

Meeting Date: Tuesday 14 February 2012
Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde
Time: Following the conclusion of the adjourned meeting of
13 December 2011

ATTACHMENTS – VOLUME ONE

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11 DRAFT RYDE LOCAL ENVIRONMENTAL PLAN 2011 - EXHIBITION

Report prepared by: Strategic Planner

Report dated: 9/05/2011

File No.: LEP2008/22/007 - BP11/369

Report Summary

This report recommends that Council proceeds with the exhibition of Draft Ryde Local Environmental Plan 2011 as required under *Section 66 Public exhibition of draft local environmental plan* of the Environmental Planning and Assessment Act 1979 (EP&A Act).

This report covers information on the differences between the Plan as lodged with the Department of Planning and Infrastructure (DoPI) on 23 December 2010 and the Plan approved to be exhibited. The following identifies the two reasons for the changes and the key changes that have occurred under each:

Gazetted amendments to the Standard Instrument—Principal Local Environmental Plan (the standard LEP) that came into place on 25 February 2011

- Amendments to the objectives of some zones and the mandatory land uses within zones
- Amendments to clauses to conform with changes in legislation including the Heritage Act and State Environmental Planning Policies (SEPPs) made subsequent to the SI order and
- Amendments to existing land use terms so they do not overlap and to ensure a clear relationship between land use terms. This has been achieved through the inclusion of new terms, amendments to existing terms, deleting some terms and changing the composition of land uses in group terms and sub group terms.

Changes based on conditions attached to the Section 65 Certificate issued by the DoPI on 5 September 2011

Written document

- **Condition 4 - Delete Clause 4.1A Minimum subdivision requirements in certain residential zones.** The clause sets out in detail the minimum area, road frontage, width of lot and access requirements for residential subdivision. DoPI has advised that the Lot Size Map is the control for minimum area requirements for the subdivision of land and all other controls should be held within a DCP.
- **Condition 4 - Delete Clause 4.4B Centres – floor space ratio.** The clause provided a floor space incentive for developments that could achieve environmental excellence in design. DoPI has advised that the clause was not acceptable in its present form and to be included in the LEP new FSR and height controls that include the proposed incentive would need to be indicated on the FSR and Height of Building Maps – resulting in an overall increase in FSR and height for all Centres.

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- **Condition 4** – *Delete Clause 4.5B(5) Macquarie Park Corridor – Serviced apartments in Zone B3 Commercial Core.* The clause specifies that to carry out a serviced apartment in the B3 zone the development must comprise at least 2 dwellings, be on the same lot of land (not separate strata or other title) not be a boarding house, hospital or hotel or motel accommodation. Serviced apartments are the only type of residential development permitted in the B3 zone. By deleting the clause serviced apartments can now be strata subdivided and as such may become a more desirable form of development in the zone.
- **Condition 4** – *Delete Clauses 6.4 Planning controls for Ryde Town Centre, 6.4.1 Precinct 1 – civic and mixed, 6.4.2 Precinct 2 – Town Core.* The clauses provided maximum floor space areas for Precincts 1 and 2 and listed a series of development requirements. DoPI has advised that the development requirements in the clauses should be included in a DCP. (As a result of this clause being deleted Council was requested to provide FSR figures for Precinct 1 and 2 within Ryde Town Centre for inclusion on the Floor Space Ratio Map.)

Maps

Condition 12a – *Rezone Porters Creek site (Lots 11 & 12 DP841065 and Lots 540 & 543 DP1005833) at Wicks Road from RE1 Public Recreation to IN2 Light Industrial.*

The subject land is owned by the State Government and zoned RE1 Public Recreation under LEP 2010 and draft LEP 2011. The S65 Certificate requires that the land be rezoned IN2 Light Industrial. The land adjoins 160 – 162 Wicks Road Macquarie Park which is owned by Council and known as the Porters Creek site. Council resolved on the 24 August 2010 to rezone 160 – 162 Wicks Road from RE1 Public Recreation to IN2 Light Industrial under draft LEP 2011.

Condition 12b – *Rezone Cudal Reserve at 22 Henry Street Ryde from SP2 to R2 Low Density Residential.*

Council received a submission during the Community Consultation period from Sydney Water requesting the rezoning of the subject land to R2 on the basis of a Site Compatibility Certificate issued which supports a zoning compatible with the surrounding area. A similar submission was received by DoPI.

On 7 June 2011, the Minister for Planning and Infrastructure, The Hon. Brad Hazzard MLA, wrote to Council advising that he has put a stay on the request of the Director-General of DoPI to issue a consent for the development application submitted by Sydney Water to subdivide the subject site. Mr Hazzard further advised that subject to review of the matter, including of Council's view, he would consider an appropriate course of action.

This matter has been previously discussed by Council at a number of Council Meetings.

Council has approached senior staff within DoPI on a number of occasions requesting reconsideration of the rezoning of Cudal Reserve and an amendment to the S65 removing Condition 12b reference to Cudal Reserve. To date DoPI has not supported any of these requests.

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Condition 12 – Rezone 20 Goulding Road Ryde from SP2 WE&D to R2 Low Density Residential

Council received a submission during the Community Consultation period from Sydney Water requesting the rezoning of the subject land to R2 on the basis of a Site Compatibility Certificate issued which supports a zoning compatible with the surrounding area. A similar submission was received by DoPI.

The report also covers the consultation process proposed to be undertaken during the exhibition of draft LEP 2011.

RECOMMENDATION:

- (a) That Draft Ryde Local Environmental Plan 2011 be placed on exhibition and that the consultation process be undertaken in accordance with the requirements for the exhibition of the draft local environmental plans as specified by the Environmental Planning and Assessment act 1979, be undertaken.
- (b) That in accordance with the requirements of the Environmental Planning and Assessment Act a Public Hearing be undertaken with respect to the proposed change in classification of land from Community to Operational for Kitty's Creek Reserve adjacent to 46 Jeanette Street East Ryde.
- (c) That a formal submission to DLEP 2011 be made by Council requesting the reinstatement of Clause 4.5B(5) with respect to prohibiting the subdivision of serviced apartments in the B3 Commercial Core zone.

ATTACHMENTS

- 1 Table 1 - Amendments to Draft Ryde LEP 2011 - CIRCULATED UNDER SEPARATE COVER
- 2 Section 65 Certificate - CIRCULATED UNDER SEPARATE COVER
- 3 Draft RLEP 2011 amended by Section 65 Certificate - 5 September 2011 - CIRCULATED UNDER SEPARATE COVER

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ITEM 11 (continued)**Background****Development of Draft LEP 2011**

Council resolved on the 11 December 2007 to prepare a comprehensive LEP in accordance with the Standard Instrument and based on the City of Ryde Local Planning Study.

Council adopted with amendments the City of Ryde Local Planning Study 2010 on the 7 December 2010 and resolved that the consultation process with Government agencies, required by Section 62 of the EP&A Act for draft Ryde LEP 2011 be carried out.

The Section 62 consultation process was carried out between 4 November and 3 December 2010. Council on 14 December 2010 resolved that:-

- details of the Section 62 consultation be submitted to the Department of Planning and Infrastructure,
- draft LEP 2011 be amended in accordance with the Section 62 consultation and required DoPI changes and
- that the Director General of the Department of Planning and Infrastructure be requested under Section 65 of the Environmental Planning and Assessment Act, 1979 to certify that the draft Plan, as amended, may be publicly exhibited.

The request for a Section 65 Certificate with all required information was forwarded to the Department on 23 December 2010. Council received a conditioned Section 65 Certificate with the approved version of draft LEP 2011 on 5 September 2011.

Community consultation of DLEP 2011

Council on the 2 November 2010 resolved the following:-

That the draft City of Ryde Local Environmental Plan and supporting documentation be submitted to the Department of Planning and Infrastructure under Section 64 and that the draft LEP be exhibited by the City of Ryde to the community for comment and public consultation.

Draft LEP 2011 was submitted to DoPI on 23 December 2010 and the draft LEP as submitted was placed on "Community Comment" on the 19 January 2011. A notice was placed in the City View and the following documents placed on Council's website:-

- Table of changes between LEP 2010 and draft LEP 2011
- Map changes between LEP 2010 and draft LEP 2011
- Land Use Matrix
- Ryde Local Environmental Plan 2010 (LEP 2010)

ITEM 11 (continued)

- City of Ryde Local Planning Study
- Department of Planning - Standard LEP
- Environmental Planning and Assessment Act
- Council reports dated 24 August 2010, 2 November 2010, and 14 December 2010
- Draft LEP 2011 written document and maps

Information on DLEP 2011 has also been provided on all 149 Certificates issued since January 2011. The information provided relates to the zoning of land and where applicable heritage and road acquisition requirements under draft LEP 2011.

As of the 12 September a total of 46 submissions have been received. Full assessment of these submissions will occur following the public exhibition of Draft LEP 2011, as required under the Act.

Report**Draft LEP 2011**

This section of the report covers information on the principal changes to the written document and maps between LEP 2011 that was submitted to the Department of Planning and Infrastructure on the 23 December 2010 with a request for a S65 Certificate and the version certified by the Minister.

Both written document and map changes to Draft LEP 2011 are identified in this report in the following categories:-

- Changes resulting from amendments to Standard Instrument (SI)
- Changes based on conditions attached to the Section 65 Certificate

Table 1 - Amendments to LEP document reviews each clause within LEP 2011, identifies changes, the reason for the change and the effect of the change is **ATTACHED – CIRCULATED UNDER SEPARATE COVER** (Attachment 1).

1. Changes resulting from amendments to Standard Instrument

Draft LEP 2011 was based on the Standard Instrument (SI) that was in place at the time of the development of the Plan. The SI has been reviewed and a Standard Instrument Amendment Order 2011 (amending the SI) was gazetted on the 25 February 2011. The Department of Planning and Infrastructure (DoPI) advised that prior to the issue of a S65 Certificate it would be necessary to resubmit the draft Plan in the new SI format.

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The following is a summary of key changes to the SI and as a result changes to draft LEP 2011:-

Dictionary - Changes to existing land use terms so they do not overlap and the relationship between land use terms is clearer. This has been achieved through the inclusion of new terms, amendments to existing terms and deleting some terms within the Dictionary. Examples include:-

- new terms e.g. eco tourist facility, industrial training facility, high technology industry, garden centre, landscaping material supplies, plant nursery, bee keeping, commercial premises, general industry, mooring pen, wharf or boating facilities.
- renamed terms e.g. restaurant renamed restaurant or café, timber and building supplies renamed hardware and building supplies.
- Deleted terms e.g. funeral chapel, landscape and garden supplies, pond based aquaculture.

Group Terms – Changes have been made to the composition of land uses in group and subgroup terms and new group terms have been added. Examples include:-

New Group terms

- *commercial premises* – comprises retail , business and office land uses
- *heavy industrial storage establishment* – includes hazardous storage establishment, liquid fuel depot, offensive storage establishment

Amended group terms

- *retail* now includes the additional land uses of - bulky goods premises, garden centre, hardware and building supplies , landscaping material supplies, plant nurseries, rural supplies , timber yards and vehicle sales or hire premises
- *storage premise* – now includes only self storage units and storage premises not specifically defined

New mandated land uses - The amended SI made a number of changes to the land uses that are mandatory within a zone and also added new mandated objectives for some zones. Examples of new mandated land uses now permitted with consent include:-

Zone R1 General Residential, R3 Medium Density Residential and R4 High Density Residential - *Respite day care centres*.

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Zone B1 Neighbourhood Centre – *Medical centre and Respite day care centre.*

Zone B3 Commercial Core and Zone B4 Mixed Use– *Commercial premises, Medical centres, Respite day care centres and Restricted premises.*

B5 Business Development – *Bulky goods premises, Garden centres, Hardware and building supplies, Landscaping materials supplies, Respite day care centres.*

B6 Enterprise Corridor – *Garden Centre, Hardware and building supplies, Landscaping materials supply and Plant nurseries.*

New objective for B6 zone – To provide for residential uses, but only as part of a mixed use development.

B7 Business Park - *respite day care.*

IN2 Light Industrial – *Industrial training facilities.*

New objective for IN2 zone- To support and protect industrial land for industrial uses.

IN4 Working Waterfront – *Boat building and repair facilities (replacing Boat repair facilities).*

Note: Where a group term has been mandated in the SI for a zone all uses within that group term are now permitted.

Changes in dictionary terms, group terms and mandated land uses in zones has resulted in changes to the Land Use table within draft LEP 2011.

DoPI has also given specific direction to Council with respect to uses to be permitted within the Land Use Table e.g. where *Child care centres* are permitted with consent *Respite day care centres* are also required to be permitted.

Clauses and Schedules - A number of clauses and schedules have been updated to conform with changes in legislation including the Heritage Act and State Environmental Planning Policies (SEPPs) made subsequent to the SI Order e.g. *Clause 2.6 Subdivision – consent requirements, Clause 5.10 Heritage conservation and Schedule 2 Exempt development.*

With respect to *Clause 5.10 Heritage conservation* the clause has been amended to:-

- clarify the terminology to separate out Aboriginal place of heritage significance and Aboriginal object from other heritage items that need to be described in Schedule 5.
- make documentation that is required to be submitted to Council generally broader and more flexible through a heritage management document.

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- provide clarification about development consent being required for non structural changes to anything inside a heritage listed item that is specified in Schedule 5.

Other clauses such as *Clause 5.9 Preservation of trees and vegetation* have been made compulsory (under LEP 2010 the clause was optional). Clause 5.9 has also been amended to include biodiversity values in the zone objective and clarifies the relationship to clause *5.10 Heritage Conservation*.

New optional clauses and sub clauses which Council can choose to incorporate into draft LEP 2011 have also been provided and include:-

- *Sub Clause 5.9 (9) Preservation of trees or vegetation – not adopted for DLEP 2011*. Under *Clause 5.9 Preservation of trees or vegetation* development consent is required to cut down, lop, remove or injure all species of trees or other vegetation that are prescribed in a Development Control Plan. Subclause 5.9 (8) (ii) states that Clause 5.9 does not apply to or in respect of the clearing of native vegetation that is other wise permitted under Division 2 or 3 of Part 3 of the Native Vegetation Act 2003.(Division 2 relates to the clearing of non protected regrowth and the clearing of native vegetation that comprises only groundcover and complies with specific criteria, Division 3 relates to routine agriculture management activities , continuation of existing farming activities and sustainable grazing).

Clause 5.9 (9) is a new optional subclause that removes the exemption under Clause 5.9 (8)(a)(ii) for land zoned E2 Environmental Conservation land. The clause enables Council to seek consent for the clearing of native vegetation in certain limited circumstances.

It is considered that the new subclause is aimed at private land which maybe zoned E2. All land in the City of Ryde zoned E2 Environmental Conservation is under the care, control or management of Council. Land identified on the Land Zoning Map as *E2 Environmental Conservation* was originally based a generic Plan of Management created a number of years ago. Areas of that Plan are currently being reviewed. It is not considered appropriate to adopt the subclause until accurate identification of E2 land has been made.

- *Clause 5.9AA Trees or vegetation not prescribed by development control plan – new compulsory clause* that identifies that the removal of trees or vegetation not prescribed by a DCP is permitted without development consent

City of Ryde Development Control Plan - Part 9.6 Tree Preservation is being reviewed to ensure compliance with Clause 5.9AA of the draft LEP. This review will be subject to a separate report to Council.

ITEM 11 (continued)**2. Changes based on conditions attached to the Section 65 Certificate**

This section outlines and discusses the changes to DLEP 2011 as a result of the conditions attached to the S65 Certificate.

Condition 1 – Amend – *Clause 1.3(1) Land to which the Plan applies* – correcting minor omission (mandated clause omitted).

Condition 2 – Amend Land Use Table correction of minor omissions to the Land Use Table e.g. Farm accommodation to be prohibited in the B4 zone, Timber yards to be prohibited in the B3, B7, IN2 and IN4 zones.

Condition 3 – Addition of subclause 4.1(5) *Minimum subdivision lot size*. The clause states that the minimum lot size excludes the area of any access handle associated with hatched shaped lots for the R2 Low Density Residential and R3 Medium Density Residential zones. Under LEP 2010 the Lot Size Map stated that the area of a hatched shaped lot excluded the area of the access handle. DoPI have deleted this from the Lot Size Map but maintained the requirement through the new clause.

Condition 4(a) - Delete *Clause 4.1A Minimum subdivision requirements in certain residential zones*

Clause 4.1A in Draft LEP 2011 provides detailed written controls relating to the minimum area, road frontage, width of lot and access requirements for residential subdivision. DoPI has advised that the Lot Size Map is the only control for minimum area requirements for the subdivision of land and all other written controls should be held within a DCP.

Condition 4(b) - Delete *Clause 4.4B Centres – floor space ratio*.

Under Clause 4.4B additional floor space over and above that permitted by the FSR Map (up to 10%) is available in Centres if Council is satisfied that the development can achieve environmental excellence. The same clause allows an increase in height on the same land of 3m to that shown on Height of Buildings Map to accommodate the additional FSR.

DoPI advised Council when assessing the submitted S64 report that clause 4.4B Centres – floor space was not acceptable in its present form and that to maintain such a clause in the LEP the Height of Buildings Map and Floor Space Ratio Map would need to reflect the maximum height and floor space permitted on the land based on environmental excellence having been achieved.

Concerns with the proposed amendments suggested by DoPI include:-

- The FSR and Height of Building Maps would be reflecting a FSR and height for the land which can only be achieved if certain design criteria are met. Anybody viewing the maps would generally make an assumption that the amounts shown are the amounts available regardless of any design criteria - as per everywhere else in the City of Ryde.
- There will be no FSR or Height specified for developments that do not wish to adopt higher levels of design excellence.

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- The intention was that Council would determine a percentage increase up to 10% based on the level of design excellence proposed within the development - a graduated increase in FSR as a result of levels of design excellence will be more difficult to achieve once a maximum FSR and height figure is set on the relevant maps.
- If the increased development permitted when environmental excellence is achieved is specified on the FSR and Height Maps it will be more difficult for Council to argue that such development levels are not acceptable under other circumstances.

Based on the above it was considered that the amended DoPI clauses should not be used and if the clause as proposed by Council was not acceptable - Clause 4.4B - floor space should be deleted from DLEP 2011. It should be noted that Council can vary development standards under *Clause 4.6 Exemptions to development standards* to allow benefit for developments that achieve design excellence.

Condition 4(c) – Delete Clause 4.5B(5) Serviced apartments in Zone B3 Commercial Core

Clause 4.5B(5) specifies that to carry out a serviced apartment in the B3 zone the development must comprise at least 2 dwellings, be on the same lot of land (not separate strata or other title) not be a boarding house, hospital or hotel or motel accommodation.

Under the Standard Instrument (SI) a *Serviced apartment* is defined as a building containing self contained tourist and visitor accommodation. *Serviced apartments* are the only type of residential development permitted in the B3 zone. By deleting clause 4.5B(5) *Serviced apartments* can now be strata subdivided.

This is considered undesirable for the Macquarie Park Corridor as by permitting the separate ownership of dwellings, *Serviced apartments* will become a more desirable development type in the zone. As Council does not have sufficient resources to ensure such developments are in compliance with the SI definition this will inevitably result in such dwellings being used as permanent residences. This may result in undermining the vision for the Corridor.

It is considered that Council should make a formal submission to DLEP 2011 once on exhibition requesting the reinstatement of Clause 4.5B(5) with respect to prohibiting the subdivision of such developments.

Conditions 4 (d), (e), (f) – Delete Clauses 6.4 Planning controls for Ryde Town Centre, 6.4.1 Precinct 1 – Civic and mixed, 6.4.2 Precinct 2 – Town Core

The clauses provide detailed information on floor space areas permitted and requirements for approval. DoPI has advised that the clauses should be included in a DCP. As a result of these clauses being deleted Council was requested to provide FSR figures for Precincts 1 and 2 within Ryde Town Centre for inclusion on the Floor Space Ratio Map.

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Under LEP 2010 Precinct 1 has a nett usable floor area of 100 000sqm and Precinct 2 has a nett usable floor area of 150 000sqm. As the FSR Map is a reflection of gross floor area a 10% increase in FSR to accommodate the differences between the definitions and outcomes of nett and gross has been provided to both Precincts.

Based on the above the following floor space ratios have been applied to the FSR Maps:-

Precinct 1 - 5.6:1 (based on site area 19,541m² and gross floor area of 110,000m²).
Precinct 2 - 5:1 (based on site area 32,845m² and gross floor area of 165,000m²).

The removal of the other provisions from the LEP into the DCP are considered acceptable as

- Precinct 1 is the subject to a master planning process which is under development and
- Precinct 2 concept plan for development is in place, the development is 75% completed with the DA to develop residential towers already approved.

Condition 5 – Amend Clause 4.1B Dual occupancy (attached) – subdivision by deleting “or duplex building” under subclause (1) and delete definition of duplex building.

By defining and referencing the term duplex building in Clause 4.1B Council was aiming to reduce confusion with respect to approvals that had been given under previous planning instruments. It is considered that an amendment to DCP 2011 - Part 3.3 Dwelling house and Dual occupancy (attached) that defines duplex building and states that a reference to dual occupancy (attached) is a reference to a duplex building will achieve the same outcome.

Condition 6 – Amend Clause 6.3(3)(h) Foreshore building line – correction of minor typographical error (part of clause omitted)

Condition 7 – Amend Clause 6.5 Ground floor development on land within Zone B6 Enterprise Corridor – a definition of commercial activities added to the clause.

Condition 8 – Replace Clause 6.8 Stormwater Quality

Clause 6.8 that was submitted to DoPI applied to developments of 6 or more dwellings, of 4 storeys or more and /or floor space of more than 2000sqm. The new clause which was developed by DoPI applies to all land zoned residential business and industrial, requires development to be designed to maximize the use of water permeable surfaces, to include where practicable on site stormwater retention for uses as an alternative supply to mains water and to avoid/minimize impacts of stormwater runoff.

Condition 9 – Deleted (reference to original S65 issued June 2011) *Note:* A S65 Certificate was issued by DoPI on 23 June 2011 for DLEP 2011. A number of errors existed in the Certificate and as such DoPI decided to withdraw and amend the S65 Certificate. The Certificate issued by DoPI on the 5 September 2011 is an amendment to that original Certificate.

ITEM 11 (continued)**Condition 10 – Amend Schedule 2 Exempt development with respect to Footpath Activity and Outdoor dining (associated with food and drink premises)**

The condition removes reference to the external documents *Footpath Activity Controls Council Policy* and *Outdoor Dining Policy* and inserts controls that reflect the contents of the two policies.

Condition 11 – Amend Schedule 5 Environmental heritage. Amendments to correct minor errors relating to State significance listings and item names.

Condition 12a – Amend the Land Zoning Map for 421 - 445 Pittwater Road (Porters Creek site owned by State Government) to zone the land IN2 Light Industrial.

The subject land is presently zoned RE1 Public Recreation under LEP 2010 and draft LEP 2011. The S65 Certificate requires that the land be is required to be rezoned IN2 Light Industrial. The land adjoins 160 – 162 Wicks Road Macquarie Park which is owned by Council and known as the Porters Creek site. Council resolved on the 24 August 2010 to rezone 160 – 162 Wicks Road from RE1 Public Recreation to IN2 Light Industrial under draft LEP 2011. The change in zoning of the land to IN2 would allow an amalgamation of the land with Council's Porters Creek site.

For Council's information the land was originally owned by the City of Ryde for its operational purposes together with other land that was acquired by the NSW State Government for the purpose of construction the M2.

During construction of the M2 excavation material was dumped on the site by the RTA/Abigroup Joint Venture over the culvert area. Due to its weight this has caused risk to the area and damage to the underlying culvert which requires removal in order to minimise that impact on the culvert.

Condition 12b – Amend the Land Zoning Map for Cudal Reserve at 22 Henry Street Ryde from SP2 to R2 Low Density Residential.

Council received a submission during the Community Consultation period from Sydney Water requesting the rezoning of the subject land to R2 on the basis of a Site Compatibility Certificate issued which supports a zoning compatible with the surrounding area. A similar submission was received by DoPI.

On 7 June 2011, the Minister for Planning and Infrastructure, The Hon. Brad Hazzard MLA, wrote to Council advising that he has put a stay on the request of the Director-General DoPI to issue a consent for the development application submitted by Sydney Water to subdivide the subject site. Mr Hazzard further advised that subject to review of the matter, including of Council's view, he would consider an appropriate course of action.

This matter has been previously discussed by Council at a number of Council Meetings.

Council has approached senior staff within DoPI on a number of occasions requesting reconsideration of the rezoning of Cudal Reserve and an amendment to the S65 removing Condition 12 reference to Cudal Reserve. To date DoPI has not supported any of these requests.

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Condition 12c – Amend the Land Zoning Map at 20 Goulding Road, Ryde from SP2 to RE2 Low Density Residential.

Council should note that under LEP 2010 Clause 5.3 *Development near zone boundaries* applies to Sydney Water land at Henry Street and Goulding Road (zoned SP2). The Clause permits land to which it applies to be development for any land use permitted in an adjoining zone if the development is not inconsistent with the objectives of both zones and the carrying out of development is compatible with planning principles relating to the efficient and timely development of land.

The State Government required that Clause 5.3 be inserted into LEP 2010 and is restricted to land zoned SP2.

The clause has also be adopted for the SP2 zone under draft LEP 2011 and is consistent with the requirements of DoPI. The rezoning of the land at 22 Henry St (Cudal Reserve) or 20 Goulding Road to R2 Low Density does not alter the nature of land uses currently permitted on the land by virtue of Clause 5.3, meaning either parcel could be developed with dwelling houses or multi dwelling housing under the SP2 zone.

Condition 12d– Amend the Land Zoning Map at 390 Pittwater Road North Ryde (being lots 11 and 21 DP 1017829) to SP2 Classified Road. As a result of a drafting error the land was incorrectly zoned E2 Environmental Conservation. The land which is owned by HillsM2 is zoned SP2 Classified Road under LEP 2010. The condition reinstates that zoning.

Condition 13 – Amend the Land Reservation Acquisition Maps and Land Zoning Maps for 8 listed properties.

A confidential report to Council dated 4 May 2010 titled *Potential Property Acquisitions – S94 Funding* prepared by Manager – Building and Property outlined a process to be adopted for future acquisitions of land for open space purposes.

A total of 11 properties were identified as being of a high priority in terms of future Council acquisition and 26 properties were identified as having a low priority.

Council on the 18 May 2010 resolved the following:

That the properties noted as high priority acquisitions listed in the attachment to this report be included in the Land Reservation Acquisition Map in the comprehensive Local Environmental Plan 2011 and marked as “Local Open Space”.

The Land Reservation Acquisition Map was amended to indicate the 11 properties that were identified as being of high priority. All properties were identified as for “local open space” and in accordance with DoPI requirements zoned RE1 Public Recreation on the Land Zoning Map. The subject maps were submitted to DoPI with the request for the Section 65 Certificate.

ITEM 11 (continued)

Council on the 21 June 2011 reviewed the properties proposed to be acquired and resolved that 8 of the 11 properties previously identified as being required for open space on Draft LEP 2011 Land Reservation Acquisition Map be deleted from that map and their previous zoning be reinstated. Council further resolved that 2 new properties be identified on Draft LEP 2011 Land Reservation Map for acquisition.

Council on the 4 July 2011 requested that DoPI condition the above change as part of the S65 Certificate. This condition is in response to that request.

Conditions 14 – Amend Land Zoning Map at 209 Waterloo Road – minor drafting error to be corrected (property given a split zoning).

Condition 15 – Insert new clause – *4.1D Minimum lot size for hatched shaped lots*. This clause replaces *Clause 4.1A Minimum subdivision requirements in certain residential zones* (deleted by condition 4(a) of S65) and requires a minimum lot size of 740sqm for hatched shaped lots.

Condition 16 – Update Land Zoning Map in accordance with the Planning Proposals for 9-19 Second Avenue Eastwood and 283 – 289 Blaxland Road Ryde.

The Planning Proposal to rezone 9 – 19 Second Avenue Eastwood from RE2 Private Recreation to R2 Low Density Residential was placed on community consultation from 8 – 22 June 2011. The outcomes of that consultation will be presented to Council in a separate report.

The Planning Proposal to rezone the 283 – 289 Blaxland Road Ryde from R2 Low Density Residential to R4 High Density Residential was placed on community consultation from the 14 – 28 September 2011. A report on the outcomes of that consultation will be presented to Council in a separate report.

It should be noted that all maps have been amended to reflect the technical requirements of DoPI e.g. legend of FSR Map amended, FSR colour and symbols on map reviewed and amended where necessary, updating the M2 boundary (a request from RTA) to reflect the latest road alignment information. Some changes to the Land Reservation Acquisition Map also occurred as a result of a late submission from the RTA.

RELATED Section 65 Certificate changes

Prior to the issuing of a S65 Certificate DoPI requested Council to:-

- Review the land use table and include in the table all uses listed in the dictionary regardless of their appropriateness to the City of Ryde or to a zoning. As a result the land use table has been amended to include land uses such as Airstrips, Marinas, Port facilities and Farm buildings.

ITEM 11 (continued)

- review *Clause 6.7 Environmental Sustainability*. The clause required business and industrial developments over 1 500sqm to have issued at least a 4 Star Green Star certified rating from the Green Building Council of Australia. DoPI expressed concern over an external standard being referenced and requested that the clause be amended to specify specific standards that are required to be achieved. The amended clause was inserted in the Draft Plan prior to the Section 65 Certificate being issued.

A copy of the Section 65 Certificate is **ATTACHED – CIRCULATED UNDER SEPARATE COVER** (Attachment 2).

A copy of DLEP 2011 as amended has been **ATTACHED – CIRCULATED UNDER SEPARATE COVER** (Attachment 3). It should be noted that the Standard Instrument is written in black and all local clauses (those inserted by Council) are in red.

Public Exhibition Draft LEP 2011 with Section 65 Certificate
City Wide Community engagement:-

Under the Environmental Planning and Assessment Act Council is required to place a public notice advising of the exhibition of the draft LEP at the start of the public exhibition period which must extend for a period of 28 days.

For the formal exhibition of draft Ryde LEP 2011 the following is proposed:

- Exhibition period of 6 weeks.
- A public notice of the exhibition in each Ryde City View edition during the 6 week period.
- Use of Council Kiosks in each of Council's libraries to provide internet access to both the Ryde LEP 2010 and draft LEP 2011 for information and comparison purposes. Similar computer access will be available for customers within the Civic Centre.
- Hard copies of both Ryde LEP 2010 and draft LEP 2011 on display or available for viewing depending on space availability within each library and the Civic Centre.
- A4 Information posters displayed within each library and the Civic Centre directing customers to Council Kiosk or hard copy displays.
- Brochures on the draft LEP available at all areas where the LEP is on exhibition.
- Letters to individual property owners where a change in zoning, height and floor space are to occur.

ITEM 11 (continued)

- Letters to landowners that adjoin sites where a change in zone, FSR and height is to occur, as identified in the Centres and Corridors and Small Centres Study.
- Letters to land owners whose land has been identified for acquisition.
- Letters to Chamber of Commerce and Progress Associations advising them of the draft LEP.

(It is anticipated that over 13,000 letters will be sent out covering the above three (3) areas).

- Series of informal information sessions for targeted groups e.g. persons directly affected by a zoning, FSR or height change as identified in the Centres and Corridors and Small Centres Study.
- All internal Council business units will be consulted by placing the draft LEP on the intranet and the internet and by e – mailing individual business units highlighting areas of interest and requesting that areas are checked and verified for accuracy.
- A number of internal information sessions.
- A range of City of Ryde Advisory Committees will be consulted during the exhibition period.
- External public consultation with government agencies and adjoining councils will include all adjoining council areas and those government agencies that responded to the Section 62 consultation process.

Consultation is in accordance with City of Ryde Engagement Matrix.

A consultation program with dates, times and venue of the sessions will be circulated to the councillors through the Councillor Information Bulletin.

It should be noted that Ku-ring-gai Council in a S62 submission requested that residents living in West Lindfield be notified of the exhibition and in particular the proposed rezoning of 160 – 162 Wicks Road from RE1 Public Recreation to IN2 Light Industrial . Ku-ring-gai Council has offered to provide the notification data base to carry out the notification process.

It is considered that Ku-ring-gai Council should be responsible for advising those persons they believe would have an interest in the Draft LEP. To assist the Council City of Ryde will suggest that they consult with their residents and City of Ryde will provide a draft letter.

ITEM 11 (continued)**Exhibition Material**

Explanatory material, including a brochure, will support the exhibition and include reference to changes that are proposed for example in West Ryde and Meadowbank.

Other exhibition material will comply with NSW legislation requirements and include s117 directions and a copy of the Section 65 Certificate and a plain English version of the draft Plan.

Public Hearing

DoPI Practice Note (PN) 09-003 (*Re*) *classification of public land through a LEP* states that where a draft LEP includes reclassification of 'community' land to 'operational' land, council must hold a public hearing into the proposal in accordance with section 68 of the EP&A Act. As such a Public meeting will be required to be undertaken for the proposed change in the status of Kitty's Creek Reserve adjacent to 46 Jeanette Street East Ryde. Where a proposal includes a re classification of 'operational' land to 'community' land a public hearing is not generally required.

The hearing will be run by an independent party. Councillors will be notified of the hearing date.

Consultation

All internal Council business units will be consulted by placing the draft LEP on the intranet and the internet and by e-mailing individual business units highlighting areas of interest and requesting that their areas are checked and verified for accuracy.

Internal Workshops held:-

- Not applicable.

All City of Ryde Advisory Committees to be consulted through an invitation to attend an information session.

External public consultation included:-

- External public consultation with government agencies and adjoining councils will include all adjoining council areas and those government agencies that responded to the Section 62 consultation process. These agencies and councils will be advised of the exhibition, provided with details of the draft plan and invited to make comment.
- Information drop in centres will be held at Eastwood, West Ryde and North Ryde libraries for all residents.
- Information sessions will be held for targeted groups e.g. property owners that adjoin sites where a change in zone, FSR and height is to occur such as Meadowbank, West Ryde and Ryde Town Centre.
- Letters will be sent out to properties directly affected or that surround an area where change is proposed such as Ryde Town Centre, West Ryde, Eastwood, Blenheim Road and Eastwood.

ITEM 11 (continued)

- Letters will be sent out advising of the exhibition of Draft LEP 2011 to Eastwood, Gladesville, Korean, Ryde, West Ryde, Ryde Business Forum and North Ryde Chambers of Commerce.
- Letters will be sent out advising of the exhibition of Draft LEP 2011 to Meadowbank West Ryde Progress Association, North Ryde Residents Group, and Putney and District progress Association.

Critical Dates

The following deadlines are required to be met:

Under State Governments timetabling for the development of a comprehensive LEP for all Council areas within NSW the Ryde LEP 2011 - a comprehensive plan for the City of Ryde was to be completed by March 2011. No formal extension to this period has been given by DoPI. The March deadline has not being met due to:-

- the delay in the gazettal of LEP 2010 (Stage 1 of the 3 Stage process towards a comprehensive LEP for the City of Ryde) by the Minister for DoPI.
- the delay in receiving the S65 Certificate for draft LEP 2011 and
- the changes to the Standard Instrument by DoPI that occurred in February 2011.

The Department is now requesting that we finalise the LEP by the end of 2011.

Financial Impact

This project is provided for in the Urban Planning budget for 2011/2012.

There will be no on-going costs of maintaining this project.

Policy Implications

The recommendation is consistent with the requirements of the Environmental Planning and Assessment Act 1979.

Other Options

If Council has concerns about any of the proposed instruction in the Section 65 they can seek an amended Section 65 Certificate from DoPI. This process will require a formal application to the Minister and will further delay delivery of the new LEP 2011.

Conclusion

It is considered that draft Ryde LEP 2011 should be amended in accordance with the conditions of Section 65 Certificate and that the Plan should be placed on exhibition.

ATTACHMENT 1

TABLE 1 - Amendments to Draft Ryde LEP(DLEP) 2011 –
 Summary of changes between DLEP 2011 as submitted to Department of Planning and Infrastructure (DoPI) - 23 December 2011 and DLEP 2011 approved for exhibition - 5 September 2011.

Note: This table does not identify changes to clauses that have occurred as a result of changes to the gazetted Standard Instrument (SI) with the exception of the land use table.

Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
Part 1 Preliminary	No change to any clause (Other than gazetted changes to the SI)		
Part 2 Permitted or prohibited development	No change to any clause (Other than gazetted changes to the SI)		
Land Use Table	NOTE: The below does not reflect the required addition of land uses to Item 4 Prohibited by DoPI which were previously excluded from the Table because of the lack of relevance to the City of Ryde generally or to a particular zone. eg Farm buildings , Airstrips, Port facilities, making reference to boat ramps in zones which are landlocked.		
Residential Zones R1 General Residential	Item 3 Permitted with consent Added <ul style="list-style-type: none"> o Respite day care centres Deleted <ul style="list-style-type: none"> o Residential care facility 	<ul style="list-style-type: none"> o SI change o Sub set of group term Seniors housing 	No significant change or impact

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Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
R2 Low Density Residential	<p>Item 3 Permitted with consent Added:</p> <ul style="list-style-type: none"> ○ Respite day care centres 	<ul style="list-style-type: none"> ○ PN11-001 requirement that such centre be permitted wherever child care facilities are permitted 	No significant change or impact
R3 Medium Density Residential	<p>Item 3 Permitted with consent Added</p> <ul style="list-style-type: none"> ○ Respite day care centres 	<ul style="list-style-type: none"> ○ SI change 	No significant change or impact
R4 High Density Residential	<p>Item 3 Permitted with consent Added</p> <ul style="list-style-type: none"> ○ Respite day care centres 	<ul style="list-style-type: none"> ○ SI changes 	No significant change or impact

ATTACHMENT 1

Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
<p>Business Zones B1 Neighbourhood Centre</p>	<p>Item 3 Permitted with consent Added:</p> <ul style="list-style-type: none"> o Medical centre and respite day care centres <p>Item 4 Prohibited Added</p> <ul style="list-style-type: none"> o Garden centre, hardware and building supplies, landscaping material supplies , plant nursery , timber yards premises o Boat building and repair facility, Open cut mining, Animal boarding and training establishments, Heavy industrial storage establishment, Camping grounds ,Industrial training facility, Eco tourist facility <p>Deleted:</p> <ul style="list-style-type: none"> o Landscape and garden supplies, timber and building supplies, mining , boat repair facilities) o Emergency Service Centre 	<ul style="list-style-type: none"> o SI change o New dictionary terms which replace existing prohibited land uses e.g. Landscape and garden supplies and Timber and building supplies o All new stand alone dictionary terms o All covered by new terms o Covered by Infrastructure SEPP 	<p>No significant change or impact</p>

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Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
B3 Commercial Core	<p>Item 3 Permitted with consent Added</p> <ul style="list-style-type: none"> ○ Commercial premises, Medical centres, Respite day care centres and Restricted premises <p>Deleted</p> <ul style="list-style-type: none"> ○ Business premises, Office premises and Retail premises ○ Self storage units <p>Item 4 Prohibited – Added</p> <ul style="list-style-type: none"> ○ Heavy industrial storage establishment ,Boat building and repair facility, Open cut mining Camping grounds Industrial training facility, Animal boarding or training establishments, Eco tourist facility ○ Timber yards <p>Deleted:</p> <ul style="list-style-type: none"> ○ Storage premises ○ Vehicle sales or hire premises, bulky goods premises, landscape and garden supplies, , timber and building supplies, rural supplies 	<ul style="list-style-type: none"> ○ SI change ○ SI change ○ New group term storage premises is restricted to self storage units and as such will not be listed as prohibited ○ All new stand alone dictionary terms and new group terms some of which replace existing prohibited land uses eg mining, agriculture ○ Condition on S65 Certificate ○ Three of the land uses previously prohibited under group term Storage premises now covered by new group term Heavy industrial storage establishment ○ Part of group term retail – now mandated as permitted us 	No significant change or impact

ATTACHMENT 1

Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
B4 Mixed Use	<p>Item 3 Permitted with consent Added:</p> <ul style="list-style-type: none"> o Commercial premises, Medical centres, Respite day care centres and Restricted premises <p>Deleted:</p> <ul style="list-style-type: none"> o Business premises, Office premises, Retail premises <p>Item 4 Prohibited Added</p> <ul style="list-style-type: none"> o Heavy industrial storage establishment, Heavy industry, General industry, Camping grounds, Industrial training facility, Animal boarding or training establishments, Eco tourist facility o Farm buildings <p>Deleted:</p> <ul style="list-style-type: none"> o Hazardous storage establishments; Liquid fuel depots; Offensive storage establishments, Offensive industry and Hazardous industry 	<ul style="list-style-type: none"> o SI change o SI change – all covered by mandatory land use <i>commercial premises</i> o New group terms and stand alone dictionary terms o Condition on Section 65 Certificate o Covered by new group terms Heavy industrial storage establishment and Heavy industry 	No significant change or impact

ATTACHMENT 1

Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
B5 Business Development -	<p>Item 1 Objectives of zone – SI change The words specialised retail uses have been replaced with bulky goods premises</p> <p>Item 3 Permitted with consent - SI Added:</p> <ul style="list-style-type: none"> ○ Bulky goods premises, Garden centres, Hardware and building supplies, Landscaping materials supplies and Respite day care centres <p>Deleted:</p> <ul style="list-style-type: none"> ○ Self storage premises (part of new group term storage which is not prohibited) <p>Item 4 Prohibited - Nil Added</p> <ul style="list-style-type: none"> ○ Restaurants and cafes, Boat building and repair facility, Open cut mining ○ Plant nurseries and timber yards ○ Heavy industrial storage establishment, Camping grounds Industrial training facility, Animal boarding or training establishments, Eco 	<ul style="list-style-type: none"> ○ SI change ○ SI change ○ New group term <i>storage premises</i> is restricted to self storage units and as such will not be listed as prohibited ○ Replaces existing terms Restaurants, Boat repair facility and Mining ○ New land use terms added to group term retail ○ New group terms and stand alone dictionary terms 	No significant change or impact

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Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
	<p>tourist facility</p> <p>Deleted</p> <ul style="list-style-type: none"> ○ Timber and building supplies , bulky goods premises ○ Storage premises 	<ul style="list-style-type: none"> ○ Mandated uses – new terms used eg hardware and building supplies. ○ New group term comprises self storage premises only . 	
B6 Enterprise Corridor	<p>Item 1 Objectives of zone – SI</p> <p>The following objective must be included if any type of residential accommodation is permitted in this zone:</p> <ul style="list-style-type: none"> •To provide for residential uses, but only as part of a mixed use development. <p>Item 3 Permitted with consent</p> <p>Added:</p> <ul style="list-style-type: none"> ○ Garden centres, Hardware and building supplies, Landscaping materials supplies, and Plant nurseries <p>Deleted</p> <ul style="list-style-type: none"> ○ Landscape and garden supplies and Timber and building supplies ○ Self storage units <p>Item 4 Prohibited</p> <p>Added:</p>	<ul style="list-style-type: none"> ○ SI change ○ SI change ○ SI change ○ SI change ○ Now part of group term storage premises which are not listed as prohibited 	No significant change or impact

ATTACHMENT 1

Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
	<ul style="list-style-type: none"> ○ Heavy industrial storage establishment, Heavy industry, General industry ,Camping grounds , Industrial training facility, Animal boarding or training establishments ,Eco tourist facility <p>Deleted:</p> <ul style="list-style-type: none"> ○ Hazardous storage establishments; Liquid fuel depots; Offensive storage establishments , Offensive industry and Hazardous industries 	<ul style="list-style-type: none"> ○ New group terms and stand alone dictionary terms ○ Covered by new group terms Heavy industrial storage establishment and Heavy industry 	
B7 Business Park	<p>Item 3 Permitted with consent Added</p> <ul style="list-style-type: none"> ○ Respite day care centres ○ Restaurants or cafes <p>Item 4 Prohibited Added:</p> <ul style="list-style-type: none"> ○ Heavy industrial storage establishment, Camping grounds Industrial training facility, Animal boarding or training establishments ,Eco tourist facility ○ Boat building and repair facilities, Open cut mining ○ Timber yards 	<ul style="list-style-type: none"> ○ SI change ○ New dictionary term replacing Restaurant ○ New group terms and stand alone dictionary terms ○ Replacing amended terms mining and boat repair facilities Condition on Section 65 Certificate 	No significant change or impact

ATTACHMENT 1

Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
	<p>Deleted:</p> <ul style="list-style-type: none"> ○ Bulky goods premises, Landscape and garden supplies, rural supplies, timber and building supplies, vehicle sales or hire, 	<ul style="list-style-type: none"> ○ Now part of group term retail which is a prohibited use 	

ATTACHMENT 1

Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
<p>Industrial Zones IN2 Light Industrial</p>	<p>Item 1 Objectives of zone - SI The following objective has been inserted: To support and protect industrial land for industrial uses</p> <p>Item 3 Permitted with consent Added</p> <ul style="list-style-type: none"> o Industrial training facilities o Respite day care centre (PN11-001 requirement that such centres be permitted wherever Child care centres are permitted) o Hardware and building supplies; Landscaping material supplies <p>Deleted</p> <ul style="list-style-type: none"> o Self storage premises o Funeral chapel <p>Item 4 Prohibited Added</p> <ul style="list-style-type: none"> o Commercial premises 	<ul style="list-style-type: none"> o SI change o SI change o PN11-001 requirement that such centres be permitted wherever Child care centres are permitted. o Land uses which are permitted but are now part of group term retail which is prohibited land use in zone o Part of new group term storage premises which is not prohibited o Deleted term from dictionary – use covered by term funeral homes o Replaces land uses retail, business, office all of which are prohibited 	<p>No significant change or impact</p>

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Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
	<ul style="list-style-type: none"> ○ Heavy industrial storage establishments ,Camping grounds (new dictionary term to be prohibited where caravan parks are prohibited, Boat building and repair facilities, Open cut mining, Eco tourist facility ○ Timber yards <p>Deleted</p> <ul style="list-style-type: none"> ○ Storage premises ○ Retail, Business premises and Office premises ○ Bulky goods premises, Vehicle sales and hire, rural supplies (part of retail) 	<ul style="list-style-type: none"> ○ New group terms stand alone dictionary terms, and replacement terms ○ Condition on Section 65 Certificate ○ New group term that permits self storage units ○ Replaced by the new SI term <i>commercial premises</i> ○ Part of retail group term which is now part of group term commercial which is prohibited 	
IN4 Waterfront	<p>Item 3 Permitted with consent Added:</p> <ul style="list-style-type: none"> ○ Boat building and repair facilities <p>Deleted</p> <ul style="list-style-type: none"> ○ Boat repair facilities <p>Item 4 Prohibited – Added:</p>	<p>Item 4 Prohibited –</p> <ul style="list-style-type: none"> ○ SI change ○ SI change ○ New group term for land uses 	No significant change or impact

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Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
	<ul style="list-style-type: none"> ○ Commercial premises ○ Heavy industrial storage establishment ,Camping grounds ,Animal boarding or training establishments ,Eco tourist facility ,Open cut mining Respite day care centre ○ Timber yards ○ Cemeteries , Marinas <p>Deleted:</p> <ul style="list-style-type: none"> ○ Bulky goods premises, Vehicle sales and hire, rural supplies 	<ul style="list-style-type: none"> ○ retail, business, office all of which are prohibits ○ New group terms stand alone dictionary terms, and replacement terms ○ Condition on Section 65 Certificate ○ Land uses omitted in error ○ Part of group term retail which is part of group term commercial which is prohibited 	

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Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
Special Purpose Zones SP1 Special Activities	No change		
SP2 Infrastructure	No change		
Recreation Zones RE1 Public Recreation	Item 3 Permitted with consent – NIL Added o Restaurants or cafes	o Replaces land use term restaurant	No significant change or impact
RE2 Private Recreation	Item 3 Permitted with consent – NIL Added o Restaurants or cafes	o Replaces land use term restaurant	No significant change or impact
Environment Protection Zones E1 National Parks and Nature Reserves	No change		
E2 Environmental Conservation	Item 4 Prohibited Added o Restricted premises	o SI change	No significant change or impact
Part 3 Exempt and complying development	No change to any clause (other than gazetted changes to the SI)		
Part 4 Principal development			

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Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
standards			
4.1 Minimum subdivision lot size [optional] - adopted	<p>Added</p> <ul style="list-style-type: none"> New subclause (5) – If a lot is a battle – axe lot or other lot with an access handle , the minimum lot size as shown on the Lot Size Map excludes the access handle. 	Condition on S65 Certificate	No impact – control presently applies under LEP 2010.
4.1A Minimum subdivision requirements in certain residential zone[local]	Deleted	Condition on S65 Certificate	Controls will be placed within Part 3.3 Dwelling house and Dual occupancy (attached).
4.1AA Minimum subdivision lot size for community title schemes Not adopted			
4.1B Residential buildings that cannot be subdivided	<p>Deleted</p> <ul style="list-style-type: none"> Reference to duplex building under subclause (1) Subclause (2) Definition of duplex. 	Condition on S65 Certificate	<p>Note to be provided in Part 3.3 Dwelling house and Dual occupancy (attached), that defines duplex building and states that a reference to dual occupancy (attached) is a reference to a duplex building.</p>

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Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
4.1C Minimum lot sizes for dual occupancy and multi dwelling housing	No Change		
4.1D Minimum lot size for hatchet shaped allotments	New clause specifying minimum lot size of 740sqm for hatched shaped allotments	Condition on S65 Certificate	No impact – provides same minimum lot size control as per clause 4.1A (deleted by condition on S65 Certificate)
4.2 Rural subdivision – Not adopted			
4.3 Height of buildings [optional]	No change		
4.4 Floor space ratio [optional]- adopted	No change		
4.4A Residential zones—floor space ratio	No change		
4.4B Centres – floor space ratio	Deleted	Condition on S65 Certificate	No impact Clause provided a floor space and

ATTACHMENT 1

Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
			height incentive if development could exceed Best Practice Environmental Sensitive Design. Clause 4.6 Exceptions to development standards can be used to increase floor space ratio and height where good environmental design is achieved in a development.
4.5 Calculation of floor space ratio and site area [optional] - adopted	NO change		
4.5A Density controls for Zone R2 Low Density Residential	NO change		
4.5B Macquarie Park	Deleted <ul style="list-style-type: none"> • Subclause 5 Serviced apartments in Zone B3 Commercial Core 	Condition on S65 Certificate	<p>Clause 4.5B(5) specifies that to carry out a serviced apartment in the B3 zone the development must comprise at least 2 dwellings, be on the same lot of land (not separate strata or other title) not be a boarding house, hospital or hotel or motel accommodation</p> <p>Under the Standard Instrument (SI) a <i>Serviced apartment</i> is defined as a building containing self contained tourist and visitor accommodation. <i>Serviced apartments</i> are the only type</p>

ATTACHMENT 1

Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
			<p>of residential development permitted in the B3 zone. By deleting clause 4.5B(5) <i>Serviced apartments</i> can now be strata subdivided.</p> <p>This is considered undesirable for the Macquarie Park Corridor as by permitting the separate ownership of dwellings, <i>Serviced apartments</i> will become a more desirable development type in the zone. As Council does not have sufficient resources to ensure such developments are in compliance with the SI definition this will inevitable result in such dwellings being used as permanent residences. This may result in undermining the vision for the Corridor.</p> <p>It is considered that Council should make a formal submission to DLEP 2011 once on exhibition requesting the reinstatement of Clause 4.5B(5) with respect to prohibiting the subdivision of such developments</p>
4.6 Exceptions to development standards [compulsory]	NO change		

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Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
Part 5 Miscellaneous provisions	NO change to any clause (other than gazetted changes to the SI)		
Part 6 Additional local provisions			
6.1 Acid sulfate soils	No change		
6.2 Earthworks	No change		
6.3 Foreshore building line	Subclause (3)(h) – amended to include the entire model clause (part of sentence missing as a result of typo error)	Condition on S65 Certificate	No significant change or impact.
6.4 Planning controls for Ryde Town Centre 6.4.1 Precinct 1 – civic and mixed 6.4.2 Precinct 2 – Town Core	Deleted	Condition on S65 Certificate	Controls to be placed inside DCP . As majority of development completed in Precinct 2 and Precinct 1 under the development of a Master Plan removal of the controls not considered to have significant impact.

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Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
6.5 Ground floor development on land Zone B6 Enterprise Corridor	<p>Clause in part states that consent must not be granted if the development would result in any part of the ground floor not being used for business or employment activities other than parts of the floor used for a lobby for any commercial development</p> <p>Added: - subclause (2) which for the purposes of the clause defines commercial activities as business premises , community facilities , hotel or motel accommodation landscape and garden supplies , light industries, passenger transport facilities , timber and building supplies or warehouse or distribution centres.</p>	Condition on S65 Certificate	No significant change or impact
6.6 Flooding	No change		
6.7 Environmental Sustainability	<p>Clause rewritten to remove reference to 4 Star Green – Green Building Council of Australia.</p> <p>Clause now makes reference to Australian Best Practice Environmental Sensitive Design</p>	DoPI required the clause to be rewritten prior to issue of S65 Certificate.	No significant change or impact
6.8 Stormwater Quality	Replace clause with a new clause worded by DoPI	Condition on S65 Certificate	<p>Clause submitted to DoPI applied to development of 6 or more dwellings, development of 4 storeys or more and /or floor space of more than 2000sqm .</p> <p>New clause applies to all land zoned</p>

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Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
			Residential, Business and Industrial. The clause requires that all such developments <ol style="list-style-type: none"> 1. be designed to maximise the use of water permeable surfaces 2. include where practical on site stormwater retentions for uses as alternative supply to mains water etc and 3. avoids or minimises the disturbance and impacts on stormwater runoff on adjoining properties The amendment is not considered significant as the controls are broad and worded to apply where practical.
Schedules			
Schedule 1 Additional permitted uses	Minor amendments to items with respect to the use of dictionary terms	Requirement of DoPl prior to issue of S65 Certificate.	No significant change or impact
Schedule 2 Exempt development	Amends Footpath activity and Outdoor dining by: <ul style="list-style-type: none"> o Removing references to Council's <i>Footpath Activity Controls Council Policy</i> and Council's <i>Outdoor Dining Policy</i> o Includes major controls from the two Policy documents in the conditions associated with the 	Condition on S65 Certificate	No significant change or impact

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Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
	development being Exempt development.		
Schedule 3 Complying development	No change		
Schedule 4 Classification and reclassification of public land	No change		
Schedule 5 Environmental heritage	<p>Changes to <i>Significance</i> classification for the following items</p> <ul style="list-style-type: none"> o Denistone House – to be made Local o Wallamatta Reserve – to be made Local o Field of Mars Reserve _ to be made Local o Rockend Cottage – to be made Local o Eastwood House School – to be made Local o The Retreat – to be made Local 	<p>Condition on S65 Certificate</p>	<p>Required changes to correct errors in the Schedule.</p> <p>No significant change or impact.</p>
	<p>Amend <i>Item name</i> for a number of heritage items as specified below:-</p> <p>Gladesville Drill Hall Meadowbank Railway Bridge over Parramatta River</p>	<p>Condition on S65 Certificate</p>	<p>No significant change or impact.</p>

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Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
	Riverview House and outbuildings Ryde Pumping Station and site Hermitage and garden Former Police Station Addington House		
MAPPING CHANGES (Map No.)			
Land Zoning Map LZN_08 & 09	Rezone the Porters Creek Site , being Lots 11 and 12 DP 841065 and Lots 540 and 543 DP 1005833 at Wicks Road, Macquarie Park from RE1 to IN2	Condition on S65 Certificate	<p>The subject land is presently zoned RE1 Public Recreation under LEP 2010 and draft LEP 2011. The S65 Certificate requires that the land be rezoned IN2 Light Industrial.</p> <p>The land adjoins 160 – 162 Wicks Road Macquarie Park which is owned by Council and known as the Porters Creek site. Council resolved on the 24 August 2010 to rezone 160 – 162 Wicks Road from RE1 Public Recreation to IN2 Light Industrial under draft LEP 2011. The change in zoning of the land to IN2 would allow an amalgamation of the land with Council's Porters Creek site.</p> <p>Note: The land was originally owned by the City of Ryde for its operational purposes together with other land that was acquired by the NSW State Government for the purpose of construction the M2.</p>

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Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
			<p>During construction of the M2 excavation material was dumped on the site by the RTA/Abigroup Joint Venture over the culvert area. Due to its weight this has caused risk to the area and damage to the underlying culvert which requires removal in order to minimise that impact on the culvert.</p>
Land Zoning Map LZN_05	Rezone Cudal Reserve at 22 Henry Street Ryde from SP2 WS&D to R2	Condition on S65 Certificate	<p>Council received a submission during the Community Consultation period from Sydney Water requesting the rezoning of the subject land to R2 on the basis of a Site Compatibility Certificate issued which supports a zoning compatible with the surrounding area. A similar submission was received by DoPI.</p> <p>On 7 June 2011, the Minister for Planning and Infrastructure, The Hon. Brad Hazzard MLA, wrote to Council advising that he has put a stay on the request of the Director-General DoPI to issue a consent for the development application submitted by Sydney Water to subdivide the subject site. Mr Hazzard further advised that subject to review of the matter, including of Council's view, he</p>

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Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
Land Zoning Map LZN_06	Rezone 20 Goulding Road , Ryde SP2 WS&D to R2	Condition on S65 Certificate	<p>would consider an appropriate course of action.</p> <p>Council has approached senior staff within DoPI on a number of occasions requesting reconsideration of the rezoning of Cudal Reserve and an amendment to the S65 removing Condition 12 reference to Cudal Reserve . To date DoPI has not supported any of these requests</p>
			<p>Council received a submission during the Community Consultation period from Sydney Water regarding the rezoning of the land to R2 on the basis of a Site Compatibility Certificate issued which supports a zoning compatible with the surrounding area. A similar submission was received by DoPI.</p> <p>Note: Under LEP 2010 Clause 5.3 <i>Development near zone boundaries</i> applies to Sydney Water land at Henry Street and Goulding Road (zoned SP2). The Clause permits land to which it applies to be developed for any land use permitted in an adjoining zone if the development is not inconsistent with the objectives of both zones and the</p>

ATTACHMENT 1

Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
			<p>carrying out of development is compatible with planning principles relating to the efficient and timely development of land.</p> <p>The State Government required that Clause 5.3 be inserted into LEP 2010 and is restricted to land zoned SP2.</p> <p>The clause has also been adopted for the SP2 zone under draft LEP 2011 and is consistent with the requirements of DoPI. The rezoning of the land at 22 Henry St (Cudal Reserve) or 20 Goulding Road to R2 Low Density does not alter the nature of land uses currently permitted on the land by virtue of Clause 5.3, meaning either parcel could be developed with dwelling houses or multi dwelling housing under the SP2 zone.</p>
Land Zoning Map LZN_09	390 Pittwater Road North Ryde – Rezoning to SP2 Classified Road	Condition on S65 Certificate	As a result of a drafting error the land was incorrectly zoned. The land which is owned by HillsM2 is zoned SP2 Classified Road under LEP 2010. The condition reinstates that zoning
Land Reservation Acquisition Map	Remove from Land Reservation Acquisition Maps and reinstate original zoning on the Land Zoning Maps for the	Condition on S65 Certificate	Council on the 21 June 2011 reviewed the properties proposed to be acquired and resolved that 8 of the

ATTACHMENT 1

Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
	<p>following properties</p> <p>43 Rocca St Denistone East 20 Richard Johnson Crescent Meadowbank 37 Constitution Road Meadowbank 25 Moreshead Street North Ryde 42 Epping Road North Ryde 77 Morshead Street North Ryde 14 Quarry Road North Ryde 52 Griffiths Avenue Ryde</p>		<p>11 properties previously identified as being required for open space on Draft LEP 2011 Land Reservation Acquisition Map be deleted from that map and their previous zoning be reinstated.</p> <p>Council on the 4 July 2011 requested that DoPI condition the above change as part of the S65 Certificate. This condition is in response to that request</p>
Land Zoning Map LZM004	Rezone 209 Waterloo Road North Ryde from R3 and R4 to R4 High Density Residential	Condition on S65 Certificate	Minor drafting error being corrected (property given a split zoning).
Land Zoning Map	9 -19 Second Avenue to be rezoned R2 Low Density Residential 283 – 289	Condition on S65 Certificate	Maps to be amended to reflect Planning Proposals that have been under community consultation.
Note:	<p>All maps have been amended to reflect the technical requirements of DoPI e.g. legend of FSR Map amended, FSR colour and symbols on map reviewed and amended where necessary</p> <p>.updating the M2 boundary (a request from RTA) to reflect the latest information. Some changes to the Land Reservation Acquisition Map also occurred as a result of a late submission from the RTA.</p>		

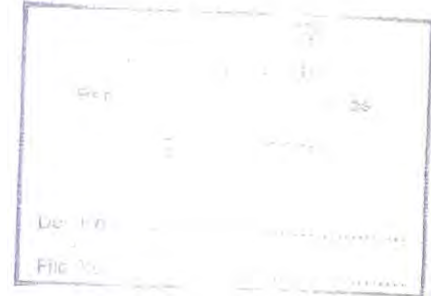
Z:\DEV\BLD\General\Sue Wotton\Draft LEP 2011\Reports\Reports for COW\COW May 2011\ATTACHMENT 1 Table of changes LEP 2011 .doc



Office of the Director-General

Mr John Neish
General Manager
Ryde Council
Locked Bag 2069
NORTH RYDE NSW 1670

Attention: Dominic Johnson



Dear Mr Johnston

Ryde Local Environmental Plan 2011– Certificate to exhibit draft Plan - Approval

I am writing in response to your request for certification of Ryde Local Environmental Plan 2011. I am pleased to advise that I have endorsed the draft Local Environmental Plan (LEP) for exhibition and have attached the section 65 certificate and a copy of the certified draft Plan dated 12 April 2011. I advise that this letter replaces the letter I previously forwarded dated 23 June 2011.

As an opinion has not been issued by Parliamentary Counsel that the Plan may be legally made, the Department has issued this certificate on the understanding that council, when exhibiting the draft LEP, makes it clear to the public that the draft Plan may be changed to satisfy legal drafting requirements. Council must also provide a plain English explanation of the Plan for exhibition explaining what the Plan does.

Please note that references to the particular sections of the *Environmental Planning and Assessment Act 1979* in this letter relate to the previous plan making provisions repealed on 1 July 2009.

Council is reminded to place the relevant State Environmental Planning Policies (SEPPs), any Regional Environmental Plans (deemed SEPPs) and section 117 Directions that apply on exhibition with the certified draft Plan.

It has been identified that the draft Plan is inconsistent with the section 117 Directions 2.1 (Environmental Protection Zones) and 4.3 (Flood Prone Land). I have approved that the inconsistencies are justified and are of minor significance in this case. Council is required to place this letter on exhibition to demonstrate that these inconsistencies have been addressed and are of minor significance.

Schedule 2 of the section 65 certificate includes conditions requiring amendments to be made to the draft LEP and maps before exhibition takes place.

Council should ensure that any final draft plan and maps submitted to the Department following community consultation are consistent with the Act and Regulations. Council should also note that the Department and Parliamentary Counsel may modify some local model clauses and your plan may need to be amended accordingly. The

ATTACHMENT 1

Department's Regional office can assist Council to review the final plan before submission to the Minister. Please be advised that the Department has updated the draft LEP in accordance with the Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2011 which came into force on 13 July 2011.

I would like to thank Council's staff for progressing the draft plan in a highly professional manner and look forward to your ongoing commitment to finalise this new planning instrument.

If you have any questions in relation to this matter, please contact Juliet Grant, Regional Director of the Department of Planning and Infrastructure's Sydney East Region on 02 9228 6113.

Yours sincerely



Sam Haddad

Director General

5/9/2011

Enc:

s65 certificate, Certified draft Plan and Maps

Attachment A Annotated Land Reservation and Acquisition maps LRA_003, 005, 006 and 009

Attachment B Annotated Land Zoning Maps LZN_003, 005, 006 and 009

Attachment C Annotated Land Zoning Map LZN_004

ATTACHMENT 1



Planning &
Infrastructure

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
SECTION 65(2) CERTIFICATE

As the Director General of the Department of Planning and Infrastructure, I, Sam Haddad, under section 65(2) of the *Environmental Planning and Assessment Act, 1979*, certify that the draft plan named in Schedule 1 may be publicly exhibited under section 66 of the Act subject to the condition that the draft LEP be amended as set out in Schedule 2.

Signed

Sam Haddad

Sam Haddad
Director General

Dated *5th September 2011*

Schedule 1

Draft Ryde Local Environmental Plan 2011 attached to this certificate.

Schedule 2 conditions

1. Update the Draft LEP in accordance with Table 1 below to accord with the Standard Instrument Order.

Table 1

Clause/Page	Change
Clause 1.3(1)	Add mandated clause 1.3(1): <i>1.3(1) This Plan applies to the land identified on the Land Application Map.</i>

ATTACHMENT 1

2. Update the Land Use Table in accordance with Table 2 to comply with the Land Use Matrix:

Table 2

Zone	Change
Zone B3, B7, IN2 and IN4	Add: 'Timber yards' under (4) Prohibited
Zone B4	Add: 'Farm buildings' under (4) Prohibited

3. Add the following text to Clause 4.1 after 4.1(4)

"4.1(5) Despite subclause (3), if a lot is a battle-axe lot or other lot with an access handle and is on land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone B6 Enterprise Corridor, Zone B7 Business Park, Zone IN1 General Industrial and Zone IN2 Light Industrial, the minimum lot size excludes the area of the access handle."

4. Delete the following clauses:

- Clause 4.1A Minimum subdivision requirements in certain residential zones
- Clause 4.4B Centres- floor space ratio
- Clause 4.5B(5) Macquarie Park Corridor
- Clause 6.4 Planning Controls for Ryde Town Centre
- Clause 6.4.1 Precinct 1 – Civic and mixed
- Clause 6.4.2 Precinct 2 – Town Core

5. Under Clause 4.1B, delete 'or a duplex building' under subclause (1) and delete subclause (2).

6. Update Clause 6.3(3)(h) to include the entire model subclause.

7. Update Clause 6.5 by adding subclause (2) as follows:

*(2) In this clause, **commercial activities**, in relation to the use of a building, means using the building for the purposes of business premises, community facilities, hotel or motel accommodation, landscape and garden supplies, light industries, passenger transport facilities, timber and building supplies or warehouse or distribution centres.*

8. Replace Clause 6.8 with the following draft model clause:

6.8 Stormwater

(1) The objective of this clause is to minimise the impacts of urban stormwater on the land to which the development applies, adjoining properties, native bushland and receiving waters.

(2) This clause applies to all land zoned Residential, Business and Industrial land uses.

(3) Before granting consent to development to which this clause applies the consent authority must be satisfied that the development:

(a) is designed to maximise the use of water permeable surfaces on the site having regard to the soil characteristics affecting on-site infiltration of water,

(b) include, where practical, on-site stormwater retention for uses as an alternative supply to mains water, groundwater or river water; and

(c) avoids, or where an impact cannot be avoided, minimises and mitigates, the disturbance and impacts of stormwater runoff on adjoining properties, native bushland and receiving waters.

ATTACHMENT 1

9. Deleted
10. Update Schedule 2 in accordance with Table 3 below:

Table 4

Schedule 2	Change
Footpath Activity (associated with retail premises, industrial retail outlets, kiosk, neighbourhood shop and shop)	<p>Amend with the following text:</p> <p>Development on footpath (associated with commercial premises or industrial retail outlet)</p> <p>(1) Must be associated with an adjacent or nearby commercial premises (not including food and drink premises) or industrial retail outlet for which development consent has been granted.</p> <p>(2) Must not be located on a classified road.</p> <p>(3) Must be associated with an activity or area which is the subject of an approval for street vending under the Roads Act 1993.</p> <p>(4) The footpath must be a minimum width of 3.6 metres measured from the front of the associated premises to the kerb.</p> <p>(5) Unobstructed pedestrian access of a minimum width of 2 metres must be maintained.</p> <p>(6) All structures associated with the use are to be removable and stored within the associated premises outside approved business hours;</p> <p>(7) No A-frame (sandwich board) signs are permitted.</p> <p>(8) Must be located in a manner compatible with authorised adjoining uses.</p> <p>(9) Where located at an intersection of two roads, the use must not be located within 3 metres radius of the intersection measured from the property boundary.</p> <p>(10) Must not be located at bus stops, taxi ranks, near pedestrian crossings, or other areas where there is concentrated pedestrian traffic or vehicular traffic safety concerns.</p> <p>(11) Unobstructed access must be maintained to the host premises and adjacent premises at all times.</p> <p>(12) Must not involve the preparation of food.</p> <p>(13) Must not include the use of music (amplified, live or otherwise), or spruiking at any time.</p>
Outdoor dining (associated with food and drink premises)	<p>Amend with the following text:</p> <p>Outdoor dining (associated with food and drink premises, excluding pubs)</p> <p>(1) Must be associated with an adjacent/nearby food and drink premises (excluding pubs) for which development consent has been granted.</p> <p>(2) The use of the footpath for outdoor dining is limited to the front of the premises for which development consent has been granted.</p> <p>(3) Where located on a public road, the outdoor dining area is the subject of a current valid approval under section 125 of the Roads Act 1993.</p> <p>(4) The outdoor dining area must have a minimum width of 1 metre.</p> <p>(5) Where located adjacent to a parking lane, the outdoor dining area must be setback a minimum of 600mm from the kerb.</p> <p>(6) Unobstructed pedestrian access of a minimum width of 2 metres must be maintained.</p> <p>(7) Outdoor dining associated with a premises located at an intersection of two roads must not be located within 3 metres of the intersection measured from the property boundary.</p> <p>(8) Outdoor dining must not be located at bus stops, taxi ranks, or near pedestrian crossings.</p>

ATTACHMENT 1

	<p>(9) All boundaries of the outdoor dining area must be delineated. Permanent structures must not be used to delineate the area, unless previously approved by Council.</p> <p>(10) Unobstructed access must be maintained to the host premises and adjacent premises at all times.</p> <p>(11) No music (amplified, live or otherwise) shall be played outside the premises at any time.</p> <p>(12) Smoking being prohibited in the outdoor dining area in accordance with Council's policy for no smoking in outdoor dining areas.</p> <p>(13) No food preparation is permitted in the outdoor dining area.</p> <p>(14) Must be operated only within the approved hours of the associated premises.</p> <p>(15) Must not involve construction work or the erection/hoisting of structures without the prior approval of Council.</p> <p>(16) Furniture, materials and equipment used in association with the outdoor dining area must be temporary in nature, and at the close of business must be removed from the public area and stored within the associated premises.</p> <p>(17) Umbrellas, furniture, heating devices used in association with the outdoor dining area are to be securely installed at all times whilst in use to ensure the protection and safety of people and property.</p> <p>(18) The outdoor dining area must not be enclosed or covered without the prior approval of Council.</p> <p>(19) No A-frame (sandwich board) signs are permitted.</p>
Outdoor lights (Fixed)	Amend by adding the following line: (2) Must not apply to heritage items of local significance.
Solid fuel heaters	Amend by adding the following line: (5) Must not apply to heritage items of local significance.

11. Update Schedule 5 in accordance with Table 4 below:

Table 5

Item	Change
I47, I133, I158, I55, I99 and I153	Replace significance from 'State' to 'Local'
I133, I56, I67, I155, I88, I150, I152	Update item name for the following items: I113 to 'Gladesville Drill Hall' I56 to 'Meadowbank Railway Bridge over Parramatta River' I67 to 'Riverview House and outbuildings' I155 to Ryde Pumping Station and site I88 from "(House and Garden)" to "(Hermitage and garden)" I150 to "Former Police Station" I152 from "Addington (House)" to "Addington House"

12. Update the following Draft LEP maps in accordance with Table 6 below:

Table 6

Map	Change
LZN_08 & LZN_09	Rezone the Porters Creek Site, being Lots 11 and 12 DP 841065 and Lots 54 and 543 DP 1005833 at Wicks Road, Macquarie Park from RE1 Public Recreation to IN2 Public Recreation.
LZN_05	Rezone Cudal Reserve at 22 Henry Street Ryde from SP2 WS& D to R2 Low Density Residential.

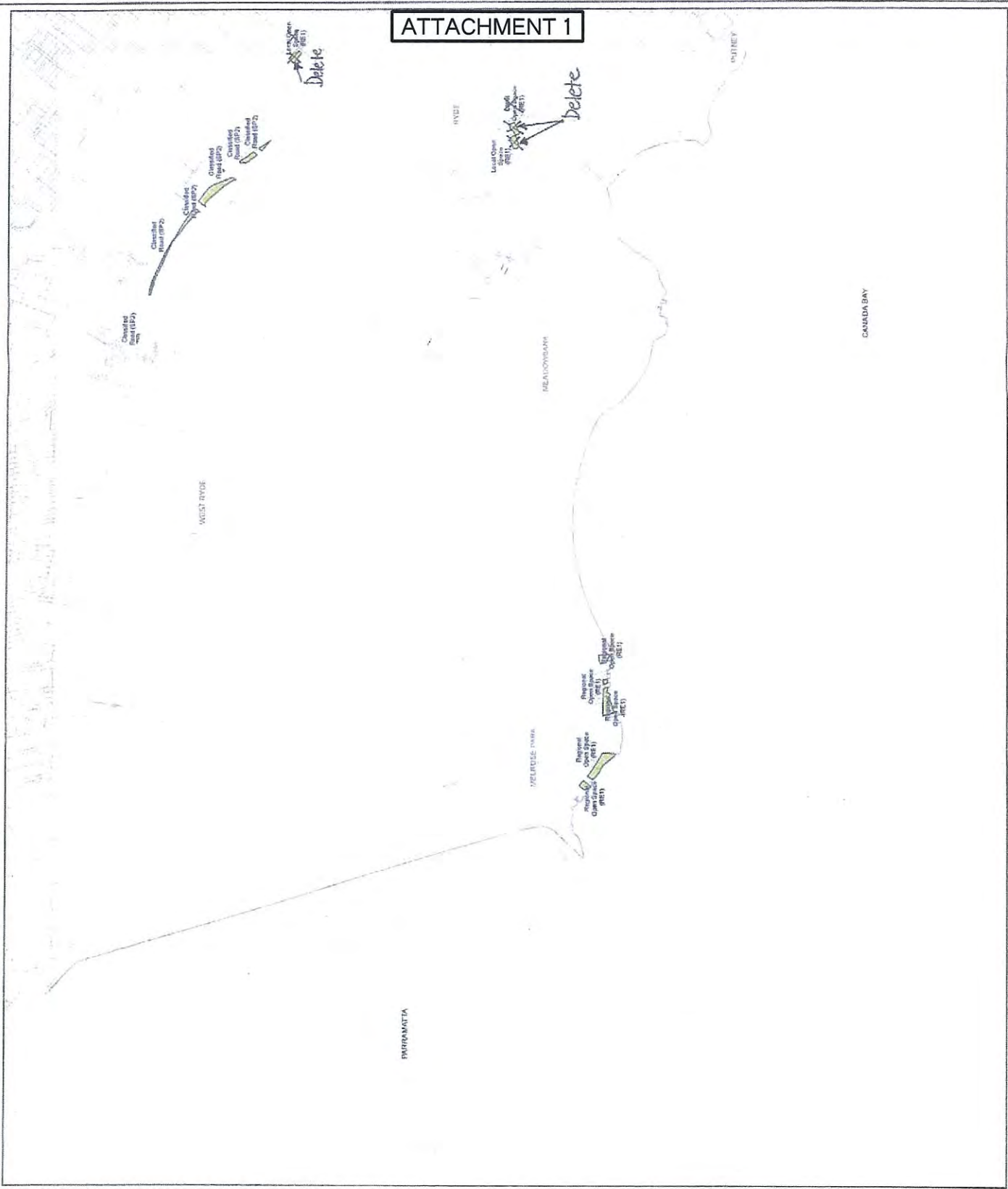
ATTACHMENT 1	
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LZN_06	Rezone 20 Goulding Road, Ryde from SP2 WS&D to R2 Low Density Residential.
LZN_09	Rezone 390 Pittwater Road, north Ryde (being lots 11 and 21 DP 1017829) from E2 Environmental Conservation to SP2 Classified Road.

13. Update the Land Reservation Acquisition Maps LRA_003, 005, 006 and 009, and Land Zoning Maps LZN_003, 005, 006 and 009 by:
- a) Deleting the following properties from the Land Reservation Acquisition Map, also shown at Attachment A:
 - 43 Rocca Street DENISTONE EAST
 - 20 Richard Johnson Crescent MEADOWBANK
 - 37 Constitution Road MEADOWBANK
 - 25 Morshead Street NORTH RYDE
 - 42 Epping Road NORTH RYDE
 - 77 Morshead Street NORTH RYDE
 - 14 Quarry Road NORTH RYDE
 - 52 Griffiths Avenue RYDE
 - b) Rezoning the 8 items listed under 12 a) to the prevalent surrounding zone, in accordance with Attachment B.
14. Update the Land Zoning Map LZN_004 to rezone 209 Waterloo Road. North Ryde from R3 Medium Density Residential and R4 High Density Residential to R4 High Density Residential Zoning in accordance with Attachment C.
15. Insert Clause 4.1D:
- 4.1D Minimum lot size for hatchet shaped allotments**
- (1) The objectives of this clause are to:*
- (a) maintain visual amenity and character of the area,*
 - (b) retain residential amenity through the provision of suitable landscaped areas and vehicular access.*
- (2) This clause applies to land in the R2 Low Density Residential, R3 medium Density Residential and R4 High Density Residential zones.*
- (3) Despite clause 4.1, for a hatchet shaped lot on land to which this clause applies the minimum lot size is 740 square metres.*
- (4) For the purpose of calculating the lot size of a hatchet shaped lot, the area of the access laneway is excluded.*
16. Update the draft LEP maps in accordance with Planning Proposals for the following properties:
- a) 9-19 Second Avenue and part of 14-18 Third Avenue Eastwood; and
 - b) 283-289 Blaxland Road, Ryde

Attachment A

ATTACHMENT 1



Ryde Local Environmental Plan 2011

Land Reservation Acquisition Map - Sheet LRA_003

- Classified Road (SP2)
- Local Open Space (RE1)
- Regional Open Space (RE1)

Cadastral

Cadastral 30/11/2010 © City of Ryde

Scale 1:10,000 @ A3

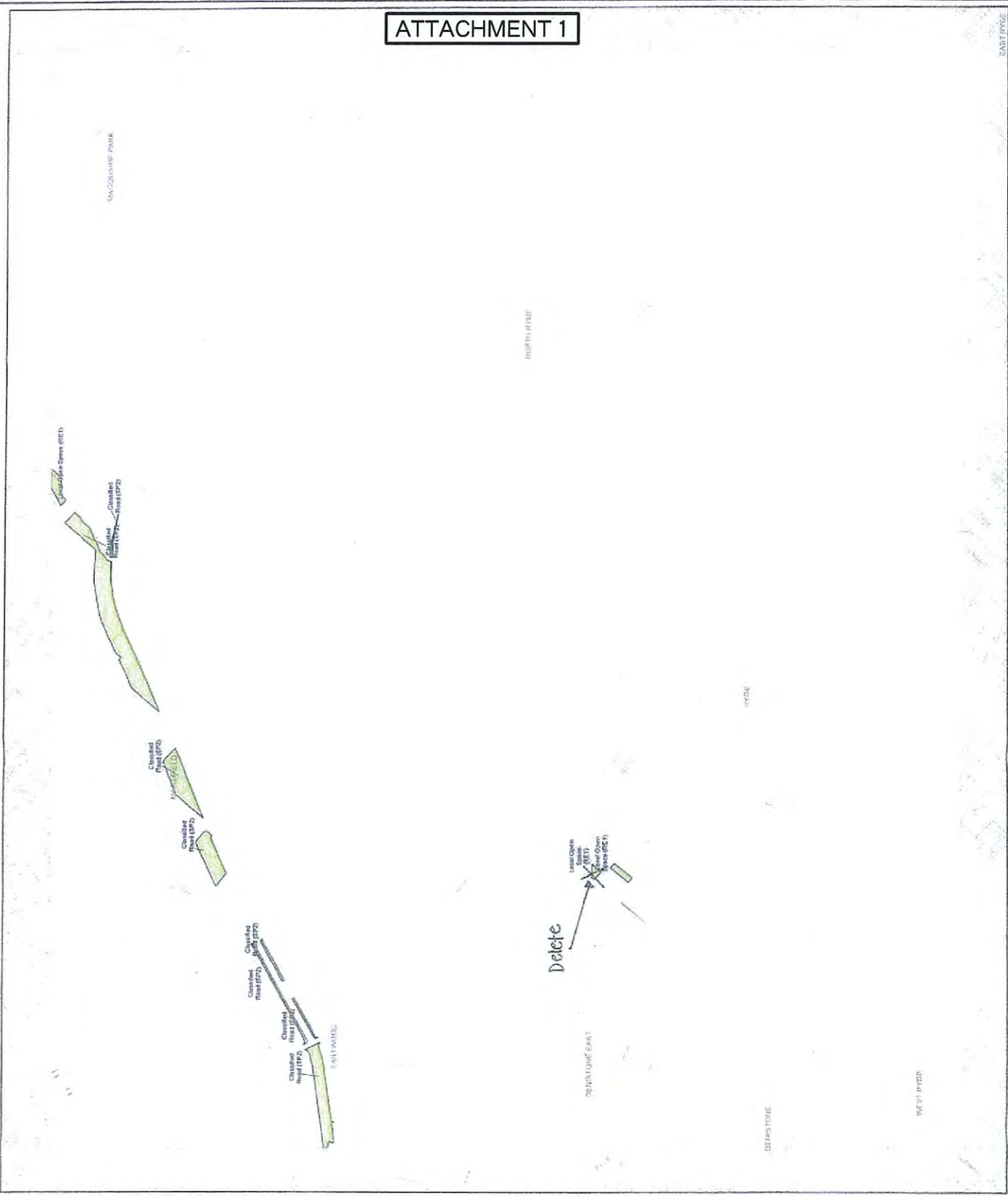
North Arrow

Scale 0 200 400 Metres

Projection: GDA 1984
MGA Zone 55

Map Identification number: 0700_COW_LRA_003_010_20110510

ATTACHMENT 1



Ryde Local Environmental Plan 2011

Land Reservation Acquisition Map - Sheet LRA_005

- Classified Road (SP2)
- Local Open Space (RE1)
- Regional Open Space (RE1)

Cadastral

Cadastral: 30/11/2010 © City of Ryde

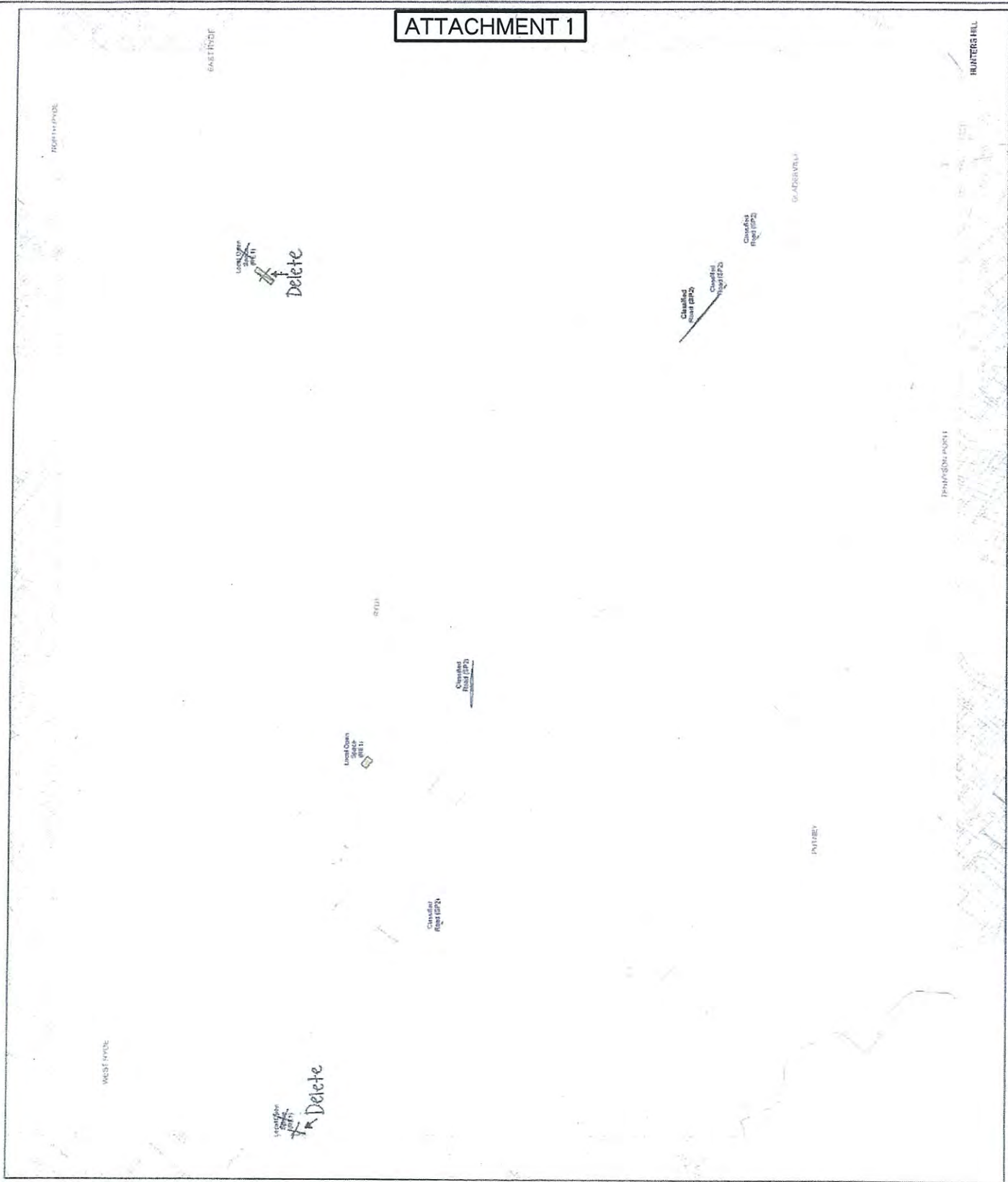
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Prepared: GDA 1984
MGA Zone 56

Map identification number: 6720_GDA_LHA_003_010_20110510

ATTACHMENT 1



Land Reservation Acquisition Map - Sheet LRA_006

- Classified Open Space (RE2)
- Local Open Space (RE1)
- Regional Open Space (RE1)

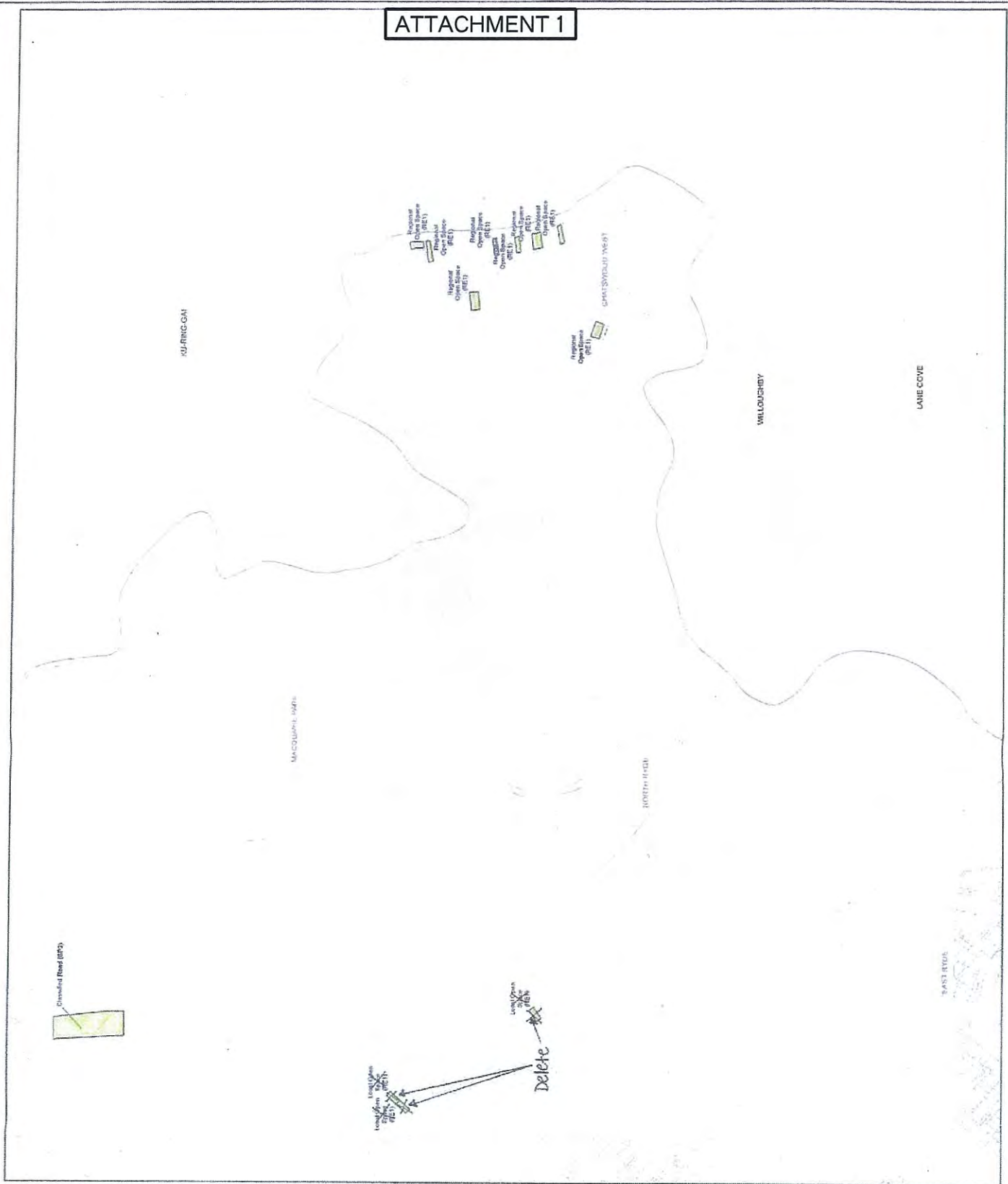
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Prepared: 02/11/04
 Map Date: 28
 Map Identification number: 0700_COM_LRA_006_010_20102510

ATTACHMENT 1



Ryde Local Environmental Plan 2011

Land Reservation Acquisition Map - Sheet LRA_009

- Classified Road (SPZ)
- Local Open Space (RES)
- Regional Open Space (RES)

Cadastral

Cadastral 3071/12010 © City of Ryde

Scale 1:10,000 @ A3

Projection: GDA 1984
MGA Zone 55

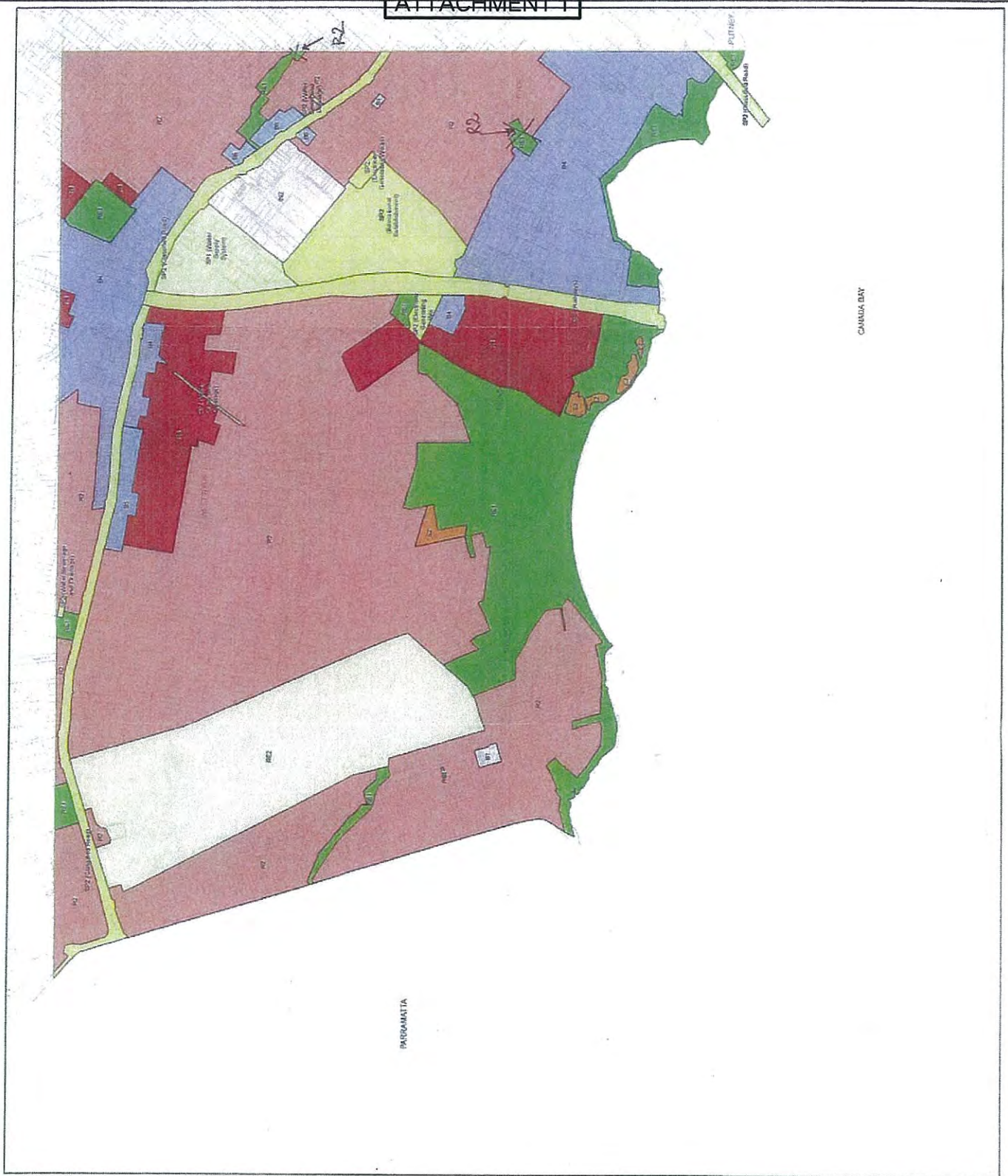
Map Sheet Number: 9790_COUL_LRA_009_010_20110510

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ATTACHMENT 1

Attachment B



Ryde Local Environmental Plan 2011

Land Zoning Map - Sheet LZN_003

Zone

- B1 Neighbourhood Centre
- Commercial Core
- Mixed Use
- Business Development
- Enterprise Corridor
- Business Park
- National Parks and Nature Reserves
- Environmental Conservation
- Light Industrial
- Working Waterfront
- General Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Public Recreation
- Private Recreation
- Special Activities
- Infrastructure
- Deferred Matter

Cadastral

Cadastral 30°11'20" © City of Ryde

Scale 1:10,000 @ A3

North Arrow

Map Identification number: 0709_C001_LZN_003_010_20110610

ATTACHMENT 1



Ryde Local Environmental Plan 2011
Land Zoning Map - Sheet LZN_005

- Zone**
- R1** Neighbourhood Centre
 - R2** Commercial Core
 - R3** Mixed Use
 - R4** Business Development
 - R5** Enterprise Corridor
 - R6** Business Park
 - R7** National Parks and Nature Reserves
 - R8** Environmental Conservation
 - IN2** Light Industrial
 - IK4** Working Waterfront
 - R11** General Residential
 - R22** Low Density Residential
 - R33** Medium Density Residential
 - R44** High Density Residential
 - RE1** Public Recreation
 - RE2** Private Recreation
 - SP1** Special Activities
 - SP2** Infrastructure
 - DM1** Deferred Matter

Cartesian 30/11/2010 © City of Ryde



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Scale 1:10,000 @ A3
Positive: GDA 1984
GDA Zone 58
Map Information Number: 0700_CDM_LZN_005_016_20100510

ATTACHMENT 1



Ryde Local Environmental Plan 2011

Land Zoning Map - Sheet LZN_006

Zone

- B1 Neighbourhood Centre
- B2 Commercial Core
- B3 Mixed Use
- B5 Business Development
- B6 Enterprise Corridor
- B7 Business Park
- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- IN2 Light Industrial
- W1 Walking Waterfront
- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- RE1 High Density Residential
- RE2 Public Recreation
- SP1 Private Recreation
- SP2 Special Activities
- SP2 Infrastructure
- DM Delegated Matter

Cadastral

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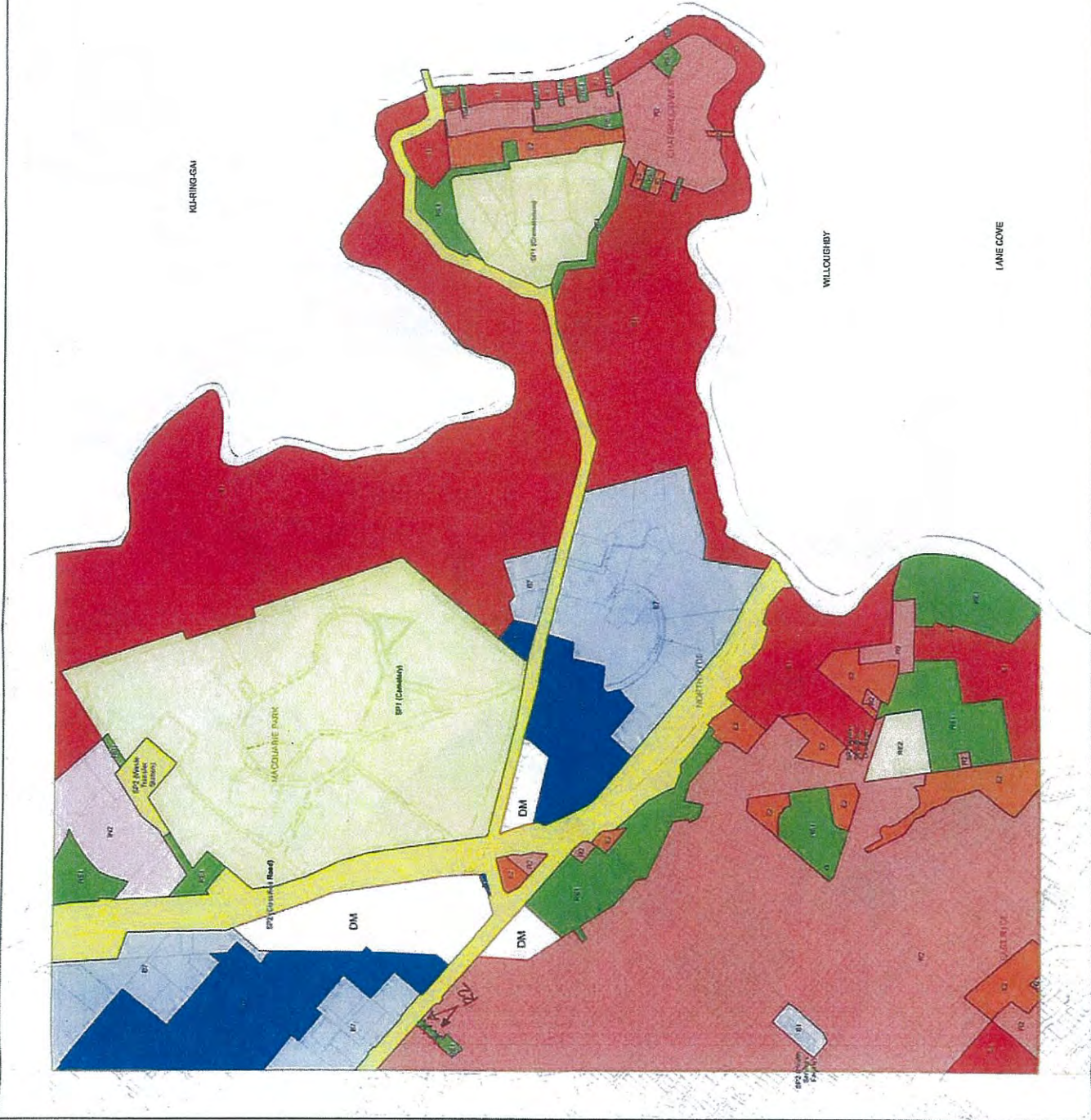
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0 100 200 300 400 Metres

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Map Information website: 0700.COM_LZN_006_010_20110510

ATTACHMENT 1



Ryde Local Environmental Plan 2011
Land Zoning Map - Sheet LZN_009

- Zone**
- B1** Neighbourhood Centre
 - C1** Commercial Core
 - M1** Mixed Use
 - B2** Business Development
 - B3** Enterprise Corridor
 - B4** Business Park
 - N1** National Parks and Nature Reserves
 - E1** Environmental Conservation
 - I1** Light Industrial
 - W1** Working Waterfront
 - R1** General Residential
 - R2** Low Density Residential
 - R3** Medium Density Residential
 - R4** High Density Residential
 - RE1** Public Recreation
 - RE2** Private Recreation
 - SP1** Special Activities
 - SP2** Infrastructure
 - DM** Deferred Matter

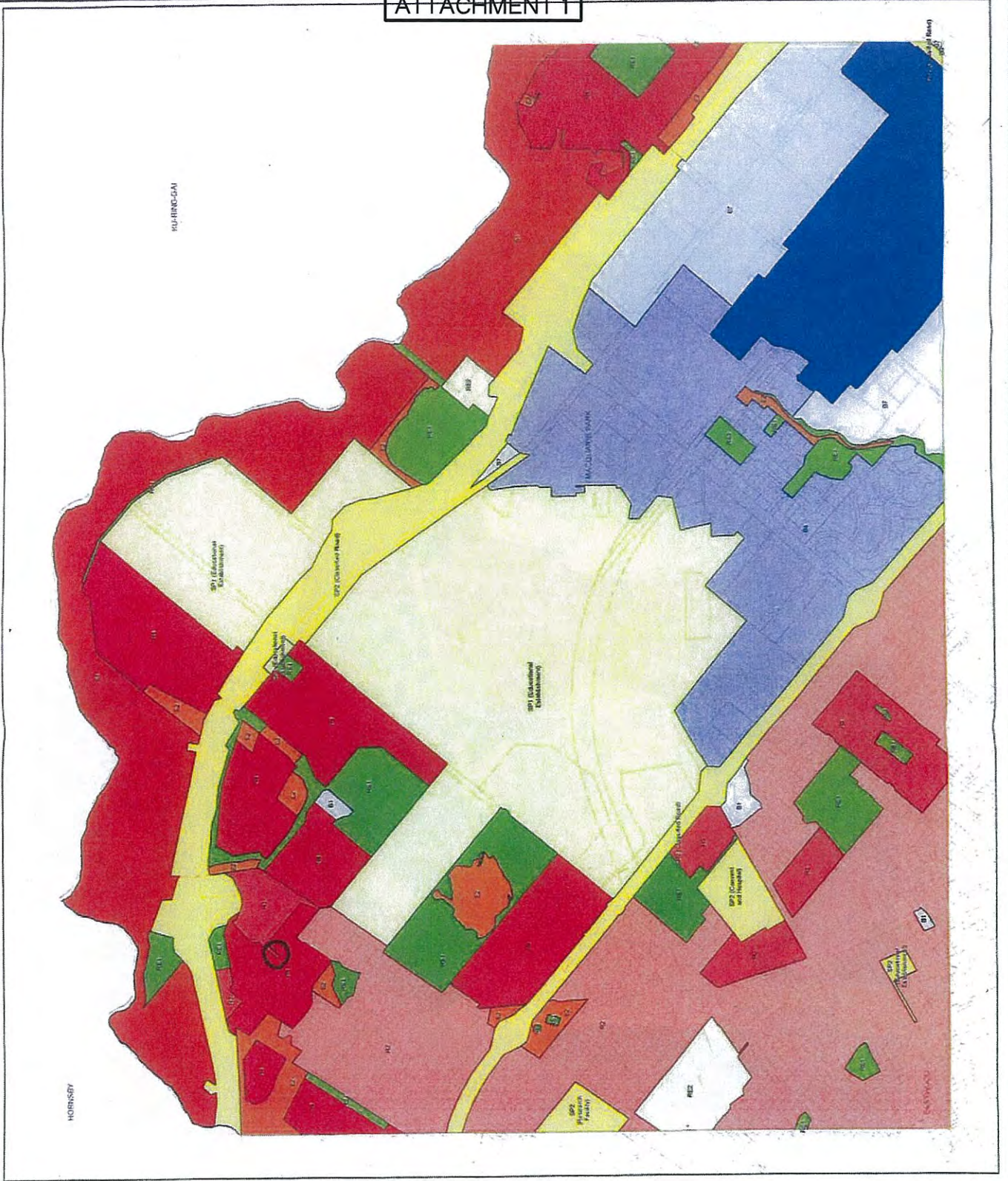
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 Cadastre 30/11/2010 © City of Ryde



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 Prepared: GVA 194
 Date: 2011
 New Modification number: 6700_CON_LZN_009_010_20110310

ATTACHMENT 1

Attachment C



Ryde Local Environmental Plan 2011

Land Zoning Map - Sheet LZN_004

Zone

- B1 Neighbourhood Centre
- C Commercial Core
- EX Mixed Use
- B5 Business Development
- B6 Enterprise Corridor
- B7 Business Park
- NP National Parks and Nature Reserves
- E Environmental Conservation
- NI Light Industrial
- Working Waterfront
- R12 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential
- RE1 Public Recreation
- RE2 Private Recreation
- SP1 Social Activities
- SP2 Infrastructure
- DM1 Deferred Matter

Cadastral

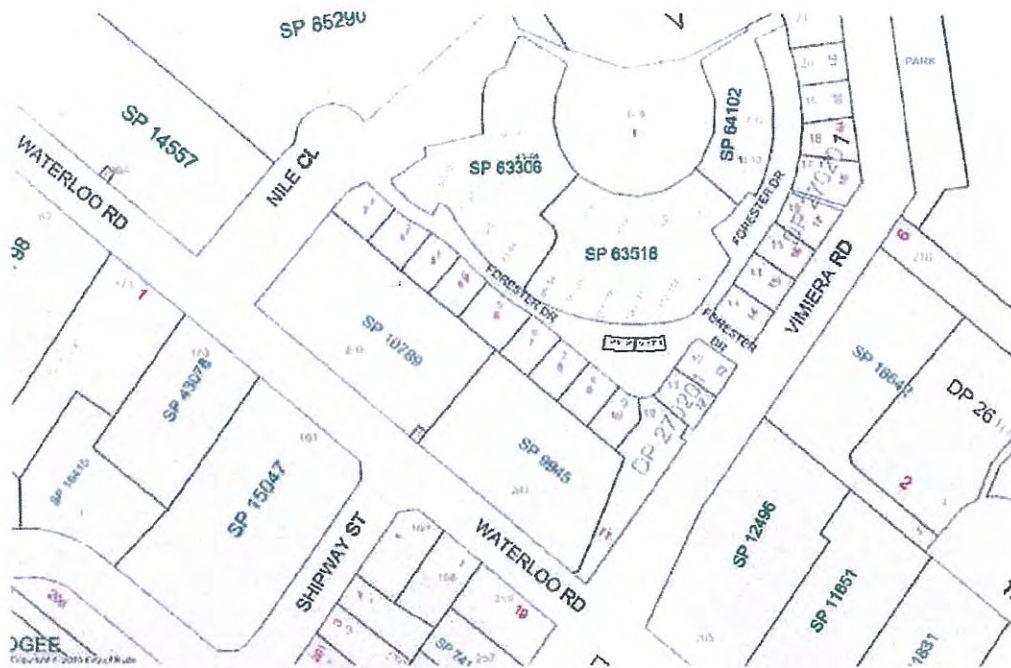
Cadastral 30/11/2010 © City of Ryde

Scale: 1:10,000 @ A3

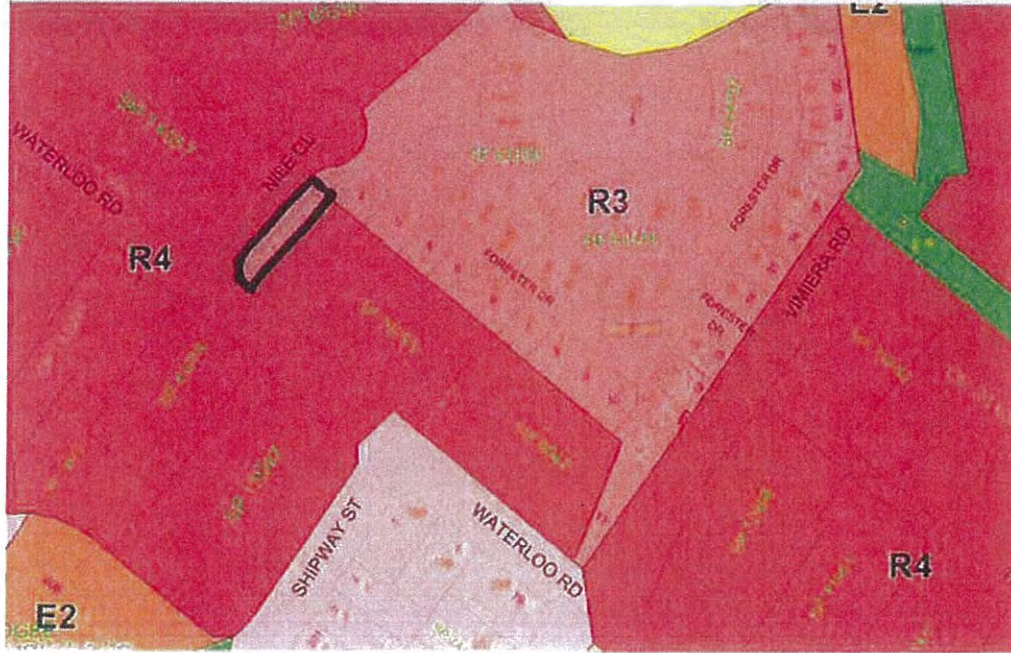
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NSW State of New South Wales
 Local Government Area of Ryde
 Local Government Number: 9700

ATTACHMENT 1

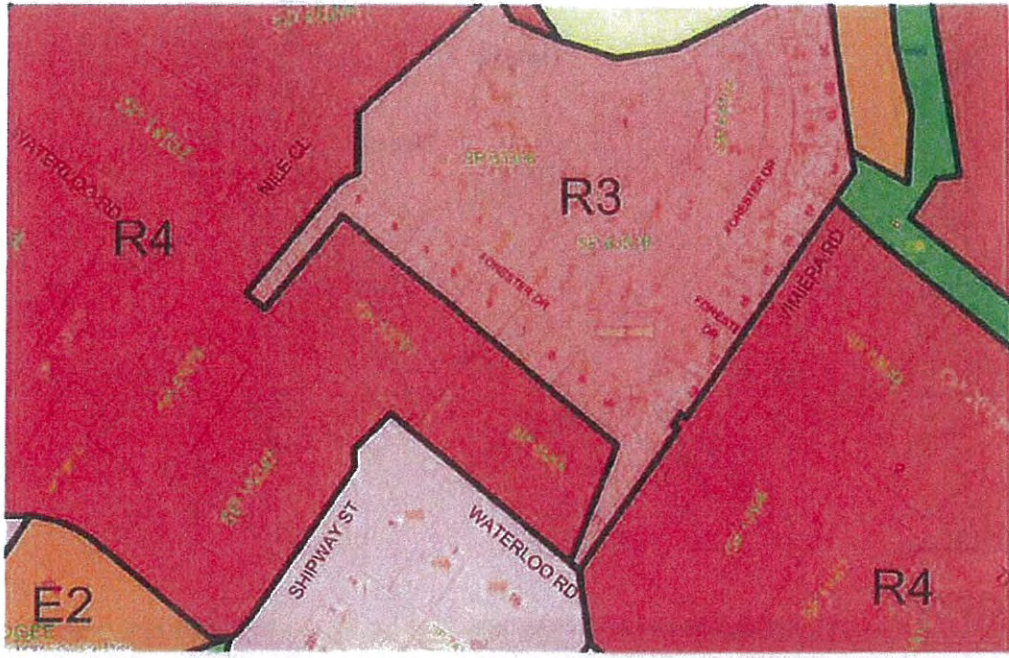


LEP 2010



ATTACHMENT 1

LEP 2011



ATTACHMENT 1

Ryde Local Environmental Plan 2011

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:

Minister for Planning and Infrastructure

ATTACHMENT 1

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Part 1 Preliminary**1.1 Name of Plan [compulsory]**

This Plan is *Ryde* Local Environmental Plan *2011*.

1.1AA Commencement [compulsory]

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

1.2 Aims of Plan [compulsory]

- (1) This Plan aims to make local environmental planning provisions for land in *Ryde* 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 encourage a range of development, including housing, employment and recreation, which accommodates the needs of the existing and future residents of Ryde
 - (b) to provide opportunities for a range of housing types and density that:
 - (i) accords with urban consolidation principles, and
 - (ii) is compatible with the existing environmental character of the locality, and
 - (iii) has a sympathetic and harmonious relationship with adjoining development
 - (iv) to enhance the amenity and characteristics of established residential areas
 - (c) to foster the environmental, economic, social and physical development of Ryde so that it develops as an integrated, balanced and sustainable city.
 - (d) to identify, conserve and promote Ryde's natural and cultural heritage as the framework for its identity, prosperity, liveability and social development.
 - (e) to improve access to the city, facilitate the maximum use of public transport and encourage walking and cycling.
 - (f) to protect and enhance the natural environment, including areas of remnant bushland in Ryde by incorporating principles of ecologically sustainable development into land use controls.
 - (g) to preserve and, where appropriate, improve the existing character, amenity and environmental quality of the land to which this Plan applies.
 - (h) in relation to economic activities, to provide a hierarchy of retail, commercial and industrial activities that enables employment capacity targets to be met, provides employment diversity and is compatible with local amenity, including the protection of the existing Centres within Ryde

1.3 Land to which Plan applies [compulsory]

- (1) This Plan applies to the land identified on the Land Application Map.
- (1A) Despite subclause (1), this Plan does not apply to the land shown on the Land Application Map as "Deferred Matter".

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1.4 Definitions [compulsory]

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

1.5 Notes [compulsory]

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

1.6 Consent authority [compulsory]

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

1.7 Maps [compulsory]

- (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 [compulsory]

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

Note. The following local environmental plans are repealed under this provision:

- (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 pending development approvals

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 been exhibited but had not commenced.

1.9 Application of SEPPs [compulsory]

- (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:

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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 10 and Parts 3 and 4)

State Environmental Planning Policy No 60—Exempt and Complying Development

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

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a development 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*, or
 - (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)

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Part 2 Permitted or prohibited development

2.1 Land use zones [compulsory]

The land use zones under this Plan are as follows:

Residential Zones

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

Business Zones

- B1 Neighbourhood Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- B6 Enterprise Corridor
- B7 Business Park

Industrial Zones

- IN2 Light Industrial
- IN4 Working Waterfront

Special Purpose Zones

- SP1 Special Activities
- SP2 Infrastructure

Recreation Zones

- RE1 Public Recreation
- RE2 Private Recreation

Environment Protection Zones

- E1 National Parks and Nature Reserves
- E2 Environmental Conservation

2.2 Zoning of land to which Plan applies [compulsory]

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 [compulsory]

- (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.

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- (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 [compulsory]

- (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 [compulsory]

- (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 [compulsory]

- (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.

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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 [compulsory]

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

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

2.8 Temporary use of land [optional]

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

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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 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.

2 Permitted without consent

Home occupations; **Home based child care**

3 Permitted with consent

Attached dwellings; Boarding houses; **Business identification signs; Car parks;** Child care centres; Community facilities; Dwelling houses; **Educational establishment; Environmental protection works;** Group homes; **Home businesses; Home industries;** Hostels; Multi dwelling housing; Neighbourhood shops; **Office premises;** Places of public worship; **Recreation areas;** Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing

4 Prohibited

Any development not specified in item 2 or 3

Zone R2 Low Density Residential

1 Objectives of zone

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

2 Permitted without consent

Home occupations; **Home based child care**

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; **Business identification signs; Child care centres; Community facilities; Dual occupancies (attached);** Dwelling houses; **Educational establishments; Environmental protection**

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works; Group homes; Health consulting rooms; Hospitals; Multi dwelling housing ; Places of public worship; Recreation areas; Residential care facilities; Respite day care centres; Roads.

4 Prohibited

Any development not specified in item 2 or 3

Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage revitalization, redevelopment and housing choice in residential area

2 Permitted without consent

Home occupations; Home based child care

3 Permitted with consent

Attached dwellings; Bed and Breakfast accommodation; Boarding houses; Business identification signs; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Environmental protection works; Group homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Public administration buildings; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Seniors housing; Serviced apartments

4 Prohibited

Any development not specified in item 2 or 3

Zone R4 High Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Bed and Breakfast accommodation; Boarding houses; Business identification signs; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Educational establishments; Environmental protection works; Multi dwelling housing; Neighbourhood shops; Places of

ATTACHMENT 1

public worship; **Public administration buildings; Recreation areas; Residential care facilities; Residential flat buildings; Respite day care centres; Roads; Serviced apartments; Shop top housing**

4 Prohibited

Any development not specified in item 2 or 3

Zone B1 Neighbourhood Centre

1 Objectives of zone

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- **To encourage employment opportunities in accessible locations.**

2 Permitted without consent

Home occupations, home based child care

3 Permitted with consent

Boarding houses; **Business identification signs; Business premises; Child care centres; Community facilities; Light industries; Medical centres; Neighbourhood shops; Respite day care centres; Roads; Self-storage units; Shop top housing; Any other development not specified in item 2 or 4.**

4 Prohibited

Agriculture; Airstrips; Air transport facilities; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Bulky goods premises; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Eco tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Garden centres; Hardware and building supplies; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupation (sex services); Hospitals; Industrial training facilities; Industries; Jetties; Landscaping materials supplies; Marinas; Mooring; Mooring pens Mortuaries; Open cut mining Passenger transport facilities; Port facilities; Plant nurseries; Pubs; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Restricted premises; Roadside stalls; Rural industries; Rural supplies; Sewage treatment plants; Sex services premises; Signage; Storage premises Timber yards; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse and distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities Water supply systems.

Zone B3 Commercial Core

1 Objectives of zone

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.

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- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.

2 Permitted without consent

Home occupation

3 Permitted with consent

Building identification signs; Business identification signs; Child care centres; Commercial premises Community facilities; Educational establishments;; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Light industries; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Roads; Restricted premises; Serviced apartments; Any development not specified in item 2 or 4.

4 Prohibited

Agriculture; Airstrip; Air transport facilities; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipad; Highway service centres; Home based child care; Home business; Home occupations (sex services); Industries; Industrial training facilities; Jetties; Marinas; Mooring; Mooring pens; Mortuaries; Open cut mining; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Residential accommodation; Rural industries; Service stations; Sewage treatment plants; Sex services premises; Signage; Timber yards Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshop; Vehicle repair stations; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems. 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.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Boarding houses; Building identification signs; Business identification signs; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres;

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Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Waste or resource transfer stations; Any development not specified in item 2 or 4.

4 Prohibited

Agriculture; Air transport facilities; Animal boarding or training establishments; Biosolids treatment facilities; Camping grounds; Caravan parks; Depots; Eco tourist facility; Farm buildings, General industries; Heavy industries; Heavy industrial storage establishment; Home occupations (sex services); Industrial training facilities; Sewage treatment plants; Sex services premises; Signage; Vehicle body repair workshop; Vehicle repair stations; Waste or resource management facilities; Water recycling facilities; Water supply systems

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.

2 Permitted without consent

Home occupation

3 Permitted with consent

Bulky goods premises; Business identification signs; Child care centres; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Landscaping materials supplies; Light industries; Passenger transport facilities; Roads; Respite day care centres; Warehouse or distribution centres; Any development not specified in item 2 or 4

4 Prohibited

Agriculture; Airstrips ;Air transport facilities; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Crematoria; Depots; Eco tourist facility; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishment; Helipad; Highway service centres; Home based child care; Home businesses; Home occupations (sex services); Industrial training facilities; Industries; Information and education facilities; Jetties; Marinas; Mooring; Mooring pens Mortuaries; Open cut mining; Plant nurseries; Port facilities; Pubs; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Restaurants and cafés; Restricted premises; Roadside stalls; Rural industries; Rural supplies; Sewerage reticulation systems; Sewage treatment plants; Sex services premises; Signage ; Timber yards; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshop; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems

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Zone B6 Enterprise Corridor**1 Objectives of zone**

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

2 Permitted without consent

Home occupations

3 Permitted with consent

Building identification signs; Business identification signs; Business premises; Community facilities; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Landscaping materials supplies; Light industries; Passenger transport facilities; Plant nurseries; Roads; Warehouse or distribution centres; Any development not specified in item 2 and 4.

4 Prohibited

Agriculture; Air transport facilities; Animal boarding or training establishments; Camping grounds; Caravan parks; Depots; Eco tourist facilities; General industries; Heavy industrial storage establishment; Heavy industries; Home occupations (sex services); Industrial training facility; Sex services premises; Signage; Waste or resource management facilities; Water supply systems.

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 encourage industries involved in research and development

2 Permitted without consent

Home occupation

3 Permitted with consent

Building identification signs; Business identification signs; Child care centres; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Respite day care centres; Restaurants and cafés; Roads;

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Warehouse or distribution centres; Any development not specified in items 2 and 4.

4 Prohibited

Agriculture; Airstrip; Air transport facilities; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipad; Highway service centres; Home based child care; Home businesses; Home occupations (sex services); Industrial training facility; Industries; Jetties; Marinas; Mooring; Mooring pens; Mortuaries; Open cut mining; Port facilities; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Residential accommodation; Restricted premises; Retail premises; Rural industries; Service station; Sewage treatment plants; Sex services premises; Signage; Storage premises; Timber yards, Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshop; Vehicle repair stations; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wholesale supplies.

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.

2 Permitted without consent

Home occupation

3 Permitted with consent

Animal boarding or training establishments; Business identification signs; Carparks; Depots; Funeral Homes; Hardware and building supplies; Industrial training facility; Landscaping material supplies; Light industries; Neighbourhood shops; Pubs; Respite day care centres; Roads; Warehouse or distribution centres; Any development not specified in item 2 or 4

4 Prohibited

Agriculture; Airstrip; Air transport facilities; Amusement centres; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Eco tourist facility; Educational establishments; Electricity

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generating works; Emergency services facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Health services facilities; Heavy industrial storage establishment; Helipad; Highway service centres; Home based child care; Home businesses; Home occupations (sex services); Industries; Information and education facilities; Jetties; Marinas; Mooring; Mooring pens; Open cut mining; Port facilities; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Restricted premises; Registered clubs; Rural industries; Sewage treatment plants; Signage; Timber yards, Tourist and visitor accommodation; Water recreation structures; Water supply systems; Wholesale supplies.

Zone IN4 Working Waterfront

1 Objectives of zone

- To retain and encourage waterfront industrial and maritime activities.
- To identify sites for maritime purposes and for activities that require direct waterfront access.
- To ensure that development does not have an adverse impact on the environmental and visual qualities of the foreshore.
- To encourage employment opportunities.
- To minimise any adverse effect of development on land uses in other zones.

2 Permitted without consent

Nil

3 Permitted with consent

Boat launching ramps; Boat building and repair facilities; **Business identification sign**; Jetties; Light industries; Roads; **Any development not specified in item 2 or 4.**

4 Prohibited

Agriculture; Airstrip; Air transport facilities; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Camping grounds; Caravan parks; Car parks; Cemeteries; Charter and tourism boating facilities; Child care facilities; Commercial premises; Community facilities; Correctional centres; Crematoria; Depots; Eco tourist facility; Educational establishments; 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 establishment; Helipad; Highway service centres; Home based child care; Home businesses; Home occupations (sex services); Industries Information and education facilities; Marinas; Mortuaries; Open cut mining; Passenger transport facilities; Places of public worship; Public Administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centre; Restricted premises; Rural industries; Service stations; Sewage treatment plants; Sex services premises; Signage; Storage premises; Timber yards, Tourist and visitor accommodation; Transport depots; Truck

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depots; Vehicle body repair workshop; Vehicle repair stations; Veterinary hospital; Warehouse and distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wholesale supplies.

Zone SP1 Special Activities

1 Objectives of zone

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

2 Permitted without consent

Nil

3 Permitted with consent

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

4 Prohibited

Any development not specified in item 2 or 3

Zone SP2 Infrastructure

1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To ensure the orderly development of land to minimize any adverse effect of development on other land uses.

2 Permitted without consent

Nil

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 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.

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

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Business identification signs; Community facilities; Environmental facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Restaurants and cafés; Roads

4 Prohibited

Any development not specified in item 2 or 3

Zone RE2 Private Recreation

1 Objectives of zone

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To ensure that the use and development of the land minimizes any adverse effect on the amenity of the locality.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Business identification signs; Community facilities; Environmental facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Restaurants and cafés; Roads; Water recycling facilities

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*

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3 Permitted with consent

Nil

4 Prohibited

Any development not specified in item 2 or 3

Zone E2 Environmental Conservation**1 Objectives of zone**

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

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Environmental facilities

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

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Part 3 Exempt and complying development

3.1 Exempt development [compulsory]

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*.
 - (Repealed) (e)
 - (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. A 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.

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3.2 Complying development [compulsory]

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 [compulsory]

- (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,

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- (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* or land acquired under Part 11 of that Act,
- (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*.

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Part 4 Principal development standards

4.1 Minimum subdivision lot size [optional]

- (1) The objectives of this clause are as follows:
 - (a) to retain streetscape, amenity, landscaped areas and private open space in residential zones,
 - (b) to maintain a consistent density of development in Zone R2 Low Density Residential.
 - (c) To ensure that lots sizes enable sufficient areas of open space to be provided within each lot so as to enabling the retention and embellishment of green linkage corridors within residential zones.
- (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.
- (5) Despite subclause (3) if a lot is a battle – axe lot or other lot with an access handle and is on land in Zone R2 Low Density Residential , Zone R3 Medium Density Residential , Zone B6 Enterprise Corridor , Zone B7 Business Park , Zone IN1 General Industrial and Zone IN2 Light Industrial , the minimum lot size excludes the area of the access handle.

4.1AA Minimum subdivision lot size for community title schemes

Not applicable

4.1B Dual occupancy (attached) – subdivision

- (1) Development consent must not be granted to the subdivision of dual occupancy (attached) in the R2 Low Density Residential Zone except for the strata subdivision of such a development where the land upon which the development is located is not less than 580sqm.

4.1C Minimum lot sizes for dual occupancy and multi dwelling housing

- (1) The objective of this clause is to achieve planned residential density in certain zones.
- (2) This clause applies to the R2 Low Density Residential Zone.
- (3) Development consent may be granted to development on a lot for any of the following purposes if:
 - (a) the area of the lot is equal to or greater than the area specified for that purpose:
 - (i) dual occupancy (attached) – 580m²,
 - (ii) multi dwelling housing – 900m², and
 - (b) the road frontage of the lot is equal to or greater than 20 metres.

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4.1D Minimum lot size for hatchet shaped allotments

- (1) The objectives of this clause are to:
 - (a) maintain visual amenity and character of the area,
 - (b) retain residential amenity through the provision of suitable landscaped areas and vehicular access.
- (2) This clause applies to land in the R2 Low Density Residential, R3 Medium Density Residential and R4 High Density Residential zones.
- (3) Despite clause 4.1, for hatched shaped lot on land to which this clause applies the minimum lot size is 740 square metres.
- (4) For the purpose of calculating the lot size of a hatched shaped lot, the area of the access laneway is excluded.

4.2 Rural subdivision [compulsory if clause 4.1 adopted and land to which Plan applies includes land zoned RU1, RU2, RU4 or RU6]

Not applicable

4.3 Height of buildings [optional]

- (1) The objectives of this clause are as follows:
 - (a) to maintain desired character and proportions of a street within areas,
 - (b) to minimise overshadowing and ensure a desired level of solar access to all properties,
 - (c) to encourage a built form that relates to human scale and topography,
 - (d) to concentrate building heights around railway station, to provide focal points that clearly highlight the role of railway stations, transport nodes, or large vehicular intersections.
 - (e) to reinforce the important road frontages along road corridors.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.
- (2A) Despite subclause (2), a building is eligible for an amount of additional building height to that shown on the Height of Building Map of:
 - (a) 6 metres if the building is in Area A and the building is on a site having an area of at least 800m².
 - (b) 2 metres if the building is in Area B and the building is on a site having an area of at least 1,200m².
 - (c) 6 metres if the building is in Area C and the building is on a site having an area of at least 1 200m².
 - (d) 6 metres if the building is in Area D and the building is on a site having an area of at least 2 000m²
 - (e) 3 metres if the building is in Area E and the proposed development is a mixed use development and provides laneway access; 6 metres if the building is on a site having an area of at least 900m² and the proposed development is a mixed use development and provides laneway access
 - (f) 3 metres if the building is in Area F is on a site having an area of at least 900m² and the proposed development is a mixed use development and provides laneway access.
- (2B) For the purpose of clause (2A) Areas A-F are the areas marked and edged heavy black on the Height of Buildings Map.

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- (2C) Despite subclause (2), the maximum height of multi dwelling housing in Zone R2 Low Density Residential is:
- (a) for dwellings in the building that do not have a frontage to the street 5 metres.

4.4 Floor space ratio [optional]

- (1) The objectives of this clause are as follows:
 - (a) to provide effective control over the bulk of future development,
 - (b) to allow appropriate levels of development for specific areas
- (1A) In addition to the objectives specified in subclause (1), the objectives for the control of floor space ratios, on land identified as a centre on “Ryde Local Environmental Plan 2011 Centres Map” are as follows:
 - (a) to achieve a consolidation of development around railway stations, with the highest floor space ratios at the station nodes, transport nodes and large vehicular intersections.
 - (b) to allow feasible development of the sites around railway stations and facilitate focal points at the station areas,
 - (c) to implement strategic objectives of integrating land use and transport, reducing car dependency and creating opportunities for employment in areas supported by public transport,
- (1B) In addition to the objectives specified in subclauses (1) and (1A) , the objectives for the control of floor space ratios, on land identified as “Macquarie Park Corridor” on the “Ryde Local Environmental Plan 2011 Centres Map” are as follows:
 - (a) to ensure that the peripheral locations of the corridor reflect the landscape needs and buildings setting requirements of the corporate building.
 - (b) to reinforce the importance and function of the central spine (Waterloo Road and in the vicinity of North Ryde Station) with suitable built form,
 - (c) to encourage the provision of a new street network,
 - (d) to provide incentives for redevelopment in return for the provision of the proposed access network as a public benefit.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.
- (2A) Despite subclause (2), a building is eligible for an amount of additional floor space of to that shown on the Floor Space Ratio Map of:
 - (a) 1.1:1 if the building is in Area A and the building is on a site having an area of at least 800m².
 - (b) 0.8:1 if the building is in Area B and the building is on a site having an area of at least 800m².
 - (c) 0.8:1 if the building is in Area C and the building is on a site having an area of at least 2 000m².
 - (d) 0.7:1 if the building is in Area D and the building is on a site having an area of at least 1,200m².
 - (e) 0.3:1 if the building is in Area E and the building is on a site having an area of at least 1,200m²

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- (f) 1.1:1 if the building is in Area F and the building is on a site having an area of at least 1,200m²
 - (g) 0.9:1 if the building is in Area G and the building is on a site having an area of at least 1,200m²
 - (h) 0.5:1 if the building is in Area H and the development is a mixed use development and provides laneway access; 1:1 if the building is on a site having an area of at least 900m² and the proposed development is a mixed use development and provides laneway access.
 - (i) 0.7:1 if the building is in Area I and the building is on a site having an area of at least 900m² and the proposed development is a mixed use development and provides laneway access.
- (2B) For the purpose of clause (2A), Areas A-I are the areas marked and edged heavy black on the Floor Space Ratio Map.

4.4A Residential zones—floor space ratio

- (1) Despite clause 4.4 (2), the maximum floor space ratio shown for a building on land in Zone R2 Low Density Residential on the Floor Space Ratio Map does not apply to multi dwelling housing developments.

4.5 Calculation of floor space ratio and site area [optional]

(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.

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(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*.

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4.5A Density controls for Zone R2 Low Density Residential

The consent authority must not consent to the erection of multi dwelling housing on land in Zone R2 Low Density Residential unless:

- (a) the site area for the building is not less than:
 - (i) for each 1, 2 or 3 bedroom dwelling—300 square metres, and
 - (ii) for each 4 or more bedroom dwelling—365 square metres, and
- (b) each dwelling will have its own contiguous private open space and separate access to that space from an unbuilt portion of the site.

4.5B Macquarie Park Corridor**(1) Off street car parking controls**

The objectives for off-street parking controls in the Macquarie Park Corridor are as follows:

- (a) to recognise accessibility by foot, bicycle and public transport,
 - (b) to support the management and supply of parking as the primary means to influence travel behaviour of employees,
 - (c) to encourage greater reliance on public transport,
 - (d) to assist in the management of increased car usage and traffic congestion in the corridor,
 - (e) to effect a greater mode shift to public transport
- (2) The maximum off-street parking spaces for commercial and industrial development in the Macquarie Park Corridor are those shown on the Macquarie Park Corridor Parking Restrictions Map.

(3) Use of land in Zone B7 Business Park

The objectives for restricting uses listed in subclause (4) in the Macquarie Park Corridor are as follows:

- (a) to provide for the daily convenience needs of employees and visitors,
 - (b) to ensure that any activities support the needs of businesses and organisations in the development to which the facilities or services relate,
 - (c) to reinforce the station nodes as focal points of activity, supporting a range of retail and commercial activities.
- (4) Despite any other provision of this Plan, the total floor space of a building erected on land in Zone B7 Business Park in the Macquarie Park Corridor, for the purposes of a function centre, neighbourhood shop, registered club or restaurant
- (a) must not exceed 500 square metres for each individual land use or an area equivalent to 5% of the site area for each individual land use, whichever is the greater, in relation to that land and
 - (b) must be located on the ground floor level.

4.6 Exceptions to development standards [compulsory]

- (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

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- 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*

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Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

- (c) clause 5.4.
- (c1) clause 4.3, to the extent it applies to Precinct 2 (Town Core) shown on the Ryde Town Centre Precincts Map.

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Part 5 Miscellaneous provisions

5.1 Relevant acquisition authority [compulsory]

- (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 Traffic Authority
Zone E1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <i>National Parks and Wildlife Act 1974</i>

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

5.1A Development on land intended to be acquired for a public purpose [local]

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

Column 1 - Land	Column 2 - Authority	Column 3 - Development
Zone RE1 Public Recreation and Council marked "Local open space"	Council	Recreation areas

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Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 8 of the Act	Recreation areas
Zone SP2 Infrastructure and marked "Classified road"	Roads and Traffic Authority	Roads
Zone SP2 Infrastructure and marked "Local road"	Council	Roads

5.2 Classification and reclassification of public land [compulsory]

- (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:
- does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
 - 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:
- those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
 - any reservations that except land out of the Crown grant relating to the land, and
 - 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 [optional]

- (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.

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- (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
 - (a1) land in zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone B1 Neighbourhood Centre, Zone, B3 Commercial Core, Zone B4 Mixed Use, Zone B5 Business Development, Zone B6 Enterprise Corridor, Zone, B7 Business Park, Zone, IN2 Light Industrial, Zone IN4 Working Waterfront, Zone SP1 Special Activities, Zone RE2 Private Recreation .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 [compulsory]

(1) **Bed and breakfast accommodation**

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

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

(2) **Home businesses**

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

(3) **Home industries**

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

(4) **Industrial retail outlets**

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

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- (a) 25% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
 - (b) 400 square metres,
- whichever is the lesser.

(5) Farm stay accommodation

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

(6) Kiosks

If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 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 200 square metres.

(8) Roadside stalls

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

(9) Secondary dwellings

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

- (a) 60 square metres,
- (b) 11% of the total floor area of the principal dwelling.

5.5 Development within the coastal zone [compulsory if land to which Plan applies includes land in the coastal zone]

Not applicable

5.6 Architectural roof features [optional]

This clause applies to the land identified on the "Centres Map" as Gladesville Town Centre

- (1) The objectives of this clause are as follows:
 - (a) to ensure that architectural roof features to which this clause applies are decorative elements only, and
 - (b) to ensure that the majority of the roof features are contained within the prescribed building height.
- (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

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(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 [compulsory if land to which Plan applies contains tidal waters]

- (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 [compulsory]

- (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 [compulsory, except subclause (9) optional]

- (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.

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- (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

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- (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.

5.9AA Trees or vegetation not prescribed by development control plan [compulsory]

- (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 [compulsory]

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.

The location and nature of Aboriginal objects and Aboriginal places of heritage significance may be described in Schedule 5 and shown on the Heritage Map (see the direction to Schedule 5).

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Ryde, and
- (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,

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- (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),

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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

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- (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 [compulsory]

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 [compulsory]

- (1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under *State Environmental Planning Policy (Infrastructure) 2007*.
- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

5.13 Eco-tourist facilities [compulsory if eco-tourist facilities permitted with consent]

Not applicable

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Part 6 Additional local provisions

6.1 Acid sulfate soils

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

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

- (3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.
- (4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if:
 - (a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan need not be carried out 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).

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- (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, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations or flood mitigation works, or
 - (b) the works are not likely to lower the watertable.
- (7) State Environmental Planning Policy Exempt and Complying Development does not apply to development on land identified on the Acid Sulfate Soils Map as being Class 1 or Class 2.

6.2 Earthworks

- (1) The objectives of this clause are as follows:
 - (a) to ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of surrounding land,
 - (b) to allow earthworks of a minor nature without separate development consent.
- (2) Development consent is required for earthworks unless:
 - (a) the work does not alter the ground level (existing)by more than 300 millimetres , or
 - (b) the work is exempt development under this Plan or another applicable environmental planning instrument , or
 - (c) the work is ancillary to other development for which development consent has been given.
- (3) Before granting development consent for earthworks, the consent authority must consider the following matters:
 - (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,
 - (b) the effect of the proposed development on the likely future use or redevelopment of the land,
 - (c) the quality of the fill or the soil to be excavated, or both,
 - (d) the effect of the proposed development on the existing and likely amenity of adjoining properties
 - (e) the source of any fill material and the destination of any excavated material,
 - (f) the likelihood of disturbing relics,
 - (g) proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

6.3 Foreshore building line

- (1) The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.
- (2) Development consent must not be granted for development on land in the foreshore area except for the following purposes:

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- (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, flora or fauna 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,
 - (g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and
 - (h) sea level rise or change of flooding patterns as a result of climate change have been considered.

6.5 Ground floor development on land within Zone B6 Enterprise Corridor

- (1) Development consent must not be granted for development on the ground floor of a building within Zone B6 Enterprise Corridor if the development would result in any part of that floor not being used for business or employment activities, other than any parts of that floor used for the purposes of:
 - (a) lobbies for any commercial, residential, services apartment or hotel component of the development, or
 - (b) access for fire services, or
 - (c) vehicle access
- (2) In this clause commercial activities, in relation to the use of a building, means using the building for the purposes of business premises, community

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facilities , hotel or motel accommodation, landscape and garden supplies, light industries , passenger transport facilities, timber and building supplies or warehouse or distribution centres.

6.6 Flooding

- (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 land that is shown as "Flood planning area" on the Flood Planning Map,
- (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) will not 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) will not 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 NSW Government's *Floodplain Development Manual* published in 2005, 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.

Flood Planning Map means the Ryde Local Environmental Plan 2011 Flood Planning Map.

6.7 Environmental Sustainability

Development consent must not be granted to development 1 500sqm in gross floor area or greater on land zoned business or industrial unless the consent authority is satisfied that the development will meet Australian Best Practice Environmentally Sensitive Design in the following areas:;

- (a) Water demand reduction including water efficiency, water recycling and minimisation of potable water usage
- (b) Energy demand reduction including energy generation, use of renewable energy and reduced reliance on mains power;

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- (c) Indoor environmental quality including daylight provision, glare control, increased outside air rates, thermal comfort;
- (d) Reduce new materials consumption and use sustainable materials including recycled content in concrete, sustainable timber and PVC minimisation;
- (e) Emissions reduction including reduced flow to sewer and light pollution.
- (f) Transport initiatives to reduce car dependence such as providing cycle facilities, car share and small vehicle parking spaces.
- (g) Land use and ecology including reduced topsoil removal and contaminated land reclamation.

6.8 Stormwater Quality

- (1) The objective of this clause is to minimise the impacts of urban stormwater on the land to which the development applies , adjoining properties, native bushland and receiving waters.
- (2) The clause applies to all land zoned Residential, Business and Industrial land uses
- (3) Before granting consent to development to which this clause applies the consent authority must be satisfied that the development :
 - (a) is designed to maximise the use of water permeable surfaces on the sited having regard to the soil characteristics affecting on site infiltration of water,
 - (b) include , where practical on site stormwater retention for uses as an alternative supply to mains water, groundwater or river water and
 - (c) avoids or where an impact cannot be avoided, minimises and mitigates the disturbance and impacts of stormwater runoff on adjoining properties , native bushland and receiving waters.

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Schedule 1 Additional permitted uses

(Clause 2.5)

- 1 Use of certain land at 11–13 Pennant Avenue, Denistone**
 - (1) This clause applies to land at 11–13 Pennant Avenue, Denistone, being Lot 1, DP 221325.
 - (2) Development of the land in Zone R2 Residential Low Density for the purpose of road to that part of the land that is in Zone R3 Medium Density Residential is permitted with consent.
- 2 Use of certain land at 607 Blaxland Road, Eastwood**
 - (1) This clause applies to land at 607 Blaxland Road, Eastwood, being part Lot 100, DP 1107491.
 - (2) Development for the purpose of a vehicle sales or hire premises is permitted with consent.
- 3 Use of certain land at 108 Pittwater Road, Gladesville**
 - (1) This clause applies to land at 108 Pittwater Road, Gladesville, being Lot A, DP 307137.
 - (2) Development for the purposes of business premises or office premises is permitted with consent.
- 4 Use of certain land at 436 – 484 Victoria Road Gladesville**
 - (1) This clause applies to land at 436 – 484 Victoria Road Gladesville being Lot 2 DP539330.
 - (2) Development for the purpose of commercial premises is permitted with consent.
- 5 Use of certain land at 455 – 459 Victoria Road Gladesville**
 - (1) This clause applies to land at 455 – 459 Victoria Road Gladesville being Lot 3 DP388518 and Lot 3 DP1008105
 - (2) Development for the purpose of vehicle sales or hire premises is permitted with consent.
- 6 Use of certain land at 461 Victoria Road Gladesville**
 - (1) This clause applies to land at 461 Victoria Road Gladesville being Lot 1 DP739556
 - (2) Development for the purpose of bulky goods retail, business premises and office premises (Building H) is permitted with consent.
- 7 Use of certain land at 37–39 Epping Road, Macquarie Park**
 - (1) This clause applies to land at 37–39 Epping Road, Macquarie Park, being Lot 1, DP 1060926.
 - (2) Development for the purposes of business premises, office premises and bulky goods premises is permitted with consent.
- 8 Use of certain land at 307 Lane Cove Road, Macquarie Park**
 - (1) This clause applies to land at 307 Lane Cove Road, Macquarie Park, being Lot 10, DP 1071734.

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- (2) Development for the following purposes is permitted with consent:
- (a) landscape and garden supplies, including display gardens, research, education and training facilities and horticultural and gardening exhibitions, and
 - (b) commercial premises, broadcasting facilities and exhibitions either directly associated with the horticulture centre or for the promotion of aspects of horticulture, gardening and the environment, and
 - (c) use of the display gardens for small-scale entertainment activities such as outdoor theatre, storytelling and musical activities, and
- 9 Use of certain land at corner of Agincourt and Balaclava Roads, Marsfield (known as Curzon Hall)**
- (1) This clause applies to land at corner of Agincourt and Balaclava Roads, Marsfield (known as Curzon Hall), being Lot 1, DP 703569.
 - (2) Development for the purposes of a restaurants or cafes and function centre and any purpose ordinarily incidental to those purposes is permitted with consent.
- 10 Use of certain land at 192 Balaclava Road, Marsfield (Macquarie University)**
- (1) This clause applies to land at 192 Balaclava Road, Marsfield (Macquarie University), being part Lot 18, DP 1058168.
 - (2) Development for the purposes of agriculture, dwelling houses, hospitals, places of public worship, residential accommodation associated with the Macquarie University and service stations is permitted with consent.
- 11 Use of certain land at 32–62 Delhi Road, North Ryde**
- (1) This clause applies to land at 32–62 Delhi Road, North Ryde, being Lots 4 and 5, DP 1047032, SP 74057 and SP 70943.
 - (2) Development for the purposes of serviced apartments and hotel or motel accommodation is permitted with consent.
- 12 Use of certain land at 124A Epping Road, North Ryde**
- (1) This clause applies to land at 124A Epping Road, North Ryde, being Lot 101, DP 1013188.
 - (2) Development for the purposes of a medical centre, retail premises and business premises is permitted with consent.
- 13 Use of certain land at 8 Rocca Street and 293 Quarry Road, North Ryde**
- (1) This clause applies to land at 8 Rocca Street and 293 Quarry Road, North Ryde, being Lot 10, DP 1015231.
 - (2) Development for the purposes of car parking and road to adjoining land is permitted with consent.
- 14 Use of certain land at 600–640 Victoria Road, Ryde (known as Royal Rehabilitation Centre, Sydney)**
- (1) This clause applies to land at 600–640 Victoria Road, Ryde (known as Royal Rehabilitation Centre, Sydney), being Part Lot 3, Part Lot 5, Part Lot6, DP1129793.
 - (2) On the part of the land in Zone RE1 Public Recreation, development for the purposes of car parks and child care centres is permitted with consent.
 - (3) On that part of the land in Zone SP1 Royal Rehabilitation Centre Sydney, development for the purposes of Recreation facilities (indoor) and Recreation facilities (outdoor) is permitted with consent.

ATTACHMENT 1

15 Use of certain land at 33/46-48 Khartoum Road Macquarie Park

- (1) This clause applies to and at 33/46-48 Khartoum Road Macquarie Park being Lot 33 SP9423
- (2) Development for the purpose of business premises, light industry, office premises, restaurants or cafes, service station, shops and self storage units is permitted with consent.

ATTACHMENT 1

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.

Events (community and fundraising)

- (1) Maximum patrons for community and charitable organizations 250
- (2) Must not exceed 1 day.
- (3) If not on community land, only 2 days per year.
- (4) May only operate between 8 am and 9:30 pm.
- (5) Must have portable water and toilet facilities within 200m.
- (6) The noise level of any open air entertainment must not exceed the
- (7) Background noise level by more than 5dBA when measured at the nearest residential boundary.
- (8) Must provide adequate artificial lighting, if necessary, to permit safe movement of patrons.
- (9) Must have adequate and suitable waste containers for the removal of waste at the conclusion of the event.

Development on Footpath (associated with commercial or industrial retail outlet)

- (1) Must be associated with an adjacent/nearby commercial (not including food and drink premises) or industrial retail outlet for which development consent is current.
- (2) Must not be located on a classified road
- (3) Must be associated with an approved activity area which is the subject of an approval for street vending under section 139A of the Roads Act 1993.
- (4) The footpath must be a minimum width of 3.6metres measured from the front of the associated premises to the kerb
- (5) Unobstructed pedestrian access of a minimum width of 2 metres must be maintained
- (6) All structures associated with the use are to be removable and stored within the associated premises outside approved business hours
- (7) No A- frame (sandwich board) signs are permitted
- (8) Must be located in a manner compatible with authorised adjoining uses
- (9) Where located at an intersection of two roads , the use must not be located within 3 metres radius of the intersection measured from the property boundary
- (10) Must not be located at bus stops , taxi ranks, near pedestrian crossing, or other areas where there is concentrated pedestrian traffic or vehicular traffic safety concerns.

ATTACHMENT 1

- (11) Unobstructed access must be maintained to the host premises and adjacent premises at all times
- (12) Must not involve the preparation of food
- (13) Must not include the use of music (amplified, live or other wise) or spruiking at any time

Outdoor dining (associated with food and drink premises, excluding pubs)

- (1) Must be associated with an adjacent/nearby food and drink premises (excluding pubs) for which development consent has been granted.
- (2) The use of the footpath for outdoor dining is limited to the front of the premises for which development consent has been granted.
- (3) Where located on a public road, the outdoor dining area is the subject of a current valid approval under section 125 of the Roads Act 1993.
- (4) The outdoor dining area must have a minimum width of 1 metre.
- (5) Where located adjacent to a parkin lane , the outdoor dining area must be setback a minimum of 600mm from the kerb.
- (6) Unobstructed pedestrian access of a minimum width of 2 metres must be maintained.
- (7) Outdoor dining associated with a premises located at an intersection of two roads must not be located within 3 metres of the intersection measured from the property boundary.
- (8) Outdoor dining must not be located at bus stops, taxi ranks, or near pedestrian crossings.
- (9) All boundaries of the outdoor dining area must be delineated. Permanent structures must not be used to delineate the area, unless previously approved by Council.
- (10) Unobstructed access must be maintained to the host premises and adjacent premises at all times.
- (11) No music (amplified, live or otherwise) shall be played outside the premises at any time.
- (12) Smoking being prohibited in the outdoor dining area in accordance with Council's policy for no smoking in outdoor dining areas.
- (13) No food preparation is permitted in the outdoor dining area.
- (14) Must be operated only within the approved hours of the associated premises.
- (15) Must not involve construction work or the erection/hoisting of structures without the prior approval of Council.
- (16) Furniture, materials and equipment used in association with the outdoor dining area must be temporary in nature, and at the close of business must be removed from the public area and stored within the associated premises.
- (17) Umbrellas, furniture, heating devices used in association with the outdoor dining area are to be securely installed at all times whilst in use to ensure the protection and safety of people and property.
- (18) The outdoor dining area must not be enclosed or covered without the prior approval of Council.
- (19) No A-frame (sandwich board) signs are permitted.

Outdoor lights (fixed)

Maximum height above ground level (existing) of pole mounted lights-3.6m.

ATTACHMENT 1

Signage (retail premises windows)

- (1) Minimum area of window to remain uncovered by sign—75%.
- (2) Must be located at ground level (existing).
- (3) Message must relate to the use of the premise or its products.

Signage (real estate sign for the sale or lease of a business or industrial site)

- (1) Maximum area—4.5 m².
- (2) Only 1 per frontage.
- (3) Must be removed within 7 days of sale or lease.

Signage (real estate sign for a residential site)

- (1) Minimum area of window to remain uncovered by sign—75%.
- (2) Must be located at ground level (existing).
- (3) Message must relate to the use of the premise or its products

Signage (temporary sign for a cultural, educational, political, recreational, religious or social event)

- (1) Must not include advertising of a commercial nature except for the name of the event sponsor.
- (2) Must not be displayed more than 14 days before the event.
- (3) Must be removed within 7 days after the event.

Solid fuel heaters

- (1) Must be installed in accordance with AS/NZS 2918:2001, *Domestic solid fuel burning appliances—Installation*.
- (2) Must comply with AS/NZS 4013:1999, *Domestic solid fuel burning appliances - method for determination of flue gas emission*.
- (3) Top of the flue must be:
 - (a) at least 1m above any higher structure that is within a 1.5m radius, and
 - (b) not more than 3m above the roof.
- (4) If a rain cap is fitted, must not impede the vertical discharge of gases.

ATTACHMENT 1

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 Part 1 of this Schedule was blank)

Part 2 Complying development certificate conditions

(When this Plan was made Part 2 of this Schedule was blank)

ATTACHMENT 1

Schedule 4 Classification and reclassification of public land

(Clause 5.2)

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

Column 1	Column 2
Locality	Description

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

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
130 Talavera Road Macquarie Park	Lot 7 DP842855	Nil
46 Jeanette Street – mapped section only		Nil

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
55 Pellisier Road Putney	Part Lot 1 DP 431246

ATTACHMENT 1

Schedule 5 Environmental heritage

(Clause 5.10)

Part 1 Heritage items

Suburb	Item name	Address	Property description	Significance	Item No
Denistone	Stone marker	Road Reserve (Outside 456 Blaxland Rd)		Local	I200
Denistone	Open Space	Chatham Road, "Darvall Park"		Local	I26
Denistone	"Poynton" (House)	25 Commissioners Road	Lot A, DP28226	Local	I36
Denistone	"Denistone House" & "Trigg House" (both part of Ryde Hospital)	1 Denistone Road •	Lot I, DP869614	Local	I47
Denistone	House	24 Miriam Road	Lot 81A, DP6272	Local	I74
Denistone	House	30 Miriam Road	Lot B, DP344847	Local	I75
Denistone	"The Hermitage" (Hermitage and Garden)	1-9 Pennant Avenue	Lot 2, DP221325	State	I88
Denistone	"Wollondilly"	11-13 Pennant Avenue	Lot 1, DP221325	Local	I90
Denistone	House	37 Pennant Avenue	Lot I, DP1005675	Local	I91
Denistone	House	89-91 Terry Road	Lot 5, DP29054	Local	I126
Denistone	House	78 West Parade	Lot E, DP28643	Local	I164
Denistone East	"Highbury House"	495 Blaxland Road	Lot 1, DP514007	Local	I18
East Ryde	Sugarloaf Point (Open space)	191 Pittwater Road		Local	I95
East Ryde	Boobajool Reserve (Open space)	231-245 Pittwater Road		Local	I96
East Ryde	Walamatta Reserve	1-13 Twin Road	Lot 7, DP790153	Local	I133
East Ryde	Field of Mars Wildlife Reserve	Wellington Road		Local	I158
Eastwood	House	4 Auld Avenue	Lot A, DP342192	Local,	I7
Eastwood	House	14 Auld Avenue	Lot 6, DP11568	Local	I8
Eastwood	"The Rectory" (House)	25 Clanalpine Street	Lot 45, DP4231	Local	I34
Eastwood	St Philip's	29 Clanalpine Street	Part Lot A, DP389661	Local	I35
Eastwood	Dwelling	30 Clanalpine Street	Lot 4, DP5132	Local	I201
Eastwood	House	1 Coronation Avenue	Lot 2, DP344414	Local	I38

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Suburb	Item name	Address	Property description	Significance	Item No
Eastwood	House	11 Coronation Avenue	Lot A, DP375352	Local	I202
Eastwood	Seat	East Parade	(outside 36A)	Local	I50
Eastwood	Road	Great North Road, Bedlam Point to Eastwood		State	I54
Eastwood	Library, St Kevin's Primary School	24 Hillview Road	Lot 51, DP 8043	Local	I203
Eastwood	St Kevin's Catholic Church	36 Hillview Road	Lot 4, DP546071	Local	I204
Eastwood	"Eastwood House" School	40 Hillview Road	Lot 42, DP 8043	Local	I55
Eastwood	Brush Farm Park	2-4 Lawson Street	Lot 7059, DP 1062383	Local	I61
Eastwood	"Brush Farm" (House)	19 Lawson Street	Lot I, DP 800471	State	I62
Eastwood	Stone marker	Road Reserve (Outside 233 North Rd)		Local	I205
Eastwood	Stone marker	Road Reserve (Outside 264 North Rd)		Local	I206
Eastwood	House	9 Orange Street	Lot 50, DP 867300	Local	I83
Eastwood	Shops	15, 17, 19, 21, 23 and 25 Railway Parade	Lot 1, DP126235; Lot I, DP 324457; Lot 2, DP 324457; Lot C, DP 312242 Lot B, DP312242, SP43708	Local	I100
Eastwood	"Summer Hayes" (Shops)	119, 123 and 136 Rowe Street	Lot B, DP338186; Lot A, DP 33186; Lot A, DP340287	Local	I105
Eashwood	Fire Station 269 Rowe	269 Rowe Street	Lots 29 and 30, DP7464	Local	I107
Eastwood	"Upna" (House)	24 Rutledge Street	Lot B, DP364839	Local	I108
Eastwood	House	2 Second Avenue	Lot I, DP931131	Local	I114
Eastwood	"Womerah"(House)	31 Trelawney Street	Lot 2, DP607291	Local	I129
Eastwood	Eastwood Park (Gates)	45 West Parade	Lot 1, DP1679	Local	I161
Eastwood	Eashwood Park (Pavilion)	45 West Parade	Lot I DP 167919	Local	I162
Eastwood	Eastwood Park (Grandstand)	45 West Parade	Lot I DP 167919	Local	I163
Gladesville	House	19A Amiens Street	Lot 19 DP10088	Local	I3
Gladesville	Stone marker	Cnr Ashburn& Wharf Rd		Local	I207
Gladesville	Houses	23, 25, 27, 29 and 31 Amiens	Lot 2, DP597949; Lots 20 and 21, DP7709; Lot I DP171292; Part Lot 18, DP7709; Lot 16, DP456025	Local	I4

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Suburb	Item name	Address	Property description	Significance	Item No
Gladesville	Glades Bay Park (Monument)	45 Ashburn Place		Local	I6
Gladesville	Wharf Remains	Bedlam Point		Local	I11
Gladesville	House	10 Cambridge Street	Lot D, DP324999	Local	I23
Gladesville	House	1-9 Monash Road	Lot 1 DP24099	Local	I141
Gladesville	House	8 Oates Avenue	Lot 12, DP 7563	Local	I82
Gladesville	House	10 Pelican Street	Lot 77, DP24052	Local	I84
Gladesville	Stone marker	Cnr Pittwater & Eltham St		Local	I208
Gladesville	Substation	38-42 Pittwater Road	Lot 1, DP547927	Local	I93
Gladesville	"Towalla"(House)	120 Pittwater Road	Lot B, DP397969	Local	I94
Gladesville	Banjo Paterson Park	38 Punt Road	Lot 2, DP 746316	Local	I98
Gladesville	"Rockend Cottage" (Cottage)	40 Punt Road	Lot I, DP 746316	Local	I99
Gladesville	House	126 Ryde Road	Lot 8, Sec 5, DP 679	Local	I111
Gladesville	Monash Park (Obelisk)	142 Ryde	Road Lot 7060, DP93662	Local	I112
Gladesville	Gladesville Drill Hall	144 Ryde Road	SP 69924	State	I113
Gladesville	House	3 Thompson Street	Lot 11, DP9945	Local	I127
Gladesville	Houses	17 and 19 Street Thompson Street	Lots 18 and 19, DP9945	Local	I128
Gladesville	House	3 Tyrell Street	Lot 8, Sec D, DP1821	Local	I135
Gladesville	House	42 Tyrell Street	Lot 3, DP355166	Local	I136
Gladesville	Memorial Clock	2D Victoria Road Cnr Wharf Road		Local	I137
Gladesville	Great North Rd	Victoria Road		Local	I54
Gladesville	Tavern	170 Victoria Road	Lot 1 DP131516	Local	I137A
Gladesville	Buildings B00B, B00A & B00D Gladesville Public School	172-180 Victoria Road	Lots I and 2, DP.1086692	Local	I138
Gladesville	Gates	220 Victoria Road	Lot 1 DP1043925 and Lot 1 and 2 3371 and Lot 10 DP1043925	Local	I139
Gladesville	Church	220 Victoria Road	Lot 1 DP1043925 and Lot 1 and 2 DP1033371 and Lot 10 DP1043925	Local	I140
Gladesville	Church	265A Victoria Road	Lot E DP25328	Local	I142

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Suburb	Item name	Address	Property description	Significance	Item No
Gladesville	House	310 Victoria Road	Lot 1 SP 62723	Local	I142A
Gladesville	House	37 Wharf Road	Lot 1, DP712430	Local	I166
Gladesville	Houses	43 and 45 Wharf Road	Lots 23 and 24, DP 7844	Local	I167
Gladesville	House	55 Wharf Road	Lot C, DP367740	Local	I168
Gladesville	House	76 Wharf Road	Lot 763, DP1036898	Local	I169
Gladesville	Boat house	96 Wharf Road Looking Glass Point	Lot B, DP366228	Local	I170
Macquarie Park	Macquarie University (Ruins)	192 Balaclava Road	Part Lot 18, DP 1058168	Local	I10
Macquarie Park	Northern Suburbs Cemetery	12 Delhi Road		Local	I44
Marsfield	Curzon Hall (Restaurant)	53 Agincourt Road	Lot 10, DP1100767	Local	II
Marsfield	Eastwood Town Hall (Hall)	74 Agincourt Road	Lot 5, DP853803	Local	I2
Marsfield	Open space	Lane Cove National Park		Local	I59
Meadowbank Shops	Lots E, D, C	58, 60, 62 and 64 Constitution Road	Lots E, D,C and B, DP27200	Local	I37
Meadowbank	Meadowbank Railway Bridge over Parramatta River	Meadowbank (Pedestrian and cycle bridge- previously Ryde Railway Bridge)		State	I56
Meadowbank	Memorial Park (Obelisk)	2 Meadow Crescent		Local	I72
Meadowbank	Factory	37 Nancarrow Avenue	Lots 1-7 and 9-17, DP19585; Lot 1, DP 122205	Local	I80
Meadowbank	Fountain	(Corner) See and Angas Streets		Local	I115
Meadowbank	Attached dwellings	34 See & 1A Angus Streets	Lots 1 & 2 DP1063126	Local	I116
Melrose Park	Wharf	Wharf Road		Local	I165
North Ryde	House Lots 3 and 4,	50-52 Bridge Road	Lots 3 and 4, DP 219517	Local	I22
North Ryde	Buildings B00M, B00J & B00N North Ryde Public School	154 Coxs Road		Local	I39
North Ryde	Northern Suburbs Crematorium	197 Delhi Road		Local	I46
North Ryde	Stone marker	Cnr Pittwater & Magdala Rd		Local	I209
North Ryde	Substation	293 Pittwater	SP 78624	Local	I97
North Ryde	"Bensonville" (House)	126 Twin Road	Lot 2, DP700353	Local	I134
North Ryde	House	16 Wicks Road	Lot 41, DP740721	Local	I172

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Suburb	Item name	Address	Property description	Significance	Item No
North Ryde	Houses	60 and 62 Wicks Road	Lots I and 2, DP 612262	Local	I173
Putney	Punt	Pellisier Road, Mortlake Ferry		Local	I85
Putney	House	60 Pelliser Road	Lot 92, DP590979	Local	I86
Putney	Putney Park (House remains)	99 Pelliser Road	Lot I, DP133102	Local	I87
Putney	Kissing Point Park (former Boat Slips)	24 Waterview Street	Lot I, DP34075	Local	I157
Ryde	Stone marker	Road Reserve (Outside 60 Badajoz Road)		Local	I210
Ryde	House	7 Badajoz Road	Lot B, DP380470	Local.	I9
Ryde	Ryde Park (Gazebo)	7 Blaxland Road	Lot 50, DP I107483	Local	I13
Ryde	Ebenezer (Church)	22 Blaxland Road	Lot 14, DP994	Local	I14
Ryde	Masonic Temple (Hall)	142 Blaxland Road	Lot 3, DP86255	Local	I16
Ryde	"Hattons Cottage" (Cottage)	158 Blaxland Road	Lot P, DP443304	Local	I17
Ryde	Fountain	(Corner) Blaxland and Victoria Roads		Local	I19
Ryde	Church	74A Bowden Street	Lots 23 and 24, DP8677	Local	I20
Ryde	House	95 Bowden Street	Lot 101, DP1055980	Local	I21
Ryde	Stone marker	Road Reserve (Outside 54 Bridge Rd)		Local	I215
Ryde	Ryde Wesley Uniting Church, George H Trevill Memorial Hall and Hall (former Oddfellows Hall)	25-27 Church Street	Lots 102 and 103, DP588364	Local	I27
Ryde	Former Court House	42 Church Street	Lot 2, DP541856	Local	I29
Ryde	St Anne's Ryde Anglican Church and Cemetery	46 Church Street	Lot I, DP113532	Local	I30
Ryde	Terraces	76, 78 and 80 Church Street(80 also known as 45 Small Street)	Lots A, B and C, DP 436129	Local	I32
Ryde	Bridge	Church Street		Local	I33
Ryde	Bridge	Cressy Road over Buffalo Creek		Local	I40
Ryde	Obelisk	Devlin Street		Local	I49
Ryde	"Crowle Home" (House)	8 Junction	Lot I, DP921633; Lot 11, DP 51349	Local	I57
Ryde	"Mayfield" (House)	281 Morrison Road	Lot 102, DP838134	Local	I77

ATTACHMENT 1

Suburb	Item name	Address	Property description	Significance	Item No
Ryde	Shop	312 Morrison Road	Lot 4, DP942466	Local	I78
Ryde	"Palmyra" (House)	26-28 Myra Avenue	Lot 2A, DP399330	Local	I79
Ryde	House	87 North Road	Lot 3, DP536702	Local	I81
Ryde	Stone marker	Road Reserve (Outside 38 Parkes Street)		Local	I211
Ryde	Stone marker	Road Reserve (Outside 1 Quarry Rd)		Local	I212
Ryde	Stone marker	Road Reserve (Outside 2 Quarry Rd)		Local	I213
Ryde	Stone marker	Road Reserve (Outside 35 Quarry Rd)		Local	I214
Ryde	"Woolbrook" (House)	7 Regent Street	Lot 1, DP20172	Local	I102
Ryde	House	5 Storey Street	Lot 2, DP867924	Local	I119
Ryde	Buildings B00A & B00C Ryde Public School	2 Tucker Street	Lot 1, DP749952	Local	I130
Ryde	"Westward Cottage" (House)	8 Turner Street	Lot 3, DP860174	Local	I131
Ryde	"Parsonage" (House)	12 Turner Street	Lot 4, DP860174	Local	I132
Ryde	Holy Cross College	499-521 Victoria Road	Lot I, DP807562	Local	I143
Ryde	"Squireville" (Apartments and meeting hall (formerly the chapel))	Victoria Road 512-550	SP 48164	Local	I145
Ryde	St Charles Borromeo Catholic Church and Cemetery	562-582 Victoria Road	Lot 1, DP633853	Local	I147
Ryde	Dalton House (Hospital)	642-648 Victoria Road	Lot 1012, DP836977	Local	I148
Ryde	Stone marker	Road Reserve (Outside 724 Victoria Road)		Local	I216
Ryde	"Willandra" (House)	770-772 Victoria Road	Lot 1, DP34639	State	I149
Ryde	"Former Police Station"	808 Victoria Road		State	I150
Ryde	Court House	812 Victoria Road	Lot 1, DP796948	Local	I151
Ryde	"Addington House"	813-815 Victoria Road	Lots 23 and 24, DP6883; Lot 2, DP313163	State	I152
Ryde	"The Retreat" (House)	817 Victoria Road	Lot 1, DP313163	Local	I153
Ryde	"Wallametta Club" (House)	826 Victoria Road	Lots 3 and 4, DP 219163; Lot 2, DP 205390	Local	I154

ATTACHMENT 1

Suburb	Item name	Address	Property description	Significance	Item No
Ryde	Field of Mars Cemetery	1 Wellington Road		Local	I159
Ryde	House	Wellington Road		Local	I160
Tennyson	"Harwin" (House)	79 Champion Road	Lot 2, DP 962627	Local	I24
Tennyson	House	85 Champion Road	Lot 20, Sec 2, DP2166	Local	I25
Tennyson	Shops	113-115 Tennyson Road	Lot X, DP102073	Local	I121
Tennyson	House	139 Tennyson Road	Lot 1, DP1009906	Local	I122
West Ryde	Houses	61, 63, 65, 67, 69,71,73,75 and 77 Forsyth Street	Lots I-3, P900778; Lots1-3, P902526; Lot A, DP 103458; Lot B, DP103457; Lot 3, DP 902023	Local	I51
West Ryde	"The Downs" (House)	27 Goodwin Street	Lot 1, DP223488	Local	I53
West Ryde	House	4 Linton Avenue	Lot Y, DP404139	Local	I63
West Ryde	Church	7-9 McPherson Street	Lots 44 and45, DP5048	Local	I64
West Ryde'	"The Vinery" (House)	69 Marsden Road	Lot 1, DP1039275	Local	I65
West Ryde	House	75 Marsden Road	Lot 1, DP799009	Local	I66
West Ryde	'Riverview House and outbuildings'	135 Marsden Road	Lot 1, DP218486	State	I67
West Ryde	Church	7 Maxim Street	Lots 6 and 7, Sec 4, DP3646	Local	I69
West Ryde	"Milton" (House)	22 Maxim Street	Lot 14, Sec 3, DP 3646	Local	I70
West Ryde	House	24 Maxim Street	Lot 15, Sec 3, DP3646	Local	I71
West Ryde	House	14 Miriam Road	76A DP6272	Local	I217
West Ryde	House	16 Miriam Road	77A DP6272	Local	I218
West Ryde	House	22 Miriam Road	80A DP6272	Local	I219
West Ryde	House	38 Miriam Road	88A DP6272	Local	I220
West Ryde	House	33 Reserve Street	Lot 46, DP405 1	Local	I103
West Ryde	Houses	102 and 106 Rutledge Street	Lots 4 and 2, DP 218486	Local	I109
West Ryde	House	71 Station Street	Lot 12, DP705827	Local	I117
West Ryde	"Uplands" (House)	72 Station Street	Lot B, DP368089	Local	I118
West Ryde	Open Space	62 Terry Road, Denistone Park		Local	I125
West Ryde	Ryde Pumping station and site	948 Victoria Road		State	I155
West Ryde	House	958 Victoria Road	Lot 8, DP819902	Local	I156

ATTACHMENT 1

Suburb	Item name	Address	Property description	Significance	Item No
West Ryde	Former School residence & 1988 Ermington School Building.	12 Winbourne Street	Lot 1, DP909464	Local	I174
West Ryde	Houses	91, 93 and 95 Winbourne Street	Lots 7-9, DP218486	Local	I177
West Ryde	House	94 Winbourne Street	Lot A, DP401556	Local	I175
West Ryde	House	96 Winbourne Street	Lot B, DP401556	Local	I176

Part 2 Archaeological Heritage items

Suburb	Item name	Address	Property description	Significance	Item No
Gladesville	Archaeological site	334 and 336 Victoria Road	Lots 1 & 2, DP 127023 &	Local	
			Lot 6 DP 666532	Local	A143B

Part 3 Heritage conservation areas

Description	Identification on heritage map	Significance	Map ref
Brush Farm Park, Eastwood	Shown by green outlined and numbered C1	Local	HCA 1
Eastwood House Estate, Eastwood	Shown by green outlined and numbered C2	Local	HCA 2
Maxim Street, West Ryde	Shown by green outlined and numbered C3	Local	HCA 3
Rydedale Road, West Ryde	Shown by green outlined and numbered C4	Local	HCA 4
Gladesville Shopping Centre	Shown by green outlined and numbered C5	Local	HCA 5

ATTACHMENT 1

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 *Ryde Local Environmental Plan 2011 Acid Sulfate Soils 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,

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(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.

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- 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.

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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

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(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.

Centres Map means the **Ryde Local Environmental Plan 2011 Centres Map**.

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

child care centre means a building or place used for the supervision and care of children that:

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- (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.

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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 *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 City of Ryde 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

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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.

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

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

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

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

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

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

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

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

dwelling house means a building containing only one dwelling.

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

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.

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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

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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

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- (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.

Flood Planning Map means the *Ryde Local Environmental Plan 2011 Ryde Flood Planning Map*

floor space ratio—see clause 4.5.

Floor Space Ratio Map means the *Ryde Local Environmental Plan 2011 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 *Ryde Local Environmental Plan 2011 Ryde 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

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- (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:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

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

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

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

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

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

group home (permanent) or permanent group home means a dwelling:

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

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

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

group home (transitional) or transitional group home means a dwelling:

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

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

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

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

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

hazardous industry means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), pose a significant risk in the locality:

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

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

hazardous storage establishment means a building or place that is used for the storage of goods, materials or products and that would, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including,

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for example, measures to isolate the building or place from existing or likely future development on other land in the locality), pose a significant risk in the locality:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Height of Buildings Map means the Ryde Local Environmental Plan 2011 Height of Buildings Map.

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

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

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

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

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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 Ryde Local Environmental Plan 2011 Heritage Map.

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

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

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

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

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

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

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- (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 for a home business.

home industry means a dwelling (or a building ancillary to a dwelling) used by one or more permanent residents of the dwelling to carry out an industrial activity that does not involve any of the following:

- (a) the employment of more than 2 persons other than those residents,
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter,
- (d) the exhibition of any signage (other than a business identification sign),
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

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

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

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

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

- (a) the employment of persons other than those residents, or

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

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

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

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

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

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

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

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

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

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

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

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and

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- (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,

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(d) poultry farms,

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

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

intensive plant agriculture means any of the following:

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

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

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

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

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

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

Land Application Map means the **Ryde** Local Environmental Plan **2011** Land Application Map.

Land Reservation Acquisition Map means the **Ryde** Local Environmental Plan **2011** Land Reservation Acquisition Map.

Land Zoning Map means the **Ryde** Local Environmental Plan **2011** Land Zoning Map.

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

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

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

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, woollscours 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 **Ryde** Local Environmental Plan **2011** Lot Size Map.

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Macquarie Park Corridor means the land shown as “Macquarie Park Corridor” on the Centres Map.

Macquarie Park Corridor Parking Restrictions Map means the Ryde Local Environmental Plan 2011 Macquarie Park Corridor Parking Restrictions 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.

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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.

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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 receipt, land transport and storage facilities,

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- (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 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

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(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,

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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,

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- (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.

Ryde Town Centre Precincts Map means the Ryde Local Environmental Plan 2011 Ryde Town Centre Precincts Map.

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

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

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

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

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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

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- (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,

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- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

Small Centres Map means the Ryde Local Environmental Plan 2011 Small Centres Map.

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.

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

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

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

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

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

but does not include:

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

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

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

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

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

underground mining means:

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

but does not include open cut mining.

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

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

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

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

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

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

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

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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).

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

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

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

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

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

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

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

wetland means:

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

wharf or boating facilities means a wharf (or any of the following facilities associated with a wharf or boating) that are not port facilities:

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

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