ii) medical centres,

   (iii) office premises, and

(b) the first floor level of buildings on Sites A and B will not be used for residential accommodation (other than the provision of access to such accommodation), and

(c) buildings will have at least two floor levels (including the ground floor level) of employment generating space, and

(d) development on the ground floor level of buildings in the Dee Why Town Centre will contribute to an active street life in accordance with the document titled *Our Greater Sydney 2056 North District Plan* published by the Greater Sydney Commission in March 2018.

(3) This clause does not apply to the following land—

(a) Part Lot 11, DP 577062 (known as 23 Fisher Road, Dee Why),

(b) Lot CP, SP 81758 (known as 25 Fisher Road, Dee Why),

(c) Lot CP, SP 75040 (known as 20 Kingsway, Dee Why),

(d) Lot CP, SP 4066 (known as 18 Kingsway, Dee Why),

(e) Lot CP, SP 83379 (known as 4–16 Kingsway, Dee Why),

(f) Lot CP, SP 1902 (known as “Kingsway Court”, 2 Kingsway, Dee Why).

7.13 Mobility, traffic management and parking

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

(a) to ensure improved vehicle access and circulation in the Dee Why Town Centre through good design and the management of traffic flows within the existing and new roads servicing the centre,

(b) to ensure increased road network capacity and improved vehicle circulation through the Dee Why Town Centre,

(c) to encourage alternative forms of transport from private vehicle use,

(d) to minimise the disruption of pedestrian movement and safety,

(e) to reduce the visual scale of parking, loading and waste collection facilities.
Development consent must not be granted to the construction of new buildings in the Dee Why Town Centre unless the consent authority is satisfied that—

(a) any development on Site A will be consistent with the establishment of a new north-south street, between Howard and Oaks Avenue, along the eastern side of Site A, shown on the Key Sites Map as the Proposed New Road, and

(b) any development on Site A for the purposes of the Proposed New Road will have a minimum width of 18 metres where it adjoins Lot 1, DP 526306 (St Kevin’s Church) and 20 metres where it adjoins Strata Plan 1493, and

(c) (Repealed)

(d) the development will improve vehicle access and circulation within the Dee Why Town Centre and will reinforce the priority of pedestrian movements and networks to make the Dee Why Town Centre safe, enjoyable and attractive, and

(e) car parking will be provided principally underground and will accommodate the demand generated by the additional residential, retail and commercial uses, and

(f) (Repealed)

(g) if car parking adjoins a street frontage, the amenity of the adjoining and nearby uses is protected, and

(h) loading facilities and waste collection facilities are accommodated in a way that does not adversely impact on the visual amenity of the public domain, the amenity of adjoining or nearby residential properties or conflict with pedestrian access, and

(i) there will be minimal disruption to retail and commercial activity at street level because the proposed development—

(ii) minimises the width of footpath crossings and vehicle entrances, and

(iii) ensures that loading facilities are substantially enclosed by occupied floor space, and

(iv) demonstrates high standards of civic design to portions of loading dock and car park entrances that are visible from the street.

7.14 Community infrastructure floor space in Dee Why Town Centre

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

(a) to ensure that the development of particular sites within the Dee Why Town Centre delivers certain public improvement works,

(b) to encourage additional development within the Dee Why Town Centre that incorporates adequate access networks,

(c) to provide a range of development that supports community and visitor needs.

(2) This clause applies to land on Site C, Site D or Site E.

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

(a) for land on Site C—the development includes pedestrian and vehicular access that provides a suitable level of connectivity between Oaks Avenue and Pacific Parade,

(b) for land on Site D—the development makes sufficient provision for articulated vehicles to access Pacific Parade from Pittwater Road,

(c) for land on Site E—
   (i) the development includes a pedestrian and vehicular access network with a suitable level of connectivity throughout Site E, and
   (ii) vehicular access to the land will not compromise the function and flow of the surrounding arterial roads, and
   (iii) pedestrian access is prioritised at ground level.

(4) The consent authority must not consent to the erection of a building on land to which this clause applies if—

(a) for a building on land on Site C—
   (i) the floor space ratio exceeds 3.6:1, and
   (ii) the building height exceeds 46 metres, or

(b) for a building on land on Site D—the floor space exceeds the floor space achieved by applying the maximum floor space ratio plus a gross floor area of 240 square metres, or

(c) for a building on land on Site E—
   (i) for land fronting Pittwater Road—the building height exceeds 49 metres, or
   (ii) for land fronting Fisher Road or St David Avenue—the building height exceeds 20 metres.

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

(a) must be satisfied that the development is consistent with the objectives of this clause, and

(b) must be satisfied that the community infrastructure is reasonably necessary at Dee Why, and

(c) must take into account the nature of the community infrastructure and its value to the Dee Why community.

Schedule 1 Additional permitted uses

(1) Use of certain land at 8 Aperta Place, Beacon Hill

(1) This clause applies to land at 8 Aperta Place, Beacon Hill, being Lot 7, DP 236335, shown as
“Area 1” on the Additional Permitted Uses Map.

(2) Development for the purposes of 1 dwelling house is permitted with consent (provided that the design and construction of the development has regard to the topography, potential slip and sensitive visual character of the land as well as potential loss of views to adjoining or nearby properties).

2 Use of certain land at 5 Hews Parade, Belrose

(1) This clause applies to land at 5 Hews Parade, Belrose, being Lot 6, DP 834036, shown as “Area 2” on the Additional Permitted Uses Map.

(2) Development for the purposes of pubs is permitted with consent.

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

(1) This clause applies to land at the corner of Mona Vale Road and Forest Way, Belrose, shown as “Area 3” on the Additional Permitted Uses Map.

(2) Development for the purposes of specialised retail premises, business premises (with a gross floor area not exceeding 2,500m²), function centres, hotel or motel accommodation, pubs and shops (with a gross floor area not exceeding 2,500m²) is permitted with consent.

(3) Hotel or motel accommodation and pubs referred to in subclause (2) must include at least one room for the holding of conferences, functions and similar events.

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

(1) This clause applies to land in the vicinity of Ashworth and Haigh Avenues, Belrose and McBrien Place, Davidson and John Oxley Drive, Frenchs Forest, shown as “Area 4A”, “Area 4B” or “Area 4C” on the Additional Permitted Uses Map.

(2) Development for the purposes of 1 dwelling house on each lot is permitted with consent (provided that each dwelling is constructed having regard to the constraints, potential instability and visual sensitivity of the land and any impact on the water quality of Middle Harbour).

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

(1) This clause applies to land in the vicinity of Pittwater Road and Roger Street, Brookvale, shown as “Area 5” on the Additional Permitted Uses Map.

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

(a) office premises,

(b) retail premises,

(c) shop top housing.

(3) Consent must not be granted under this clause to development for the purposes of shop top housing unless the consent authority is satisfied that the development will not have a significant adverse impact on any adjoining land in Zone IN1 General Industrial.
6 Use of certain land at Cottage Point

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

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

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

(1) This clause applies to land at 2 Anderson Place, Cottage Point, being Lot 23, DP 819003, shown as “Area 7” on the Additional Permitted Uses Map.

(2) Development for the purposes of restaurants or cafes is permitted with consent.

8 Use of certain land at 30 Campbell Avenue, Cromer

(1) This clause applies to land at 30 Campbell Avenue, Cromer, being Lot 1, DP 227969, shown as “Area 8” on the Additional Permitted Uses Map.

(2) Development for the purposes of pubs is permitted with consent.

9 Use of certain land at Pittwater Road, Dee Why

(1) This clause applies to land at Pittwater Road, Dee Why, being Lot 1, DP 706230, shown as “Area 9” on the Additional Permitted Uses Map.

(2) Development for the purposes of recreation facilities (indoor) (provided that the facility operates in conjunction with a registered club) and registered clubs is permitted with consent.

10 Use of certain land at Melwood Avenue, Forestville

(1) This clause applies to land at Melwood Avenue, Forestville, being Lot 2589, DP 752038 and Lot 31, DP 366454, shown as “Area 10” on the Additional Permitted Uses Map.

(2) Development for the purposes of registered clubs is permitted with consent.

11 Use of certain land at corner of Warringah Road and Cook Street, Forestville and land on Pittwater Road, North Manly

(1) This clause applies to land at corner of Warringah Road and Cook Street, Forestville and land on Pittwater Road, North Manly, shown as “Area 11A” or “Area 11B” on the Additional Permitted Uses Map.

(2) Development for the purposes of industrial retail outlets, service stations, hardware and building supplies, vehicle body repair workshops, vehicle repair stations and wholesale supplies is permitted with consent.

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

(1) This clause applies to land at 39 Frenchs Forest Road East, Frenchs Forest, being Lot X, DP 405206, shown as “Area 12” on the Additional Permitted Uses Map.

(2) Development for the purposes of pubs is permitted with consent.
13 Use of certain land at Lumsdaine Drive, Freshwater

(1) This clause applies to land at Lumsdaine Drive, Freshwater, being Lot 100, DP 1136132 and Lot 2, DP 579837, shown as “Area 13” on the Additional Permitted Uses Map.

(2) Development for the purposes of recreation facilities (indoor), recreation facilities (outdoor) (but only if the facility, whether indoor or outdoor, operates in conjunction with a registered club) and registered clubs is permitted with consent.

14 Use of certain land at 29 Moore Road, Freshwater

(1) This clause applies to land at 29 Moore Road, Freshwater, being Lots 1–5, Section 1, DP 7022 and Lot 13, Section 1, DP 7022, shown as “Area 14” on the Additional Permitted Uses Map.

(2) Development for the purposes of pubs is permitted with consent.

15 Use of certain land at 80 Undercliff Road, Freshwater

(1) This clause applies to land at 80 Undercliff Road, Freshwater, being Lot B, DP 329073, shown as “Area 15” on the Additional Permitted Uses Map.

(2) Development for the purposes of restaurants or cafes is permitted with consent.

16 Use of certain land at 1260 Pittwater Road, Narrabeen

(1) This clause applies to land at 1260 Pittwater Road, Narrabeen, being Lots 1 and 2, DP 1094308, shown as “Area 16” on the Additional Permitted Uses Map.

(2) Development for the purposes of hotel or motel accommodation is permitted with consent.

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

(1) This clause applies to land at 2 Aumuna Road, Terrey Hills, being Lot 6, DP 739456, shown as “Area 17” on the Additional Permitted Uses Map.

(2) Development for the purposes of educational establishments, garden centres, hospitals, hotel or motel accommodation, places of public worship, pubs, recreation areas, recreation facilities (indoor), recreation facilities (outdoor), registered clubs and restaurants or cafes is permitted with consent.

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

(1) This clause applies to land in the vicinity of Mona Vale and Myoora Roads, Terrey Hills, shown as “Area 18” on the Additional Permitted Uses Map.

(2) Development for the purposes of educational establishments, garden centres, hospitals, hotel or motel accommodation, places of public worship, recreation areas, recreation facilities (indoor), recreation facilities (outdoor), registered clubs and restaurants or cafes is permitted with consent.

19 Use of certain land in Zone RE1

(1) This clause applies to the following land—

(a) land at Collaroy, known as Long Reef Golf Club, being Lot 1, DP 1144187, shown as “Area
19A” on the Additional Permitted Uses Map,

(b) land at Manly Vale, known as Manly Vale Bowling Club, being part of Lot 2743, DP 752038, shown as “Area 19B” on that map,

(c) land at North Balgowlah, known as Wakehurst Golf Club, being Lot 2730, DP 752038, shown as “Area 19C” on that map,

(d) land at North Manly, known as North Manly Bowling Club, being part of Lot 2743, DP 752038, shown as “Area 19D” on that map.

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

20 Use of certain land at Bundaleer Street, Belrose

(1) This clause applies to land at Bundaleer Street, Belrose, being Lot 2, DP 1144741, shown as “Area 20” on the Additional Permitted Uses Map.

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

21 Use of certain land at 184 Wyndora Avenue, Freshwater

(1) This clause applies to land at 184 Wyndora Avenue, Freshwater, being Lots 1, 2, 33, 34 and 35, DP 7912, shown as “Area 21” on the Additional Permitted Uses Map.

(2) Subdivision of the land and development for the purposes of attached dwellings is permitted with consent.

(3) Development consent may only be granted under this clause to a single development application that provides for—

(a) the subdivision of the land to create not more than 14 lots, and

(b) the erection of not more than 14 attached dwellings.

(4) Consent must not be granted under this clause to development for the purposes of an attached dwelling unless the consent authority is satisfied that the proposed development includes a single basement car park providing parking spaces for each of the dwellings erected on the land to which this clause applies.

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

(1) This clause applies to land at 632 and 634 Warringah Road, Forestville, being Lots 9 and 8, DP 25052, shown as “Area 22” on the Additional Permitted Uses Map.

(2) Development for the purposes of—

(a) a service station, and

(b) a neighbourhood shop (with a retail floor area not exceeding 240m$^2$),

is permitted with consent if the land is used for both purposes, concurrently.
23 Use of certain land at 729–731 Pittwater Road, Dee Why

(1) This clause applies to land at 729–731 Pittwater Road, Dee Why, being Lot CP, SP 13436, shown as “Area 23” on the Additional Permitted Uses Map.

(2) Development for the purposes of medical centres and office premises is permitted with consent.

Schedule 2 Exempt development

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

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

Display of goods on footpath

(1) The display must be associated with a lawfully established business.

(2) The display must be on the part of the footpath that is adjacent to that business.

(3) The goods displayed must be small-scale goods, such as chemist bargains bins or clothes racks.

(4) The display must be authorised under Division 3 of Part 9 of the Roads Act 1993.

Outdoor areas of community land used for commercial purposes

Must be authorised under Division 2 of Part 2 of Chapter 6 of the Local Government Act 1993.

Outdoor eating areas (associated with an approved restaurant)

(1) If on a footpath—must be approved under section 125 of the Roads Act 1993.

(2) If on community land—must be authorised under Division 2 of Part 2 of Chapter 6 of the Local Government Act 1993.

(3) (Repealed)

Private electricity service poles

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

Signage on motor vehicles

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

Schedule 3 Complying development

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

**Part 1 Types of development**

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

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

1. **General** Must be wholly located in Zone R3 Medium Density Residential.

2. **Setback and siting**
   
   (a) All parts of the building must be setback at least 6.5m from the front boundary.
   
   (b) All parts of the building must be setback at least 6m from the rear boundary.
   
   (c) All parts of the building must be setback at least 4.5m from each side boundary.

3. **Design, finishes and streetscape**
   
   (a) Front fence must not be higher than 1.2m above ground level (existing).
   
   (b) If facing a public road, the combined width of all garages facing the road must not be more than 6m or 50% of the frontage of the lot at the building line, whichever is the greater.

4. **Access, parking and traffic**
   
   (a) Only one driveway footpath crossing per lot.
   
   (b) The finished level of the driveway must not be higher than 0.25m above ground level (existing).
   
   (c) The driveway must be at least 0.5m from each side boundary.
   
   (d) The entry point of a driveway must be at least 6m from each road intersection.

5. **Stormwater**
   
   (a) Stormwater must flow to an existing approved drainage system.
   
   (b) The total existing and proposed roofed areas, paved surfaces and hardstand areas after the development has been completed must be less than the greater of the following areas—
   
   1. 35% of the total lot area,
   
   2. 50m².

6. **Landscaping and open space**
   
   (a) Must not be within the drip line of a tree that is subject to clause 5.9.
   
   (b) At least 50% of the lot must be landscaped open space at ground level (finished) with a minimum soil depth of 1m.
   
   (c) In paragraph (b), *landscaped open space* includes the water surface of a swimming pool and
naturally occurring impervious surfaces such as rock outcrops, but does not include driveways, paved areas, roofed areas, tennis courts, car parking, stormwater structures, decks and the like with a width or length of less than 2m.

Part 2 Complying development certificate conditions

**Note 1.** Complying development must comply with the requirements of the Act, the regulations under the Act and this Plan.

**Note 2.** A contributions plan setting out the contribution requirements towards the provision or improvement of public amenities or public services may specify that an accredited certifier must, under section 94EC of the Act, impose a condition on a complying development certificate requiring the payment of a monetary contribution in accordance with that plan.

General conditions

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

Schedule 4 Classification and reclassification of public land

(Clause 5.2)

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

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
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<tbody>
<tr>
<td>Locality</td>
<td>Description</td>
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<tr>
<td>Collaroy</td>
<td>Part of Lot 1, DP 346265, being part of 1054 Pittwater Road, comprising the western portion of the Collaroy Beach Reserve car park, identified as “Operational Land” on the Land Reclassification (Part Lots) Map</td>
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<tr>
<td>Forestville</td>
<td>Lot 18, DP 30880, The Centre</td>
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**Part 2 Land classified, or reclassified, as operational land—interests changed**

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<th>Column 1</th>
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<td>Locality</td>
<td>Description</td>
<td>Any trusts etc not discharged</td>
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<tr>
<td>Oxford Falls</td>
<td>Lot 2, DP 1229082, Wakehurst Parkway</td>
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**Part 3 Land classified, or reclassified, as community land**

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## Schedule 5 Environmental heritage

(Clause 5.10)

### Part 1 Heritage Items

<table>
<thead>
<tr>
<th>Suburb</th>
<th>Item name</th>
<th>Address</th>
<th>Property description</th>
<th>Significance</th>
<th>Item no</th>
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<tbody>
<tr>
<td>Beacon Hill</td>
<td>Warringah Reservoir (WS 0131) and attached valve house</td>
<td>40–50 Government Road Lot 54, DP 1175875 Lot 54, DP 1175875</td>
<td>Local I130</td>
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<tr>
<td>Belrose</td>
<td>Douglas L Murcutt House</td>
<td>22 Yarrabin Street Lot 23, DP 224801 Lot 23, DP 224801 Lot 23, DP 224801</td>
<td>Local I131</td>
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<tr>
<td>Brookvale</td>
<td>Former premises relating to Austral Brickworks</td>
<td>48A Consul Road SP 77600 SP 77600 SP 77600</td>
<td>Local I2</td>
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<tr>
<td>Brookvale</td>
<td>House known as “Milroy”</td>
<td>9 Elizabeth Place Lots 9 and 10, DP 5876 Lots 9 and 10, DP 5876</td>
<td>Local I3</td>
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<tr>
<td>Brookvale</td>
<td>Brookvale Public School</td>
<td>2–8 Old Pittwater Road Lot 1, DP 918786; Lot 1, DP 365898; Lots 13–15, DP 5876; Lot B, DP 311452; Lot 2, DP 209019; Lot 1, DP 947905; Lot 17, DP 3674; Lot 1, DP 229795; Lot 2, DP 208793</td>
<td>Local I4</td>
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<td>Brookvale</td>
<td>Brush Box and Camphor Laurel trees surrounding Brookvale Park</td>
<td>Pine Avenue, Alfred Street, unmade section of Federal Parade and Pittwater Road (near Pine Street intersection)</td>
<td>As shown on Heritage Map</td>
<td>Local I132</td>
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<tr>
<td>Brookvale</td>
<td>Tramway Staff War Memorial</td>
<td>Pittwater Road (bus depot) Lot A, DP 435910 Lot A, DP 435910</td>
<td>Local I1</td>
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<tr>
<td>Brookvale</td>
<td>Palm trees and plaque</td>
<td>Corner Pittwater Road and Cross Street Road reserve—borders Lot 1, DP 609433</td>
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<td>Collaroy</td>
<td>Remnant native street trees</td>
<td>Anzac Avenue and Hendy Avenue Road Reserve, as shown on Heritage Map</td>
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<td>18 Beach Road Lot 4, Section 5, DP 6777 Lot 4, Section 5, DP 6777</td>
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<td>Collaroy</td>
<td>House</td>
<td>3 Bedford Crescent Lot 12, Section 9, DP 11899 Lot 12, Section 9, DP 11899</td>
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<td>Collaroy</td>
<td>Collaroy Rock Pool</td>
<td>Collaroy Beach As shown on Heritage Map</td>
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<td>Location</td>
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<td>Collaroy</td>
<td>Fisherman’s Hut</td>
<td>Fisherman’s Beach</td>
<td>Lot 1, DP 64163 and as shown on Heritage Map</td>
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<td>Collaroy</td>
<td>House known as “Chez Nous”</td>
<td>19 Frazer Street</td>
<td>Lot 64, DP 746823</td>
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<td>Collaroy</td>
<td>Elevated reservoir</td>
<td>Corner of Grevillea and Aubreen Street</td>
<td>Lot 2, DP 1029592</td>
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<td>I29</td>
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<td>Collaroy</td>
<td>House</td>
<td>2 Hadleigh Avenue</td>
<td>Lot A, DP 368373</td>
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<td>Collaroy</td>
<td>“Blue Water” store</td>
<td>62 Hilma Street</td>
<td>Lot 42, Section L, DP 33000</td>
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<td>Collaroy</td>
<td>Jenkins family grave</td>
<td>22 Homestead Avenue (Salvation Army land)</td>
<td>Lot 2, DP 604580, as shown on Heritage Map</td>
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<td>I15</td>
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<td>Collaroy</td>
<td>House known as “Clissold Cottage”</td>
<td>13 Ocean Grove or 16 Beach Road</td>
<td>Lot 3, Section 5, DP 6777</td>
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<td>I16</td>
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<tr>
<td>Collaroy</td>
<td>Street trees and plaque</td>
<td>Pittwater Road (near Birdwood Avenue)</td>
<td>Lots 18–20, DP 9667; Lot 7177, DP 93784; Lots 1–4, DP 68225; Lots 1 and 2, DP 117527, as shown on Heritage Map</td>
<td>Local</td>
<td>I17</td>
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<tr>
<td>Collaroy</td>
<td>Washington Palms (Washingtonia robusta)</td>
<td>861 Pittwater Road</td>
<td>Lot 5, Section 5, DP 12985</td>
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<td>I18</td>
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<td>Collaroy</td>
<td>House</td>
<td>971 Pittwater Road</td>
<td>Lot 12, DP 10519</td>
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<td>Collaroy</td>
<td>House known as “Silver Mist”</td>
<td>1035 Pittwater Road</td>
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<td>Collaroy</td>
<td>House known as “Rosecrea”</td>
<td>1048 Pittwater Road</td>
<td>Lot 13, Section 6, DP 6777</td>
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<td>Collaroy</td>
<td>Former Arlington Amusement Hall</td>
<td>1056–1066 Pittwater Road</td>
<td>Lots 20–25, DP 218990</td>
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<td>Collaroy</td>
<td>House</td>
<td>1071 Pittwater Road</td>
<td>Lot 23, DP 660056; Lot 24, Section 31, DP 13919</td>
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<td>Collaroy</td>
<td>Collaroy Cinema (facades and interiors)</td>
<td>1097 Pittwater Road</td>
<td>Lot 4, DP 6984; Lot B, DP 379308</td>
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<td>Collaroy</td>
<td>Former Westpac Bank</td>
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<td>Lot 1, DP 528546</td>
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<td>Collaroy</td>
<td>Four Mature Norfolk Island Pine trees</td>
<td>SP 72696, as shown on Heritage Map</td>
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<td>Collaroy</td>
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<td>1184–1186 Pittwater Road</td>
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<td>Collaroy</td>
<td>House known as “Eight Bells”</td>
<td>8 Seaview Parade</td>
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<td>Collaroy</td>
<td>House known as “Mt Caeburn”</td>
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<td>Cottage Point</td>
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<td>3 Cottage Point Road Lot 11, DP 841943</td>
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<td>Cottage Point</td>
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<td>Cromer</td>
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<td>Cromer</td>
<td>Givaudan-Roure Office</td>
<td>96 South Creek Road Part Lot 100, DP 611332</td>
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<td>Roche Building</td>
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<td>Curl Curl</td>
<td>Port Jackson Fig tree</td>
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<td>Davidson</td>
<td>Trees, Davidson High School</td>
<td>Pound Avenue Lots 1229 and 1230, DP 752038; Lot 1, DP 513489</td>
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<td>Dee Why</td>
<td>Street tree</td>
<td>Corner of David Avenue and Pittwater Road Lot 100, DP 1041823</td>
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<td>Dee Why</td>
<td>Dee Why Rock Pool</td>
<td>Dee Why Beach As shown on Heritage Map</td>
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<td>Dee Why</td>
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<td>15–23 Fisher Road Part Lot 11, DP 577062</td>
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<td>Dee Why</td>
<td>Dee Why Fire Station</td>
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<td>Dee Why</td>
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<td>Drainage reserve between Headland Road and Undercliffe Street Lot 56, DP 1005518</td>
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<td>Dee Why</td>
<td>“Ebenezer Flats”</td>
<td>72–74 Oaks Avenue Lots 19 and 20, Section 9, DP 6953</td>
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<td>Dee Why</td>
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<td>45 Pacific Parade (corner Sturdee Parade) Lot A, DP 350541</td>
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<td>Dee Why</td>
<td>Civic Centre landscaping</td>
<td>Pittwater Road Lot 100, DP 1041823, as shown on Heritage Map</td>
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<tr>
<td>Dee Why</td>
<td>Dee Why Public Library</td>
<td>Pittwater Road Lot 100, DP 1041823</td>
<td>Local</td>
<td>I50</td>
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<td>Dee Why</td>
<td>Commonwealth Bank</td>
<td>691 Pittwater Road Lot 1, DP 166322</td>
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<td>Dee Why</td>
<td>Bus shelter</td>
<td>800 Pittwater Road Road reserve adjacent to Lot 6, DP 523299</td>
<td>Local</td>
<td>I5</td>
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<tr>
<td>Dee Why</td>
<td>Former Wormald Building (front entrance, tower and curved former canteen only)</td>
<td>800 Pittwater Road</td>
<td>Lot 6, DP 523299</td>
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<td>I49</td>
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<td>Dee Why</td>
<td>House known as “Elouera”</td>
<td>41 Redman Road</td>
<td>Lot 69, DP 7413</td>
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<td>Dee Why</td>
<td>Coronation Wishing Well</td>
<td>The Strand, Dee Why Beach Reserve</td>
<td>Lot 1, DP 947971</td>
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<td>Dee Why</td>
<td>World War I Roll of Honour</td>
<td>The Strand, Dee Why Beach Reserve</td>
<td>Lot 1, DP 947971</td>
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<td>Duffys Forest</td>
<td>Waratah Park and Rangers Headquarters</td>
<td>13 Namba Road</td>
<td>Lot 445, DP 824403</td>
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<td>I138</td>
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<td>Forestville</td>
<td>Former Chadwick House and garden</td>
<td>82 Arthur Street</td>
<td>Lot 24, DP 605792</td>
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<td>Forestville</td>
<td>Soldiers settlement dwelling</td>
<td>8 Duke Street</td>
<td>Lot A, DP 386755</td>
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<td>Forestville</td>
<td>Presbyterian Church of St Columbia</td>
<td>685 Warringah Road</td>
<td>Lot 1514, DP 752038</td>
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<td>Frenchs Forest</td>
<td>House</td>
<td>15 Adams Street</td>
<td>Lot 6, DP 215216</td>
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<td>Frenchs Forest</td>
<td>House</td>
<td>100 Bantry Bay Road</td>
<td>Lot 2, DP 582446</td>
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<td>Frenchs Forest</td>
<td>Former Methodist Church</td>
<td>21A Forest Way (corner with Naree Road)</td>
<td>Lot 2Y, DP 417241</td>
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<td>Dental Surgery</td>
<td>45 Grace Avenue</td>
<td>Lot 1, DP 20461</td>
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<td>Frenchs Forest</td>
<td>Betty Moloney Garden</td>
<td>18 Hurdis Avenue</td>
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<td>Frenchs Forest</td>
<td>Frenchs Bullock Track</td>
<td>Wakehurst Parkway</td>
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<td>Frenchs Forest</td>
<td>House</td>
<td>2 Wareham Crescent</td>
<td>Lot 10, DP 215216</td>
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<td>Frenchs Forest</td>
<td>Former Holland’s Orchard and Commemorative Grove</td>
<td>Adjacent to Warringah Road and within The Forest High School grounds, as shown on Heritage Map</td>
<td>Lot 2, DP 234702</td>
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<td>Freshwater</td>
<td>Harbord Uniting Church</td>
<td>65 Albert Street (corner with Oceanview Road)</td>
<td>Lot 1, DP 948058</td>
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<td>Freshwater</td>
<td>Duke Kahanamoku Statue and Memorial Park</td>
<td>77 Evans Street</td>
<td>Lot 7108, DP 1074767, as shown on Heritage Map</td>
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<td>Freshwater</td>
<td>Freshwater Rock Pool</td>
<td>Freshwater Beach</td>
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<td>Freshwater</td>
<td>Freshwater Surf Life Saving Club</td>
<td>Freshwater Beach, Lot 7140, DP 1032133 Local and Lot 2797, DP 820312, as shown on</td>
<td>I66</td>
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<td>Freshwater</td>
<td>House known as “Melrose”</td>
<td>56 Harbord Road, Lot 2, DP 635354 Local</td>
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<td>Freshwater</td>
<td>Street trees</td>
<td>Kooloora Avenue, Road reserve as shown on Heritage Map</td>
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<td>Freshwater</td>
<td>House known as “Felicita”</td>
<td>46 Kooloora Avenue, Lot 1, DP 1099362 Local</td>
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<td>Freshwater</td>
<td>Building known as “Harbord Literary Institute”</td>
<td>Corner Lawrence Street and Oliver Street, Lot 374, DP 752038 Local</td>
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<td>Freshwater</td>
<td>Building known as “Early Childhood Health Centre”</td>
<td>29 Lawrence Street, Lot 2, DP 864459 Local</td>
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<td>House</td>
<td>35 Marlborough Avenue, Lot 10, DP 18880 Local</td>
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<td>Freshwater</td>
<td>Harbord Beach Hotel</td>
<td>29 Moore Street, Lots 1–5, Section 1, DP 7022 Local</td>
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<td>Freshwater</td>
<td>Street trees, plaques and memorials</td>
<td>Soldiers Avenue, Road Reserve as shown on Heritage Map</td>
<td>I75</td>
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<td>Freshwater</td>
<td>“Freshwater” Restaurant</td>
<td>80 Undercliff Road, Lot B, DP 329073 Local</td>
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<td>Freshwater</td>
<td>Harbord Public School</td>
<td>Corner of Wyadra Road and Oliver Street, Lots 469–471, 474, 486 and 498–500, DP 752038;</td>
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<td>Lists 1–4, DP 945486; Lots X and Y, DP 407018; Lot 1, DP 391679; Lots A and B, DP 409501</td>
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<td>Freshwater</td>
<td>Jacka Park Memorial Garden</td>
<td>Corner of Wyndora Avenue and Oliver Street, Lot 403, DP 752038 Local</td>
<td>I78</td>
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<td>Freshwater</td>
<td>Street trees</td>
<td>Wyuna Avenue, Road Reserve as shown on Heritage Map</td>
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<td>Killarney Heights</td>
<td>Bantry Bay Public Powder Magazine (also known as Bantry Bay Explosives</td>
<td>Bantry Bay, As shown on Heritage Map</td>
<td>I81</td>
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<td>Killarney Heights</td>
<td>“Soldiers Rock” Landing Place</td>
<td>Foreshore near Downpatrick Road, As shown on Heritage Map</td>
<td>I80</td>
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<td>Killarney Heights</td>
<td>Flat Rock Landing Place</td>
<td>Garigal National Park, As shown on Heritage Map</td>
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<td>Killarney Heights</td>
<td>Killarney picnic grounds</td>
<td>Killarney Drive</td>
<td>As shown on Heritage Map</td>
<td>Local I82</td>
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<td>Manly Vale</td>
<td>Manly Creek Bridge</td>
<td>Condamine Street</td>
<td>As shown on Heritage Map</td>
<td>Local I143</td>
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<tr>
<td>Manly Vale</td>
<td>Manly Dam</td>
<td>King Street</td>
<td>Lot 10, DP 840821</td>
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<td>Manly Vale</td>
<td>St Peters Church Hall</td>
<td>1 King Street</td>
<td>Lot 52, DP 7568</td>
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<td>Manly Vale</td>
<td>House</td>
<td>27 King Street</td>
<td>Lot 2, DP 26558</td>
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<td>Manly Vale</td>
<td>Manly Hydraulics Laboratory</td>
<td>110b King Street</td>
<td>Lot 11, DP 840821</td>
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<td>Manly Vale</td>
<td>Former Ridley House</td>
<td>43 Lovett Street</td>
<td>Lot 104, DP 840237</td>
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<td>Manly Vale</td>
<td>Timber jetty remnants and marine bollards</td>
<td>Within Manly Lagoon, adjacent to Passmore Reserve</td>
<td>Part Lot 2743, DP 752038</td>
<td>Local I142</td>
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<td>Manly Vale</td>
<td>Bridge</td>
<td>Sloane Crescent</td>
<td>Road reserve as shown on Heritage Map</td>
<td>Local I88</td>
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<td>Narrabeen</td>
<td>House</td>
<td>2 Albert Street</td>
<td>Lot 1, DP 613541</td>
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<td>Narrabeen</td>
<td>House known as “Lemville”</td>
<td>14 Goodwin Street</td>
<td>Lot 1, DP 170765</td>
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<td>Narrabeen</td>
<td>Group of Washington Palms (Washingtonia robusta)</td>
<td>Malcolm Street and Lagoon Street</td>
<td>As shown on Heritage Map</td>
<td>Local I91</td>
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<tr>
<td>Narrabeen</td>
<td>Stone wall</td>
<td>Ocean Street, near Malcolm Street</td>
<td>As shown on Heritage Map</td>
<td>Local I93</td>
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<tr>
<td>Narrabeen</td>
<td>Narrabeen Fire Station</td>
<td>9 Ocean Street (corner with Pittwater Road)</td>
<td>Lot A, DP 325925</td>
<td>Local I94</td>
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<td>Narrabeen</td>
<td>Vegetation group</td>
<td>58–62 Ocean Street (corner with King Street)</td>
<td>Lot 3, DP 818955; Lot 1, DP 718699</td>
<td>Local I95</td>
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<td>Narrabeen</td>
<td>Buildings known as “Furlough House”</td>
<td>72–90 Ocean Street</td>
<td>Lot 2, DP 701695; Lots 12–19 and 21, Section 36, DP 111254; Lot 20, DP 77256</td>
<td>Local I96</td>
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<td>Narrabeen</td>
<td>Narrabeen Lake Bridge (RTA Bridge No 56)</td>
<td>Pittwater Road</td>
<td>As shown on Heritage Map</td>
<td>Local I145</td>
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<td>Narrabeen</td>
<td>Memorial known as “SS Collaroy Memorial”</td>
<td>1299 Pittwater Road</td>
<td>Lots 1–4 and 12–15, Section 25, DP 111254; Lot D, DP 167261</td>
<td>Local I98</td>
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<tr>
<td>Narrabeen</td>
<td>School administration building</td>
<td>1299 Pittwater Road</td>
<td>Lots 1–4 and 12–15, Section 25, DP 111254; Lot D, DP 167261</td>
<td>Local I99</td>
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<td>Narrabeen</td>
<td>Main school building</td>
<td>1299 Pittwater Road</td>
<td>Lots 1–4 and 12–15, Section 25, DP 111254; Lot D, DP 167261</td>
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<td>Narrabeen</td>
<td>Sandstone memorial</td>
<td>1299 Pittwater Road</td>
<td>Lots 1–4 and 12–15, Section 25, DP 111254; Lot D, DP 167261</td>
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<td>Narrabeen</td>
<td>Bus shelter (former tram shelter)</td>
<td>1417 Pittwater Road</td>
<td>Part Lot A, DP 445551</td>
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<td>Narrabeen</td>
<td>Bridge No 3 over Middle Creek</td>
<td>Wakehurst Parkway</td>
<td>As shown on Heritage Map</td>
<td>I146</td>
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<td>Narrabeen</td>
<td>Shops and residences</td>
<td>65 and 67 Waterloo Street</td>
<td>Lots 1 and 2, DP 1015218</td>
<td>I92</td>
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<td>Narraweena</td>
<td>Narraweena Primary School</td>
<td>Mclntosh Road</td>
<td>Lot 741, DP 752038</td>
<td>I102</td>
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<td>North Balgowlah</td>
<td>House known as “Grandview”</td>
<td>20 Daisy Street</td>
<td>Lot A, DP 402710</td>
<td>I103</td>
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<tr>
<td>North Balgowlah</td>
<td>Bantry Bay Reservoir (WS 0008)</td>
<td>Lot 1 Kirkwood Street</td>
<td>Lot 1, DP 835123</td>
<td>I147</td>
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<td>North Balgowlah</td>
<td>Bantry Bay Water Pumping Station (WPS 122)</td>
<td>Lot 1 Kirkwood Street</td>
<td>Lot 1, DP 835123</td>
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<td>North Balgowlah</td>
<td>House</td>
<td>66 Serpentine Crescent</td>
<td>Lot 11, DP 1034707</td>
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<td>North Balgowlah</td>
<td>House</td>
<td>23 Warringah Street</td>
<td>Lot 35, DP 13871</td>
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<tr>
<td>North Curl Curl</td>
<td>Memorial gateway, John Fisher Park</td>
<td>Abbott Road</td>
<td>Lot 219, DP 752038</td>
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<td>North Curl Curl</td>
<td>Street trees</td>
<td>Burilla Avenue</td>
<td>As shown on Heritage Map</td>
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<td>North Curl Curl</td>
<td>House formerly known as “Windy Dropdown”</td>
<td>1 Molong Street</td>
<td>Lot 10, DP 881696</td>
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<td>North Curl Curl</td>
<td>North Curl Curl Rock Pool</td>
<td>North Curl Curl Beach</td>
<td>As shown on Heritage Map</td>
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<td>North Curl Curl</td>
<td>WWI Obelisk</td>
<td>Cliff behind North Curl Curl Beach</td>
<td>Lot 7356, DP 167221, as shown on Heritage Map</td>
<td>I149</td>
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<td>North Manly</td>
<td>Bus shelter</td>
<td>Pittwater Road (corner with Riverview Parade)</td>
<td>Road reserve as shown on Heritage Map</td>
<td>I114</td>
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<td>North Manly</td>
<td>Industrial building</td>
<td>396 Pittwater Road</td>
<td>Lot 16, DP 5342</td>
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<td>North Manly</td>
<td>House</td>
<td>401 Pittwater Road</td>
<td>Lot 16, DP 12578</td>
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<td>North Manly</td>
<td>House</td>
<td>403 Pittwater Road</td>
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<td>North Manly</td>
<td>House</td>
<td>405 Pittwater Road</td>
<td>Lot 18, DP 12578</td>
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<td>North Manly</td>
<td>Street trees</td>
<td>Riverview Parade</td>
<td>As shown on Heritage Map</td>
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<td>Oxford Falls</td>
<td>Oxford Falls Public School</td>
<td>Corner of Dreadnought Road and Wakehurst Parkway</td>
<td>Lots 1 and 2, DP 853151</td>
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<td>I116</td>
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<td>Oxford Falls</td>
<td>Middle Creek Bridge No 1</td>
<td>Wakehurst Parkway</td>
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<td>Oxford Falls</td>
<td>Middle Creek Bridge No 2</td>
<td>Wakehurst Parkway</td>
<td>As shown on Heritage Map</td>
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<td>Queenscliff</td>
<td>House</td>
<td>26 Cavill Street</td>
<td>Lot 1, DP 657295</td>
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<td>Queenscliff</td>
<td>House</td>
<td>17A Crown Road</td>
<td>Lot 1, DP 577905; Lot 1, DP 966972</td>
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<td>I118</td>
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<td>Queenscliff</td>
<td>Cafe and adjoining dwellings</td>
<td>29–33 Crown Road</td>
<td>Lots 1–3, DP 588297</td>
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<td>Queenscliff</td>
<td>House</td>
<td>21 Dalley Street</td>
<td>Lot B, DP 382365</td>
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<td>Queenscliff</td>
<td>House known as “San Marino”</td>
<td>49 Greycliffe Street</td>
<td>Lot 20, DP 8373</td>
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<td>Queenscliff</td>
<td>Freshwater View Reserve</td>
<td>21–29 Pavilion Street</td>
<td>Lot 1, DP 130487; Lot 1, DP 947277; Lot 1, DP 946788; Lots 21, 23 and 25, DP 262900</td>
<td>Local</td>
<td>I126</td>
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<tr>
<td>Queenscliff</td>
<td>Front sandstone boundary wall and rear sandstone retaining wall</td>
<td>31 Pavilion Street</td>
<td>Lot 24, DP 262900</td>
<td>Local</td>
<td>I124</td>
</tr>
<tr>
<td>Queenscliff</td>
<td>Rear sandstone retaining wall and sandstone access stairway</td>
<td>33 Pavilion Street</td>
<td>Lot 22, DP 262900</td>
<td>Local</td>
<td>I125</td>
</tr>
<tr>
<td>Queenscliff</td>
<td>Queenscliff Rock Pool</td>
<td>Queenscliff Beach</td>
<td>Lot 1, DP 171608</td>
<td>Local</td>
<td>I123</td>
</tr>
<tr>
<td>Queenscliff</td>
<td>Queenscliff Tunnel</td>
<td>Queenscliff Headland</td>
<td>Lot 1, DP 171608</td>
<td>Local</td>
<td>I122</td>
</tr>
<tr>
<td>Queenscliff</td>
<td>House</td>
<td>56 Queenscliff Road</td>
<td>Lot 2, DP 1099022</td>
<td>Local</td>
<td>I127</td>
</tr>
<tr>
<td>South Curl Curl</td>
<td>Building known as “Stewart House”</td>
<td>Carrington Parade</td>
<td>Part Lot 1496, DP 752038</td>
<td>Local</td>
<td>I128</td>
</tr>
<tr>
<td>South Curl Curl</td>
<td>South Curl Curl Pool</td>
<td>South Curl Curl Beach</td>
<td>Lot 7356, DP 1167221, as shown on Heritage Map</td>
<td>Local</td>
<td>I129</td>
</tr>
<tr>
<td>Terrey Hills</td>
<td>Laurie Short House</td>
<td>307 McCarrs Creek Road</td>
<td>Lot 142, DP 752017</td>
<td>Local</td>
<td>I152</td>
</tr>
<tr>
<td>Wheeler Heights</td>
<td>ANZAC War Memorial</td>
<td>Veterans Parade</td>
<td>Lot 1, DP 774980</td>
<td>Local</td>
<td>I30</td>
</tr>
</tbody>
</table>
### Wheeler Heights

<table>
<thead>
<tr>
<th>Address</th>
<th>Property description</th>
<th>Suburb</th>
<th>Name of heritage conservation area</th>
<th>Significance Item No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Veterans Parade</td>
<td>Lot 2026, DP 752038</td>
<td>Building known as “Legacy Park”</td>
<td>Lot 2, Veterans Parade</td>
<td>I31</td>
</tr>
<tr>
<td>Lot 1 Veterans Parade</td>
<td>Lot 2611, DP 752038</td>
<td>Ruins of Wheeler Homestead, War Veterans Home</td>
<td>Lot 1 Veterans Parade</td>
<td>I32</td>
</tr>
<tr>
<td>1 James Wheeler Place</td>
<td>Part Lot 28, DP 262862</td>
<td>James Wheeler grave</td>
<td>Lot 1 Veterans Parade</td>
<td>I33</td>
</tr>
</tbody>
</table>

### Part 2 Heritage conservation areas

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

South Curl Curl Coastal cliffs South Curl Curl Beach and Freshwater Beach As shown on Heritage Conservation Area Map C14

Part 3 Archaeological sites

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

Schedule 6 Pond-based and tank-based aquaculture

Part 1 Pond-based and tank-based aquaculture

Division 1 Site location requirements

1 Conservation exclusion zones

(1) Must not be carried out on the following land, except to the extent necessary to gain access to water—

(a) land declared an area of outstanding biodiversity value under the Biodiversity Conservation Act 2016,

(b) vacant Crown land,

(c) land within a wetland of international significance declared under the Ramsar Convention on Wetlands.

(2) Must not be carried out on the following land, except for the purposes of minimal infrastructure to support the extraction of water from, and discharge of water to, the land concerned—

(a) land declared as an aquatic reserve under the Marine Estate Management Act 2014,

(b) land declared as a marine park under the Marine Estate Management Act 2014.

Note. Nothing in this clause affects any requirement under an Act relating to land specified in this clause to obtain a licence or other authority under that Act for development of the land.
Division 2 Operational requirements

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

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

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

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

6 Definition
In this Division—

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

Part 2 Extensive pond-based aquaculture

Division 1 Site location requirements

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

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

8 Flood liability
Must be designed or constructed on land so that it will not be inundated by the discharge of a 1:100 ARI (average recurrent interval) flood event.
Division 2 Operational requirements

9 Species selection

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

10 Pond design

(1) Must not require the construction of new ponds, water storages, dams or buildings.

(2) Must not be located on permanent watercourses, creeks, billabongs or isolated outreaches of creeks or rivers.

(3) Must be capable of preventing the escape of stock into natural waterbodies or wetlands.

11 Culture water

Must use freshwater.

Schedule 6 Amendment of other environmental planning instruments

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

Clause 1.6 Interpretation—references to land use zones

Omit clause 1.6 (1A). Insert instead—

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

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

[1] Clause 4 Land to which Policy applies

Omit clause 4(3). Insert instead—

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

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


Omit the paragraph.
[3] Clause 4(8)

Omit the subclause.

6.3 Warringah Local Environmental Plan 2000

Clause 2 Where does this plan apply?

Insert at the end of the clause—

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

Dictionary

Note. The Act and the Interpretation Act 1987 contain definitions and other provisions that affect the interpretation and application of this Plan.

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

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

(a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or

(b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

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

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

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

**Acid Sulfate Soils Map** means the Warringah Local Environmental Plan 2011 Acid Sulfate Soils Map.

**Additional Permitted Uses Map** means the Warringah Local Environmental Plan 2011 Additional Permitted Uses Map.

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

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

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

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

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

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

**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
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.

Centres Map means the Warringah Local Environmental Plan 2011 Centres Map.

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

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

Note.

The term is defined as follows—

classified road means any of the following—
(a) a main road,
(b) a highway,
(c) a freeway,
(d) a controlled access road,
(e) a secondary road,
(f) a tourist road,
(g) a tollway,
(h) a transitway,
(i) a State work.

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

clearing native vegetation has the same meaning as in Part 5A of the Local Land Services Act 2013.
clearing vegetation has the same meaning as in State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.

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

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.

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

commercial premises means any of the following—

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

community facility means a building or place—

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

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

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

correctional centre means—

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

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

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

*Council* means the Northern Beaches Council.

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

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

(a) a restaurant or cafe,

(b) take away food and drink premises,

(c) a pub,

(d) a small bar.

**Note.**

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

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

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

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

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

*Note.*

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

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

(a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,

(b) pets and pet supplies,

(c) fresh produce.

*Note.*

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

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

*Note.*

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

**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 Warringah Local Environmental Plan 2011 Height of Buildings Map.

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

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

(a) a terminal building, or

(b) facilities for the parking, storage or repair of helicopters.

**Note.**

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

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

(a) shown on the **Heritage Map** as a heritage conservation area, and

(b) the location and nature of which is described in Schedule 5,

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

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

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

(a) a statement demonstrating the heritage significance of a heritage item or heritage conservation area, and

(b) an assessment of the impact that proposed development will have on that significance, and

(c) proposals for measures to minimise that impact.

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

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

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

_Heritage Map_ means the Warringah Local Environmental Plan 2011 Heritage Map.

_heritage significance_ means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

_high technology industry_ means a building or place predominantly used to carry out an industrial activity that involves any of the following—
(a) electronic or micro-electronic systems, goods or components,
(b) information technology (such as computer software or hardware),
(c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,
(d) biological, pharmaceutical, medical or paramedical systems, goods or components,
(e) film, television or multi-media technologies, including any post production systems, goods or components,
(f) telecommunications systems, goods or components,
(g) sustainable energy technologies,
(h) any other goods, systems or components intended for use in a science or technology related field,

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)_.

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_Warringah Local Environmental Plan 2011 [NSW]_

_Current version for 17 April 2020 to date (accessed 6 August 2020 at 15:21) Page 98 of 124_
**home business** means a business 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 more than 2 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 exposure to view, from any adjacent premises or from any public place, of any unsightly matter, 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, except for goods produced at the dwelling or building.

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 a dwelling (or a building ancillary to a dwelling) used by one or more permanent residents of the dwelling to carry out an industrial activity that does not involve any of the following—

(a) the employment of more than 2 persons other than those residents,

(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,

(c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter,

(d) the exhibition of any signage (other than a business identification sign),

(e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building.

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.

**Key Sites Map** means the Warringah Local Environmental Plan 2011 Key Sites Map.

**kiosk** means premises that are used for the purposes of selling food, light refreshments and other small convenience
items 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 Warringah Local Environmental Plan 2011 Land Application Map.

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

**Land Reservation Acquisition Map** means the Warringah Local Environmental Plan 2011 Land Reservation
Acquisition Map.

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

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

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

Note.

Landscaping material supplies are a type of retail premises—see the definition of that term in this Dictionary.
**Landslip Risk Map** means the *Warringah Local Environmental Plan 2011 Landslip Risk Map*.

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

(a) high technology industry,

(b) home industry,

(c) artisan food and drink industry.

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

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

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

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

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

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

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

**Lot Size Map** means the *Warringah Local Environmental Plan 2011 Lot Size Map*.

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

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

(a) any facility for the construction, repair, maintenance, storage, sale or hire of boats,

(b) any facility for providing fuelling, sewage pump-out or other services for boats,

(c) any facility for launching or landing boats, such as slipways or hoists,

(d) any car parking or commercial, tourist or recreational or club facility that is ancillary to the boat storage facility,

(e) any berthing or mooring facilities.

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

Note.

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

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

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

Note.

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

mezzanine means an intermediate floor within a room.

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

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

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

(a) the construction, operation and decommissioning of associated works, and

(b) the rehabilitation of land affected by mining.

Note.

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

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

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

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

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

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

Note.

The term is defined as follows—

moveable dwelling means—
(a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or

(b) a manufactured home, or

(c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the Local Government Act 1993) for the purposes of this definition.

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

**Note.**

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

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

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

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

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

**neighbourhood shop** means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, 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.

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 establishement—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 or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

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

(a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,

(b) facilities for the loading or unloading of freight onto or from vessels and associated receival, land transport and storage facilities,

(c) wharves for commercial fishing operations,

(d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,

(e) sea walls or training walls,

(f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

wholesale supplies means a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the A New Tax System (Australian Business Number) Act 1999 of the Commonwealth.
Historical notes
The following abbreviations are used in the Historical notes:

<table>
<thead>
<tr>
<th>Am</th>
<th>amended</th>
<th>LW</th>
<th>legislation website</th>
<th>Sch</th>
<th>Schedule</th>
</tr>
</thead>
<tbody>
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<td>Schedules</td>
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<td>clauses</td>
<td>p</td>
<td>page</td>
<td>Sec</td>
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<td>pages</td>
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</tr>
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<td>Regs</td>
<td>Regulations</td>
<td>Subdivs</td>
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</tr>
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<td>Rep</td>
<td>repealed</td>
<td>Subst</td>
<td>substituted</td>
</tr>
</tbody>
</table>

Table of amending instruments

*Warringah Local Environmental Plan 2011 (649).* LW 9.12.2011. Date of commencement, on publication on LW, cl 1.1AA. This Plan has been amended as follows—

**2012**

(506) *Standard Instrument (Local Environmental Plans) Amendment (Definitions) Order 2012.* LW 5.10.2012. Date of commencement, on publication on LW, cl 2.


**2013**


(131) *Warringah Local Environmental Plan 2011 (Amendment No 1).* LW 28.3.2013.
Date of commencement, on publication on LW, cl 2.

(549) *Warringah Local Environmental Plan 2011 (Amendment No 3).* LW 20.9.2013.
Date of commencement, on publication on LW, cl 2.

Date of commencement, on publication on LW, cl 2.

Date of commencement of Sch 3.27, 10.1.2014, Sch 3.27.

**2014**

(5) *Warringah Local Environmental Plan 2011 (Amendment No 8).* LW 17.1.2014.
Date of commencement, on publication on LW, cl 2.

(39) *Warringah Local Environmental Plan 2011 (Amendment No 4).* LW 7.2.2014.
Date of commencement, on publication on LW, cl 2.

(53) *Warringah Local Environmental Plan 2011 (Amendment No 2).* LW 14.2.2014.
Date of commencement, on publication on LW, cl 2.

(219) *Warringah Local Environmental Plan 2011 (Amendment No 10).* LW 11.4.2014.
Date of commencement, on publication on LW, cl 2.

(308) *Warringah Local Environmental Plan 2011 (Amendment No 6).* LW 30.5.2014.
Date of commencement, on publication on LW, cl 2.

(309) *Warringah Local Environmental Plan 2011 (Amendment No 9).* LW 30.5.2014.
Date of commencement, on publication on LW, cl 2.

Date of commencement of Sch 2.36, 14.7.2014, Sch 2.36.
<table>
<thead>
<tr>
<th>Year</th>
<th>Description</th>
<th>Date of Commencement</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>Warringah Local Environmental Plan 2011 (Amendment No 7). LW 27.6.2014.</td>
<td>on publication on LW, cl 2.</td>
</tr>
<tr>
<td>2016</td>
<td>Warringah Local Environmental Plan 2011 (Amendment No 14). LW 22.4.2016.</td>
<td>on publication on LW, cl 2.</td>
</tr>
<tr>
<td>2016</td>
<td>Warringah Local Environmental Plan 2011 (Amendment No 15). LW 13.5.2016.</td>
<td>on publication on LW, cl 2.</td>
</tr>
</tbody>
</table>
2018  


(404)  Standard Instrument (Local Environmental Plans) Amendment (Artisan Food and Drink Industries) Order 2018. LW 27.7.2018. Date of commencement, on publication on LW, cl 2.

(405)  Standard Instrument (Local Environmental Plans) Amendment (Garden Centres) Order 2018. LW 27.7.2018. Date of commencement, on publication on LW, cl 2.

(406)  State Environmental Planning Policy Amendment (Artisan Food and Drink Industries) 2018. LW 27.7.2018. Date of commencement, on publication on LW, cl 2.


2019  

(137)  State Environmental Planning Policy (Primary Production and Rural Development) 2019. LW 28.2.2019. Date of commencement, on publication on LW, cl 2.


**Table of amendments**

No reference is made to certain amendments made consequential on the amendment of the *Standard Instrument (Local Environmental Plans) Order 2006*.

<table>
<thead>
<tr>
<th>Clause</th>
<th>Amendments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cl 1.2</td>
<td>Am 2016 (617), Sch 1 [1].</td>
</tr>
<tr>
<td>Cl 1.8A</td>
<td>Am 2019 (621), Sch 5[1]; 2020 (69), Sch 1.14[1].</td>
</tr>
<tr>
<td>Cl 1.9A</td>
<td>Am 2019 (621), Sch 5[2]–[4].</td>
</tr>
<tr>
<td>Cl 2.8</td>
<td>Am 2017 (325), Sch 1 [1].</td>
</tr>
<tr>
<td>Land Use Table</td>
<td>Am 2014 (39), Sch 1 [1] [2]; 2014 (219), cl 4; 2016 (167), Sch 1 [3]; 2016 (228), Sch 1 [1] [2]; 2017 (493), Sch 1.1 [1] [2]; 2019 (137), Sch 6 [1]; 2019 (621), Sch 3.</td>
</tr>
<tr>
<td>Cl 4.4</td>
<td>Subst 2020 (74), Sch 1[1].</td>
</tr>
<tr>
<td>Cl 4.6</td>
<td>Am 2020 (74), Sch 1[2] [3].</td>
</tr>
<tr>
<td>Cl 5.4</td>
<td>Am 2018 (406), Sch 1.146 [1] [2].</td>
</tr>
<tr>
<td>Cl 6.1</td>
<td>Am 2014 (39), Sch 1 [3].</td>
</tr>
<tr>
<td>Cl 6.8</td>
<td>Am 2020 (69), Sch 1.14[2].</td>
</tr>
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<td>Cl 6.9</td>
<td>Am 2017 (493), Sch 1.2 [1].</td>
</tr>
<tr>
<td>Cl 6.10</td>
<td>Ins 2016 (228), Sch 1 [3].</td>
</tr>
<tr>
<td>Cl 7.1</td>
<td>Am 2020 (74), Sch 1[4] [5].</td>
</tr>
<tr>
<td>Cl 7.3</td>
<td>Am 2016 (200), Sch 1 [1]; 2020 (74), Sch 1[6] [7].</td>
</tr>
<tr>
<td>Cl 7.4</td>
<td>Am 2020 (74), Sch 1[8].</td>
</tr>
<tr>
<td>Cl 7.5</td>
<td>Am 2020 (74), Sch 1[9].</td>
</tr>
<tr>
<td>Cl 7.6</td>
<td>Am 2020 (74), Sch 1[10].</td>
</tr>
<tr>
<td>Cl 7.6A</td>
<td>Ins 2020 (74), Sch 1[11].</td>
</tr>
<tr>
<td>Cl 7.11</td>
<td>Am 2016 (200), Sch 1 [2].</td>
</tr>
<tr>
<td>Cl 7.12</td>
<td>Am 2016 (200), Sch 1 [3]; 2020 (74), Sch 1[12]–[15].</td>
</tr>
<tr>
<td>Cl 7.13</td>
<td>Am 2020 (74), Sch 1[16]–[18].</td>
</tr>
<tr>
<td>Cl 7.14</td>
<td>Ins 2020 (74), Sch 1[19].</td>
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</tbody>
</table>
Sch 1  
Am 2014 (39), Sch 1 [4]-[23]; 2014 (309), cl 5; 2016 (253), cl 5; 2016 (617), Sch 1 [2]; 2018 (349), cl 5; 2018 (488), Sch 1.2; 2019 No 1, Sch 2.33.

Sch 2  
Am 2017 (325), Sch 1 [2]; 2019 (621), Sch 2.41.

Sch 4  
Am 2013 (549), Sch 1 [1] [2]; 2017 (48), cl 5; 2018 (485), cl 4.

Sch 5  
Subst 2014 (308), Sch 1.

Dictionary  
Am 2013 (549), Sch 1 [3]; 2016 (617), Sch 1 [3]; 2020 (74), Sch 1[20].

Maps  
Am 2013 (131), cl 4; 2013 (550), cl 4; 2014 (5), cl 4; 2014 (39), cl 4; 2014 (53), cl 4, 2014 (308), cl 4; 2014 (309), cl 4; 2014 (392), cl 4; 2015 (181), cl 4; 2015 (348), cl 4; 2015 (618), cl 4; 2016 (200), cl 4; 2016 (253), cl 4; 2016 (617), cl 4; 2017 (48), cl 4; 2017 (103), cl 4; 2017 (325), cl 4; 2018 (349), cl 4; 2020 (74), cl 4; 2020 (437), cl 4.