The Hills Local *Environmental* Plan (LEP) 2012

THE HILLS
Sydney's Garden Shire

THE HILLS LOCAL ENVIRONMENTAL PLAN 2012

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Prepared by

The Hills Shire Council
Forward Planning Team
The Hills Local Environmental Plan 2012 (as amended)

Updated and reprinted:
5 October 2012

New South Wales

The Hills Local Environmental Plan 2012

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, pursuant to section 33A of the *Environmental Planning and Assessment Act 1979*, adopt the mandatory provisions of the *Standard Instrument (Local Environmental Plans) Order 2006* and prescribe matters required or permitted by that Order so as to make a local environmental plan as follows.

RICHARD PEARSON
As delegate for the Minister for Planning and Infrastructure

AMENDMENTS TO

THE HILLS LOCAL ENVIRONMENTAL PLAN 2012

NAME	AMENDMENT	INFORCE & DATE	SUBJECT

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Part 1 Preliminary

1.1 Name of Plan

This Plan is The Hills Local Environmental Plan 2012.

1.1AA Commencement

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

1.2 Aims of Plan

(1) This Plan aims to make local environmental planning provisions for land in The Hills in accordance with the relevant standard environmental planning instrument under section 33A of the Act.

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

(a) To guide the orderly and sustainable development of The Hills, balancing its economic, environmental and social needs,

(b) To provide strategic direction and urban and rural land use management for the benefit of the community,

(c) To provide for the development of communities that are liveable, vibrant and safe and that have services and facilities that meet their needs,

(d) To provide for balanced urban growth through efficient and safe transport infrastructure, a range of housing options, and a built environment that is compatible with the cultural and natural heritage of The Hills,

(e) To preserve and protect the natural environment of The Hills and to identify environmentally significant land for the benefit of future generations,

(f) To contribute to the development of a modern local economy through the identification and management of land to promote employment opportunities and tourism.

1.3 Land to which Plan applies

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

1.4 Definitions

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

1.5 Notes

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

1.6 Consent authority

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

1.7 Maps

(1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name:
(a) approved by the Minister 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 Minister when the instruments are made.

(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 Infrastructure.

1.8 Repeal of planning instruments applying to land

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

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

1.8A Savings provision relating to development applications

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

Note. However, under Division 4B of Part 3 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant development is appropriately amended or if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.

1.8B Amendment and repeal of SEPPs applying to land

(1) *Sydney Regional Environmental Plan No 18—Public Transport Corridors* is amended by omitting “Shire of Baulkham Hills” from Schedule 1.

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 36 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

State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development (clause 6 and Parts 3 and 4)

State Environmental Planning Policy No 60—Exempt and Complying Development

Sydney Regional Environmental Plan No 19 – Rouse Hill Development Area

1.9A Suspension of covenants, agreements and instruments [local - model]

(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 prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, 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*.
- (g) To any planning agreement within the meaning of Division 6 of Part 4 of the Act.

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

(4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

Part 2 Permitted or prohibited development

2.1 Land use zones

The land use zones under this Plan are as follows:

Rural Zones

RU1 Primary Production
RU2 Rural Landscape
RU3 Forestry
RU6 Transition

Residential Zones

R1 General Residential
R2 Low Density Residential
R3 Medium Density Residential
R4 High Density Residential

Business Zones

B1 Neighbourhood Centre
B2 Local Centre
B4 Mixed Use
B5 Business Development
B6 Enterprise Corridor
B7 Business Park

Industrial Zones

IN1 General Industrial
IN2 Light Industrial

Special Purpose Zones

SP2 Infrastructure
SP3 Tourist

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

W2 Recreational Waterways

2.2 Zoning of land to which Plan applies

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

2.3 Zone objectives and Land Use Table

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

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

(3) In the Land Use Table at the end of this Part:
- (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
- (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.

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

Notes.

1. Schedule 1 sets out additional permitted uses for particular land.
2. Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act or, if applicable, Part 3A 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) Before granting development consent, the consent authority:
- (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
- (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

2.5 Additional permitted uses for particular land

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

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

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

2.6 Subdivision—consent requirements

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

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

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

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

2.7 Demolition requires development consent

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

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

(3) 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 (Rural Lands) 2008

State Environmental Planning Policy No 33—Hazardous and Offensive Development

State Environmental Planning Policy No 50—Canal Estate Development

State Environmental Planning Policy No 62—Sustainable Aquaculture

State Environmental Planning Policy No 64—Advertising and Signage

Zone RU1 Primary Production

1 Objectives of zone

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

2 Permitted without consent

Bed and breakfast accommodation; Extensive agriculture; Home occupations.

3 Permitted with consent

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

4 Prohibited

Any development not specified in item 2 or 3.

Zone RU2 Rural Landscape

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To encourage innovative and sustainable tourist development, sustainable agriculture and provision of farm produce directly to the public.

2 Permitted without consent

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

3 Permitted with consent

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

4 Prohibited

Any development not specified in item 2 or 3.

Zone RU3 Forestry

1 Objectives of zone

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

2 Permitted without consent

Roads; Uses authorised under the *Forestry Act 1916*

3 Permitted with consent

Environmental facilities; Environmental protection works; Plant nurseries; Public administration buildings; Restaurants or cafés.

4 Prohibited

Any development not specified in item 2 or 3

Zone RU6 Transition

1 Objectives of zone

- To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage innovative and sustainable tourist development, sustainable agriculture and the provision of farm produce directly to the public.

2 Permitted without consent

Bed and breakfast accommodation; Extensive agriculture; Home occupations.

3 Permitted with consent

Agricultural produce industries; Animal boarding or training establishments; Aquaculture; Building identification signs; Business identification signs; Cemeteries; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Flood mitigation works; Garden centres; Home-based child care; Home businesses; Home industries; Information and education facilities; Intensive plant agriculture; Landscaping material supplies; Places of public worship; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafés; Roads; Roadside stalls; Rural workers' dwellings; Secondary dwellings; Veterinary hospitals; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3

Zone R1 General Residential

1 Objectives of zone

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

2 Permitted without consent

Home business; Home occupations.

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Business premises; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Group homes; Home-based child care; Hostels; Hotel or motel accommodation; Multi dwelling housing; Neighbourhood shops; Office premises; Places of public worship; Residential flat buildings; Respite day care centres; Restaurants or cafés; Roads; Semi-detached dwellings; Seniors housing; Shop top housing, Any other development not specified in item 2 or 4

4 Prohibited

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

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To maintain the existing low density residential character of the area.

2 Permitted without consent

Home business; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Dual occupancies; Dwelling houses; Group homes; Health consulting rooms; Home-based child care; Roads; Any other development not specified in item 2 and 4

4 Prohibited

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

Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage medium density residential development in locations that are close to population centres and public transport routes.

2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent

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

4 Prohibited

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

Zone R4 High Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage high density residential development in locations that are close to population centres and public transport routes.

2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent

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

4 Prohibited

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

Zone 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 the scale and type of development is compatible with the character and amenity of a neighbourhood centre.
- To allow for residential development that contributes to the economic and social vitality of the neighbourhood centre and does not detract from the primary objective of the zone.
- To promote commercial activities in locations that encourages walking and cycling to and from the neighbourhood centre.

2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent

Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Business premises; Cellar door premises; Child care centres; Community facilities; Health consulting rooms; Home-based child care; Kiosks; Markets; Medical centres; Neighbourhood shops; Respite day care centres; Restaurants or cafés; Roads; Roadside stalls; Shops; Shop top housing; Take away food and drink premises; Any other development not specified in item 2 or 4

4 Prohibited

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

Zone 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.

2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent

Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Home-based child care; Information and education facilities; Medical centres; Multi dwelling housing; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

4 Prohibited

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; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Recreation facilities (major); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sewerage systems; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; 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 encourage leisure and entertainment facilities in the major centres that generate activity throughout the day and evening.
- To provide for high density housing that is integrated with civic spaces.

2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent

Backpackers' accommodation; Boarding houses; Building identification signs; Business identification signs; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Home-based child care; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Serviced apartments; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited

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; Electricity generating works; Environmental facilities; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Recreation facilities (major); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sewerage systems; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

Zone B5 Business Development

1 Objectives of zone

- To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To provide for bulky goods premises that meet community demand.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Bulky goods premises; Business identification signs; Child care centres; Food and drink premises; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Landscaping material supplies; Light industries; Neighbourhood shops; Passenger transport facilities; Plant nurseries; Respite day care centres; Roads; Self storage units; Serviced apartments; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industrial training facilities; Industries; Marinas; Medical centres; Mooring pens; Moorings; Mortuaries; Open cut mining; Recreation facilities (major); Research stations; Residential accommodation; Resource recovery facilities; Restricted premises; Rural industries; Sewerage systems; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Waste disposal facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

Zone B6 Enterprise Corridor

1 Objectives of zone

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses)
- To maintain the economic strength of centres by limiting retailing activity.
- To provide for residential uses, but only as part of a mixed use development.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Business premises; Community facilities; Food and drink premises; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Landscaping material supplies; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Plant nurseries; Roads; Self storage units; Serviced apartments; Shop top housing; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Home based child care; Home businesses; Home occupations; Home occupations (sex services); Industrial training facilities; Industries; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Recreation facilities (major); Research stations; Residential accommodation; Resource recovery facilities; Restricted premises; Rural industries; Sewerage systems; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Waste disposal facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

Zone 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 make provision for high technology industries that use and develop advanced technologies, products and processes.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Business premises; Child care centres; Food and drink premises; Garden centres; Hardware and building supplies; Heliports; Hotel or motel accommodation; Landscaping material supplies; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Plant nurseries; Roads; Respite day care centres; Self storage units; Serviced apartments; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industrial training facilities; Industries; Marinas; Mooring pens; Moorings; Open cut mining; Recreation facilities (major); Research stations; Residential accommodation; Resource recovery facilities; Restricted premises; Rural industries; Sewerage systems; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Waste disposal facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

Zone 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 provide for a range of urban support services to serve the needs of residents in surrounding areas and workers in the locality.
- To facilitate the development of freight and logistics operations to enhance the viability and use of employment lands.
- To provide temporary overnight accommodation for the working population and businesses in the area.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Depots; Food and drink premises; Freight transport facilities; General industries; Hardware and building supplies; Heliports; Hotel or motel accommodation; Industrial training facilities; Light industries; Neighbourhood shops; Roads; Serviced apartments; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in Item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Amusements 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; Farm buildings; Forestry; Function centres; Health services facilities; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industries; Marinas; Mooring pens; Moorings; Open cut mining; Public administration buildings; Recreation facilities (major); Research stations; Residential accommodation; Restricted premises; Rural industries; Sewerage systems; Signage; Tourist and visitor accommodation; Water recreation structures; Water supply systems;Wharf or boating facilities.

Zone IN2 Light Industrial

1 Objectives of zone

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.
- To provide temporary overnight accommodation for the working population and businesses in the area.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Depots; Food and drink premises; Hardware and building supplies; Heliports; Hotel or motel accommodation; Industrial training facilities; Light industries; Neighbourhood shops; Roads; Self-storage units; Serviced apartments; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Waste disposal facilities; Any other development not specified in Item 2 or 4

4 Prohibited

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; Farm buildings; Forestry; Freight transport facilities; Function centres; Health services facilities; Heavy industrial storage establishments; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industries; Marinas; Mooring pens; Moorings; Open cut mining; Public administration buildings; Recreation facilities (major); Research stations; Residential accommodation; Resource recovery facilities; Restricted premises; Rural industries; Sewerage systems; Signage; Storage premises; Tourist and visitor accommodation; Waste disposal facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

Zone SP2 Infrastructure

1 Objectives of zone

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

2 Permitted without consent

Roads

3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.

4 Prohibited

Any development not specified in item 2 or 3.

Zone SP3 Tourist

1 Objectives of zone

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

2 Permitted without consent

Home occupations; Moorings.

3 Permitted with consent

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

4 Prohibited

Any development not specified in item 2 or 3.

Zone RE1 Public Recreation

1 Objectives of zone

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

2 Permitted without consent

Environmental protection works.

3 Permitted with consent

Building identification signs; Business identification signs; Car parks; Child care centres; Community facilities; Emergency service facilities; Environmental facilities; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafés; Roads; Take away food and drink premises; Water recreation structures.

4 Prohibited

Any development not specified in item 2 or 3.

Zone RE2 Private Recreation

1 Objectives of zone

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

2 Permitted without consent

Environmental protection works.

3 Permitted with consent

Building identification signs; Business identification signs; Charter and tourism boating facilities; Community facilities; Environmental facilities; Hotel or motel accommodation; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Restaurants or cafés; Roads; Serviced apartments; Water recreation structures.

4 Prohibited

Any development not specified in item 2 or 3.

Zone E1 National Parks and Nature Reserves

1 Objectives of zone

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

2 Permitted without consent

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

3 Permitted with consent

Nil

4 Prohibited

Any development not specified in item 2 or 3.

Zone E2 Environmental Conservation

1 Objectives of zone

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

2 Permitted without consent

Nil

3 Permitted with consent

Environmental facilities; Environmental protection works; Research stations; Roads.

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.

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 provide for residential development on the land having regard to the geotechnical constraints of the land.

2 Permitted without consent

Home occupations

3 Permitted with consent

Dwelling houses; Environmental protection works; Roads.

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.

2 Permitted without consent

Home occupations

3 Permitted with consent

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

4 Prohibited

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

Zone W2 Recreational Waterways

1 Objectives of zone

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

2 Permitted without consent

Nil

3 Permitted with consent

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

4 Prohibited

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

Part 3 Exempt and complying development

3.1 Exempt development

Note. Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act.
The section states that exempt development:
(a) must be of minimal environmental impact, and
(b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), and
(c) cannot be carried out in a wilderness area (identified under the *Wilderness Act 1987*).

(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*.

(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 or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent.

Note. A permit for the removal or pruning of a tree or other vegetation may be granted under this Plan. Development consent for the removal of native vegetation may be granted where relevant under the *Native Vegetation Act 2003*.

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

3.2 Complying development

Note. Under section 76A of the Act, development consent for the carrying out of complying development may be obtained by the issue of a complying development certificate.
The section states that development cannot be complying development if:
(a) it is on land that is critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), or
(b) it is on land within a wilderness area (identified under the *Wilderness Act 1987*), or
(c) the development is designated development, or

(d) the development is on land that comprises, or on which there is, an item of environmental heritage (that is listed on the State Heritage Register or in Schedule 5 to this Plan or that is subject to an interim heritage order under the *Heritage Act 1977*), or
(e) the development requires concurrence (except a concurrence of the Director-General of the Department of Environment, Climate Change and Water) in respect of development that is likely to significantly affect a threatened species, population, or ecological community, or its habitat (identified under the *Threatened Species Conservation Act 1995*), or
(f) the development is on land identified as an environmentally sensitive area.

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

(2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with:
(a) the development standards specified in relation to that development, and
(b) the requirements of this Part,
is complying development.

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

(3) To be complying development, the development must:
(a) be permissible, with development consent, in the zone in which it is carried out, and
(b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
(c) have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.

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

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

3.3 Environmentally sensitive areas excluded

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

(2) For the purposes of this clause:
environmentally sensitive area for exempt or complying development means any of the following:
(a) the coastal waters of the State,
(b) a coastal lake,
(c) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies,
(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*,
(i) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
(j) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

Part 4 Principal development standards

4.1 Minimum subdivision lot size

(1) The objectives of this clause are as follows:
- (a) To provide for the proper and orderly development of land;
- (b) To prevent fragmentation or isolation of land;
- (c) To ensure that the prevailing character of the surrounding area is maintained.

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

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

(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

4.1AA Minimum subdivision lot size for community title schemes

(1) The objectives of this clause are as follows:
- (a) to ensure that land to which this clause applies is not fragmented by inappropriate subdivisions that would create additional dwelling entitlements,
- (b) to encourage rural cluster subdivision that will ensure the land is developed, managed and conserved in a holistic and sensitive manner where affected by biodiversity.

(2) This clause applies to a subdivision (being a subdivision that requires development consent) under the *Community Land Development Act 1989* of land in any of the following zones:
- (a) Zone RU1 Primary Production,
- (b) Zone RU2 Rural Landscape,
- (c) Zone RU6 Transition,
- (d) Zone R1 General Residential,
- (e) Zone R2 Low Density Residential,
- (f) Zone R3 Medium Density Residential,
- (g) Zone R4 High Density Residential,
- (h) Zone SP3 Tourist,
- (i) Zone E3 Environmental Management,
- (j) Zone E4 Environmental Living.

(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.

(3A) Despite subclause (3), the size of any lot resulting from a subdivision of land in Zone RU2 Rural Landscape may be less than the minimum size shown on the Lot Size Map in relation to that land if:
- (a) The land to be subdivided under the community plan is not less than 10 hectares, and
- (b) the land to be subdivided under the community plan includes land identified as “Biodiversity” on the Terrestrial Biodiversity Map or a suitably qualified professional has assessed the relevant land and certified that the development will provide a better biodiversity outcome; and

(c) after the subdivision, there will be no more than 1 lot (other than a lot comprising association property within the meaning of the *community Land Development Act 1989)* for each 2 hectares subdivided, and

(d) The size of any lot resulting from the subdivision (other than a lot comprising association property within the meaning of the *Community Land Development Act 1989)*, is not less than 0.4 hectares or greater than 1 hectare.

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

(a) Appropriate management measures will be in place that will ensure the protection of the landscape, biodiversity and rural setting of the land; and

(b) productive agricultural land will not be lost.

4.1A Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings

(1) The objective of this clause is to achieve planned residential density in certain zones.

(2) Development consent may be granted to development on a lot in a zone shown in Column 2 of the Table to this clause for a purpose shown in Column 1 of the Table opposite that zone, if the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the Table.

Column 1	Column 2	Column 3
Dual occupancy (attached)	Zone RU1 Primary Production	10 hectares
	Zone RU2 Rural Landscape	10 hectares
	Zone RU6 Transition	2 hectares
	Zone R1 General Residential	1,800 square metres
	Zone R2 Low Density Residential	600 square metres
	Zone R3 Medium Density Residential	600 square metres
	Zone R4 High Density Residential	1,800 square metres
	Zone E4 Environmental Living	2,000 square metres
Dual occupancy (detached)	Zone R1 General Residential	1,800 square metres
	Zone R2 Low Density Residential	700 square metres
	Zone R3 Medium Density Residential	700 square metres
	Zone R4 High Density Residential	1,800 square metres
Multi dwelling housing	Zone R1 General Residential	1,800 square metres
	Zone R3 Medium Density Residential	1,800 square metres
	Zone R4 High Density Residential	1,800 square metres
	Zone B2 Local Centre	1,800 square metres
Residential flat building	Zone R1 General Residential	4,000 square metres
	Zone R4 High Density Residential	4,000 square metres
	Zone B2 Local Centre	4,000 square metres
	Zone B4 Mixed Use	4,000 square metres

4.1B Exceptions to minimum lot sizes for certain residential development

(1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.

(2) This clause applies to development on land in the following zones:

(a) Zone R3 Medium Density Residential

(b) Zone R4 High Density Residential

(3) Development consent may be granted to a single development application for development to which this clause applies that is both of the following:

(a) the subdivision of land into 3 or more lots,
(b) the erection of an attached dwelling or a dwelling house on each lot resulting from the subdivision, if the size of each lot is equal to or greater than:
(i) for the erection of a dwelling house - 240 square metres or
(ii) for the erection of an attached dwelling - 240 square metres.

4.1C Subdivision of dual occupancies

(1) The objectives of this clause are as follows:
(a) to not allow development consent to be granted for the subdivision of certain dual occupancies,
(b) to maintain the prevailing character of lower density residential areas.

(2) Despite any other provision of this Plan, development consent must not be granted for the subdivision of land on which a dual occupancy is erected, or proposed to be erected, if the subdivison would result in each of the dwellings that comprise the dual occupancy being located on separate lots unless:

(a) the dual occupancy was erected, or the building work for the erection of the dual occupancy had commenced, before this plan commenced, and
(b) the erection was, or is being carried out, under a development consent granted before 18 October 1996, and
(c) the plans approved by the development consent showed parts of the building as being intended for separate occupation, and
(d) the subdivision would create lots that substantially correspond with the parts shown on those plans as being for separate occupation, and
(e) the land is being subdivided under a strata plan.

4.2 Rural subdivision

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

(2) This clause applies to the following rural zones:
(a) Zone RU1 Primary Production,
(b) Zone RU2 Rural Landscape,
(c) Zone RU4 Primary Production Small Lots,
(d) Zone RU6 Transition

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

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

(5) A dwelling cannot be erected on such a lot.
Note. A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).

4.2A Erection of dwelling houses or dual occupancies on land in certain rural and environmental protection zones

(1) The objectives of this clause are as follows:
(a) to minimise unplanned rural residential development,
(b) to enable the replacement of lawfully erected dwelling houses in rural and environmental protection zones.

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

(a) Zone RU1 Primary Production,
(b) Zone RU2 Rural Landscape,
(c) Zone RU6 Transition
(d) Zone E3 Environmental Management
(e) Zone E4 Environmental Living

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

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

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

(5) In this clause:
existing holding means land that:
(a) was a holding on 13th May 1977, and
(b) is a holding at the time the application for development consent referred to in subclause (3) is lodged,
whether or not there has been a change in the ownership of the holding since 13 May 1997, and includes any other land adjoining that land acquired by the owner since 13 May 1977.
holding means all adjoining land, even if separated by a road or railway, held by the same person or persons.

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

4.3 Height of buildings

(1) The objectives of this clause are as follows:
(a) to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape.
(b) to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.

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

4.4 Floor space ratio

(1) The objectives of this clause are as follows:
- (a) to ensure development is compatible with the bulk, scale and character of existing and future surrounding development.
- (b) to provide for a built form that is compatible with the role of town and major centres.

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

4.5 Calculation of floor space ratio and site area

(1) **Objectives**

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

(2) **Definition of "floor space ratio"**

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

(3) **Site area**

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

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

(4) **Exclusions from site area**

The following land must be excluded from the site area:
- (a) land on which the proposed development is prohibited, whether under this Plan or any other law,
- (b) community land or a public place (except as provided by subclause (7).

(5) **Strata subdivisions**

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

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

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

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

For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an

area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.

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

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

(10) **Covenants affect consolidated sites**
If:
(a) a covenant of the kind referred to in subclause (9) applies to any land (***affected land***), and
(b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,
the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

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

4.6 Exceptions to development standards

(1) The objectives of this clause are as follows:
(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

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

(3) Development consent must not be granted 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 Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General 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 Director-General before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:

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

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

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,

(c) clause 5.4,

(ca) clause 6.1 or 6.2.

Part 5 Miscellaneous provisions

5.1 Relevant acquisition authority

(1) The objective of this clause is to identify, for the purposes of section 27 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 8 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Roads and Maritime Services
Zone E1 National Parks and Nature Reserves and marked "National Park"	Minister administering the *National Parks and Wildlife Act 1974*
Zone SP2 Infrastructure and marked "Railway Corridor"	The corporation constituted under section 8 of the Act
Zone SP2 Infrastructure and marked "Stormwater Management System"	Sydney Water Corporation
Zone SP2 Infrastructure and marked "Public Transport Corridor"	Roads and Maritime Services
Zone SP2 Infrastructure and marked "Local Road Widening"	Council

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

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

(1) The objective of this clause is to protect land that is intended to be acquired for a public purpose.

(2) Development consent must not be granted to any development on land identified on the Land Reservation Acquisition Map to be acquired for a public purpose unless the

consent authority is satisfied that the development is likely to be consistent with the public purpose identified on that map for that land.

5.2 Classification and reclassification of public land

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

Note. Under the *Local Government Act 1993*, "public land" is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). 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 Lands Act 1989*).

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

5.3 Development near zone boundaries

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

(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.

(3) This clause does not apply to:
- (a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, 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~~u~~ involve a change in the class of building under the *Building Code of Australia*.

(2) **Home businesses**

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

(3) **Home industries**

If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 100 square metres of floor area.

(4) **Industrial retail outlets**

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

(a) 10% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or

(b) 50 square metres,

whichever is the lesser.

(5) **Farm stay accommodation**

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

(6) **Kiosks**

If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 20 square metres.

(7) **Neighbourhood shops**

If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 100 square metres.

(8) **Roadside stalls**

If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 75 square metres.

(9) **Secondary dwellings**

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) 20% of the total floor area of the principal dwelling.

5.5 Development within the coastal zone

[Not applicable]

5.6 Architectural roof features

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

(a) to allow architectural roof features that will integrate with building composition and form and encourage a high quality built form.

(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.

(3) Development consent must not be granted to any such development unless the consent authority is satisfied that:

(a) the architectural roof feature:

(i) comprises a decorative element on the uppermost portion of a building, and

(ii) is not an advertising structure, and

(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and

(iv) will cause minimal overshadowing, and

(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

5.7 Development below mean high water mark

(1) The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters.

(2) Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).

5.8 Conversion of fire alarms

(1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.

(2) The following development may be carried out, but only with development consent:

(a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,

(b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,

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

(3) Development to which subclause (2) applies is complying development if it consists only of:
(a) internal alterations to a building, or
(b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.

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

(5) In this clause:
private service provider means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:
(a) development consent, or
(b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:
(a) that is or forms part of a heritage item or that is within a heritage conservation area, or
(b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance,
unless the Council is satisfied that the proposed activity:
(c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
(d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

Note. As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

(8) This clause does not apply to or in respect of:
(a) the clearing of native vegetation

(i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003*, or

(ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or

(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or

(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or

(d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or

(e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

Note. Permissibility may be a matter that is determined by or under any of these Acts.

(9) [Not adopted]

5.9AA Trees or vegetation not prescribed by development control plan

(1) This clause applies to any tree or other vegetation that is not of a species or kind prescribed for the purposes of clause 5.9 by a development control plan made by the Council.

(2) The ringbarking, cutting down, topping, lopping, removal, injuring or destruction of any tree or other vegetation to which this clause applies is permitted without development consent.

5.10 Heritage conservation

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

(1) **Objectives**

The objectives of this clause are as follows:

(a) to conserve the environmental heritage of The Hills,

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

(c) to conserve archaeological sites,

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

(2) **Requirement for consent**

Development consent is required for any of the following:

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

(i) a heritage item

(ii) an Aboriginal object,

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

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

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

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

(e) erecting a building on land:

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

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

(f) subdividing land:

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

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

(3) **When consent not required**

However, development consent under this clause is not required if:

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

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

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

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

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

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

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

(d) the development is exempt development.

(4) **Effect of proposed development on heritage significance**

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

(5) **Heritage assessment**

The consent authority may, before granting consent to any development:

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

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

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

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

(6) **Heritage conservation management plans**

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

(7) **Archaeological sites**

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State

Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

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

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

(8) **Aboriginal places of heritage significance**

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

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

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

(9) **Demolition of nominated State heritage items**

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:

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

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

(10) **Conservation incentives**

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

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

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

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

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

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

5.11 Bush fire hazard reduction

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

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

5.12 Infrastructure development and use of existing buildings of the Crown

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

(1) The objectives of this clause are as follows:
- (a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,
- (b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.

(2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.

(3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that:
- (a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and
- (b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and
- (c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and
- (d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and indigenous flora and fauna will be minimal, and
- (e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and
- (f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and
- (g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours materials and landscaping with local indigenous flora, and
- (h) any infrastructure services to the site will be provided without significant modification to the environment, and
- (i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and
- (j) the development will not adversely affect the agricultural productivity of adjoining land, and
- (k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment:
  - (i) measures to remove any threat of serious or irreversible environmental damage,
  - (ii) the maintenance (or regeneration where necessary) of habitats,
  - (iii) efficient and minimal energy and water use and waste output,
  - (iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,
  - (v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.

Part 6 Urban release areas

6.1 Arrangements for designated State public infrastructure

(1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.

(2) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than:
- (a) in relation to land shown as "Existing Urban Release" on the Urban Release Area Map – 40 hectares, or
- (b) in any other case – the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area,

unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that land.

(3) Subclause (2) does not apply to:
- (a) any lot identified in the certificate as a residue lot, or
- (b) any lot to be created by a subdivision of land that was the subject of a previous development consent granted in accordance with this clause, or
- (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or
- (d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.

(4) This clause does not apply to land in an urban release area if all or any part of the land is in a special contributions area (as defined by section 93C of the Act).

6.2 Public utility infrastructure

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

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

6.3 Relationship between Part and remainder of Plan

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

Part 7 Additional local provisions

7.1 Acid sulfate soils

(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

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

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

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

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

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

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

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

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

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

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

7.2 Earthworks

(1) The objectives of this clause are as follows:
(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,
(b) to allow earthworks of a minor nature without requiring a separate development consent.

(2) Development consent is required for earthworks unless:
(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or
(b) the earthworks are ancillary to other development for which development consent has been given.

(5) Before granting development consent for earthworks, the consent authority must consider the following matters:
(a) the likely disruption of, or any detrimental effect on, flooding or drainage patterns and soil stability in the locality of the development,
(b) the effect of the proposed development on the likely future use or redevelopment of the land,
(c) The quality of the fill or the soil to be excavated, or both,
(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,
(e) the source of any fill material and the destination of any excavated material,
(f) the likelihood of disturbing relics.
(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area
(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

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

7.3 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.

7.4 Biodiversity (Terrestrial)

(1) The objective of this clause is to maintain terrestrial biodiversity, including by:

(a) protecting native fauna and flora; and

(b) protecting the ecological processes necessary for their continued existence, and

(c) encouraging the recovery of native flora and fauna, and their habitats.

(2) This clause applies to land identified as " Biodiversity" on the Terrestrial Biodiversity Map.

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider:

(a) any potential adverse impacts from the proposed development on the following:

(i) the condition and significance of the vegetation on the land and whether it should be substantially retained,

(ii) the importance of the vegetation in that particular location to native fauna,

(iii) any potential to fragment, disturb or diminish the biodiversity values of the land,

(iv) the condition and role of the vegetation as a habitat corridor and

(b) any proposed measures to minimise or mitigate those impacts.

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

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

(b) if that impact cannot be reasonably avoided – the development is designed, sited and will be managed to minimise the impact, or,

(c) if that impact cannot be minimised – the development will be managed to mitigate that impact.

7.5 Limited development on foreshore area

(1) The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.

(2) Development consent must not be granted for development on land in the foreshore area except for the following:

(a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,

(b) the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,

(c) development for the purposes of boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).

(3) Development consent must not be granted under subclause (2) unless the consent authority is satisfied that:

(a) the development will contribute to achieving the objectives for the zone in which the land is located, and

(b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and

(c) the development will not cause environmental harm such as:

(i) pollution or siltation of the waterway, or

(ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna or flora habitats, or

(iii) an adverse effect on drainage patterns, and

(d) the development will not cause congestion of, or generate conflicts between, people using open space areas or the waterway, and

(e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and

(f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and

(g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and

(h) the sea level rise or change of flooding patterns as a result of climate change have been considered.

7.6 Landslide Risk

(1) The objective of this clause is to ensure that development is commensurate to the underlying geotechnical conditions and to restrict development on unsuitable land.

(2) This clause applies to land identified as “Landslide Risk” on the Landslide Risk Map.

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider whether the proposed development’s design is responsive to the constraints of landslide risk, including:

(a) site layout, including access,

(b) the building’s design and construction methods,

(c) the amount of cut and fill that will be required,

(d) waste water management, stormwater and drainage across the site,

(e) the specific geotechnical constraints of the site.

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

(a) is designed, sited, constructed and will be managed to avoid any landslide risk and potential adverse impact on the development or on land in the vicinity of the development; and

(b) will appropriately manage waste water, stormwater and drainage across the site so as to not affect the rate, volume and quality of water leaving the land.

7.7 Design excellence

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

(2) This clause applies to development involving the erection of a new building or external alterations to an existing building on land identified as "Area A" on the Height of Buildings Map.

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

(4) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:
- (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
- (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,
- (c) whether the development detrimentally impacts on view corridors,
- (d) whether the development detrimentally impacts on any land protected by solar access controls established in The Hills DCP
- (e) the requirements of the The Hills DCP,
- (f) how the development addresses the following matters:
  - (i) the suitability of the land for development,
  - (ii) existing and proposed uses and use mix,
  - (iii) heritage issues and streetscape constraints,
  - (iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
  - (v) bulk, massing and modulation of buildings,
  - (vi) street frontage heights,
  - (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
  - (viii) the achievement of the principles of ecologically sustainable development,
  - (ix) pedestrian, cycle, vehicular and service access, circulation and requirements,
  - (x) the impact on, and any proposed improvements to, the public domain.

(5) Development consent must not be granted to the following development on land to which this clause applies unless an architectural design competition that is consistent with the Design Excellence Guidelines has been held in relation to the proposed development:
- (a) development in respect of a building that is, or will be, higher than 45 metres or 13 storeys (or both) in height,
- (b) development having a capital value of more than $5,000,000,
- (c) development for which the applicant has chosen to have such a competition.

(6) Subclause (4) does not apply if the consent authority certifies in writing that the development is one for which an architectural design competition is not required.

(7) In determining whether to grant consent to the development application, the consent authority is to take into account the results of the architectural design competition.

(8) In this clause:

architectural design competition means a competitive process conducted in accordance with the Design Excellence Guidelines.

Design Excellence Guidelines means the Design Excellence Guidelines issued by the Director-General and in force as at the commencement of this Plan.

The Hills DCP means The Hills Develpoment Control Plan as in force at the commencement of this Plan.

7.8 Underground power lines at Carlingford

(1) The objective of this clause is to deliver the highest standard of urban design.

(2) In determining whether to grant development consent to development on land identified as "Area A" on the Key Sites Map, the consent authority must consider whether all 132kv double circuit electricity power lines in relation to that development will be placed underground.

7.9 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, specificed land uses and places regularly frequented by children.

(2) Despite any other provision of this plan, development consent must not be granted for development for the purposes of sex services premises if the premises will be located on land that adjoins, or that is separated only by a road, other than a classified road, from land:

(a) in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, or Zone RE1 Public Recreation, or

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

(3) In deciding whether to grant development consent to development for the purpose of sex services premises, the consent authority must consider the impact of the proposed development and its hours of operation on any place likely to be regularly frequented by children

(a) that adjoins the proposed development, or

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

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

Schedule 1 Additional permitted uses

(Clause 2.5)

1 Use of certain land at Old Northern Road, Glenorie

(1) This clause applies to land at Old Northern Road, Glenorie, being part of Lot 4, DP 616348, shown as "Item 1" on the Additional Permitted Uses Map.

(2) Development (including internal and external alterations) for the purposes of a service station is permitted with consent.

2 Use of certain land at Rouse Hill Regional Centre, Rouse Hill

(1) This clause applies to land at Rouse Hill Regional Centre, Rouse Hill, shown as "Item 2" on the Additional Permitted Uses Map.

(2) Development for a purpose shown in Column 2 of the Table to this item is permitted with consent in a zone shown opposite in Column 1, subject to any condition shown opposite in Column 3.

Column 1	Column 2	Column 3
Zone R3 Medium Density Residential	Residential flat buildings	
	Shop top housing	
	Business premises	In conjunction with shop top housing
Zone R4 High Density Residential	Business premises	In conjunction with shop top housing
Zone B4 Mixed Use	Attached dwellings	
	Multi dwelling housing	

Schedule 2 Exempt development

(Clause 3.1)

Note 1. *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies exempt development under that Policy. The Policy has State-wide application. This Schedule contains additional exempt development not specified in that Policy.
Note 2. Exempt development may be carried out without the need for development consent under the Act. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply.

Signage - real estate signs (advertising premises or land for sale or rent) in areas zoned residential, rural, industrial or commercial

(1) Only one per premises or street frontage, whichever is the greater.

(2) Maximum area—2.5m2.

(3) Must be removed when the property is sold or leased.

(4) If located on a fence, must not project more than 100mm from the fence.

Signage - temporary signs for religious, cultural, social or recreational events

(1) Only one per street frontage.

(2) Maximum area (residential areas)—1.5m2.

(3) Maximum area (commercial and industrial areas)—3.5m2.

(4) .....Must not include commercial advertising apart from the name of any event sponsor.

(5) Must not be displayed earlier than 28 days before the event and must be removed within 14 days after the event.

Signage – business identification signs associated with home businesses, home industries or home occupations

(1) Only one per premises.

(2) Maximum area—0.72m2.

(3) Maximum height of freestanding sign—1.2m above natural ground level.

(4) Must not be illuminated.

Temporary use of land

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

(a) market,

(b) circus,

(c) auction,

(d) community event

Schedule 3 Complying development

(Clause 3.2)

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

Part 1 Types of development

(When this plan was made this Part was blank)

Part 2 Complying development certificate conditions

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

General conditions

Any development specified in Part 1 is subject to the same conditions set out in Division 3 of Part 3 of *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 - interests changed

Column 1	Column 2
Locality	**Description**
Nil	

Part 2 Land classified, or reclassified, as operational land-interests changed

Column 1	Column 2	Column 3
Locality	**Description**	**Any trusts etc not discharged**
Rembrandt Drive, Baulkham Hills	Lots 27 and 28, DP 30744	Nil
Cumberland Avenue, Castle Hill	Part of Lot 202, DP 258563 being the land within Zone R2 Low Density Residential	Nil

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	**Description**
Nil	

Schedule 5 Environmental heritage

(Clause 5.10)

Part 1 Heritage items

Suburb	Item name	Address	Property description	Significance	Item No
Annangrove	House	221 Annangrove Road	Lot 2, DP 529043	Local	I1
Annangrove	House	7 Blue Gum Road	Part Lot 4, DP 236989	Local	I2
Baulkham Hills	House	31 Cross Street	Lot 1, DP 213055	Local	I3
Baulkham Hills	“Chelsea Farm”	8-10 Englart Place	Lot 9, DP 255911	Local	I4
Baulkham Hills	Norfolk Pine (*Araucaria heterophylla)*, marking original location of driveway for Chelsea Farm	14 Englart Place	Lot 11, DP 255911	Local	I5
Baulkham Hills	“Yootha Park”	11 Henry Street	Lot 7, DP 221937	Local	I6
Baulkham Hills	St Joseph’s Novitiate	64 Mackillop Drive	Lot 2, DP 817696	Local	I7
Baulkham Hills	“Creasy’s”	11-13 Old Northern Road	Lots 2 and 3, DP 1108855	Local	I8
Baulkham Hills	House	37-43 Old Northern Road	Lot 23, DP 739791	Local	I9
Baulkham Hills	House	60 Old Northern Road	Lot 2, DP 207936	Local	I10
Baulkham Hills	House	67 Old Northern Road	Lot B, DP 420528	Local	I11
Baulkham Hills	House	77 Old Northern Road	Lot 1, DP 1007799	Local	I12
Baulkham Hills	House	84 Old Northern Road	Lot 34, DP 129827	Local	I13
Baulkham Hills	House	92 Old Northern Road	Lot D, DP 370382	Local	I14
Baulkham Hills	House	118 Old Northern Road	Lot A, DP 333643	Local	I15
Baulkham Hills	House	121 Old Northern Road	Lot 84, DP 846106	Local	I16
Baulkham Hills	House	133 Old Northern Road	Lot 15, DP 845564	Local	I17
Baulkham Hills	House	135 Old Northern Road	Lot 14, DP 845564	Local	I18
Baulkham Hills	House	182 Old Northern Road	Lot 1, DP 209652	Local	I19
Baulkham Hills	“Thornbury Lodge”	9–13 Owen Avenue	Lots 9 and 10, SP 53479 and common property	Local	I20
Baulkham Hills	House	15 Park Road	Lot 2, DP 228420	Local	I21
Baulkham Hills	“The Palms”	1 Pearce Street	Lot 1, DP 23482	Local	I22
Baulkham Hills	Pearce family graves	Seven Hills Road	Lot 100, DP 707538	State	I24
Baulkham Hills	House	51 Seven Hills	Lot 10, DP 858072	Local	I23

Suburb	Item name	Address	Property description	Significance	Item No
		Road			
Baulkham Hills	Avenue of trees leading to Castle Hill Country Club	Spurway Drive, RMB 47-49 Windsor Road	Lot 1 DP 563812 and Lot 1002 1129877	Local	I25
Baulkham Hills	Bunya Pine (*Araucaria bidwillii)*, marking original driveway for Chelsea Farm	Torry Burn Reserve No 171, 13Z Gleeson Avenue	Lot 1, DP 244012	Local	I26
Baulkham Hills	Joyce Farmhouse	15-15A Valerie Avenue	Lots 36 and 46, DP 238502	Local	I27
Baulkham Hills	Windsor Road from Baulkham Hills to Box Hill	Windsor Road		Local	I28
Baulkham Hills	Baulkham Hills Public School	257 Windsor Road	Lot 1, DP 866897	Local	I29
Baulkham Hills	Bull and Bush Hotel	360–378 Windsor Road	Lot 2, DP 783941	Local	I30
Baulkham Hills	House	389A Windsor Road	Lot 5, DP 31331	Local	I31
Baulkham Hills	Norfolk Pine (*Araucaria heterophylla)*,marking original entrance to Chelsea Farm	468 Windsor Road	Lot 6, DP 255472	Local	I32
Baulkham Hills	Norfolk Pine (*Araucaria heterophylla)*, marking original entrance to Chelsea Farm	470 Windsor Road	Lot 7, DP 255472	Local	I33
Baulkham Hills	St Michael's Church	520 Windsor Road	Lot 100, DP 711470	Local	I34
Baulkham Hills	House	523 Windsor Road	Lot 10, DP 615435	Local	I35
Baulkham Hills	Alliance Church	524 Windsor Road	Lot 21, DP 852062	Local	I36
Beaumont Hills	Former Divine Word Mission	4 Sabal Place	Lot 1003, DP 857115	Local	I37
Beaumont Hills	Windsor Road from Baulkham Hills to Box Hill	Windsor Road		Local	I28
Box Hill	"Marklye"	18 Nelson Road	Lot 2, DP 712726	Local	I38
Box Hill	Box Hill House in grounds of McCall Garden Colony	10–32 Terry Road	Lot 1, DP 27502	State	I39
Box Hill	Windsor Road from Baulkham Hills to Box Hill	Windsor Road		Local	I28

Suburb	Item name	Address	Property description	Significance	Item No
Box Hill	Former Box Hill Inn	751 Windsor Road	Lot 11, DP 1009338	State	I40
Carlingford	“Havilah”, stables	25 Bevan Place	Lot 202, DP 803443	Local	I41
Carlingford	“Havilah House”	29 Bevan Place	Lot 3, DP 788924	Local	I42
Carlingford	House and outbuilding	381 North Rocks Road	Lot 12, DP 542855	Local	I43
Carlingford	House	157 Pennant Hills Road	Lot 1, DP 19868	Local	I44
Carlingford	House	159 Pennant Hills Road	Lot 1, DP 1100015	Local	I45
Carlingford	Carlingford Stock Feeds	1 Thallon Street	Lot 1, DP 1147407, and Lot 2, DP 503904	Local	I46
Castle Hill	House	71 Balintore Drive	Lot 7, DP 1093653	Local	I47
Castle Hill	“Fairholme”	157 Castle Hill Road	Lots 1 and 2 DP 135921 and Lot A, DP 329990	Local	I48
Castle Hill	“Bellerive”	164 - 166 Excelsior Avenue	Lot 1, DP 516491	Local	I49
Castle Hill	Castle Hill House	6-10 Francis Street	Lot 234, DP 1005876	Local	I50
Castle Hill	“Garthowen”	14 Garthowen Crescent	Lot 2, DP 533390	Local	I51
Castle Hill	Cemetery	10 Gilbert Road	Crown Reserve No 1000480, Lot 7300, DP 114191	Local	I52
Castle Hill	Gilroy College	19-37 Marie Street	Lot 1, DP 1073292, Lots 9, 10 and 47-51, DP 10049	Local	I53
Castle Hill	Gate and gateposts	36 Melia Court	Lot 2010, DP 879431	Local	I54
Castle Hill	House	108 Old Castle Hill Road	Lot 1, DP 585257	Local	I55
Castle Hill	House	171 Old Northern Road	Lot 1, DP 562174	Local	I56
Castle Hill	Durham Park	8/174 Old Northern Road	Lot 8, DP 1014035	Local	I57
Castle Hill	The Old Parsonage	210 Old Northern Road	Lot X, DP 418941	Local	I58
Castle Hill	Former St Paul’s Anglican Church	221–225 Old Northern Road	Lot 120, DP 817356	State	I59
Castle Hill	“Wansbrough House”	230 Old Northern Road	Lot 4, DP 533918	Local	I60

Suburb	Item name	Address	Property description	Significance	Item No
Castle Hill	St Paul's Cemetery	247 Old Northern Road	Lot 11, DP 1053193	Local	I61
Castle Hill	Christadelphian Church	245 Old Northern Road	Lot 12, DP 1053191	Local	I62
Castle Hill	Castle Hill Public School	264 and 266 Old Northern Road	Lot 101, DP 1000798	Local	I63
Castle Hill	Former police station	264 and 266 Old Northern Road	Lot 101, DP 1000798	Local	I64
Castle Hill	House	340 Old Northern Road	Lot 11, DP 1075777	Local	I65
Castle Hill	House	30–34 Showground Road	Lot 1, DP 840031	Local	I66
Castle Hill	"Dogwoods"	74 Showground Road	Lot 202, DP 551843	Local	I67
Castle Hill	House	107 Showground Road	Lot 1, DP 578072	Local	I68
Castle Hill	House	128–132 Showground Road	Lot 406, DP 860609	Local	I69
Castle Hill	House	9 Stone Cottage Court	Lot 27, DP 270304	Local	I70
Castle Hill	Windsor Road from Baulkham Hills to Box Hill	Windsor Road		Local	I28
Cattai	"Bungool" (Riverside Oaks Golf Course)	74 O'Briens Road	Lot 13, DP 270416	Local	I71
Cattai	"Rose Park"	62 Old Post Office Road	Lot 152, DP 1019110	Local	I72
Cattai	William Daley's grave	62 Old Post Office Road	Lot 152, DP 1019110	Local	I73
Cattai	Cattai Estate ("Caddie House", barn, silo and outbuildings part of Cattai Estate)	2–18 Wisemans Ferry Road	Lot 2, DP 605329	State	I74
Cattai	"Hope Farm House", "Hope Farm Cottage", outbuilding and mill ruins (part of Cattai Estate)	50 Wisemans Ferry Road	Lot 40, DP 1144784	Local	I75
Cattai	Slab hut	69 Wisemans Ferry Road	Lot 21, DP 843427	Local	I76
Cattai	"Johnstons"	76 Wisemans Ferry	Lot 37, DP 752039	Local	I77

Suburb	Item name	Address	Property description	Significance	Item No
		Road			
Cattai	“Terry Mount”	76 Wisemans Ferry Road	Lot 31, DP 136837	Local	I78
Cattai	“Montrose”	96 Wisemans Ferry Road	Lot 101, DP 807427	Local	I79
Cattai	“Stonehouse Grove”	1365 Wisemans Ferry Road	Lot 12, DP 811777	Local	I80
Dural	Uniting Church Cemetery	14 Derriwong Road	Lot 1, DP 195296	Local	I81
Dural	Hill Top	31 Kenthurst Road	Lot 1, DP 34815	Local	I82
Dural	House	54–56 Kenthurst Road	Lot 2, DP 1039194	Local	I83
Dural	“Allens House”	548 Old Northern Road	Lot 37, DP 715200	Local	I84
Dural	House	600A Old Northern Road	Lot 101, DP 713628	Local	I85
Dural	Dural Soldiers Memorial Hall	604 Old Northern Road	Lot 1, DP 656035	Local	I86
Dural	“The Pines”	656A Old Northern Road	Lot 11, DP 734457, Reserve No 555	Local	I87
Glenhaven	“Rosenfels”	23 Glenhaven Road	Lot 1, DP 602286	Local	I88
Glenhaven	Emmanuel Anglican Church	31A Glenhaven Road	Lot 1, DP 1100022	Local	I89
Glenhaven	House	428 Old Northern Road	Part Lot 2, DP 568234	Local	I90
Glenorie	Felton Mathew Marked Tree	Broadwater Road	Lot 18, DP 752039	Local	I91
Glenorie	House	41 Cattai Ridge Road	Lot 2, DP 1111805	Local	I92
Glenorie	House	79 Cattai Ridge Road	Lot 3, DP 624003	Local	I93
Glenorie	“Abergeldie”	95 Cattai Ridge Road	Lot 1, DP 540834	Local	I94
Glenorie	House	124 Cattai Ridge Road	Lot 1, DP 316917	Local	I95
Glenorie	“Longstone House”	15 Mount View Road	Lot 2, DP 538286	Local	I96
Kellyville	House	29 Acres Road	Lot 44, DP 235228	Local	I97
Kellyville	“Mount Saint Francis”	8 Greyfriar Place	Lot 5, DP 1040498	Local	I98
Kellyville	House	19 Langford Smith Close	Lot 1, DP 1039914	Local	I99

Suburb	Item name	Address	Property description	Significance	Item No
Kellyville	“Baden Farm”	6 Success Avenue	Lot 503, DP 878047	Local	I100
Kellyville	Windsor Road from Baulkham Hills to Box Hill	Windsor Road		Local	I28
Kellyville	House	9-11 Windsor Road	Lot 9, DP 621494	Local	I101
Kellyville	Kellyville Public School	35A Windsor Road	Lot 1, DP 439294, Lot 1, DP 782320 and Lot 20, DP 206082	Local	I102
Kellyville	“Buena Vista”	43 Windsor Road	Lot 43, DP 847331	Local	I103
Kellyville	“Lintbrae”, house	Withers Road	Lot 1, DP 540785	Local	I104
Kenthurst	House	35-37 Annangrove Road	Lot 1, DP 135820	Local	I105
Kenthurst	House	44 Annangrove Road	Lot 1, DP 229987	Local	I106
Kenthurst	“Sunnycrest”	2 Campbell Road	Lot 3, DP 586786	Local	I107
Kenthurst	House	11 Fuggles Road	Lot 5, DP 534130	Local	I108
Kenthurst	House and barn	1 Hafey Road	Lot 4, DP 239886	Local	I109
Kenthurst	Cottage	1 Hilton Place	Lot 1, DP 260257	Local	I110
Kenthurst	“Lavender Cottage”	45A Jones Road	Lot 3, DP 519461	Local	I111
Kenthurst	House	70 Kenthurst Road	Lot 43, DP 584117	Local	I112
Kenthurst	Former St Madeleine Sophie Borat Catholic Church	114A Kenthurst Road	Lot 2, DP 943767	Local	I113
Kenthurst	Kenthurst Literary Institute	131-135 Kenthurst Road	Lot 12, DP 758558	Local	I114
Kenthurst	House	1 Lawrence Road	Lot 1, DP 134911	Local	I115
Kenthurst	House	11 Lawrence Road	Lot 3, DP 549342	Local	I116
Kenthurst	House	2 Marieba Road	Lot 63, DP 731202	Local	I117
Kenthurst	House	29 Pitt Town Road	Lot 1, DP 242302	Local	I118
Kenthurst	Fence	46 Pitt Town Road	Lot 1, DP 549076	Local	I119

Suburb	Item name	Address	Property description	Significance	Item No
Kenthurst	House	50 Pitt Town Road	Lot 7, DP 135642	Local	I120
Kenthurst	“Speedwell”	68 Pitt Town Road	Lot 3, DP 586852	Local	I121
Kenthurst	Cottage	78 Pitt Town Road	Lot 1, DP 561074	Local	I122
Kenthurst	House and barn	79 Pitt Town Road	Lot 101, DP 598991	Local	I123
Kenthurst	House	17 Porters Road	Lot 2, DP 550216	Local	I124
Kenthurst	House	40 Porters Road	Lot 2, DP 255779	Local	I125
Kenthurst	“Maranoa”	42A Porters Road	Lot 6, DP 585099	Local	I126
Kenthurst	House	75 Porters Road	Lot 301, DP 731027	Local	I127
Leets Vale	“Berry Hill”, house	1832 River Road	Lot 119, DP 752025	Local	I128
Lower Portland	Cable ferry	River Road		Local	I138
Lower Portland	Slab barn	276 River Road	Lot 2, DP 611810	Local	I129
Lower Portland	“Dargle”	351-353 River Road	Lot 1, DP 109718	Local	I130
Lower Portland	Church	576 River Road	Lot 11, DP 818829	Local	I131
Lower Portland	“Peacocks”	578 River Road	Lot 12, DP 818829	Local	I132
Lower Portland	House	827-829 River Road	Lot 2, DP 544316	Local	I133
Lower Portland	Brown’s Cemetery	875 River Road	Lot 2, DP 34182	Local	I134
Lower Portland	Rexford	1073 River Road	Lot 1, DP 75366	Local	I135
Lower Portland	Stone dairy	1324 River Road	Lot 8, DP 236370	Local	I136
Lower Portland	Fig tree	1324 River Road	Lot 8, DP 236370	Local	I137
Maraylya	House	489–491 Boundary Road	Lot 1, DP 332184	Local	I139
Maraylya	Slab hut	52 St Johns Road	Lot 31, DP 872356	Local	I140
Maroota	McFarland Grave	4 metres from centreline of Old Northern Road and 368 metres north of its intersection with		Local	I141

Suburb	Item name	Address	Property description	Significance	Item No
		Wisemans Ferry Road			
Middle Dural	“Broadlands”	15 Cranstons Road	Lot 2, DP 624488	Local	I142
Middle Dural	House	45 Cranstons Road	Lot 1, DP 514642	Local	I143
Middle Dural	House	12 Garemyn Road	Lot 1, DP 214398	Local	I144
Middle Dural	“Glenroy”, cottage	1 Glenroy Place	Lot 1, DP 253879	Local	I145
Middle Dural	“Cranston Cottage”	7 McLeod Road	Lot 1, DP 244143	Local	I146
Middle Dural	“St Elmo”	774 Old Northern Road	Lot D, DP 164591	Local	I147
Middle Dural	“Pinewood”	792 Old Northern Road	Lot 2, DP 416521	Local	I148
Middle Dural	“Carinya”	828 Old Northern Road	Lot 2, DP 225210	Local	I149
Middle Dural	House and barn	834 Old Northern Road	Lot 2, DP 231508	Local	I150
Nelson	House	11 Hession Road	Lot 21, DP 565883	Local	I151
Nelson	“Rosedale”	55 Nelson Road	Lot 2, DP 565176	Local	I152
Nelson	House	61 Nelson Road	Lot 1, DP 999853	Local	I153
Northmead	“Caprera House”	65 Caprera Road	Lot 21, DP 834190	Local	I154
Northmead	House	4 Mary Street	Lot 2, DP 591111	Local	I155
Northmead	House	20 Mary Street	Lot 63, DP 8884	Local	I156
Northmead	Pye’s Cottage	11-13 Pye Avenue	Lot 25, SP 64724	Local	I157
Northmead	House	15/3-5 Windermere Avenue	Lot 15, SP 74805	Local	I158
Northmead	House	10 Windermere Avenue	Lot 371, DP 878936	Local	I159
Northmead	House	18 Windermere Avenue	Lot 33, DP 8884	Local	I160
Northmead	House	115 Windsor Road	Lot 10, DP 1061802	Local	I161
Northmead	House	119 Windsor Road	Lot 1, DP 946630	Local	I162
Northmead	House	145 Windsor Road	Lot 1, DP 863720	Local	I163
Northmead	“The Pines”	153-155	Lot 11, SP 50794	Local	I164

Suburb	Item name	Address	Property description	Significance	Item No
		Windsor Road			
Northmead	House	175 Windsor Road	Lot 3, DP 14725	Local	I165
Northmead	House	177 Windsor Road	Lot 41, DP 841313	Local	I166
Northmead	House	179 Windsor Road	Lot 5, DP 8884	Local	I167
Northmead	House	181 Windsor Road	Lot 6, DP 8884	Local	I168
Northmead	House	183-185 Windsor Road	Lots 7 and 8, DP 8884	Local	I169
Northmead	House	187-189 Windsor Road	Lot 109, DP 815682	Local	I170
Northmead	House	209 Windsor Road	Part Lot 1, DP 500482	Local	I171
Northmead	House	215 Windsor Road	Lot 3, DP 843608	Local	I172
Northmead	House	1/227 Windsor Road	Lot 8, SP 66335	Local	I173
Northmead	House	243 Windsor Road	Lot 1, DP 26848	Local	I174
Northmead	House	245 Windsor Road	Lot 1, DP 780848	Local	I175
North Parramatta	“Gowan Brae Group”, comprising “Gowan Brae House”, Kings School Chapel, gatehouse and fence, aviary, fountain, rotunda, “The Cedars”, grave, 19th century driveways and stables, iron palisade fence, horseshoe bridge/dam and roadway		Lot 1, DP 59169, Lot s A and B, DP 329288, Lot A, DP 321595, Lot 2, DP 235857, Lot 1, DP 64765, Lot 1, DP 57491, Lot 1, DP 581960 and Lot 10, DP 812772	Local	I176
North Rocks	“Rockcliff”	224 North Rocks Road	Lot 7, DP 234271	Local	I177
North Rocks	“Fernleigh”	256 North Rocks Road	Lot 20, DP 600123	Local	I178
Oatlands	“Strathallen”	49 Bettington Road	Lot 29, SP 46498	Local	I179
Oatlands	Cottage	15 Ellis Street	Lot 22, DP 618939	Local	I180
Rouse Hill	House	288 Annangrove Road	Lot 3, DP 222080	Local	I181

Suburb	Item name	Address	Property description	Significance	Item No
Rouse Hill	Rouse Hill Cemetery	10-12 Arberdour Avenue	Lot 50 and 51, DP 193021	Local	I182
Rouse Hill	Mungerie	2 Civic Way	Lot 1, DP 270520	Local	I183
Rouse Hill	“Aberdoon” house	39-41 Clower Avenue	Lot 1, DP 1016540	Local	I184
Rouse Hill	Royal Oak Inn	2 Commercial Road	Lot 101, DP 1058862	State	I185
Rouse Hill	Former hunting lodge	58 The Water Lane	Lot 174, DP 10157	State	I186
Rouse Hill	Bridge structures	Below Windsor Road at Second Ponds Creek		Local	I188
Rouse Hill	Christchurch	Windsor Road	Lot 10, DP 1087432	Local	I187
Rouse Hill	Windsor Road from Baulkham Hills to Box Hill	Windsor Road		Local	I28
Rouse Hill	Private burial ground	Withers Road	Lot 202, DP 858563, William Harvey Reserve No 405	Local	I189
Sackville North	Uniting church and cemetery	520 Chapel Hill Road	Lot 1, DP 817086	Local	I190
Sackville North	The Parsonage, uniting church and cemetery	560 Chapel Hill Road	Lot 3, DP 740110	Local	I191
Sackville North	“Kelso Park”	422 Mud Island Road	Lot 3, DP 804271	Local	I192
Sackville North	“Pagewood”	165 Pages Wharf Road	Lot 41, DP 1093516	Local	I193
Sackville North	Cable ferry	Sackville Ferry Road		Local	I196
Sackville North	Cemetery	437 Sackville Ferry Road	Lot 7009, DP 93097	Local	I194
Sackville North	Brewongle Environmental Education Centre	720–728 Sackville Ferry Road	Pt Lot 1, DP 121420	Local	I195
West Pennant Hills	“Glenhope”	113 Castle Hill Road	Lot 7, DP 1012463	Local	I197
West Pennant Hills	“Dunrath”	139 Castle Hill Road	Lot 1, DP 220867	Local	I198
West Pennant Hills	“Erambie Park”	37 Coonara Avenue	Lot 2032, DP 862072	Local	I199
West Pennant Hills	“Pine Ridge”	19 Doris Hirst Place	Lot 1, DP 1037463	Local	I200

Suburb	Item name	Address	Property description	Significance	Item No
West Pennant Hills	"Stoneleigh",	570 Pennant Hills Road	Lot 3, DP 1096405	Local	I201
Wisemans Ferry	Cable ferry	Old Northern Road		Local	I203
Wisemans Ferry	Cable ferry	Webbs Creek, River Road		Local	I208
Wisemans Ferry	Residence and post office	5556 Old Northern Road	Lot 1, DP 724948	Local	I202
Wisemans Ferry	House	2449 River Road	Lot 2, DP 230496	Local	I204
Wisemans Ferry	House	3014 River Road	Lot 2, DP 506468	Local	I205
Wisemans Ferry	St Mary Magdalene Anglican Church	3025 River Road	Lot 37, DP 752025	Local	I206
Wisemans Ferry	Police station and residence	3031 River Road	Lot 7313, DP 1152156	Local	I207

Part 2 Heritage Conservation Areas

Name of Heritage Conservation Area	Identification on Heritage Map	Significance
Balcombe Heights Community Buildings Complex and Cropley House	Shown by a heavy red line and hatched in red and labelled "C1"	Local
Bella Vista Homestead Complex	Shown by a heavy red line and hatched in red and labelled "C2"	State
Old Government Farm Site (Heritage Park)	Shown by a heavy red line and hatched in red and labelled "C3"	State
Burnside Homes	Shown by a heavy red line and hatched in red and labelled "C4"	Local

Part 3 Archaeological sites

Suburb	Item name	Address	Property description	Significance	Item no
Baulkham Hills	Baulkham Hills Tramway Cutting	George Suttor Reserve No 84, 9Z Old Northern Road	Lot 5, DP 1108855 and Lot 7306, DP 1145649	Local	A1
Bella Vista	Original section of road and culvert	Within the road reserve, Old Windsor Road		Local	A2
Box Hill	Bypassed section of road	Within road reserve in front of 162–170 Old Pitt Town Road	Within road reserve in front of Lot 10A, DP 11104, Lot 11, DP 10157, Lots 121 and 122, DP 562991 and Lot 1 DP 581760	Local	A3

Suburb	Item name	Address	Property description	Significance	Item no
Cattai	Private burial ground	660 Halcrows Road	Lot 3, DP 701464	Local	A4
Cattai	Ruins of Merrymount	74 O'Briens Road	Lot 13, DP 270416	Local	A5
Cattai	Old Caddie Homestead foundations (part of Cattai Estate)	2–18 Wisemans Ferry Road	Lot 2, DP 605329	Local	A10
Cattai	Cattai Horseworks (part of Cattai Estate)	Cattai National Park, 20–34 Wisemans Ferry Road	Lot 1, DP 605329	Local	A11
Cattai	Drainage trench and gate (part of Cattai Estate)	50 Wisemans Ferry Road	Lot 40, DP 1144784	Local	A8
Cattai	Hope Farm Windmill, Hope Farm Mill Granary and Stockmans Cottage foundations (part of Cattai Estate)	50 Wisemans Ferry Road	Lot 40, DP 1144784	State	A6
Cattai	Slab hut ruin and quarry site	76 Wisemans Ferry Road	Lot 37, DP 752039 and Lot 38, DP 136838	Local	A9
Cattai	"The Ridge" Quarry site	196 Wisemans Ferry Road	Lot 31, DP 136837	Local	A7
Dural	Old Northern Road	Old Northern Road between Dural and Wisemans Ferry		Local	A12
Glenorie	Old Northern Road	Old Northern Road between Dural and Wisemans Ferry		Local	A12
Kellyville	Road and remnant post and rail fencing	Within the road reserve, Old Windsor Road		Local	A2
Kellyville	House ruins	Cattai Creek Conservation Area Reserve No 416, 194Z Glenhaven Road	Lot 151, DP 869424	Local	A13

Suburb	Item name	Address	Property description	Significance	Item no
Leets Vale	Convict built road (Mr Sharps Track)	2275 and 2277 - 2349 River Road	Lots 26 and 64, DP 752025	Local	A14
Maroota	Old Northern Road	Old Northern Road between Dural and Wisemans Ferry		Local	A12
Maroota	Original section of Old Northern Road	3952-4006 Old Northern Road	Within Lot 131, DP 752039, Crown Reserve No 74422	Local	A15
Maroota	Original section of Old Northern Road	4132 Old Northern Road	In front of Lot 100, DP 650454	Local	A16
Maroota	Bypassed section of Old Northern Road	Crown Reserve R88205, 4230-4254 Old Northern Road	Lot 231, DP 752039	Local	A17
Maroota	Bypassed section of Old Northern Road	4050 Old Northern Road	In front of Lot 238, DP 752039	Local	A18
Maroota	Convict Built Road (Mr Sharps Track)	Crown Reserve, 5060 Old Northern Road	Lot 7304, DP 1144116	Local	A14
Middle Dural	Old Northern Road	Old Northern Road between Dural and Wisemans Ferry		Local	A12
North Rocks	Quarry	Excelsior South Reserve No 45, Excelsior Avenue	Lot 9, DP 248626	Local	A19
North Rocks	Ruins of stone cottage	Excelsior South Reserve No 45, Excelsior Avenue	Lot 1, DP 228581	Local	A20
North Rocks	Dam	Speers Road Crown Reserve No 37, 19 – 21 Speers Road	Lot H, DP 438487	Local	A21
North Rocks	Retaining wall	23 – 27 Speers Road	Lot 171, DP 23173	Local	A22
North Rocks	Stone bridge approaches and foundation plaque, Sydney WoollenMills	1 Windsor Road	Lot 1, DP 112482	Local	A23

Suburb	Item name	Address	Property description	Significance	Item no
Rouse Hill	Queens Arms Inn site	1 Resolution Place	Lot 1 DP 285955	Local	A24
South Maroota	Great drain and stone cut Foundations	Stone Drain Reserve, 274 Pacific Park Road	Lot 10, DP 752039	State	A25
West Pennant Hills	Cumberland State Forest, Bellamy Quarry and Sawpit	89–97 Castle Hill Road	Lots 1 – 7 and 15 – 17, DP 11133, Lot 1, DP 343971, Lot 1, DP 338977, and Lot 1, DP 337618	Local	A26
Wisemans Ferry	Bridge and culvert	Old Northern Road	Part of road reserve, adjacent to Lot 4, DP 228881	Local	A 30
Wisemans Ferry	Old Northern Road	Old Northern Road between Dural and Wisemans Ferry		Local	A12
Wisemans Ferry	Watering hole	Old Northern Road	Part of road reserve adjacent to Lot 471, DP 827645	Local	A 29
Wisemans Ferry	Convict road station	5426 - 5514 Old Northern Road	Lot 4, DP 228881	Local	A 27
Wisemans Ferry	Two quarries	5426 - 5514 Old Northern Road	Lot 4, DP 228881	Local	A 28
Wisemans Ferry	Convict built road (Mr Sharps Track)	Crown Road Reserve between 2475 – 2483 and 2391 – 2429, River Road	Between Lot 990, DP 818576 and Lot 11, DP 1052320	Local	A 14

Dictionary

(Clause 1.4)

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

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

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

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

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

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

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

Acid Sulfate Soils Map means The Hills Local Environmental Plan *2012* Acid Sulfate Soils Map.

Additional Permitted Uses Map means The Hills Local Environmental Plan 2012 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*.
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.

attached dwelling means a building containing 3 or more dwellings, where:
(a) each dwelling is attached to another dwelling by a common wall, and
(b) each of the dwellings is on its own lot of land, and
(c) none of the dwellings is located above any part of another dwelling.
Note. Attached dwellings are a type of ***residential accommodation***—see the definition of that term in this Dictionary.

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

backpackers' accommodation means a building or place that:
(a) provides temporary or short-term accommodation on a commercial basis, and
(b) has shared facilities, such as a communal bathroom, kitchen or laundry, and
(c) provides accommodation on a bed or dormitory-style basis (rather than by room).
Note. Backpackers' accommodation is a type of ***tourist and visitor accommodation***—see the definition of that term in this Dictionary.

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

bed and breakfast accommodation means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where:
(a) meals are provided for guests only, and
(b) cooking facilities for the preparation of meals are not provided within guests' rooms, and
(c) dormitory-style accommodation is not provided.
Note. See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation.
Bed and breakfast accommodation is a type of ***tourist and visitor accommodation***—see the definition of that term in this Dictionary.

bee keeping means a building or place used for the keeping and breeding of bees for commercial purposes.
Note. Bee keeping is a type of ***extensive agriculture***—*see the definition of that term in this Dictionary.*
biodiversity means biological diversity.

biological diversity has the same meaning as in the *Threatened Species Conservation Act 1995*.
Note. The term is defined as follows:
biological diversity means the diversity of life and is made up of the following 3 components:
(a) genetic diversity—the variety of genes (or units of heredity) in any population,
(b) species diversity—the variety of species,
(c) ecosystem diversity—the variety of communities or 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 the vertical distance between ground level (existing) and 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.

bulky goods premises means a building or place the principal purpose of which is the sale hire or display of bulky goods, being goods that are of such size or weight as to require:
(a) a large area for handling, display or storage, and
(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,

and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.
Note. Bulky goods premises are a type of ***retail premises***—see the definition of that term in this Dictionary.

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 146 (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.

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.

child care centre means a building or place used for the supervision and care of children that:
(a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
(b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,

but does not include:
(c) a building or place used for home-based child care, or
(d) an out-of-home care service provided by an agency or organisation accredited by the Children's Guardian, or
(e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
(f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
(g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
(h) a service that is concerned primarily with the provision of:
  (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
  (ii) private tutoring, or
(i) a school, or
(j) a service provided at exempt premises (within the meaning of Chapter 12 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

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 the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

clearing native vegetation means any one or more of the following:

(a) cutting down, felling, thinning, logging or removing native vegetation,

(b) killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation.

(See Division 3 of Part 3 of the *Native Vegetation Act 2003* for the exclusion of routine agricultural management and other farming activities from constituting the clearing of native vegetation if the landholder can establish that any clearing was carried out for the purpose of those activities.)

coastal foreshore means land with frontage to a beach, estuary, coastal lake, headland, cliff or rock platform.

coastal hazard has the same meaning as in the *Coastal Protection Act 1979*.

coastal lake means a body of water specified in Schedule 1 to the *State Environmental Planning Policy No 71—Coastal Protection*.

coastal protection works has the same meaning as in the *Coastal Protection Act 1979*.

coastal waters of the State—see section 58 of the *Interpretation Act 1987*.

coastal zone has the same meaning as in the *Coastal Protection Act 1979*.

Note. The term is defined as follows:

coastal zone means:

(a) the area within the coastal waters of the State as defined in Part 10 of the *Interpretation Act 1987* (including any land within those waters), and

(b) the area of land and the waters that lie between the western boundary of the coastal zone (as shown on the maps outlining the coastal zone) and the landward boundary of the coastal waters of the State, and

(c) the seabed (if any) and the subsoil beneath, and the airspace above, the areas referred to in paragraphs (a) and (b).

The coastal zone consists of the area between the western boundary of the coastal zone shown on the maps outlining the coastal zone and the outermost boundary of the coastal waters of the State. The coastal waters of the State extend, generally, to 3 nautical miles from the coastline of the State.

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 Hills Shire 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.

Crown reserve means:

(a) a reserve within the meaning of Part 5 of the *Crown Lands Act 1989*, or

(b) a common within the meaning of the *Commons Management Act 1989*, or
(c) lands within the meaning of the *Trustees of Schools of Arts Enabling Act 1902*,
but does not include land that forms any part of a reserve under Part 5 of the *Crown Lands Act 1989* provided for accommodation.

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 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.

designated State public infrastructure means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds:
(a) State and regional roads,
(b) bus interchanges and bus lanes,
(c) land required for regional open space,
(d) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).

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 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.

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 making or generating electricity.

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 for commercial purposes,
(c) bee keeping,
(d) a dairy (pasture-based)
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 fed (wholly or substantially) on prepared and manufactured feed, for the purpose of meat production or fibre products, but does not include a poultry farm, dairy or piggery.
Note. Feedlots are a type of ***intensive livestock agriculture***—see the definition of that term 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 Hills Local Environmental Plan 2012 Floor Space Ratio Map.

food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:
(a) a restaurant or cafe,
(b) take away food and drink premises
(c) a pub
Note. Food and drink premises are a type of ***retail premises***—see the definition of that term in this Dictionary.

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

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

Foreshore Building Line Map means The Hills Local Environmental Plan 2012 Foreshore Building Line Map.

forestry has the same meaning as ***forestry operations*** in the *Forestry and National Park Estate Act 1998*.
Note. The term is defined as follows:
forestry operations means:
(a) logging operations, namely, the cutting and removal of timber from land for the purpose of timber production, or
(b) forest products operations, namely, the harvesting of products of trees, shrubs and other vegetation (other than timber) that are of economic value, or
(c) on-going forest management operations, namely, activities relating to the management of land for timber production such as thinning, bush fire hazard reduction, bee-keeping, grazing and other silvicultural activities, or
(d) ancillary road construction, namely, the provision of roads and fire trails, and the maintenance of existing railways, to enable or assist in the above operations.

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, if ancillary to the principal purpose for which the building or place is used, include a restaurant or cafe and the sale of any 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:
(f) storage, and
(g) vehicular access, loading areas, garbage and services, and
(h) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
(i) car parking to meet any requirements of the consent authority (including access to that car parking), and
(j) any space used for the loading or unloading of goods (including access to it), and
(k) terraces and balconies with outer walls less than 1.4 metres high, and
(l) 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), would 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) patients 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 Hills Local Environmental Plan 2012 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 Division of the Government Service 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 Hills Local Environmental Plan 2012 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 dwelling used by a resident of the dwelling for the supervision and care of one or more children and that satisfies the following conditions:
(a) the service is licensed within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*,
(b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

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 to carry on the business.

home industry means a dwelling (or in 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:
(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),
(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 to carry on the light 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 the 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 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 or other livestock that are fed wholly or substantially on externally-sourced feed, and includes any of the following:

(a) dairies (restricted),
(b) feedlots,
(c) piggeries,
(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 Hills Local Environmental Plan 2012 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 Hills Local Environmental Plan 2012 Land Application Map.

Land Reservation Acquisition Map means The Hills Local Environmental Plan 2012 Land Reservation Acquisition Map.

Land Zoning Map means The Hills Local Environmental Plan 2012 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.

Landslide Risk Map means The Hills Local Environmental Plan 2012 Landslide Risk Map.

light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:
(a) high technology industry,
(b) home industry.
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, derived principally from surrounding districts, 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.

Lot Size Map means The Hills Local Environmental Plan 2012 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 the *Native Vegetation Act 2003*.
Note. The term is defined as follows:
Meaning of "native vegetation"

(1) ***Native vegetation*** means any of the following types of indigenous vegetation:
  (a) trees (including any sapling or shrub, or any scrub),
  (b) understorey plants,
  (c) groundcover (being any type of herbaceous vegetation),
  (d) plants occurring in a wetland.
(2) Vegetation is ***indigenous*** if it is of a species of vegetation, or if it comprises species of vegetation, that existed in the State before European settlement.
(3) ***Native vegetation*** does not include any mangroves, seagrasses or any other type of marine vegetation to which section 205 of the *Fisheries Management Act 1994* applies.

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 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.

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.

NSW Coastal Policy means the publication titled *NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast*, published by the Government.

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*.

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.

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.

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.

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 has the same meaning as in the *Native Vegetation Act 2003*.
Note. The term is defined as follows:

property vegetation plan means a property vegetation plan that has been approved under Part 4 of the *Native Vegetation Act 2003*.

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*.
Note. The term is defined as follows:

public land means any land (including a public reserve) vested in or under the control of the council, but does not include:
(a) a public road, or
(b) land to which the *Crown Lands Act 1989* applies, or
(c) a common, or
(d) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or
(e) a regional park under the *National Parks and Wildlife Act 1974*.

public reserve has the same meaning as in the *Local Government Act 1993*.

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

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

public utility undertaking means any of the following undertakings carried on or permitted to be carried on by or by authority of any Government Department 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, Government Department, 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, takeaway 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) bulky goods premises,
(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,
(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 establishment***-see the definition of that term in this Distionary.

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 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, 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.

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.

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.

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

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

temporary structure has the same meaning as in the Act.
Note. The term is defined as follows:

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

Terrestrial Biodiversity Map means The Hills Local Environmental Plan 2012 Terrestrial Biodiversity Map.
the Act means the *Environmental Planning and Assessment Act 1979*.

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

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

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:
(a) backpackers' accommodation,
(b) bed and breakfast accommodation,
(c) farm stay accommodation,
(d) hotel or motel accommodation,
(e) serviced apartments,
but does not include:
(f) camping grounds, or
(g) caravan parks, or
(h) eco-tourist facilities.

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

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

turf farming means the commercial cultivation of turf for sale and the removal of turf for that purpose.
Note. Turf farming is a type of ***intensive plant agriculture***—see the definition of that term in this Dictionary.

underground mining means:

(a) mining carried out beneath the earth's surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and
(b) shafts, drill holes, gas and water drainage works, surface rehabilitation works and access pits associated with that mining (whether carried out on or beneath the earth's surface),but does not include open cut mining.

urban release area means an area of land shown hatched and lettered "Urban Release Area" on the Urban Release Area Map.

Urban Release Area Map means The Hills Local Environmental Plan *2012* Urban Release Area Map.

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

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

vehicle sales or hire premises means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.
Note. Vehicle sales or hire premises are a type of ***retail premises***—see the definition of that term in this Dictionary.

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

viticulture means the cultivation of grapes for use in the commercial production of fresh or dried fruit or wine.
Note. Viticulture is a type of ***intensive plant agriculture***—see the definition of that term in this Dictionary.
warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

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, dosing facilities and water supply reservoirs.

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, sedgelands or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

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.