Willoughby Local Environmental Plan 2022

[2012-679]

THIS VERSION IS AN INDICATIVE DRAFT ONLY AND WILL BE SUBJECT TO DRAFTING BY PARLIAMENTARY COUNSEL



New South Wales

Status information

Provisions in force

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

See also—

Planning Legislation Amendment Bill 2019

Editorial note

The Parliamentary Counsel's Office is progressively updating certain formatting styles in versions of NSW in force legislation published from 29 July 2019. For example, colons are being replaced by em-rules (em-dashes). Text of the legislation is not affected.

This version has been updated.

Authorisation

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

File last modified 15 January 2020.

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Willoughby Local Environmental Plan –2012

[2012-679]

New South Wales

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Willoughby Local Environmental Plan 2012

New South Wales

Part 1 Preliminary

1.1 Name of Plan

This Plan is *Willoughby Local Environmental Plan ~~2012~~2020*.

1.1AA Commencement

This Plan commences on ~~31 January 2013~~ and is required to be published on the NSW legislation website.

1.2 Aims of Plan

(1) This Plan aims to make local environmental planning provisions for land in Willoughby in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.

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

(a) for planning framework—

(i) to establish a broad planning framework for Willoughby, and

(ii) to enable the achievement of the goals and outcomes of the Community Strategic Plan ~~the Willoughby City Strategy~~ through planning controls,

(b) for sustainability—

(i) to conserve and enhance, for current and future generations, the ecological integrity, environmental heritage and environmental significance of Willoughby, and

(ii) to promote an appropriate balance between development and management of the environment, that will be ecologically sustainable, resilient, socially equitable and economically viable, and

(iii) to better manage the risks associated with climate change through mitigation and adaptation, and

~~(iii)~~ to manage and where possible minimize urban heat impacts on people and the environment, both indoors and outdoors, through innovative, effective and sustainable urban design and use of green infrastructure

(iv) to reduce resource consumption through the planning and control of land use and development, and

to reduce potential energy and water consumption and waste materials during the construction, occupation, utilisation and lifecycle of buildings,

(c) for environmental protection—

(i) to identify, protect and enhance environmentally sensitive areas such as native vegetation and fauna, foreshore areas, open space and areas of high scenic landscape value, and

(ii) to allow development at a scale that is sensitive to environmental constraints, and

(iii) to control and manage any adverse environmental impacts of development, and

~~(iii)~~(iv) to mimimise carbon emissions from buildings, transport, commerce and other activities.

~~(iv)~~(v) to prevent loss of life and property by bush fires and other natural disasters , by discouraging the establishment of incompatible uses in vulnerable areas ~~bush fire-prone areas~~ and incorporating as part of compatible developments protective measures that minimise ~~bush fire risk without~~ disaster impacts on people and the environment whilst avoiding unacceptable environmental degradation, including—

(A) construction techniques and materials to mimimise impacts on people, property and the environment ~~maximise their resistance to bush fire~~, and

(B) adequate measures to enable the safe evacuation of people from areas impacted by natural disasters ~~the land~~ and ensure ~~enable~~ access to that land by emergency services ~~during a bush fire~~,

(d) for urban design—

(i) to ensure development embraces the principles of quality urban design, and encourages innovative, high quality architectural design ~~with long term~~ which delivers measurable durability, resilience and environmental sustainability outcomes over the long term, and

(ii) to promote development that is designed and constructed—

(A) to enhance or integrate into the natural landform and the existing character of distinctive locations, neighbourhoods and streetscapes, and

(B) to contribute to the desired future character of the locality concerned, and

(iii) to ensure development design contributes positively to, and ~~wherever possible~~ facilitates improvements to, the public domain, and

(iv) to preserve, enhance or reinforce specific areas of high visual quality, ridgelines and landmark locations, including significant gateways, views and vistas, and

(v) to identify and implement measures to fulfill the objectives of the Green Grid, including establishment of multi-purpose green corridors to link existing open space areas and enhance access to and enjoyment of their qualities

~~(iv)~~(vi)

~~(v)~~(vii) to ensure that development design takes into consideration crime prevention principles,

(e) for amenity, health and safety—

(i) to maintain and enhance the existing amenity, health and safety of the local community, and

(ii) to reduce adverse impacts from development on adjoining or nearby residential properties,

(f) for housing—

(i) to provide opportunities for a range of housing choice in Willoughby to cater for changing population needs in accessible locations, and

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(ii) to facilitate the provision of adaptable and affordable housing,

(iii) to support housing which maximizes thermal comfort (indoors and outdoors) and minimises urban heat impacts

~~(ii)~~(iv)

(g) for economic sustainability—

(i) to provide opportunities for a range of employment opportunities in Willoughby, and

(ii) to strengthen the viability, resilience , vitality and role of the city centres of Willoughby as places for commercial and cultural activities and services, and

(iii) ~~to maintain and encourage a diversity of industry and services in Willoughby,~~

~~(iii)~~ to retain and manage industrial land.

(h) for wellbeing—to provide for social, cultural, recreational and community activities to meet the needs of residents, workers and visitors to Willoughby,

(i) for heritage—to conserve items of environmental and cultural heritage and to retain the character of heritage conservation areas,

(j) for access—

(i) to provide for local and regional transport needs and promote and increase the use of active transport through walking, cycling and the use of public transport, and

(ii) to provide appropriate levels of car parking in connection with the location of development and managing the demand for ancillary car parking, where there is good access to public transport nodes and services, and

(iii) to provide integrated development design of pedestrian and vehicular access, parking, loading and delivery facilities.

1.3 Land to which Plan applies

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

1.4 Definitions

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

1.5 Notes

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

1.6 Consent authority

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

1.7 Maps

(1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name—

(a) approved by the local plan-making authority when the map is adopted, and

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

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(1AA) (Repealed)

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

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

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

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

1.8 Repeal of planning instruments applying to land

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

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

Willoughby Local Environmental Plan ~~1995~~2012

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

1.8A Savings provision relating to development applications

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

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

1.8B Repeal of SEPP applying to land

~~*Sydney Regional Environmental Plan No 5—(Chatswood Town Centre)* is repealed.~~

1.9 Application of SEPPs

(1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 3.28 of the Act.

(2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies—

State Environmental Planning Policy No 1—Development Standards

(2A) Division 1 of Part 2 of *State Environmental Planning Policy (Affordable Rental Housing) 2009*

does not apply to the land to which clause 6.8 applies.

1.9A Suspension of covenants, agreements and instruments

(1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.

(2) This clause does not apply—

(a) to a covenant imposed by the Council or that the Council requires to be imposed, or

(b) to any relevant instrument within the meaning of section 13.4 of the *Crown Land Management Act 2016*, or

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

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

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

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

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

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

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

Part 2 Permitted or prohibited development

2.1 Land use zones

The land use zones under this Plan are as follows—

Residential Zones

R2 Low Density Residential

R3 Medium Density Residential

R4 High Density Residential

Business Zones

B1 Neighbourhood Centre

B2 Local Centre

B3 Commercial Core

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B4 Mixed Use

B5 Business Development

B7 Business Park

Industrial Zones

IN1 General Industrial

IN2 Light Industrial

Special Purpose Zones

SP1 Special Activities

SP2 Infrastructure

Recreation Zones

RE1 Public Recreation

RE2 Private Recreation

Environment Protection Zones

E1 National Parks and Nature Reserves

E2 Environmental Conservation

E4 Environmental Living

2.2 Zoning of land to which Plan applies

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

2.3 Zone objectives and Land Use Table

(1) The Land Use Table at the end of this Part specifies for each zone—

(a) the objectives for development, and

(b) development that may be carried out without development consent, and

(c) development that may be carried out only with development consent, and

(d) development that is prohibited.

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

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

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

(b) a reference to a type of building or other thing does not include (despite any definition in

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

2.4 Unzoned land

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

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

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

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

2.5 Additional permitted uses for particular land

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

(a) with development consent, or

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

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

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

2.6 Subdivision—consent requirements

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

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

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

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

2.7 Demolition requires development consent

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

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

2.8 Temporary use of land

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

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

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

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

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

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

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

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

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

Land Use Table

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

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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 No 33—Hazardous and Offensive Development

State Environmental Planning Policy No 50—Canal Estate Development

State Environmental Planning Policy No 64—Advertising and Signage

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

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To accommodate development that is compatible with the scale and character of the surrounding residential development.
- To retain and enhance residential amenity, including views, solar access, aural and visual privacy, and landscape quality.
- To retain the heritage values of particular localities and places.
- To encourage self sufficiency with respect to energy and food supply.

2 Permitted without consent

Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Group homes; Home-based child care; Home businesses; Home industries; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings;Tank-based aquaculture

4 Prohibited

Any development not specified in item 2 or 3

Zone R3 Medium Density Residential

1 Objectives of zone

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

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- 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 accommodate development that is compatible with the scale and character of the surrounding residential development.
- To allow for increased residential density in accessible locations, while minimising the potential for adverse impacts of such increased density on the efficiency and safety of the road network.
- To encourage innovative design in providing a comfortable and sustainable living environment that also has regard to solar access, privacy, noise, views, vehicular access, parking and landscaping.

2 Permitted without consent

Nil

3 Permitted with consent

Attached dwellings; Boarding houses; Centre-based child care facilities; Community facilities; Group homes; Home businesses; Home occupations; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Seniors housing; Tank-based aquaculture

4 Prohibited

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

Zone R4 High Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To allow for increased residential density in accessible locations, while minimising the potential for adverse impacts of such increased density on the efficiency and safety of the road network.
- To encourage innovative design in providing a comfortable and sustainable living environment that also has regard to solar access, privacy, noise, views, vehicular access, parking and landscaping.

2 Permitted without consent

Nil

3 Permitted with consent

Boarding houses; Centre-based child care facilities; Community facilities; Home businesses; Home occupations; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Shop top housing

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4 Prohibited

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

Zone B1 Neighbourhood Centre

1 Objectives of zone

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

- To minimise the effect of business uses on the amenity of adjacent areas having regard to building design, operation and activities, traffic generation and the car parking capacity of local roads.

- To provide for services and employment within walking distance of residences
- To allow residential accommodation while maintaining active retail, business or non-residential land uses at street level.
- To generally conserve and enhance the unique sense of place of local centres by ensuring that new development displays architectural and urban design quality and integrates with the desired character and cultural heritage of these places.

2 Permitted without consent

Nil

3 Permitted with consent

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

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; 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; Function centres; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Passenger transport facilities; Pond-based aquaculture; Port facilities; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Resource recovery facilities; Restricted premises; Retail premises; Rural industries; Service stations; Sewage treatment plants; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste disposal facilities; Water recycling facilities; Water supply systems;

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Wharf or boating facilities; Wholesale supplies

Zone B2 Local Centre

1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.

- To encourage employment opportunities in accessible locations.
- To provide for services and employment within walking distance of residences
- To allow residential accommodation while maintaining active retail, business or non-residential land uses at street level.
- To generally conserve and enhance the unique sense of place of local centres by ensuring that new development displays architectural and urban design quality and integrates with the desired character and cultural heritage of these places.

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- To maximise public transport patronage and encourage walking and cycling.
- To enhance the viability, vitality and amenity of local centres.

2 Permitted without consent

Nil

3 Permitted with consent

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

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; 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; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sewage treatment plants; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

Zone B3 Commercial Core

1 Objectives of zone

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage employment opportunities to strengthen the Eastern Economic Corridor.~~To encourage appropriate employment opportunities in accessible locations.~~
- To maximise public transport patronage and encourage walking and cycling.
- To support the role of St Leonards as a ~~specialised~~ health and education centre ~~providing health, research and education facilities.~~
-
- To strengthen the role of Chatswood as a ~~major~~ strategic centre for the ~~inner north sub-region~~ North District and to improve its public domain and pedestrian links.
- To protect and encourage safe and accessible city blocks by providing active land uses on street and pedestrian frontages.
- To enhance the visual appearance of the area by ensuring new development achieves high architectural, urban design and landscape standards.

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2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; ~~Serviced apartments~~; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; 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; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Service stations; Serviced apartments; Sewage treatment plants; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste disposal facilities; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

Zone B4 Mixed Use

1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To allow for city living on the edges of the city centre of Chatswood, which supports public transport use, shopping, business and recreational services that contribute to the vitality of the centre, without undermining its commercial role.

2 Permitted without consent

Nil

3 Permitted with consent

Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor);

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Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Serviced apartments; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Service stations; Sewage treatment plants; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Waste disposal facilities; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

Zone B5 Business Development

1 Objectives of zone

- To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To accommodate businesses, provided that their access needs and the traffic generated ~~does~~ do not interfere with the safety and efficiency of the road network.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Centre-based child care facilities; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Landscaping material supplies; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Respite day care centres; Restaurants or cafes; Roads; Shop top housing; Specialised retail premises; Tank-based aquaculture; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; 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; Function

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centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Resource recovery facilities; Restricted premises; Retail premises; Rural industries; Sewage treatment plants; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Veterinary hospitals; Waste disposal facilities; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

Zone B7 Business Park

1 Objectives of zone

- To provide a range of office and light industrial uses.
- To encourage employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To ensure that the access needs and traffic generated by uses do not interfere with the safety and efficiency of the road network.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Centre-based child care facilities; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Light industries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Respite day care centres; Roads; Take away food and drink premises; Tank-based aquaculture; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; 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; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Resource recovery facilities; Restricted premises; Retail premises; Rural industries; Sewage treatment plants; Sex services premises; Signage; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Veterinary hospitals; Waste disposal facilities; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

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Zone IN1 General Industrial

1 Objectives of zone

- To provide a wide range of industrial and warehouse land uses.
-
- To encourage employment opportunities as part of the Eastern Economic Corridor.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To identify and preserve industrial land to meet the current and future general industrial needs of Willoughby and the wider region.
- To accommodate industrial development that provides employment and a range of goods and services without adversely affecting the amenity, health or safety of residents in adjacent areas.
- To permit land uses that serve the daily convenience needs of workers employed in the industrial area.
- To protect the viability of business zones in Willoughby by enabling development for the purpose of offices if they are ancillary to, and used in conjunction with, industrial, manufacturing, warehousing or other permitted uses on the same land.
- To improve the environmental quality of Willoughby by ensuring that land uses conform to land, air and water quality pollution standards and environmental and hazard reduction guidelines.
- To accommodate uses that, because of demonstrated special building or site requirements or operational characteristics, cannot be, or are inappropriate to be, located in other zones.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Depots; Freight transport facilities; Garden centres; General Industries; Hardware and building supplies; Industrial training facilities; Light industries; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pubs; Roads; Take away food and drink premises; Tank-based aquaculture; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Heavy industries; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Information and education facilities; Marinas; Mooring pens; Mortuaries; Open cut mining; Passenger transport facilities; Pond-

based aquaculture; Port facilities; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Sewage treatment plants; Signage; Tourist and visitor accommodation; Veterinary hospitals; Water recycling facilities; Water supply systems; Wharf or boating facilities; 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 as part of the Eastern Economic Corridor.
- ~~and to support the viability of centres.~~
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.
- To identify and preserve industrial land to meet the current and future light industrial needs of Willoughby and the wider region.
- To accommodate industrial development that provides employment and a range of goods and services without adversely affecting the amenity, health or safety of residents in adjacent areas.
- To protect the viability of business zones in Willoughby by enabling development for the purposes of offices if they are used in conjunction with industrial, manufacturing, warehousing or other permitted uses on the same land.
- To improve the environmental quality of Willoughby by ensuring that land uses conform to land, air and water quality pollution standards and environmental and hazard reduction guidelines.
- To accommodate uses that, because of demonstrated special building or site requirements or operational characteristics, cannot be or are inappropriate to be located in other zones.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Depots; Garden centres; Hardware and building supplies; Industrial training facilities; Light industries; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pubs; Roads; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Centre-based child care facilities ; Charter and tourism boating facilities; Commercial premises; Correctional centres;

Crematoria; Educational

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establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Information and education facilities; Marinas; Mortuaries; Open cut mining; Passenger transport facilities; Pond-based aquaculture; Port facilities; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Sewage treatment plants; Signage; Tourist and visitor accommodation; Transport depots; Truck depots; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

Zone SP1 Special Activities

1 Objectives of zone

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

2 Permitted without consent

Nil

3 Permitted with consent

Aquaculture; 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 provide for classified roads.

2 Permitted without consent

Nil

3 Permitted with consent

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

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4 Prohibited

Any development not specified in item 2 or 3

Zone RE1 Public Recreation

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To protect and enhance areas of ecological, scientific, cultural or aesthetic value.
- To maintain and provide visual open space links to a diversity of public and private spaces and facilities as an integral part of the open space system.
- To provide adequate open space areas to meet the existing and future needs of the residents of Willoughby.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Aquaculture; Centre-based child care facilities; Community facilities; Environmental facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; 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 minimise the potential for adverse effects from new development on the amenity of the locality.

2 Permitted without consent

Nil

3 Permitted with consent

Aquaculture; Centre-based child care facilities; Community facilities; Environmental facilities; Environmental protection works; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation

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facilities (outdoor); Registered clubs; Respite day care centres; Roads

4 Prohibited

Any development not specified in item 2 or 3

Zone E1 National Parks and Nature Reserves

1 Objectives of zone

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

2 Permitted without consent

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

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.
- To conserve native plant and animal species through the maintenance of suitable habitats.
- To contribute to the scenic quality of Willoughby, including the foreshore.

2 Permitted without consent

Nil

3 Permitted with consent

Environmental facilities; Environmental protection works; Oyster aquaculture; Roads

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution

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centres; Any other development not specified in item 2 or 3

Zone E4 Environmental Living

1 Objectives of zone

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To ensure that development preserves and enhances the natural features and bushland within the immediate locality (including natural vegetation, geological features, drainage patterns, the water table and the relationship of development to the natural topography) and does not increase bush fire hazard potential.
- To maintain the scale, character and streetscape of individual localities.
- To retain and enhance residential amenity, including views, solar access, aural and visual privacy, foreshore setting, landscape quality and heritage value.

2 Permitted without consent

Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Dual occupancies; Dwelling houses; Environmental protection works; Home-based child care; Home businesses; Oyster aquaculture; Pond-based aquaculture; Roads; Secondary dwellings; Tank-based aquaculture

4 Prohibited

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

Part 3 Exempt and complying development

3.1 Exempt development

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

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

(3) To be exempt development, the development—

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

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

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(c) must not be designated development, and

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

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

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

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

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

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

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

Note. See *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* and Part 5A of the *Local Land Services Act 2013*.

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

3.2 Complying development

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

(2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with—

(a) the development standards specified in relation to that development, and

(b) the requirements of this Part,

is complying development.

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

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

(a) be permissible, with development consent, in the zone in which it is carried out, and

(b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and

(c) have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.

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

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

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3.3 Environmentally sensitive areas excluded

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

(2) For the purposes of this clause—

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

(a) the coastal waters of the State,

(b) a coastal lake,

(c) land within the coastal wetlands and littoral rainforests area (within the meaning of the *Coastal Management Act2016*),

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

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

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

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

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

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

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

Part 4 Principal development standards

4.1 Minimum subdivision lot size

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

(a) to retain the pattern of subdivision in low density residential and environmental living zones,

(b) to ensure lots have sufficient area for the effective siting of development in order to achieve a good relationship with adjoining dwellings and to provide adequate space for landscaped open space, drainage, parking, residential amenity and other services,

(c) to require larger lots along the foreshore or where the topography or other natural features of a site limit its subdivision potential,

(d) to ensure that subdivision does not cause fragmentation of sites that limits potential future

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uses or redevelopment in accordance with the zone objectives.

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

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

(3A) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size.

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

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

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

4.1AA Minimum subdivision lot size for community title schemes

[Not adopted]

4.1A Minimum subdivision lot size for strata plan schemes in Zone B3

(1) The objective of this clause is to ensure that the land to which this clause applies is not fragmented by subdivision that would adversely impact the tenancy mix and long-term potential of commercial properties for redevelopment.

(2) This clause applies to land in Zone B3 Commercial Core in the Chatswood central business district, identified as "Area 1" on the Lot Size Map.

(3) The size of any lot resulting from a subdivision of land to which this clause applies under the *Strata Schemes (Freehold Development) Act 1973* (other than any lot comprising common property within the meaning of that Act) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

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

~~**4.1B Minimum subdivision lot size for shop top housing**~~

~~(1) Despite clause 4.1, development consent may be granted for the subdivision of shop top housing on a lot—~~

~~(a) on which development for the purpose of shop top housing is permitted under Schedule 1, and~~

~~(b) that comprises land identified as "Area 1" on the Lot Size Map,~~

~~even if the size of any or all lots resulting from the subdivision is less than the minimum size shown on the Lot Size Map in relation to that land.~~

~~(2) For the avoidance of doubt, the minimum size shown on the Lot Size Map in relation to that lot continues to apply to the subdivision of the premises on the ground floor and any other floor that~~

~~does not contain shop top housing on that lot.~~

4.1C Minimum subdivision lot size for dual occupancies

(1A) ~~Despite any other provision of this Plan, development consent must not be granted to the subdivision of a lot on which there is a dual occupancy except in accordance with this clause.~~

~~(1B) Development consent may be granted to the subdivision of a lot on which there is a dual occupancy if the size of any lot resulting from the subdivision is not to be less than the minimum size shown on the *Lot Size Map* in relation to that lot.~~

(1) Development consent may also be granted to the subdivision of a lot on which there is a dual occupancy if—

(a) the lot is not a lot in the area identified as "Area 1" on the Dual Occupancy Restriction Map, and

(b) the area of each lot resulting from the subdivision is at least 350 square metres, and

(c) each of the resulting lots will have one of the dwellings on it, and

the floor space ratio of each dwelling does not exceed—

(i) for R2 zoned land not located in a conservation areas any GFA specified under Clause 4.7 Or
(ii) for E4 zoned land, any floor space ratio specified under clause 4.4A for a building on the lot,

~~(d) (i) 0.4:1, or~~

~~(e) (ii) any floor space ratio specified under clause 4.4A for a building on the lot, whichever is the lesser, and~~

~~(f) a final occupation certificate was issued for the dual occupancy at least 5 years before the development consent is granted.~~

(2) (Repealed)

4.2 Rural subdivision

[Not applicable]

4.3 Height of buildings

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

(a) to ensure that new development is in harmony with the bulk and scale of surrounding buildings and the streetscape,

(b) to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,

(c) to ensure a high visual quality of the development when viewed from adjoining properties,

the street, waterways, public reserves or foreshores,

(d) to minimise disruption to existing views or to achieve reasonable view sharing from adjacent developments or from public open spaces with the height and bulk of the development,

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(e) to set upper limits for the height of buildings that are consistent with the redevelopment potential of the relevant land given other development restrictions, such as floor space and landscaping,

(f) to use maximum height limits to assist in responding to the current and desired future character of the locality,

(g) to reinforce the primary character and land use of the city centre of Chatswood with the area west of the North Shore Rail Line, being the commercial office core of Chatswood, and the area east of the North Shore Rail Line, being the retail shopping core of Chatswood,

(h) to achieve transitions in building scale from higher intensity business and retail centres to surrounding residential areas.

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

4.3A Exceptions to height of buildings

(1) The height of a building on land in Zone E4 Environmental Living in Northbridge that is identified as "Area 1" on the Height of Buildings Map must not exceed—

(a) a height that is equal to 3.5 metres above ground level (existing) at the highest point of the land where the land adjoins the street frontage, and

(b) 10 metres above ground level (existing) at any other point of the land.

~~(2) The height of a building on land in Herbert Street, St Leonards that is identified as "Area 2" on the Height of Buildings Map must not exceed RL 105 Australian Height Datum, except for the following—~~

~~(a) if the building is on the area that is, or was, occupied by the former substation brick building—the height of the building must not exceed RL 98 Australian Height Datum,~~

~~(b) if the former substation brick building is retained for adaptation—the height of the building on land at 13 Herbert Street, St Leonards, being the land containing building 3 as identified on SP 66951, must not exceed RL 130 Australian Height Datum,~~

~~(c) if the former substation brick building is retained for adaptation—the height of the building on land at 7 or 9 Herbert Street, St Leonards, being the land containing buildings 1 and 2 as identified on SP 69609, must not exceed RL 140 Australian Height Datum.~~

~~(3) Subject to subclause (4), the height of a building on land in Victoria Avenue, Chatswood that is identified as "Area 3" on the Height of Buildings Map must not exceed, for the first 1 metre of the building back from the road frontage, 7 metres above ground level (existing) at the centre point of the lot boundary where it adjoins the road frontage.~~

~~(4) If the building is on the northern side of Victoria Avenue, Chatswood on land that is identified as "Area 3" on the Height of Buildings Map, any part of the building that is more than 1 metre back from the road frontage and higher than 7 metres above ground level (existing) at the centre point of the lot boundary where it adjoins the road frontage must be set back to conform to the sun plane angle at mid-winter between 12.00 pm and 2.00 pm.~~

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~~(5) The height of a dual occupancy (detached) must not exceed 5.7 metres if—~~

~~(a) there is an existing dwelling house on the lot, or~~

~~(b) the dual occupancy is the furthest from the street frontage, or~~

~~(c) in relation to a corner lot—the dual occupancy is the furthest from the junction of the two streets.~~

~~(6)~~(2) The height of a secondary dwelling must not exceed 5.7 metres if it is separate from the principal dwelling.

(3) The height of a building on land in the foreshore area must not exceed 3.5 metres above ground level (existing) on any part of the lot.

5 (4)Development consent must not be granted if the development would cause increased overshadowing to the tree canopy of the *Angophora costata* on the Chatswood Police Station at mid-winter between 12.00 pm and 2.00pm.

4.3 (8) ~~Development consent must not be granted to the erection of a building within 50 metres of The Concourse, Garden of Remembrance, Chatswood Park and Oval, Chatswood Mall and the *Angophora costata* on the Chatswood Police Station site if the development would cause increased overshadowing impacts on the space used by the public, or the tree canopy in the case of the *Angophora costata*, at mid-winter between 12.00 pm and 2.00pm.~~

(5) The maximum Height of a building on land identified as "Area 2" (134-160 Sailors Bay Road and 157-177 Sailors Bay Road, Northbridge) on the Height of Buildings Map may exceed 14m if —

(a) the first 2 storeys are wholly commercial, and

(b) the Height will not exceed 17m.

4.4 Floor space ratio

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

(a) to limit the intensity of development to which the controls apply so that it will be carried out in accordance with the environmental capacity of the land and the zone objectives for the land,

(b) to limit traffic generation as a result of that development,

(c) to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,

(d) to manage the bulk and scale of that development to suit the land use purpose and objectives of the zone,

(e) to permit higher density development at transport nodal points,

(f) to allow growth for a mix of retail, business and commercial purposes consistent with Chatswood's sub-regional retail and business service, employment, entertainment and cultural roles while conserving the compactness of the city centre of Chatswood,

(g) to reinforce the primary character and land use of the city centre of Chatswood with the area west of the North Shore Rail Line, being the commercial office core of Chatswood, and the area east of the North Shore Rail Line, being the retail shopping core of Chatswood,

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(h) to provide functional and accessible open spaces with good sunlight access during key usage times and provide for passive and active enjoyment by workers, residents and visitors to the city centre of Chatswood,

(i) to achieve transitions in building scale and density from the higher intensity business and retail centres to surrounding residential areas,

(j) to encourage the consolidation of certain land for redevelopment,

(k) to encourage the provision of community facilities and affordable housing and the conservation of heritage items by permitting additional gross floor area for these land uses.

(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) the maximum floor space ratio for a building on land in Zone R2 Low Density Residential or Zone E4 Environmental Living is to be determined as if the area of the access laneway of a battle-axe lot were not part of the area of the lot, and

(b) part of the floor area of a building is taken not to be part of the gross floor area of the building for determining the maximum floor space ratio of the building if it—

(i) is to be used for community facilities, or
(ii) is a heritage item, or
(iii) is to be used for affordable housing purposes and is on land identified as "Area 3" on the Special Provisions Area Map.

(2B) Subclause (2A)(b) does not apply unless the consent authority is satisfied that—

(a) the building will not cause adverse impacts on adjoining land in terms of overshadowing, privacy, bulk and scale, and

(b) the conservation of any heritage item and its setting will be achieved.

(2C) Subclause (2A)(b)(~~i)~~ (iii) does not apply in respect of a building used for affordable housing purposes if the erection of the building is consistent with Division 1 of Part 2 of *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

4.4A Exceptions to floor space ratio

~~(1) The maximum floor space ratio for all buildings on a lot in Zone R2 Low Density Residential in the area identified as "Area 1" on the Floor Space Ratio Map, the total area of which is specified in Column 1 of the Table to this subclause, is the floor space ratio specified opposite that area in Column 2 of that Table.~~

~~**Maximum floor space ratio for Zone R2 in Area 1**~~

~~Column 1~~	~~Column 2~~
~~Site area (square metres)~~	~~Floor space ratio (:1)~~

~~Under 200~~	~~0.65~~
~~200–300~~	~~0.55~~
~~301–400~~	~~0.50~~
~~401–500~~	~~0.47~~
~~501–600~~	~~0.45~~

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~~601–700~~	~~0.43~~
~~701–800~~	~~0.41~~
~~Over 800~~	~~0.40~~

~~(2)~~(1) The maximum floor space ratio for all buildings on a lot in Zone E4 Environmental Living in the area identified as "Area 2" on the Floor Space Ratio Map, the total area of which is specified in Column 1 of the Table to this subclause, is the floor space ratio specified opposite that area in Column 2 of that Table.

Maximum floor space ratio for Zone E4 in Area 2

Column 1 Site area (square metres)	Column 2 Floor space ratio (:1)
Under 400	0.50
400–500	0.44
501–600	0.40
601–700	0.37
701–800	0.35
801–900	0.32
901–1,000	0.30
1,001–1,100	0.28
1,101–1,200	0.27
1,201–1,300	0.26
Over 1,300	0.25

~~(3) The maximum floor space ratio for all buildings on a lot in Zone R2 Low Density Residential in the area identified as "Area 3" on the Floor Space Ratio Map, the total area of which is specified in Column 1 of the Table to this subclause, is the floor space ratio specified opposite that area in Column 2 of that Table.~~

~~**Maximum floor space ratio for Zone R2 in Area 3**~~

~~Column 1 Site area (square metres)~~	~~Column 2 Floor space ratio (:1)~~
~~Under 200~~	~~0.65~~
~~200–300~~	~~0.55~~
~~301–400~~	~~0.50~~
~~401–500~~	~~0.47~~

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~~Over 500 0.45~~

~~(4) The maximum floor space ratio for a building on land identified as "Area 4" on the Floor Space Ratio Map may exceed 3:1 if—~~

~~(a) the former substation brick building is retained for adaptation, and~~

~~(b) the floor space ratio does not exceed 4:1.~~

~~(5)~~(2) The maximum floor space ratio for a building on land identified as "Area 5" ~~or "~~Area 6" or "Area 17 on the Floor Space Ratio Map may exceed 1:1 if—

(a) the site area is greater than 1,000 square metres, and

(b) the building is on land in Area 5 the floor space ratio will not exceed 1.5:1, ~~and~~

(c) ~~if~~ the building is on land in Area 6 the floor space ratio will not exceed 2:1 ~~—~~ and the site coverage will not exceed 45% of the site area~~.~~

~~(c)~~(d) the building is on land in Area 17 the floor space ratio will not exceed 2:1,

~~(6)~~(3) The maximum floor space ratio for a building on land identified as "Area 7" on the Floor Space Ratio Map may exceed 1:1 if—

(a) the site area is greater than 1,000 square metres, and

(b) the floor space ratio will not exceed 2.5:1.

~~(7) Development consent must not be granted to the erection of a dual occupancy on land in Zone R2 Low Density Residential if the floor space ratio of the dual occupancy would exceed 0.4:1.~~

~~(8) Development consent may be granted to the alteration of a dwelling house to create a dual occupancy if the floor space ratio of the 2 buildings, as altered, will not exceed the floor space ratio of the dwelling house before the alteration.~~

~~(9) The total floor space ratio for all shops on land in Zone B2 Local Centre, known as Lot 1, DP 1013682, 79–113 Sailors Bay Road, Northbridge, must not exceed 1:1.~~

~~(10) The total floor space ratio for all shops on land in Zone B3 Commercial Core, known as Lots 2, 3 and 5, DP 879307, 201–205 Pacific Highway, St Leonards, being land bounded by Herbert Street, Pacific Highway, Sergeants Lane and Chandos Street, must not exceed 0.4:1.~~

~~(11) The maximum floor space ratio for all shops on land in Zone B3 Commercial Core, known as 2–10 Chandos Street, St Leonards and 2–14 Northcote Street, Naremburn, must not exceed 0.2:1.~~

~~(12) The total floor space ratio for all buildings on land identified as "Area 8" on the Floor Space Ratio Map may exceed 5:1 if—~~

~~(a) the site area exceeds 2,500 square metres, and~~

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~~(b) the floor space ratio will not exceed 10.5:1, and~~

~~(c) a minimum of 40% of the site is available for landscaping, publicly accessible space and through site links, and~~

~~(d)~~(c) ~~site coverage does not exceed 60%~~.

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~~(13) The maximum floor space ratio for a building on land identified as "Area 9" on the Floor Space Ratio Map may exceed 2.5:1 if—~~

~~(a) the site area exceeds 3,000 square metres, and~~

~~(b) the floor space ratio will not exceed 4:1.~~

~~(14) Development consent must not be granted for shop top housing on land in Zone B4 Mixed Use if—~~

~~(a) for land bounded by Victoria Avenue, Hercules Street, Oscar Street and Albert Avenue, Chatswood—the floor space ratio for the housing will exceed 1.25:1, or~~

~~(b) for all other land in that zone—the floor space ratio for the housing will exceed 1:1.~~

~~(15)~~(4) The maximum floor space ratio for all buildings on a lot in Zone E4 Environmental Living in the area identified as "Area 8 ~~10~~" on the Floor Space Ratio Map, the total area of which is specified in Column 1 of the Table to this subclause, is the floor space ratio specified opposite that area in Column 2 of that Table.

Maximum floor space ratio for Zone E4 in Area 8 ~~10~~

Column 1	Column 2
Site area (square metres)	**Floor space ratio (:1)**
Under 400	0.45
400–500	0.40
501–600	0.36
601–700	0.34
701–800	0.32
801–900	0.30
901–1,000	0.28
1,001–1,100	0.26
1,101–1,300	0.25
Over 1,300	0.24

~~(16) Development consent may be granted for the purpose of erecting a building on land that is identified as "Area 11" on the Floor Space Ratio Map, known as 2–12 Thomas Street, 73–77 Albert Avenue and Fleet Lane, Chatswood, that would result in the floor space ratio not exceeding 7:1 if—~~

~~(a) the site area exceeds 4,000 square metres, and~~

~~(b) the floor space ratio of any shop top housing will not exceed 3.5:1.~~

~~(17)~~(5) Development consent may be granted for the purpose of erecting a building on land identified as "Area 9 ~~12~~" on the Floor Space Ratio Map (known as 688–692 Pacific Highway, Chatswood)

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that would result in the floor space ratio exceeding 2:1 if—

(a) the site area exceeds 1,140 square metres, and

(b) the floor space ratio will not exceed 3.7:1.

~~(18)~~(6) Development consent may be granted for the purpose of erecting a building on land identified as "Area 10 ~~13~~" on the Floor Space Ratio Map (known as 2–14 Northcote Street, Naremburn) that would result in the floor space ratio exceeding 2:1 if—

(a) the site area exceeds 3,900 square metres, and

(b) the floor space ratio will not exceed 2.5:1.

~~(19) The maximum floor space ratio for a building on land identified as "Area 14" on the Floor Space Ratio Map may exceed 2.7:1 if—~~

~~(a) the site area exceeds 2,200 square metres, and~~

~~(b) the floor space ratio will not exceed 4:1, and~~

~~(c) the floor space ratio of any shop top housing will not exceed 2:1.~~

~~(20)~~(7) The maximum floor space ratio for buildings on land identified as "Area 12~~17~~" on the Floor Space Ratio Map is—

(a) in the case of buildings that are, or are part of, a hospital—2.5:1, or

(b) in any other case—1:1 or (if the site area is greater than 1,000 square metres and the site coverage does not exceed 45% of the site area) 1.5:1.

~~(21)~~(8) Development consent may be granted for the purpose of erecting a building on land identified as "Area 13 ~~18~~" on the Floor Space Ratio Map that would result in the floor space ratio exceeding 1:1 if—

(a) the site area exceeds 1,000 square metres, and

(b) the floor space ratio will not exceed 3.5:1, and

(c) the site coverage will not exceed 60% of the site area.

~~(22)~~(9) The maximum floor space ratio for a building on land identified as "Area 14 ~~19~~" on the Floor Space Ratio Map may exceed 1:1 if—

(a) the site area exceeds 1,000 square metres, and

(b) the floor space ratio will not exceed 1.5:1, and

(c) the site coverage will not exceed 60% of the site area.

~~(23)~~(10) The maximum floor space ratio for a building on land identified as "Area 15~~20~~" on the Floor Space Ratio Map may exceed 1:1 if—

(a) the site area exceeds 12,000 square metres, and

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(b) the floor space ratio will not exceed 4.5:1, and

(c) the site coverage will not exceed 60% of the site area.

~~(24)~~(11) The maximum floor space ratio for a building on land identified as "Area 11~~15~~" on the Floor Space Ratio Map may exceed 1:1 if the site area exceeds 1,000 square metres and—

(a) in the case of buildings that are, or are part of, a hospital—the floor space ratio will not exceed 3:1, or

(b) in any other case—

(i) the floor space ratio will not exceed 1.5:1, and

(ii) the site coverage will not exceed 45% of the site area.

(12) The maximum Floor Space Ratio on land identified as "Area 3" (being 481-515 Willoughby Road, 60 Frenchs Road & 1 Prentice Lane) on the Floor Space Ratio Map may exceed 2:1 if —
(a) the site area exceeds 1,500m² and
(b) the FSR will not exceed 3:1 with a minimum non residential floorspace of 1.5:1.
(c) a public plaza is provided on the site.

(13) The maximum Floor Space Ratio on land identified as "Area4" (being 100 Edinburgh Road, Castlecrag) on the Floor Space Ratio Map may exceed 1.6:1 if —
(a) additional floorspace is located below the Edinburgh Road frontage and
(b) the FSR will not exceed 1.8:1 and the building does not exceed the height on the Height of Building Map.

4.4A (14) **Minimum non-residential floor space in the Mixed Use Zone**

Land zoned B4 Mixed Use is to contain a minimum non-residential floor space component. This is calculated at 17% of FSR as indicated on the Floor Space Ratio Map.

(15) The maximum Floor Space Ratio on land identified as "Area16 " (being 14- 102 Chandos Street St Leoanards) on the Floor Space Ratio Map is 3:1, comprising a minimum 1:1 commercial floor space and a maximum 2:1 residential for shop top housing.

4.5 Calculation of floor space ratio and site area

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

(a) to define ***floor space ratio***,

(b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to—

(i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and

(ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and

(iii) require community land and public places to be dealt with separately.

(2) **Definition of "floor space ratio"** The ***floor space ratio*** of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

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

(a) if the proposed development is to be carried out on only one lot, the area of that lot, or

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

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

(4) **Exclusions from site area** The following land must be excluded from the site area—

(a) land on which the proposed development is prohibited, whether under this Plan or any other law,

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

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

(6) **Only significant development to be included** The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

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

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

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

(10) **Covenants affect consolidated sites** If—

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

(b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

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

4.6 Exceptions to development standards

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

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

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

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standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless—

(a) the consent authority is satisfied that—

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Planning Secretary has been obtained.

(5) In deciding whether to grant concurrence, the Planning Secretary must consider—

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.

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

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

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

Note. When this Plan was made it did not include 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 or Zone E3 Environmental Management.

(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

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written request referred to in subclause (3).

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

(a) a development standard for complying development,

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

(c) clause 5.4,

(ca) clause 4.3 (to the extent that it applies to land at 1–5 Broadcast Way, Artarmon, being Lots 1–6, DP 270714).

4.7 Gross Floor Area for certain R2 zoned land

(1) The maximum gross floor area of all buildings on a lot on a lot in Zone R2 Low Density Residential which is not located in a Heritage Conservation area is shown in the following table—

Lot area	**Maximum GFA**
Under 200m²	65%
200m²–250m²	78% of lot area
>250m²–300m²	75% of lot area
>300m²–350m²	235m²
>350m²–450m²	25% of lot area + 150m²
>450m²–560m²	290m²
>560m²–600m²	25% of lot area + 150m²
>600m²–740m²	335m²
>740m²–900m²	25% of lot area + 150m²
>900m²–920m²	380m²
>920m²–1,000m²	25% of lot area + 150m²
>1,000m²	400m²

(the GFA includes all attached and detached buildings but excludes the area of one car space (18m²) within a garage)

(2) **Minimum gross floor area for attached and detached dual occupancies in the R2 Zone, (in the case of attached dual occupancy where no part of a dwelling is located above any part of another dwelling).**

Maximum gross floor area of all buildings

The maximum gross floor area of all buildings on a lot is shown in the following table—

Lot area of parent lot	**Maximum GFA**
700m²–2,000m²	25% of lot area + 300m²
>2,000m²	800m²

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Minimum gross floor area for dual occupancies in the R2 zone where part of a dwelling is located above part of another dwelling.

Maximum gross floor area of all buildings
The maximum gross floor area of all buildings on a lot is 25% of the lot area plus 150m², to a maximum of 400m²

Part 5 Miscellaneous provisions

5.1 Relevant acquisition authority

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

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

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

Type of land shown on Map	Authority of the State
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 2.5 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Roads and Maritime Services
Zone E1 National Parks and Nature Reserves and marked "National Park"	Minister administering the *National Parks and Wildlife Act 1974*
Zone E2 Environmental Conservation and marked "Regional open space"	The corporation constituted under section 8 of the Act
Zone R2 Low Density Residential and marked "Local road widening"	Council

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Zone R3 Medium Density Residential and marked "Local road widening"	Council
Zone B2 Local Centre and marked "Local road widening"	Council
Zone B4 Mixed Use and marked "Local road widening"	Council

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

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

(1) The objective of this clause is to 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 relevant authority of the State specified for the land in clause 5.1.

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

Column 1 Land	Column 2 Development
Zone RE1 Public Recreation and marked "Local open space"	Recreation areas
Zone RE1 Public Recreation and marked "Regional open space"	Environmental protection works
Zone SP2 Infrastructure and marked "Classified road"	Roads
Zone E2 Environmental Conservation and marked "Regional open space"	Environmental protection works
Zone R2 Low Density Residential and marked "Local road widening"	Roads
Zone R3 Medium Density Residential and marked "Local road widening"	Roads
Zone B2 Local Centre and marked "Local road widening"	Roads
Zone B4 Mixed Use and marked "Local road widening"	Roads

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5.2 Classification and reclassification of public land

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

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

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

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

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

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

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

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

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

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

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

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

5.3 Development near zone boundaries

[Not adopted]

5.4 Controls relating to miscellaneous permissible uses

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

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

(2) **Home businesses** If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 30 square metres of

floor area.

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

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

(a) 1% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or

(b) 100 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 10 square metres.

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

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

(8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 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) 10% of the total floor area of the principal dwelling.

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

(a) 1% of the gross floor area of the industry, or

(b) 100 square metres,

whichever is the lesser.

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5.5 (Repealed)

~~5.6 Architectural roof features~~ (Repealed)

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

~~(a) to encourage innovative and high quality architectural design for buildings with a height of 60 metres or more,~~

~~(b) to reinforce the distinctive skyline profile of the city centre of Chatswood when viewed from other parts of Sydney.~~

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

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

~~(a) the architectural roof feature—~~

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

~~(ii) is not an advertising structure, and~~

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

~~(iv) will cause minimal overshadowing, and~~

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

5.7 Development below mean high water mark

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

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

5.8 Conversion of fire alarms

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

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

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

(b) converting a fire alarm system from connection with the alarm monitoring system of a

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private service provider to connection with the alarm monitoring system of another private service provider,

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

(3) Development to which subclause (2) applies is complying development if it consists only of—

(a) internal alterations to a building, or

(b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.

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

(5) In this clause—

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

5.9 , 5.9AA (Repealed)

5.10 Heritage conservation

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

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

(a) to conserve the environmental heritage of Willoughby,

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

(c) to conserve archaeological sites,

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

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

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

(i) a heritage item,

(ii) an Aboriginal object,

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

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

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

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

(e) erecting a building on land—

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

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

(f) subdividing land—

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

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

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

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

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

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

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

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

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

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

(d) the development is exempt development.

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

prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) **Conservation incentives** The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for

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that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—

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

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

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

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

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

5.11 Bush fire hazard reduction

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

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

5.12 Infrastructure development and use of existing buildings of the Crown

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

(2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

5.13 Eco-tourist facilities

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

(a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,

(b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.

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

(3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that—

(a) there is a demonstrated connection between the development and the ecological,

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environmental and cultural values of the site or area, and

(b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and

(c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and

(d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and native flora and fauna will be minimal, and

(e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and

(f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and

(g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours, materials and landscaping with local native flora, and

(h) any infrastructure services to the site will be provided without significant modification to the environment, and

(i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and

(j) the development will not adversely affect the agricultural productivity of adjoining land, and

(k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment—

(i) measures to remove any threat of serious or irreversible environmental damage,

(ii) the maintenance (or regeneration where necessary) of habitats,

(iii) efficient and minimal energy and water use and waste output,

(iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,

(v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.

5.14 Siding Spring Observatory—maintaining dark sky

[Not adopted]

5.15 Defence communications facility

[Not adopted]

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

[Not applicable]

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

[Not applicable]

5.18 Intensive livestock agriculture

[Not applicable]

5.19 Pond-based, tank-based and oyster aquaculture

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

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

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

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

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

(b) in the case of—

(i) pond-based aquaculture or tank-based aquaculture in Zone R1 General Residential, Zone R2 Low Density Residential or Zone R5 Large Lot Residential—that the development is for the purpose of small scale aquarium fish production, and

(ii) pond-based aquaculture in Zone E3 Environmental Management or Zone E4 Environmental Living—that the development is for the purpose of extensive aquaculture, and

(iii) tank-based aquaculture in Zone R3 Medium Density Residential, Zone E3 Environmental Management or Zone E4 Environmental Living—that the development is for the purpose of small scale aquarium fish production, and

(iv) pond-based aquaculture or tank-based aquaculture in Zone W1 Natural Waterways, Zone W2 Recreational Waterways or Zone W3 Working Waterways—that the development will use waterways to source water.

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

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(4) **Extensive pond-based aquaculture permitted without consent in certain zones** Development for the purpose of pond-based aquaculture, that is also extensive aquaculture, may be carried out without development consent if—

(a) the development is carried out in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots or Zone RU6 Transition, and

(b) the development complies with the site location requirements and operational requirements set out in Part 2 of Schedule 6.

(5) **Oyster aquaculture—additional matters that consent authority must consider in determining a development application** In determining a development application for development for the purpose of oyster aquaculture, the consent authority must consider—

(a) any provisions of any aquaculture industry development plan that are relevant to the subject of the development application, and

(b) the *NSW Oyster Industry Sustainable Aquaculture Strategy*.

(6) **Oyster aquaculture permitted without consent in priority oyster aquaculture areas** Development for the purpose of oyster aquaculture may be carried out without development consent—

(a) on land that is wholly within a priority oyster aquaculture area, or

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

(7) **Definitions** In this clause—

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

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

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

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

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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

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subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

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

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

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

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

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

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

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

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

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

(6) Despite subclause (2), development consent is not required under this clause to carry out any works if—

(a) the works involve the disturbance of less than 1 tonne of soil, and

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

6.2 Earthworks

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

(2) Development consent is required for earthworks unless—

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

(b) the earthworks are ancillary to 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, drainage patterns and soil stability in the locality,

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

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

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

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

(f) the likelihood of disturbing relics,

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

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

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

6.3 Flood planning

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

(a) to minimise the flood risk to life and property associated with the use of land,

(b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,

(c) to avoid significant adverse impacts on flood behaviour and the environment.

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(2) This clause applies to land at or below the flood planning level.

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

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

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

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

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

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

(4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0), published by the NSW Government in April 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.

6.4 Limited development on foreshore area

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

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

(a) single storey structures such as boat sheds, slipways and jetties that have a direct functional relationship with the waterway,

(b) inclinators, stairs and other structures designed to provide pedestrian access to the waterway,

(c) development for the purposes of barbecues, cycleways, fences, garden sheds, pergolas, picnic facilities, public amenities, retaining walls, swimming pools or walking trails.

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

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

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

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

(i) pollution or siltation of the waterway, or

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

(iii) an adverse effect on drainage patterns, and

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

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

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

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

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

6.5 Signage

(1) The objective of this clause is to ensure that signage does not interfere with the visual amenity and safety of localities.

(2) Development consent must not be granted to the erection or display of signage on land in a zone where that development is permitted under the Land Use Table unless the consent authority is satisfied that—

(a) the signage is associated with or ancillary to another permitted use of the land, and

(b) the signage specifies one or more of the following—

(i) the purpose for which the land or premises is used,

(ii) the identification of a person residing or carrying on an occupation or business on the land or premises, including a description of the occupation or business,

(iii) the goods or services provided on the land or premises, and

(c) the erection, siting, dimensions or display of the signage would not have a significant adverse impact on the visual amenity or the safety of the locality.

6.6 Airspace operations

(1) The objective of this clause is to protect airspace around airports.

(2) The consent authority must not grant development consent to development that is a controlled activity within the meaning of Division 4 of Part 12 of the *Airports Act 1996* of the Commonwealth unless the applicant has obtained approval for the controlled activity under regulations made for the purpose of that Division.

Note

Controlled activities include the construction or alteration of buildings or other structures that causes an intrusion into prescribed airspace (being generally airspace around airports). Controlled activities cannot be carried out without an approval granted under regulations made for the purposes of Division 4 of Part 12 of the *Airports Act 1996* of the Commonwealth.

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

~~(a) to provide for the effective and ongoing operation of the Sydney Airport by ensuring that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport,~~

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~~(b) to protect the community from undue risk from that operation.~~

~~(2) If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.~~

~~(3) The consent authority may grant development consent for the development if the relevant Commonwealth body advises that —~~

~~(a) the development will penetrate the Limitation or Operations Surface but it has no objection to its construction, or~~

~~(b) the development will not penetrate the Limitation or Operations Surface.~~

~~(4) The consent authority must not grant development consent for the development if the relevant Commonwealth body advises that the development will penetrate the Limitation or Operations Surface and should not be constructed.~~

~~(5) In this clause —~~

~~***Limitation or Operations Surface*** means the Obstacle Limitation Surface or the Procedures for Air Navigation Services Operations Surface as shown on the *Obstacle Limitation Surface Map* or the *Procedures for Air Navigation Services Operations Surface Map* for the Sydney Airport.~~

~~***relevant Commonwealth body*** means the body, under Commonwealth legislation, that is responsible for development approvals for development that penetrates the Limitation or Operations Surface for the Sydney Airport.~~

6.7 Active street frontages

(1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B1 Neighbourhood Centre, Zone B2 Local Centre, Zone B3 Commercial Core and Zone B4 Mixed Use, B5 Business Development and B7 Business Park~~.~~

(2) This clause applies to land identified as "Active Street Frontages" on the Active Street Frontages Map.

(3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.

(4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following—

(a) entrances and lobbies (including as part of mixed use development),

(b) access for fire services,

(c) vehicular access.

~~(5)~~ (5) In this clause, a building has an ***active street frontage*** if~~: all premises on the ground floor~~

~~of the building facing the street are used for the purposes of business premises or retail premises.~~

a) In the Zone B3 Commercial Core, all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.

b) In the Zone B1 Neighbourhood Business, B2 Local Centre, B4 Mixed Use, B5 Business Development and B7 Business Park, all premises on the ground floor of the building facing the street are used for the purposes of commercial premises."

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6.8 Affordable housing

(1) For the purposes of this clause, the ***Willoughby Affordable Housing Principles*** are as follows—

(a) affordable housing must be provided and managed in Willoughby so that accommodation for a diverse residential population representative of all income groups is available in Willoughby, and

(b) affordable housing must be rented to tenants whose gross household incomes fall within the following ranges of percentages of the median household income for the time being for the Greater Sydney (Greater Capital City Statistical Area) according to the Australian Bureau of Statistics—

Very low income household	less than 50%
Low income household	50% or more, but less than 80%
Moderate income household	80–120%

and at rents that do not exceed a benchmark of 30% of their actual household income, and

(c) dwellings provided for affordable housing must be managed so as to maintain their continued use for affordable housing, and

(d) rental from affordable housing received by or on behalf of the Council, after deduction of normal landlord's expenses (including management and maintenance costs and all rates and taxes payable in connection with the dwellings), and money from the disposal of affordable housing received by or on behalf of the Council must be used for the purpose of improving or replacing affordable housing or for providing additional affordable housing in Willoughby, and

(e) affordable housing must consist of dwellings constructed to a standard that, in the opinion of the consent authority, is consistent with the same type of dwellings within the development to which the development application relates, especially in terms of internal fittings and finishes, solar access and privacy.

(2) Development consent must not be granted to the erection of residential accommodation on land identified as "Area 3" on the Special Provisions Area Map unless the consent authority has taken the following into consideration—

(a) the Willoughby Affordable Housing Principles,

(b) the impact the development would have on the existing mix and likely future mix of residential housing stock in Willoughby,

(c) whether one of the affordable housing conditions should be imposed on the consent for the purpose of providing affordable housing in accordance with the Willoughby Affordable Housing Principles.

Note. The affordable housing principles set out in Schedule 2 to *State Environmental Planning Policy No70—Affordable Housing (Revised Schemes)* may also apply to the development.

(3) The following are the ***affordable housing conditions***—

(a) a condition requiring the dedication in favour of the consent authority, free of cost, of land

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comprised of one or more complete dwellings with a gross floor area of the amount equivalent to 10% ~~4%~~ of the accountable total floor space, with each dwelling having a gross floor area of at least 50 square metres,

(b) a condition requiring the payment of a monetary contribution to the consent authority by the applicant that is the value, calculated in accordance with subclause (4), of 10% ~~4%~~ of the accountable total floor space,

(c) a condition requiring—

(i) the dedication in favour of the consent authority, free of cost, of land comprised of one or more complete dwellings with a gross floor area of less than the amount equivalent to 10% ~~4%~~ of the accountable total floor space (the ***dedication amount***), with each dwelling having a gross floor area of at least 50 square metres, and

(ii) the payment of a monetary contribution to the consent authority by the applicant that is the value, calculated in accordance with subclause (4), of the gross floor area equivalent to the difference between the dedication amount and 10% ~~4%~~ of the accountable total floor space.

(4) The amount of the contribution to be paid under a condition imposed under subclause (2)(c) is the value of the gross floor area concerned calculated by reference to the market value of dwellings of a similar size to those proposed by the development application.

Note. Section 7.32 of the Act permits the imposition of such a condition and specifies the circumstances under which such a condition may be imposed. Any condition imposed is subject to section 7.33 of the Act.

(5) This clause does not apply to development for the purpose of any of the following—

(a) boarding houses,

(b) community housing (as defined in section 3 of the *Housing Act 2001*),

(c) group homes,

(d) hostels,

(e) public housing (as defined in section 3 of the *Housing Act 2001*).

(6) An affordable housing condition must not be imposed in relation to an amount of accountable total floor space if the consent authority is satisfied that such a condition has previously been imposed under this clause in relation to the same or an equivalent amount of accountable total floor space on the site.

(7) In this clause—

accountable total floor space means ~~the gross floor area of the residential component of the development to which the development application relates.~~

a) If in Area 3 on the Special Provisions Area Map, the gross floor space of the residential component of the development to which the development application relates, including any residential floor area of the building that is used for affordable housing purposes.

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6.9 Serviced apartments

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

(a) to ensure that a change of use from a dwelling in a residential flat building or shop top housing to a serviced apartment does not impact on the amenity, safety or security of residents in the building, and

(b) to prevent substandard residential building design by way of converted serviced apartment development.

(2) Development consent must not be granted for the change of use from a dwelling in a residential flat building or shop top housing to a serviced apartment, if permitted by the Land Use Table, unless the consent authority is satisfied that the amenity, safety and security of the residents of the dwellings in the building is maintained.

(3) Development consent must not be granted for the change of use from serviced apartments to a residential flat building, with or without strata subdivision, unless the consent authority is satisfied that the development complies with the design principles of the Apartment Design Guide (within the meaning of *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*).

Note. The design quality principles set out in Schedule 1 to *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development* also apply to the development.

6.10 Minimum lot sizes for attached dwellings, dual occupancies, multi dwelling housing, residential flat buildings and secondary dwellings

(1) The objectives of this clause are—

(a) to achieve planned residential density in certain zones by—

(i) enabling development sites to be of sufficient size to provide adequate area for drainage, landscaping, and separation between buildings for privacy and solar and vehicular access, and

(ii) reducing the instances of isolated lots being left with reduced development potential, and

(b) to increase the efficiency and safety of the road network by minimising the number of driveway crossings.

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

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~~Column 1~~	~~Column 2~~	~~Column 3~~
Secondary dwelling	Zone E4 Environmental Living	450 square metres
Dual occupancy (attached)	Zone R2 Low Density Residential	700 square metres
Dual occupancy (attached)	Zone E4 Environmental Living	700 square metres
Dual occupancy (detached)	Zone R2 Low Density Residential	900 square metres
Dual occupancy (detached)	Zone E4 Environmental Living	900 square metres
Attached dwelling	Zone R3 Medium Density Residential	1,100 square metres
Multi dwelling housing	Zone R3 Medium Density Residential	1,100 square metres
Residential flat building	Zone R3 Medium Density Residential Zone R4 High Density Residential	1,100 square metres
Manor houses	Zone R3 Medium Density Residential	1,100 square metres

(3) (a)Despite subclause (2), development consent must not be granted to development for the purposes of a dual occupancy on a lot in an area identified as "Area 1" on the Dual Occupancy Restriction Map unless the area of the lot is at least 5,000 square metres.

(3)(b) Despite subclause (2), for dual occupancy development,
(i) each dwelling must face a public road
(ii) no dwelling must be located behind another dwelling on the same lot (except on a corner lot or parallel road lot where each dwelling fronts a different road).

(4) Despite subclause (2), development consent may be granted to development for attached dwellings, multi dwelling housing or residential flat buildings that are permissible in the Land Use Table on the following land if the site area is equal to or greater than the area specified below for that land—

~~(a) 1,300 square metres for land at 58–78 Sailors Bay Road, Northbridge, being Lots 27–29, DP 4810 and Lots 1–3, Section 1, DP 7234,~~

~~(b)~~(a) 4,000 square metres for land bounded by William Street, Archer Street, Boundary Road and the North Shore Rail Line, Roseville, being Lot 1, DP 322710, Lot A, DP 410021, Lots 1 and 2, DP 9007, Lots 1 and 2, DP 1035179, Lot 91, DP 1035179, Lots 11–13, DP 1143427, Lots 1 and 2, DP 883023, Lots 11 and 12, DP 1134441, Lot 1, DP 119494, Lots 4 and 5, DP 9007, Lot 27, DP 787070, Lot 1, DP 739689, Lot 26, DP 787070, Lots 3 and 4, DP 739689 and Lots 10–12, DP 9007,

~~(c) 2,500 square metres for land at 95–103 Edinburgh Road, Castlecrag, being Lots 51–55, DP 12497,~~

~~(d)~~(b) 3,500 square metres for land at 1–7 Hotham Street and 2 Wyvern Avenue, Chatswood, being Lot A, DP 361071, Lots C and D, DP 437928 and Lots F and G, DP 413340,

~~(e) 2,500 square metres for land fronting Borlaise Street, Edward Street, Julian Street or Penkivil Street, Willoughby, being Lots 2–4, DP 170500, Lot 1, DP 170956, Lots 1 and 2,~~

~~DP 215758, Lots A and B, DP 443111, Lot 1, DP 195017, Lots A and B, DP 337800, Lots 3–5, Section 1, DP 975943, Lot 678, DP 815928, Lots 10 and 11, DP 1005258, Lot 20, DP 1105368, Lot C, DP 337800, Lot 1, DP 782473, Lots A and B, DP 443285, Lot F, DP 382354, Lots 1 and 2, DP 511145, Lots 1 and 2, DP 204240, Lots 1 and 2, DP 1052333, Lot 2, DP 597098, Lot A, DP 410182, Lot 22, DP 85344, Lots 241 and 242, DP 603255, Lot 25, Section 2, DP 975943, Lots A and B, DP 401143, Lots 211 and 212, DP 879375, Lot D, DP 374740, Lot C, DP 401143, Lot 1, DP 597098 and Lot B, DP 410182,~~

~~(f)~~(c) 3,000 square metres for land at 849–859 Pacific Highway and 2 Wilson Street, Chatswood, being Lot 5, DP 4139, Lot 1, DP 960977, Lot 2, DP 1002202 and Lot 1, DP 843241,

~~(g)~~(d) 1,640 square metres for land at 29a, 29 and 31 Walter Street, Willoughby, being Lots 100 and 101, DP 857252 and Lot 28, DP 977055,

(e) 7,960 square metres for land in Willoughby described in the table to this paragraph—

Column 1	**Column 2**
Address	**Description**
1 Walter Street	Lot 1, DP 1084753
1A Walter Street	Lot 12, DP 129153
3 Walter Street	Lot 2, DP 1161181
5 Walter Street	Lot 3, DP 150607
7 Walter Street	Lot 2, DP 150607
9 Walter Street	Lot 1, DP 150607
11a Walter Street	Lot 1, DP 590018
11 Walter Street	Lot 2, DP 590018
13a Walter Street	Lot 361, DP 1032203
13 Walter Street	Lot 362, DP 1032203
452 Willoughby Road	Lot 11, DP 129153
454 Willoughby Road	Lot 1, DP 178528
456 Willoughby Road	Lot 1, DP 75133
458 Willoughby Road	Lot 1, DP 81135
460 Willoughby Road	Lot 1, DP 1161181
462 Willoughby Road	Lot 2, DP 586037

(f) 4,969 square metres for land in Willoughby described in the table to this paragraph—

Column 1	**Column 2**
Address	**Description**
15 Walter Street	Lot 35, DP 1037751
17 Walter Street	Lot 34, DP 1037751
19 Walter Street	Lot 33, DP 508777
Remnant strip of reserve between 19 and 21 Walter Street	Lot 1, DP 1239384

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~~21 Walter Street~~	~~Lot 1, DP 166910~~
23 Walter Street	Lot 2, DP 166910
25 Walter Street	Lot 1, DP 168467
27 Walter Street	Lot 30, DP 977055

(4) Despite subclause (2), development consent may be granted to development for the purposes of shop top housing and residential flat buildings on a lot in an area identified as " ~~Area 13~~ "Area 6" on the Special Provisions Area Map if the lot size is at least 6,000 square metres.

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~~Willoughby, being Lot 1, DP 81401, Lot 1, DP 81135, Lot 1, DP 75133, Lot 1, DP 178525, Lot 11, DP 129153, Lot 1, DP 75374 and Lot 1, DP 1084753.~~

6.11 Maximum gross floor areas for certain dual occupancies

Development consent must not be granted to create a dual occupancy on land identified as "Area 1" on the Dual Occupancy Restriction Map if the gross floor area of more than one of the occupancies would exceed 60 square metres.

~~6.12 Size of shops in Zone B3 and Zone B4 in Chatswood~~

~~(1) This clause applies to land in Zone B3 Commercial Core and Zone B4 Mixed Use on the western side of the North Shore Rail Line in Chatswood.~~

~~(2) The maximum gross floor area of a shop on land to which this clause applies must not exceed 100 square metres.~~

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6.13Bonus height and floor space ratio available for development on consolidated sites on Pacific Highway and Thomas Street, Chatswood

(1) This clause applies to the land at 763–781 Pacific Highway and 20–24 Thomas Street, Chatswood that is identified as "Area 4" on the Special Provisions Area Map.

(2) Despite clauses 4.3 and 4.4, if the site area for development on land to which this clause applies is greater than 1,500 square metres, development consent may be granted to development that will have—

(a) a height of any building on the land not exceeding 60 metres above the highest point of ground level (existing) on the land, and

(b) a floor space ratio of the development not exceeding 8:1.

6.14Willoughby Market Gardens

(1) This clause applies to the land that is identified as "Area 1" on the Special Provisions Area Map and known as the Willoughby Market Gardens.

(2) A development control plan for development on the land to which this clause applies must be prepared under section 3.44 of the Act before development consent may be granted to any development on that land.

(3) Development consent must not be granted to any development on the land to which this clause applies unless that consent is granted in accordance with the development control plan made under subclause (2).

(4) Development consent must not be granted to any development on the land to which this clause applies if the granting of that consent would result in the total number of dwellings on that land exceeding 80.

(5) Despite clause 4.4(2), the total gross floor area of the dwellings on the land to which this clause applies must not exceed 16,000 square metres.

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~~6.15~~ 6.12 Vehicle body repair workshops in Zone IN2

(1) The objective of this clause is to ensure that development for the purposes of vehicle body repair workshops in Zone IN2 Light Industrial will not have a detrimental impact on the amenity and environmental quality of neighbouring residential properties.

(2) Development consent must not be granted to development for the purpose of a vehicle body repair workshop on land in Zone IN2 Light Industrial unless the consent authority is satisfied that the development will not interfere with the amenity of any neighbouring residential property because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste product, grit or oil or traffic generation or the testing of motor vehicles in residential streets.

~~6.16~~ 6.13 Public access to be maintained through certain land in St Leonards

(1) This clause applies to the land in St Leonards that is identified as "Area 2" on the Special Provisions Area Map.

(2) Development consent must not be granted to any development on the land to which this clause applies unless the consent authority is satisfied that after the development is completed the public will have access through the land linking Chandos Street to the Talus Street Reserve and from Evans Lane to Herbert Street.

~~6.17~~ 6.14 Centre-based child care facility or respite day care centre at Tyneside Avenue, Willoughby North

(1) The objective of this clause is to ensure that development for the purpose of a centre-based child care facility or a respite day care centre on land at Tyneside Avenue, Willoughby North, will not have a detrimental impact on the amenity of adjoining residential properties.

(2) This clause applies to land at Tyneside Avenue, Willoughby North that is identified as "Area ~~6~~ 4" on the Special Provisions Area Map.

(3) Development consent must not be granted for the purpose of a centre-based child care facility or a respite day care centre on land to which this clause applies unless the area of the land is at least 5,000 square metres.

~~6.18~~ 6.15 Council infrastructure development

(1) Development may be carried out by or on behalf of the Council without development consent on any land, other than land in a heritage conservation area, land containing a heritage item or land that is an environmentally sensitive area for exempt and complying development.

(2) Subclause (1) does not apply to the following development—

(a) the erection of a class 1–9 building under the *Building Code of Australia*,

(b) development that is not exempt development under *State Environmental Planning Policy (Infrastructure) 2007* and has a capital value of more than $1,000,000.

~~6.19~~ 6.16 Location of sex services premises

(1) Development consent must not be granted for the purpose of sex services premises unless the consent authority has considered the following—

(a) the distance between the premises and any place of public worship, school, community facility, hospital or medical centre or any other place in the vicinity of the premises that is regularly frequented by children,

(b) whether the operation of the premises could cause a disturbance in the neighbourhood, taking into account the location of any other sex services premises operating in the neighbourhood,

(c) whether sufficient off-street parking will be provided,

(d) whether the premises will be accessed by a separate entrance,

(e) whether the operation of the premises will interfere with the amenity of the neighbourhood because of its size, operating hours, traffic generation, lighting or noise or the number of its employees and clients,

(f) whether the operations of the premises will utilise circulation areas common to any other use of the premises.

(2) Development consent must not be granted for sex services premises in a business zone unless the premises will be located above the ground floor and in a building used for commercial purposes.

(3) Development consent must not be granted for sex services premises unless the premises are located more than 100 metres from any other premises to which a similar development consent has been granted.

(4) The distance between 2 premises referred to in subclause (3) is to be measured as the shortest distance between the premises.

~~6.20~~ 6.17 Dwellings at 126 Greville Street, Chatswood and part of 25 Millwood Avenue, Chatswood West

(1) This clause applies to the following land—

(a)126 Greville Street, Chatswood, being Lot 1, DP 532353,

(b)part of 25 Millwood Avenue, Chatswood West, being Lot 1, DP 408490.

(2) Development consent must not be granted to development on land to which this clause applies that would result in the total number of dwellings on all of that land exceeding 60 unless—

(a) the only dwellings that are (or are proposed to be) located on that land are (or are proposed to be) located in a building that existed on the commencement of this clause (an ***existing building***), and

(b) any alteration proposed to be made to such an existing building would not result in the building having any additional floor space.

~~6.21 Bonus height and floor space ratio available for development on consolidated sites on Pacific Highway, Freeman Road and Oliver Road, Chatswood~~

~~**6.21 Bonus height and floor space ratio available for development on consolidated sites on Pacific Highway, Freeman Road and Oliver Road, Chatswood**~~

~~(1) This clause applies to the following land at Chatswood—~~

~~(a) Lot 1, DP 1068007, 654–656 Pacific Highway,~~

~~(b) Lot 1, DP 121830, 658–666 Pacific Highway,~~

~~(c) Lot 1, DP 839309, 1 Freeman Road,~~

~~(d) Lot 2, DP 839309, 2A Oliver Road,~~

~~identified as "Area 7" on the Special Provisions Area Map (*Area 7*).~~

~~(2) Despite clauses 4.3 and 4.4, if the site area for development on land to which this clause applies is greater than 2,400 square metres, development consent may be granted to development that will have—~~

~~(a) a height of any building on the land not exceeding—~~

~~(i) for that part of Area 7 that is shown edged black and marked "137.8" on the Special Provisions Area Map—RL 137.8 Australian Height Datum, and~~

~~(ii) for that part of Area 7 that is shown edged black and marked "128.8" on that Map—RL 128.8 Australian Height Datum, and~~

~~(b) a floor space ratio—~~

~~(i) of the development—not exceeding 3.0:1, and~~

~~(ii) of any shop top housing—not exceeding 2.14:1.~~

~~6.22~~ 6.18 Business and office premises at Broadcast Way, Artarmon

(1) This clause applies to land at 2 Broadcast Way, Artarmon, being Lot 6, DP 270714 and 4 Broadcast Way, Artarmon, being Lot 5, DP 270714.

(2) Development consent must not be granted to development on land to which this clause applies for the purposes of business premises or office premises unless the consent authority is satisfied that—

(a) each business or office premises will have a gross floor area of at least 1,200 square metres for each individual occupier, and

(b) the development will not detrimentally affect the viability of the Chatswood or St Leonards central business districts.

~~6.23~~ 6.19 Design excellence at certain sites at Willoughby

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

(2) This clause applies to development involving the erection of a new building or external alterations to an existing building on land identified as "Area 5 ~~12~~" on the Special Provisions Area Map.

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

(4) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—

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

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

(c) whether the development detrimentally impacts on view corridors.

(5) The consent authority must also have regard to how the development addresses the following matters—

(a) the suitability of the land for development,

(b) existing and proposed uses and use mix,

(c) heritage and streetscape constraints,

(d) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,

(e) bulk, massing and modulation of buildings,

(f) street frontage heights,

(g) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,

(h) achieving the principles of ecologically sustainable development,

(i) pedestrian, cycle, vehicular and service access, circulation and requirements,

(j) the impact on, and proposed improvements to, the public domain,

(k) the impact on special character areas,

(l) achieving appropriate interfaces at ground level between the building and the public domain,

(m) excellence and integration of landscape design.

(6) In addition, development consent must not be granted to development to which this clause applies unless—

(a) for a building that is ~~less than~~ more than 12 metres but not greater than 35 metres above ground level (existing)—

(i) a design excellence panel reviews the development, and

(ii) the consent authority takes into account the findings of the design excellence panel, or

(b) for a building that is, or exceeds, 35 metres above ground level (existing)—

(i) an architectural design competition has been held in relation to the development, and

(ii) the design of the development is the winner of the architectural design competition.

(7) If the consent authority is satisfied that the holding of an architectural design competition for a building that is, or exceeds, 35 metres above ground level (existing) is unreasonable or unnecessary in the circumstances of the development—

(a) subclause (6)(b) does not apply, and

(b) development consent must not be granted for the development unless—

(i) a design excellence panel reviews the development, and

(ii) the consent authority takes into account the findings of the design excellence panel.

(8) If the consent authority is satisfied a design excellence panel review or an architectural design competition for an external building alteration is unreasonable or unnecessary in the circumstances of the development; subclause (6)(a) and 6(b) does not apply

~~(8)~~(9) In this clause—

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

Design Excellence Guidelines means the guidelines entitled *Guidelines for Design Excellence Review and Competitions*, published by the Council on 9 December 2019.

design excellence panel means a panel, consisting of 2 or more persons, established by the consent authority for the purposes of this clause.

6.20 Sun access

(1)The objective of this clause is to

(a) protect certain public space in Chatswood CBD from excessive overshadowing.

(b) Protect properties in South Chatswood Conservation Area from a reduction in solar access

(2) The consent authority must not grant consent to development on land zoned B3 or B4 if the consent authority is satisfied that :
(a) the development will result in additional overshadowing in mid winter between 12 noon and 2pm, on:

- Victoria Avenue between the interchange and Archer Street
- Concourse Open Space
- Garden of Remembrance
- Tennis and croquet club

(b) the development will reduce solar access to any individual property within the South Chatswood Conservation Area to less than 3 hours between 9.00am and 3.00pm mid winter

6.21 Urban Heat

The objective of this clause is to ensure new development incorporates effective design and ongoing operation to—
(a) reduce and remove urban heating from the environment, and
(b) protect community health and wellbeing.
(2) In deciding whether to grant development consent for the purposes of commercial premises, industries or residential accommodation, the consent authority must consider whether—
(a) the facade and roof of the proposed building and paved surfaces are designed to reduce adverse effects of solar heat on the surrounding land, including private open space and the public domain, and
(b) the awnings and eaves of the building are designed to provide shelter from the sun and improve public comfort at street level, and
(c) the heating, ventilation and air conditioning systems of the building are designed to minimise the release of heat in the direction of private open space and the public domain, and
(d) the development maximises the use of green infrastructure that is strategically designed and managed to support a good quality of life in an urban environment, and
(e) the development accommodates sufficient tree canopy, open space and deep soil zones to achieve urban cooling benefits, and
(f) the building is designed to achieve high passive thermal performance.
(3) In this clause—
deep soil zone—
(a) means the soft landscaped part of a site area used for growing trees, plants and grasses that—
(i) is unimpeded by buildings or structures above and below ground, and
(ii) provides opportunities for groundwater infiltration and canopy trees, and
(b) does not include basement car parks, services, swimming pools, tennis courts and impervious surfaces including car parks, driveways and roof areas.
green infrastructure means the network of green spaces, natural systems and semi-natural systems that support sustainable communities and includes waterways, bushland, tree canopy and green ground cover, parks and open spaces.
solar heat means radiant heat contained in the full spectrum of sunlight.

Clause 6.22
Minimum lot sizes for commercial and mixed use development in Chatswood CBD.

1) The objectives of this clause are –

(a)To achieve planned commercial and mixed use development in the Chatswood CBD by -
(i) Enabling the development site to be of sufficient size to provide for adequate drainage, landscaping and separation between buildings and

(ii) ensuring that adequate provision is made for privacy and solar access and
(ii) Reducing the instances of isolated lots being left with reduced development potential

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

Column 1	Column 2	Column 3
Commercial development	B3 Commercial Core	1,800 square metres
Mixed use development	B4 Mixed Use	1,200 square metres

Clause 6.23 Landscaped areas

The objectives of this clause are as follows-

- To have the landscape character of Willoughby's residential areas maintained and enhanced by requiring landscaping of sites in conjunction with other development,
- To have a general visual dominance of landscape over buildings maintained,
- To have adequate and usable ground level open space for recreation, landscaping and containing urban run-off

This clause applies to land in Zone R2 Low Density Residential and Zone E4 Environmental Living.
The consent authority may refuse to grant development consent to development involving the erection of a building unless at least the following minimum landscaped area of a site (as a percentage of the site area) is provided for the development -

i) Residential R2 Low Density Residential Zone Areas

Site Area(m^2)	Soft landscaping (m^2) required minimum
Under 200	025 x site area
200-400	(0.35 x site area)-20m^2
401-600	(0.6 x site area) -120m^2
601-1000	(0.525 x site area) - 75m^2
1001-1500	(0.6 x site area) - 150m^2
Over 1500	(0.5 x site area)

ii) Residential E4 Environmental Living Zone Areas

Site Area(m^2)	Soft landscaping (m^2) required minimum
Under 400	0.35 x site area
400-600	(0.5 x site area) - 60m^2

601-1000	(0.65 x site area) - 150m²
1001-1500	(0.65 x site area) - 150m²
Over 1500	(0.55 x site area)

For this clause soft landscaped area means a component of recreational open space, and means that part of a site which is not occupied by any building, structure or work (such as swimming pools, tennis courts, driveways etc.) and which is vegetated with gardens, lawns, shrubs or trees, but does not include any paved areas

Draft

Schedule 1 Additional permitted uses

(Clause 2.5)

1 Use of certain land at 24 Cameron Avenue, Artarmon

(1) This clause applies to land at 24 Cameron Avenue, Artarmon, being Lot 25, DP 4637.

Development for the purpose of a car park is permitted with development consent.

2 Use of certain land at Herbert, Cleg and Frederick Streets and Reserve Road, Artarmon

(1) This clause applies to land bounded by Herbert, Cleg and Frederick Streets and Reserve Road, Artarmon.

(2) Development for the purposes of specialised retail premises, ~~garden centres, hardware and building supplies,~~ and landscaping material supplies is permitted with development consent.

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

(a) suitable land is not available for the development in any nearby business centre, and

(b) the development will not detrimentally affect the range of services offered by existing shops located in any nearby business centre, and

(c) giving consent would not, because of the number of retail outlets that exist or are proposed in Zone IN1 General Industrial or Zone IN2 Light Industrial, change the predominantly industrial nature of the area or detrimentally affect existing or future industrial development in the zone.

3 Use of certain land at Jersey Road, Artarmon (corner Hampden Road)

(1) This clause applies to land at Jersey Road, Artarmon (corner Hampden Road), being Lot 101, DP 621507.

(2) Development for the purpose of a car park is permitted with development consent.

4 Use of certain land at 1–5 Broadcast Way, Artarmon

(1) This clause applies to land at 1–5 Broadcast Way, Artarmon, being Lots 1–6, DP 270714.

(2) Development for the purposes of food and drink premises, function centres, health services facilities, restaurants or cafes and telecommunications facilities is permitted with development consent.

5 Use of certain land at Castle Cove Drive, Castle Cove

(1) This clause applies to land at Castle Cove Drive, Castle Cove, being Lot H, DP 30947.

(2) Development for the purpose of a car park is permitted with development consent.

6 Use of certain land at Castle Cove Country Club, Deepwater Road, Castle Cove

(1) This clause applies to land at Castle Cove Country Club, Deepwater Road, Castle Cove, being Lot 1, DP 610360.

(2) Development for the purpose of a registered club is permitted with development consent.

Draft

7 Use of certain land at 1 Denawen Avenue, Castle Cove

(1) This clause applies to land at 1 Denawen Avenue, Castle Cove, being Lot 307, DP 200637.

(2) Development for the purpose of a place of public worship is permitted with development

Draft

consent.

8 Use of certain land at 2A Holly Street, Castle Cove

(1) This clause applies to land at 2A Holly Street, Castle Cove, being Lot 9, DP 214988.

(2) Development for the purpose of a dwelling house is permitted with development consent.

9 Use of certain land at 12 Charles Street, Castlecrag

(1) This clause applies to land at 12 Charles Street, Castlecrag, being Lot 127, DP 13097 and Lot B, DP 102309.

(2) Development for the purpose of a place of public worship is permitted with development consent.

10 Use of certain land at 184 Edinburgh Road, Castlecrag

(1) This clause applies to land at 184 Edinburgh Road, Castlecrag, being Lot 112, DP 11138 and Lot 113, DP 13195.

(2) Development for the purpose of a place of public worship is permitted with development consent.

11 Use of certain land at 10 The Postern, Castlecrag

(1) This clause applies to land at 10 The Postern, Castlecrag, being Lot 143, DP 17416.

(2) Development for the purpose of a community facility is permitted with development consent.

12 Use of certain land at Albert Avenue, Chatswood

(1) This clause applies to land at Albert Avenue, Chatswood, being Lot 1, DP 741948, Lot 24, DP 618973, Lot 1, DP 69505, Lot 11, DP 1171717, Lot 6, DP 69530 and Lot 5, DP 69530.

(2) Development for the purpose of a car park is permitted with development consent.

13 Use of certain land at ~~Albert Avenue~~18 Thomas Street, Chatswood

(1) This clause applies to land at ~~Albert Avenue~~Thomas Street, Chatswood, being ~~Lots A and B, DP 381223 and Lots 13 and 23–30, DP 2983~~ Lot 22 DP 1215977.

(2) Development for the purpose of a car park is permitted with development consent.

14 Use of certain land at the Mandarin Centre, 65 Albert Avenue and Westfield, 28 Victor Street and 49–51 Albert Avenue, Chatswood

(1) This clause applies to land at—

(a) the Mandarin Centre, 65 Albert Avenue, Chatswood, being Lot 2, DP 1035379, and

(b) the Westfield shopping centre, 28 Victor Street and 49–51 Albert Avenue, Chatswood, being Lots 1 and 2, DP 879701.

(2) Development for the purpose of an amusement centre is permitted with development consent.

15 Use of certain land at 35A–41 Anderson Street and 9 and 9A Kirk Street, Chatswood

(1) This clause applies to land at 35A–41 Anderson Street and 9 and 9A Kirk Street, Chatswood, being Lots 7–11, DP 2602 and Lots 9 and 11, DP 7518.

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

16 Use of certain land at 26 Anthony Street, Chatswood

(1) This clause applies to land at 26 Anthony Street, Chatswood, being Lot 1, DP 800321.

(2) Development for the purpose of a place of public worship is permitted with development consent.

17 Use of certain land at 23 Archer Street, Chatswood

(1) This clause applies to land at 23 Archer Street, Chatswood, being Lots 1 and 2, DP 6577 and Lot 5, DP 331555.

(2) Development for the purpose of a place of public worship is permitted with development consent.

~~**17A Use of certain land at 28 Archer Street, Chatswood**~~

~~(1) This clause applies to land at 28 Archer Street, Chatswood, being Lot 1, DP 900390.~~

~~(2) Development for the purposes of attached dwellings and multi dwelling housing is permitted with development consent.~~

18 Use of certain land at 46 Beaconsfield Road, Chatswood

(1) This clause applies to land at 46 Beaconsfield Road, Chatswood, being Lot 76, DP 14213.

(2) Development for the purpose of a place of public worship is permitted with development consent.

~~**19 Use of certain land at Shops 1 and 2, 1 Cambridge Lane, Chatswood**~~

~~(1) This clause applies to land at Shops 1 and 2, 1 Cambridge Lane, Chatswood, being Lots 134 and 135, SP 79233.~~

~~(2) Development for the purposes of office premises and business premises is permitted with development consent.~~

~~20~~19 **Use of certain land at 28–32 Chatswood Avenue, Chatswood**

(1) This clause applies to land at 28–32 Chatswood Avenue, Chatswood, being Lot 1, DP 811501.

(2) Development for the purpose of a place of public worship is permitted with development consent.

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~~21~~20 Use of certain land at 126 Greville Street, Chatswood and part of 25 Millwood Avenue, Chatswood West

(1) This clause applies to the following land—

(a) 126 Greville Street, Chatswood, being Lot 1, DP 532353,

(b) part of 25 Millwood Avenue, Chatswood West, being Lot 1, DP 408490.

(2) Development for the purposes of eco-tourist facilities, educational establishments, high technology industries, information and education facilities, office premises, public administration buildings, storage premises and tourist and visitor accommodation is permitted with development consent.

(3) However, development consent may be granted to such development only if the eco-tourist facility, educational establishment, high technology industry, information and education facility, office premises, public administration building, storage premises or tourist and visitor accommodation concerned is (or is proposed to be) located in a building that existed on the commencement of this clause.

(4) Development for the purposes of dwelling houses is permitted with development consent on land in Zone R3 Medium Density Residential.

~~22~~21 Use of certain land at 4 and 6 Hotham Street, Chatswood

(1) This clause applies to land at 4 and 6 Hotham Street, Chatswood, being Lot B, DP 335285 and Lot B, DP 399242.

(2) Development for the purposes of office premises and storage premises used in conjunction with the use of adjoining land as a private hospital and carried out in dwelling houses existing when this Plan commenced, other than minor changes to the external envelope of those dwelling houses, is permitted with development consent.

~~23~~22 Use of certain land at 50 Johnson Street, Chatswood

(1) This clause applies to land at 50 Johnson Street, Chatswood, being Lot B, Section 18, DP 3226.

(2) Development for the purpose of a place of public worship is permitted with development consent.

~~24~~23 Use of certain land at 10 Macquarie Street, Chatswood

(1) This clause applies to land at 10 Macquarie Street, Chatswood, being Lot 65, DP 5679.

(2) Development for the purpose of a place of public worship is permitted with development consent.

~~25~~24 Use of certain land at 3–21 Malvern Avenue, 2–32 and 9–11 Havilah Street and 103 Archer Street, Chatswood

(1) This clause applies to the following land in Zone R2 Low Density Residential—

(a) land at 3–21 Malvern Avenue and 103 Archer Street, Chatswood, being Lots A and B, DP 418863, Lots A and B, DP 394859, Lot 101, DP 853857, Lots 2 and 3, DP 100677, Lot 2,

DP 310160, Lots 3 and 4, DP 313131 and Lot 2, DP 101905,

(b) land at 2–32 and 9–11 Havilah Street, Chatswood, being Lots 20 and 21, DP 1144618, Lots 45–48 and 52–60, DP 3372, Lots 11 and 12, DP 1048214, Lot 1, DP 510937 and Lot 1, DP 105814.

(2) Development for the purposes of health consulting rooms and office premises is permitted with development consent.

~~26~~25 Use of certain land at 655A Pacific Highway, Chatswood

(1) This clause applies to land at 655A Pacific Highway, Chatswood, being Lot 1, DP 861346.

(2) Development for the purpose of a car park to be used in conjunction with the bowling club on adjoining land is permitted with development consent.

~~27~~26 Use of certain land at 742–748 Pacific Highway, Chatswood

(1) This clause applies to land at 742–748 Pacific Highway, Chatswood, being Lot 1, DP 1126452.

(2) Development for the purpose of a vehicle repair station is permitted with development consent.

~~28~~27 Use of certain land at 112 Victoria Avenue, Chatswood

(1) This clause applies to land at 112 Victoria Avenue, Chatswood, being Lot 1, DP 724205.

(2) Development for the purpose of a car park is permitted with development consent.

~~29~~28 Use of certain land at 161 Victoria Avenue, Chatswood

(1) This clause applies to land at 161 Victoria Avenue, Chatswood, being Lot 1, DP 719238.

(2) Development for the purpose of sex services premises is permitted with development consent.

~~30~~29 Use of certain land at 311–313 Victoria Avenue, Chatswood

(1) This clause applies to land at 311–313 Victoria Avenue, Chatswood, being Lot 1, DP 1077410.

(2) Development for the purposes of business premises, retail premises and restaurants or cafes at street level is permitted with development consent.

~~**31 Use of certain land at Victoria Avenue, Chatswood**~~

~~(1) This clause applies to land at Victoria Avenue, Chatswood, being "Area 5" on the Special Provisions Area Map.~~

~~(2)~~(3) ~~Development for the purpose of shop top housing is permitted with development consent if the ground level and first level of the development are used for the purpose of retail premises or business premises.~~

XX Use of certain B4 land in, Chatswood

(1) This clause applies to land zoned B4 in the Chatswood CBD.
(2) Development for the purpose of residential flat building is permitted with development consent if the consent authority is satisfied that:
(a) the ground level is used for non residential purposes and

(b) A minimum of 17% of the total FSR is provided for non residential purposes and
(c) No residential dwelling is located at the ground floor.

~~**32 Use of certain land at Chatswood in Zone B3**~~

~~(1) This clause applies to the following land in Zone B3 Commercial Core~~

~~(a) Chelsea, 8 Brown Street, Chatswood, being Lot 1, DP 1006341,~~

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~~(b) High Tower, 14 Brown Street, Chatswood, being Lot 10, DP 1028406,~~

~~(c) Bentleigh, 1 Katherine Street, Chatswood, being Lot 100, DP 1009672,~~

~~(d) Leura, 809 Pacific Highway, Chatswood, being Lot 100, DP 1040224,~~

~~(e) Sebel, 37 Victor Street, Chatswood, being Lot 23, DP 868835,~~

~~(f) 39 Victor Street, Chatswood, being Lot 10, DP 1068549,~~

~~(g) Chatswood Transport Precinct Project, 436 Victoria Avenue, Chatswood, being Lots 106–108, DP 1094273.~~

~~(2) Development for the purpose of shop top housing is permitted with development consent.~~

~~33~~30 Use of certain land at Chatswood and St Leonards in Zone B3 and Zone B4

(1) This clause applies to land in Chatswood and St Leonards that is in Zone B3 Commercial Core and Zone B4 Mixed Use.

(2) Development for the purpose of a car park by or on behalf of the Council is permitted with development consent.

~~34~~31 Use of certain land at East Chatswood and Roseville

(1) This clause applies to land in East Chatswood and Roseville that is in Zone IN2 Light Industrial, unless the land has direct frontage to or adjoins any residential area (other than land along Eastern Valley Way).

(2) Development for the purposes of specialised retail premises, ~~garden centres, hardware and building supplies,~~ animal boarding or training establishment ~~and~~ landscaping material supplies is permitted with development consent.

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

(a) suitable land is not available for the development in any nearby business centre, and

(b) the development will not detrimentally affect the range of services offered by existing shops located in any nearby business centre, and

(c) giving consent would not, because of the number of retail outlets that exist or are proposed in Zone IN1 General Industrial or Zone IN2 Light Industrial, change the predominantly industrial nature of the area or detrimentally affect existing or future industrial development in the zone.

~~(c)~~

~~35 Use of certain land at 41–43 Farran Street, Lane Cove North~~

~~(1) This clause applies to land at 41–43 Farran Street, Lane Cove North, being Lots 67 and 68, DP 9985.~~

~~(2) Development for the purpose of a place of public worship is permitted with development consent.~~

~~36~~32 Use of certain land at 83–95 Christie Street, Naremburn

(1) This clause applies to land at 83–95 Christie Street, Naremburn, being Lots 33 and 34, Section 27, DP 4241, Lots A–D, DP 390464 and Lots 27 and 28, Section 27, DP 4241.

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

~~37~~33 Use of certain land at 2B, 2–14 Northcote Street, St Leonards

(1) This clause applies to land at 2B, 2–14 Northcote Street, St Leonards, being Lots 1 and 2, DP 801523, Lot 1, DP 746018, Lots 2–4, Section 29, DP 4241, Lot 2, DP 110095 and Lot 1, DP 926289.

(2) Development for the purpose of shop top housing is permitted with development consent.

~~38~~34 Use of certain land at 53 Baringa Road, Northbridge

(1) This clause applies to land at 53 Baringa Road, Northbridge, being Lot 31, Section 3, DP 7122 and Lot 32, Section 3, DP 7122.

(2) Development for the purpose of a place of public worship is permitted with development consent.

~~39~~35 Use of certain land at Eastern Valley Way, Northbridge (Northbridge Council car park)

(1) This clause applies to land at Eastern Valley Way, Northbridge (Northbridge Council car park), being Lot B, DP 323172, Lot 6, DP 200096, Lot 4, DP 200099, Lot 2, DP 200094 and Lot 8, DP 200098.

(2) Development for the purpose of a car park is permitted with development consent.

~~40~~36 Use of certain land at 7 Eastern Valley Way, Northbridge

(1) This clause applies to land at 7 Eastern Valley Way, Northbridge, being Lot 7, DP 200098.

(2) Development for the purpose of a car park is permitted with development consent.

~~41~~37 Use of certain land at 43 Eastern Valley Way, Northbridge

(1) This clause applies to land at 43 Eastern Valley Way, Northbridge, being Lot 83, DP 20195.

(2) Development for the purpose of a community facility is permitted with development consent.

~~42 Use of certain land at Sailors Bay Road, Northbridge~~

~~(1) This clause applies to land at Sailors Bay Road, Northbridge, being Lot 100, DP 1096773.~~

~~(2) Development for the purpose of a school is permitted with development consent.~~

~~43~~38 Use of certain land at 42–54 Sailors Bay Road, Northbridge

(1) This clause applies to land at 42–54 Sailors Bay Road, Northbridge, being Lots 1–7, DP 305048.

(2) Development for the purposes of business premises, office premises, shops and shop top housing

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is permitted with development consent.

4439 Use of certain land at St Philip Neri Catholic School, 210–222 Sailors Bay Road and 65–71 Baringa Road, Northbridge

(1) This clause applies to land at St Philip Neri Catholic School, 210–222 Sailors Bay Road and 65–71 Baringa Road, Northbridge, being Lots 6–9, DP 7749 and Lot 1, DP 1022446.

(2) Development for the purpose of a place of public worship is permitted with development consent.

4540 Use of certain land at 476 Penshurst Street, Roseville

(1) This clause applies to land at 476 Penshurst Street, Roseville, being Lot 9, DP 9236.

(2) Development for the purpose of a car park is permitted with development consent.

4641 Use of certain land at 30 William Street, East Roseville

(1) This clause applies to land at 30 William Street, East Roseville, being Lots 1 and 2, DP 314602.

(2) Development for the purpose of a place of public worship is permitted with development consent.

4742 Use of certain land at 2–10 Chandos Street, St Leonards

(1) This clause applies to land at 2–10 Chandos Street, St Leonards, being Lot 11, DP 1003022.

(2) Development for the purpose of a vehicle repair station is permitted with development consent.

4843 Use of certain land at 14–102 Chandos Street, St Leonards

(1) This clause applies to land at 14–102 Chandos Street, St Leonards, being land bounded by Henry Lane, Chandos Street, Christie Street and Ryan Lane.

(2) Development for the purpose of shop top housing is permitted with development consent.

4944 Use of certain land at Sexton's Cottage, Gore Hill Cemetery, St Leonards

(1) This clause applies to land at Sexton's Cottage, Gore Hill Cemetery, St Leonards, being Lot 101, DP 791327.

(2) Development for the purposes of community facilities, office premises and recreation areas is permitted with development consent.

5045 Use of certain land in Zone IN2 in St Leonards and Artarmon

(1) This clause applies to the following land in Zone IN2 Light Industrial—

(a) 2–10 Herbert Street, St Leonards, being Lot 2, DP 778425, Lot 1, DP 778425, Lots 1 and 2, DP 1079151 and Lot C, DP 401303,

(b) 31–37 Herbert Street, St Leonards, being Lots 1 and 2, DP 744175, Lot 3, DP 772072 and Lot 1, DP 115615,

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(c) land bounded by Punch Street, Lambs Road, Cleg Street and Herbert Street, Artarmon,

(d) land bounded by the North Shore Rail Line, Ella Street, Herbert Street, Cleg Street and Lambs Road, Artarmon.

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

~~51~~46 Use of certain land at "The Forum", 3 Herbert Street and 1 Sergeants Lane, St Leonards

(1) This clause applies to land at "The Forum", 3 Herbert Street and 1 Sergeants Lane, St Leonards, being Lot 21, DP 1034099 and Lots 11 and 12, DP 1006213.

(2) Development for the purpose of shop top housing is permitted with development consent.

~~52~~47 Use of certain land at 7–13 Herbert Street, St Leonards

(1) This clause applies to land at 7–13 Herbert Street, St Leonards, being on the ground floor, SP 66951.

(2) Development for the purposes of a recreation facility (indoor) or a restaurant or cafe, or both, is permitted with development consent.

~~**53 Use of certain land at 207 Pacific Highway, St Leonards**~~

~~(1) This clause applies to land at 207 Pacific Highway, St Leonards, being Lot 11, DP 1013030.~~

~~(2) Development for the purpose of shop top housing is permitted with development consent.~~

~~**54 Use of certain land at 14 Artarmon Road, Willoughby**~~

~~(1) This clause applies to land at 14 Artarmon Road, Willoughby, being Lot 1, DP 820327 and Lot 1, DP 748215.~~

~~(2) Development for the purpose of a helipad is permitted with development consent.~~

~~55~~48 Use of certain land at Borlaise Street, Willoughby

(1) This clause applies to land at Borlaise Street (north and south side of street), Willoughby, being Lots 31 and 32, DP 2880 and Lot 18, DP 82656.

(2) Development for the purpose of a car park is permitted with development consent.

~~56~~49 Use of certain land at 30 Frenchs Road, Willoughby

(1) This clause applies to land at 30 Frenchs Road, Willoughby, being Lots 1–3, Section 2, DP 2639.

(2) Development for the purpose of a place of public worship is permitted with development consent.

~~57~~50 Use of certain land at 26 Horsley Street, Willoughby

(1) This clause applies to land at 26 Horsley Street, Willoughby, being Lot 36, DP 14241.

(2) Development for the purpose of a place of public worship is permitted with development

consent.

~~58~~51 Use of certain land at 162 Mowbray Road, Willoughby

(1) This clause applies to land at 162 Mowbray Road, Willoughby, being Lot 1, DP 333501 and Lot 350, DP 1146823.

(2) Development for the purpose of a car park is permitted with development consent.

~~59~~52 Use of certain land at 203–211 Mowbray Road, Willoughby

(1) This clause applies to land at 203–211 Mowbray Road, Willoughby, being Lots 4 and 5, DP 246192.

(2) Development for the purpose of a place of public worship is permitted with development consent.

~~60~~53 Use of certain land at 41–43 Oakville Road, Willoughby

(1) This clause applies to land at 41–43 Oakville Road, Willoughby, being Lots 14 and 15, DP 33364.

(2) Development for the purpose of a car park is permitted with development consent.

~~61~~54 Use of certain land at 45–47 Oakville Road, Willoughby

(1) This clause applies to land at 45–47 Oakville Road, Willoughby, being Lot 1, DP 175604 and Lot 13, DP 33364.

(2) Development for the purpose of a car park is permitted with development consent.

~~62~~55 Use of certain land at 85 Penshurst Street, Willoughby

(1) This clause applies to land at 85 Penshurst Street, Willoughby, being Lot 18, DP 33364 and Lots 1–3, Section 2, DP 977087.

(2) Development for the purpose of a function centre is permitted with development consent.

~~63~~56 Use of certain land at 132–134 Penshurst Street, Willoughby

(1) This clause applies to land at 132–134 Penshurst Street, Willoughby, being Lots 4 and 5, Section 4, DP 1671.

(2) Development for the purpose of a garden centre is permitted with development consent.

~~64~~57 Use of certain land at 350 Penshurst Street, Willoughby

(1) This clause applies to land at 350 Penshurst Street, Willoughby, being Lot 2, DP 1009275.

(2) Development for the purpose of sex services premises is permitted with development consent.

~~65~~58 Use of certain land at Bales Park, 118 Sydney Street, Willoughby

(1) This clause applies to land at Bales Park, 118 Sydney Street, Willoughby, being Lot 292, DP 1149079.

Draft

(2) Development for the purpose of a car park used in conjunction with the use of adjoining land as a centre-based child care facility is permitted with development consent.

~~66~~59 Use of certain land at Willoughby Market Gardens, Willoughby

(1) This clause applies to land at Willoughby Market Gardens, Willoughby, being "Area 1" on the Special Provisions Area Map.

(2) Development for the purposes of semi-detached dwellings and dwelling houses is permitted with development consent.

~~67~~60 Use of certain land at 123A High Street, Willoughby East

(1) This clause applies to land at 123A High Street, Willoughby East, being Lots 8 and 9, DP 4151.

(2) Development for the purpose of a place of public worship is permitted with development consent.

~~68~~61 Use of certain land at 10–12 Clanwilliam Street, Willoughby North

(1) This clause applies to land at 10–12 Clanwilliam Street, Willoughby North, being Lot 111, DP 1149884.

(2) Development for the purpose of a place of public worship is permitted with development consent.

~~69~~62 Use of certain land at St Thomas Catholic Primary School, corner Horsley Avenue and High Street, Willoughby North

(1) This clause applies to land at St Thomas Catholic Primary School, corner Horsley Avenue and High Street, Willoughby North, being Lots 22–27 and 62, DP 14241, Lots 19–21, DP 14241 and Lot 1, DP 782188.

(2) Development for the purpose of a place of public worship is permitted with development consent.

~~70~~63 Use of certain land at 182 High Street, Willoughby North

(1) This clause applies to land at 182 High Street, Willoughby North, being Lot 1, DP 101556.

(2) Development for the purpose of a place of public worship is permitted with development consent.

~~71~~64 Use of certain land at 31 McClelland Street, Willoughby North

(1) This clause applies to land at 31 McClelland Street, Willoughby North, being Lot A, DP 169084.

(2) Development for the purpose of a place of public worship is permitted with development consent.

~~72~~65 Use of certain land at 10 Herbert Street, St Leonards

(1) This clause applies to certain land at 10 Herbert Street, St Leonards that comprises part of Lot C, DP 401303, identified as "Area 12 ~~17~~" on the Floor Space Ratio Map.

(2) Development for the purpose of a hospital is permitted with development consent.

~~73~~66 Use of certain land at 17 Smith Street, Chatswood

(1) This clause applies to land at 17 Smith Street, Chatswood, being Lot 101, DP 714477.

(2) Development for the purposes of a supermarket or a supermarket and liquor store is permitted with development consent.

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

(a) the floor space ratio of that part of the building on the site that is to be used for the purposes of the proposed development will not exceed 1.1:1, or

(b) the gross floor area of that part of the building on the site that is to be used for the purposes of the proposed development will not exceed 4,815m^2.

~~74~~67 Use of certain land at 12 Frederick Street, St Leonards

(1) This clause applies to certain land at 12 Frederick Street, St Leonards that comprises part of Lot 1, DP 591747, identified as "Area 11~~15~~" on the Floor Space Ratio Map.

(2) Development for the purpose of a hospital is permitted with development consent.

68 Use of certain land at 250 Sailors Bay Road, Northbridge

(1) This clause applies to certain land at 250 – 252 Sailors Bay Road, Northbridge, being Lot 16, DP 7746

(2) Development for the purpose of office premises and business premises is permitted with development consent.

Draft

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.

Clothing bins

~~(1) Must not be located in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential or Zone E4 Environmental Living, other than on existing premises occupied as a place of public worship.~~

~~(2) Must be associated with a registered charity.~~

~~(3) Must not be located on a road reserve.~~

~~(4) Must be maintained in a presentable and satisfactory state of repair.~~

Power poles for electricity supply on private land

(1) Must comply with the electricity supplier's requirements.

(2) Maximum 1 pole per property.

Draft

Signage—Council signage

Must be signage that is—

(a) on Council owned or controlled land, and

(b) located on bus shelters, telephone booths, seats, bins, meters, notice boards or similar structures, and

(c) on freestanding display panels less than $4m^2$ in area.

Signage—general requirements

(1) Must relate to the land on which the signage is located or to premises on the land and specify one or more of the following particulars—

(a) the purpose for which the land or premises is or are used,

(b) the identification of a person residing or carrying on an occupation or business on the land or premises,

(c) a description of an occupation or business referred to in paragraph (b),

(d) particulars of the goods or services dealt with or provided on the land or premises.

(2) Must not be located in a crown of trees protected under clause 5.9.

(3) Must not be located on a site occupied by a heritage item.

Signage—generally

Must meet the general requirements for signage and be one of the following—

~~(a) located on a site and not visible from outside the site (such as an internal business identification sign or a directional sign),~~

~~(b) located behind the glass line of commercial premises at street level except for illuminated signage located within 1m of the front of the premises,~~

~~(c) if a flush wall or painted window sign on commercial or industrial premises (other than the transom of a doorway) and not projecting more than 0.3m from the wall—~~

~~(i) no larger than $1.5m^2$, and~~

~~(ii) no higher than 2.7m from the ground level (existing), and~~

~~(iii) not above 50% of any building facade in area, and~~

~~(iv) not above an awning and not illuminated, and~~

~~(v) in the case of a window sign—not exceed 50% of any shop window within the frontage, and~~

~~(vi) limited to 1 sign per site,~~

~~(d) signage painted or flush against an existing shop awning that does not exceed the dimensions of~~

the awning fascia or return ends and must not be illuminated,

(e) a change in content of existing, approved signage that relates to the site on which it is proposed,

temporary community event advertising for non-commercial, local, cultural, religious, social or recreational events, including canvas or fabric banners displayed no more than 28 days before the start of the event and removed within 14 days of the event,

(f) a temporary real estate sign advertising a property for sale or lease and—

(i) limited to 1 per site, and

(ii) with a maximum area of 1.2m × 1.8m in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential and Zone E4 Environmental Living, or of 5m^2 in all other zones, and

(iii) removed within 14 days after sale or lease,

(g) a business identification sign in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential or Zone E4 Environmental Living that relates to a lawful use, is limited to the name and occupation of the occupant on a single non-illuminated or floodlit advertisement attached to the ground level (existing) of the dwelling or land having maximum dimensions of 1m in length by 0.6m in height.

(h) a top hamper sign that is attached to the transom of a doorway or display window of a building and—

(i) is not illuminated, and

(ii) does not exceed the length or width of the window or door or more than 0.2m beyond any building alignment, and

(iii) does not extend below the head of the doorway or window to which it is attached, and

(iv) has a maximum height of 0.5m above the top of the window or doorhead,

(i)(a) a public notice displayed by a public authority giving information or direction about services provided,

(j) an under awning sign attached to the underside of an awning (other than the fascia or return end) and complying with the following requirements—

(i) 1 sign per premises and at least 3m from a similar sign,

(ii) minimum clearance to underside of sign of 2.6m above footpath level,

(iii) maximum dimensions not exceeding 2.5m length and 0.5m height,

(iv) must not project beyond the awning,

(v) front alignment must be at least 1.5m from the side boundary of the premises,

(k)(b) replacement signage of the same dimensions and material as the Council-approved

~~signage it is replacing~~.

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Special events and temporary use of land (for community events, such as Christmas carol concerts, parades, street fetes, etc)

(1) Must take place on a road, school, place of public worship, hospital, public land or land that is in Zone RE1 Public Recreation or Zone RE2 Private Recreation.

(2) Must provide sufficient sanitary facilities for patrons and staff.

(3) Operator must have made arrangements for the collection, by an authorised trade waste contractor, of waste and recyclable materials that are generated by the event or use.

(4) Each stall and vendor must be registered with the Council before the event starts.

(5) Must have obtained any necessary approval to stage the event.

Note. The proposed event or temporary use may involve activities that require approvals under the *Local Government Act 1993*. Such activities include closure of public roads, temporary structures, food stalls, mobile food vendors, activities on community land, certain amusement devices and public entertainment. Consultation with the Council will assist in identifying any requirements before organising such activities.

Schedule 3 Complying development

(Clause 3.2)

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

Part 1 Types of development

(When this Plan was made this Part was blank)

Part 2 Complying development certificate conditions

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

General conditions

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

Schedule 4 Classification and reclassification of public land

(Clause 5.2)

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

Column 1	Column 2
Locality	**Description**
1/7 Herbert Street, St Leonards	Lot 174, SP 69609
5/7 Herbert Street, St Leonards	Lot 178, SP 69609
6/7 Herbert Street, St Leonards	Lot 179, SP 69609

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11/7 Herbert Street, St Leonards	Lot 184, SP 69609
5/9 Herbert Street, St Leonards	Lot 98, SP 69609
6/9 Herbert Street, St Leonards	Lot 99, SP 69609
7/13 Herbert Street, St Leonards	Lot 25, SP 67931
12/13 Herbert Street, St Leonards	Lot 30, SP 67931
14/13 Herbert Street, St Leonards	Lot 32, SP 67931
15/13 Herbert Street, St Leonards	Lot 33, SP 67931

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

Column 1 Locality	Column 2 Description	Column 3 Any trusts etc not discharged
Barton Road, Artarmon	Lots 14 and 15, DP 4639	Nil
Tingha Street, Chatswood	Part of Lot 5, DP 69948 and part of Currey Park, being land approximately 6 metres wide and 43 metres long at an indent of the car park structure (between 2 fire escapes from the Albert Avenue car park)	Nil
Eastern Valley Way, Northbridge	Lot 2 DP200094 Lot 4 DP200099 Lot 6 DP200096 Lot 8 DP200098 Lot 15 DP4409 Lot B DP323172	Yes

Part 3 Land classified, or reclassified, as community land

Column 1 Locality	Column 2 Description
Nil	

Schedule 5 Environmental heritage

(Clause 5.10)

Part 1 Heritage items

Suburb	Item name	Address	Property description	Significance	Item no
Artarmon	Artarmon Bowling Club	1A Burra Road	Lot 2 DP 856286	Local	I254

Artarmon	Industrial building (including surviving industrial elements)	1 Frederick Street	Part of Lot 12, DP 230974	Local	I1
Artarmon	House (including original interiors)	12 Harden Road	Lots 2 and 3, DP 4951	Local	I2
Artarmon	House (including original interiors)	32 Kitchener Road	SP 67825	Local	I3

Draft

Artarmon	House "Windsor Gardens" (including original interiors and garden)	244–264 Mowbray Road	Part of Lot 100, DP 832570	State	I84
Artarmon	Chatswood Zone Substation No 80 (building only)	Part of 348 Mowbray Road	Lots 1 and 2, Section C, DP 4048	Local	I4
Artarmon	Two reservoirs (structures only, known as "Chatswood Reservoirs")	366 Mowbray Road (corner Pacific Highway)	Part of Lot 1, DP 1036470	State	I5
Artarmon	Former stables	TAFE College Grounds, Westbourne Street (also known as 213 Pacific Highway)	Part of Lot 101, DP 1075748	Local	I149
Artarmon	Gateway entry pylons	Part of 215 Pacific Highway	Part of Lot 1, DP 1081652	Local	I6
Artarmon	Footings of the former transmission tower	Part of 215 Pacific Highway	Part of Lot 1, DP 1081652	Local	I7
Artarmon	Communications tower (excluding all ancillary buildings and structures and tower attachments)	217 Pacific Highway	Part of Lot B, DP 444493	Local	I8
Artarmon	House (including original interiors)	6 Pyrl Road	Lot B, DP 388344	Local	I10
Artarmon	House (including original interiors)	50 Sydney Street	Lot 2, DP 115546; Lot 2, Section Q, DP 4350	Local	I122
Artarmon	Group of shops and the Wilkes Avenue Plaza	1, 3 and 7 Wilkes Avenue and 22 Elizabeth Street	Lots 1 and 2, DP 11092; Lot 1, DP 33702; Lot 1, DP 166628	Local	I11
Castle Cove	House (including original interiors)	234 Boundary Street	Lot 1, DP 558670	Local	I187
Castle Cove	Castle and curtilage "Innisfallen Castle" (including original interiors and grounds, surviving elements of the original gardens, lawns, driveway, stone edgings and walls)	14 Cherry Place	Lot 35, DP 235319	State	I12
Castlecrag	House (including original interiors)	136 Edinburgh Road	Lot 1, DP 847190	Local	I13
Castlecrag	House (including original interiors, garden and front fence, gateway)	139–143 Edinburgh Road	Lot B, DP 388113; Lots 153–155, DP 12497	Local	I14

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Castlecrag	House (including original interiors)	140 Edinburgh Road	Lot B, DP 373118	Local	I15
Castlecrag	House (including original interiors)	144 Edinburgh Road	Lot 61, DP 11138; Lot 1, DP 315876	Local	I16
Castlecrag	Hospital (including palms)	150 Edinburgh Road	Lot 1, DP 701559	Local	I17
Castlecrag	House (including original interiors)	156 Edinburgh Road	Lot 1, DP 334163	Local	I18
Castlecrag	House (including original interiors)	158 Edinburgh Road	Lot 99, DP 11138 (subject to drainage easement)	Local	I19
Castlecrag	House (including original interiors)	173 Edinburgh Road	Lot A, DP 374516	Local	I20
Castlecrag	House (including original interiors)	183 Edinburgh Road	Lot 219, DP 12497	Local	I21
Castlecrag	House (including original interiors, garden elements, front fence and driveway)	215 Edinburgh Road	Lot C, DP 362191	Local	I22
Castlecrag	Waterfront cottage (including original interiors and seawall)	Rear of 217 Edinburgh Road	Part of Lot 1, DP 803334	Local	I23
Castlecrag	Waterfront cottage (including original interiors and seawall)	225 Edinburgh Road	Part of Lot 101, DP 575195	Local	I24
Castlecrag	Waterfront cottage (including original interiors, seawall and remains of sea bath)	233 & 233A Edinburgh Road	Lot 1, DP 433035; part of Lot 22, DP 868610	Local	I25
Castlecrag	House (including original interiors)	265 Edinburgh Road	Lot A, DP 380698	Local	I26
Castlecrag	Waterfront cottage (including original interiors and seawall)	Rear of 299 Edinburgh Road	Part of Lot C, DP 394155	Local	I27
Castlecrag	House (including original interiors)	315 Edinburgh Road	Lot 5, DP 8997	Local	I28
Castlecrag	House (including original interiors, boatshed and remnants of Griffin knitlock structure)	375 Edinburgh Road	Lot 1, DP 971183	State	I29
Castlecrag	Walter Burley Griffin Memorial Fountain	Corner Sortie Port and Edinburgh Road		Local	I30
Castlecrag	Griffin Centre	120 Edinburgh Road	Lot 1, DP 591269	Local	I253
Castlecrag	House (including original interiors)	2 The Barbette	Lot 197, DP 13306	Local	I31

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Castlecrag	House (including original interiors)	4 The Barbette	Lot 196, DP 13306	Local	I32
Castlecrag	House (including original interiors)	7 The Barbette	Lot 187, DP 14793	Local	I33
Castlecrag	House (including original interiors)	8 The Barbette	Lot 194A, DP 346940	State	I34
Castlecrag	Haven Amphitheatre	The Barricade, corner The Bulwark	Part land in DP 431880 (DP 2155)	Local	I35
Castlecrag	House (including original interiors)	2 The Bartizan	Lot 389, DP 19826	Local	I36
Castlecrag	House (including original interiors)	3 The Bastion	Lot 294, DP 13306	Local	I37
Castlecrag	House (including original interiors)	23 The Bastion	Lot 304, DP 13306	Local	I38
Castlecrag	House (including original interiors)	6 The Battlement	Lot 2, DP 621816	Local	I39
Castlecrag	House (including original interiors)	37 The Bulwark	Lot 397, DP 19826	Local	I40
Castlecrag	House (including original interiors)	80 The Bulwark	Lot 257, DP 19290	Local	I41
Castlecrag	House (including original interiors)	15 The Citadel	Lot 331, DP 1115828; Lot 1, DP 389112	State	I42
Castlecrag	House (including original interiors)	4 The Parapet	Lot 58, DP 11138	Local	I43
Castlecrag	House (including original interiors)	8 The Parapet	Lot 56, DP 11138	Local	I44
Castlecrag	House (including original interiors)	10 The Parapet	Lot 55, DP 11138	Local	I45
Castlecrag	House (including original interiors)	12 The Parapet	Lot 54, DP 11138	Local	I46
Castlecrag	House (including original interiors)	14 The Parapet	Lot 53, DP 11138	Local	I47
Castlecrag	Community Centre	10 The Postern	Lot 143, DP 17416	Local	I48
Castlecrag	House (including original interiors)	12 The Rampart	Lot 158, DP 13141	Local	I49
Chatswood	Garden of Remembrance	Albert Avenue	Lots 38 and 39, DP 2983; Lot 1, DP 917107; Lot 1, DP 917219; Lot 1, DP 917815	Local	I236
Chatswood	House (including original interiors)	8 Albert Avenue	Lot B, DP 961772	Local	I50
Chatswood	House (including original interiors)	28 Albert Avenue	Lot 1, DP 916733	Local	I51

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Chatswood	House (including original interiors)	34 Albert Avenue	Lot 1, DP 917620	Local	I52
Chatswood	House (including original interiors)	9 Archer Street	Lot 19, Section 3, DP 260	Local	I53
Chatswood	House (including original interiors)	11 Archer Street	Lot 100, DP 830992	Local	I54
Chatswood	House (including original interiors)	13 Archer Street	Lot A, DP 346927	Local	I55
Chatswood	House (including original interiors)	27 Archer Street	Lot 3, DP 19199	Local	I56
Chatswood	*Angophora costata* (tree)	63 Archer Street	Lot 1, DP 1055596	Local	I237
Chatswood	Our Lady of Dolours Church (including original interiors)	94A Archer Street	Lot 1, DP 208427	Local	I57
Chatswood	House (including original interiors)	105 Archer Street	Lot 1, DP 924124	Local	I58
Chatswood	House (including original interiors)	107 Archer Street	Lot A, DP 343785	Local	I59
Chatswood	House (including original interiors)	118 Ashley Street	Lot 1, DP 117011; Lot 1, DP 920963	Local	I61
Chatswood	House (including original interiors)	6 Beaconsfield Road	Lot B, DP 339468	Local	I62
Chatswood	Holy Trinity Anglican Church (including original interiors)	46 Beaconsfield Road	Lot 76, DP 14213	Local	I63
Chatswood	House (including original interiors)	17 Beauchamp Avenue	Lot 1, DP 203579	Local	I64
Chatswood	House (including original interiors)	21 Beauchamp Avenue	Lot 5, DP 17573	Local	I65
Chatswood	House (including original interiors)	9 Centennial Avenue	Lot D, DP 336587	Local	I245
Chatswood	House (including original interiors)	19 Centennial Avenue	Lot B, DP 359068	Local	I66
Chatswood	House (including original interiors)	60 Centennial Avenue	Lot A, DP 105454	Local	I67
Chatswood	House (including original interiors)	4 Chapman Avenue	Part of Lot 1, DP 1055517	Local	I68
Chatswood	House (including original interiors)	4 Daisy Street	Lot 1, DP 935969	Local	I69
Chatswood	House (including original interiors)	6 Daisy Street	Lot 1, DP 936234	Local	I70
Chatswood	House (including original interiors)	8 Daisy Street	Lot 230, DP 2934; Lot 1, DP 726399	Local	I71

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Chatswood	House (including original interiors)	21 Daisy Street	Lot 210, DP 2934	Local	I72
Chatswood	House (including original interiors)	8 Devonshire Street	Lot B, DP 382883	Local	I73
Chatswood	House (including original interiors)	30 Edgar Street	Lot 1, DP 322339	Local	I135
Chatswood	House (including original interiors)	3 Fry Street	Lot A, DP 387142	Local	I196
Chatswood	House (including original interiors)	24 Fullers Road	Lot A, DP 389697	Local	I74
Chatswood	House (including original interiors)	102 Fullers Road	Lot X, DP 407569	Local	I141
Chatswood	House (including original interiors)	24 Goodchap Road	Lot 3, DP 15212	Local	I145
Chatswood	House (including original interiors)	29 Greville Street	Lots 2 and 3, DP 412489	Local	I75
Chatswood	House (including original interiors)	43 Hercules Street	Lot 2, DP 555991	Local	I76
Chatswood	House (including original interiors)	22 Holland Street	Lots 13 and 14, DP 4312	Local	I77
Chatswood	House (including original interiors)	15 Johnson Street	Lot B, DP 335852	Local	I78
Chatswood	House (including original interiors)	17 Johnson Street	Lot A, DP 335852	Local	I79
Chatswood	House (including original interiors)	34 Johnson Street	Lot 1, DP 882767	Local	I80
Chatswood	House (including original interiors, Bunya Pine and Moreton Bay Fig)	18 Kareela Road	Lot 1, DP 1058437	Local	I146
Chatswood	Terrace house (including original interiors)	8–10 Moriarty Road	Lots A and B, DP 106994	Local	I147
Chatswood	House (including original interiors)	235 Mowbray Road	Lot 21, DP 813764	Local	I82
Chatswood	House (including original interiors)	237 Mowbray Road	Lot 100, DP 833865	Local	I83
Chatswood	House (including original interiors)	245 Mowbray Road	Lot 2, DP 311166	Local	I85
Chatswood	House (including original interiors)	251 Mowbray Road	Lot 1, DP 209041	Local	I86
Chatswood	House (including original interiors)	253 Mowbray Road	Lot 1, DP 3310	Local	I87

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Chatswood	House (including original interiors)	267 Mowbray Road	Lot 2, DP 304870	Local	I88
Chatswood	House (including original interiors)	271 Mowbray Road	Lot 3, DP 924988	Local	I89
Chatswood	House (including original interiors)	277 Mowbray Road	Lot C, DP 14082	Local	I90
Chatswood	House (including original interiors and front fence)	283 Mowbray Road	Lot B, DP 348762; Lot 1, DP 922402	Local	I91
Chatswood	House and curtilage "Hilton" (including original interiors, driveway and front fence)	315 Mowbray Road	Lots 1–3, Section 1, DP 974995; Lot 1, DP 924466	State	I92
Chatswood	House (including original interiors)	317 Mowbray Road	Lot 1, DP 954816	Local	I93
Chatswood	House (including original interiors)	321 Mowbray Road	Lot 2, DP 813850	Local	I94
Chatswood	House (including original interiors)	333 Mowbray Road	Lot 3, DP 4031	Local	I95
Chatswood	Mowbray House and 10m curtilage	339 Mowbray Road	Part of Lot 2, DP 221896	Local	I96
Chatswood	House (including original interiors)	13 Neridah Street	Lot 1, DP 982553	Local	I97
Chatswood	House (including original interiors)	15 Neridah Street	Lot B, DP 417399	Local	I98
Chatswood	House (including original interiors)	17 Neridah Street	Lot A, DP 417399	Local	I99
Chatswood	House (including original interiors)	22 Neridah Street	Lot 1, DP 508849	Local	I100
Chatswood	House (including original interiors)	23 Neridah Street	Lot 40, DP 2034; Lot B, DP 341250	Local	I101
Chatswood	House (including original interiors)	28 Neridah Street	Lot 1, DP 785397	Local	I102
Chatswood	House (including original interiors)	34 Neridah Street	Lot C, DP 330020	Local	I103
Chatswood	House (including original interiors)	37 Neridah Street	Lot 47, DP 2034; Lot 48, DP 2034; Lot A, DP 342657	Local	I104
Chatswood	House (including original interiors)	2 Orchard Road	Lots 1 and 2, DP 85482	Local	I105
Chatswood	Chatswood Public School	Corner Pacific Highway and Centennial Avenue	Lot 1, DP 812207; Lot C, DP 346499	Local	I106

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Chatswood	Great Northern Hotel (including original interiors)	522 Pacific Highway	Lot 1, DP 799314	Local	I107
Chatswood	Old Fire Station	767 Pacific Highway	Lot 6, DP 2983	Local	I238
Chatswood	Boarding house (including original interiors)	850 Pacific Highway	Lot C, DP 335744	Local	I108
Chatswood	Commercial buildings	923 and 989 Pacific Highway	Part of Lot 1, DP 846943; Lot 1, DP 34636	Local	I109
Chatswood	House (including original interiors)	7 Robinson Street	Lot 2, DP 203484	Local	I110
Chatswood	House (including original interiors)	11 Robinson Street	Lot B, DP 375593	Local	I111
Chatswood	House (including original interiors)	13 Robinson Street	Lot 2, DP 536737	Local	I112
Chatswood	House (including original interiors)	17 Robinson Street	Lot 1, DP 531332	Local	I113
Chatswood	House (including original interiors)	21 Robinson Street	Lot 7, Section 10, DP 2300; Lot 1, DP 727363	Local	I114
Chatswood	House (including original interiors)	24 Robinson Street	Lot 2, DP 502991	Local	I115
Chatswood	House (including original interiors)	26 Robinson Street	Lot 1, DP 514424	Local	I116
Chatswood	House (including original interiors)	27 Robinson Street	Lot 1, DP 777949	Local	I117
Chatswood	House (including original interiors)	28 Robinson Street	Lot 1, DP 545971	Local	I118
Chatswood	House (including original interiors)	29 Robinson Street	Lot 1, DP 624381	Local	I119
Chatswood	House (including original interiors)	2 Rose Street	Lots X and Y, DP 406803	Local	I120
Chatswood	House (including original interiors)	40 Stanley Street	Lot A, DP 371956	Local	I121
Chatswood	House (including original interiors)	20 Tulip Street	Lot C, DP 386934	Local	I129
Chatswood	House (including original interiors)	66 Victoria Avenue	Lot A, DP 400982	Local	I131
Chatswood	Community Hospital	256 Victoria Avenue	Part of Lot 1, DP 828606	Local	I133
Chatswood	Orchard Tavern (including original interiors)	455 Victoria Avenue	Lot I, DP 617551	Local	I239

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Chatswood	House (including original interiors)	6 Wyvern Avenue	Lot A, DP 335285	Local	I188
Chatswood West	House (including original interiors)	128 Fullers Road	Lot X, DP 418731	Local	I142
Chatswood West	House (including original interiors)	130 Fullers Road	Lot 1, DP 101867	Local	I143
Chatswood West	House (including original interiors)	132 Fullers Road	Lot A, DP 340417	Local	I144
Lane Cove North	House (including former dairy and original interiors)	17 Fitzsimmons Avenue	Lot 18A, DP 391514	Local	I150
Middle Cove	Glenaeon School (including gateway)	5A Glenroy Avenue	Lot 1, DP 868851	Local	I151
Middle Cove	House (including original interiors)	19 Heights Crescent	Lot 129, DP 20822	Local	I235
Middle Cove	House (including original interiors)	17 North Arm Road	Lot 21, DP 27625	Local	I152
Middle Cove	House (including original interiors)	31 Victoria Avenue	Lot 2, DP 550621	Local	I130
Naremburn	House (including original interiors)	11 Adolphus Street	Lot 1, DP 825034	Local	I153
Naremburn	House (including original interiors)	4 Berry Avenue	Lot A, DP 361740	Local	I154
Naremburn	House	31 Central Street	Lot 6, DP 470	Local	I155
Naremburn	Converted Naremburn Public School and Resources Centre	10 Dalleys Road; 250 and part of 252 Willoughby Road	Part of Lot 1, DP 270101 and SP 53410; Lot 1, DP 862888; SP 56957; SP 57529	Local	I156
Naremburn	House (including original interiors)	26 Dawson Street	Lot 17, DP 2233	Local	I157
Naremburn	Dry stone wall and water channel	Off Dawson Street, Flat Rock Gully	Part of Lots 35 and 36, DP 2233	Local	I158
Naremburn	"Fatty" Dawson's Ruins	Off Dawson Street, Flat Rock Gully	Part of Lot 7, DP 578027	Local	I159
Naremburn	St Leonards Church (including original interiors)	43 Donnelly Road	Part of Lot 1, DP 115889	Local	I160
Naremburn	House (including original interiors)	33 Market Street	Lot 141, DP 1133148	Local	I161
Naremburn	House (including original interiors)	38 Market Street	Lot 1, DP 170113	Local	I162
Naremburn	House (including original interiors)	40 Market Street	Lot 1, DP 82188	Local	I163

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Naremburn	House (including original interiors)	62 Market Street	Lot 14, DP 470	Local	I164
Naremburn	House (including original interiors)	29 Marks Street	Lot 1, DP 980279	Local	I165
Naremburn	House (including original interiors)	4 McBurney Street	Lot 1, DP 205293	Local	I166
Naremburn	House (including original interiors)	6 McBurney Street	Lot 1, DP 195571	Local	I167
Naremburn	House (including original interiors)	2 Quarry Street	Lot 1, DP 1012046	Local	I168
Naremburn	House (including original interiors)	40 Slade Street	Lot 1, DP 79295	Local	I169
Naremburn	House (including original interiors)	42 Slade Street	Lot 1, DP 85352	Local	I170
Naremburn	House (including original interiors)	334 West Street	Lot B, DP 392438	Local	I171
Naremburn	St Cuthbert's Anglican Church (including original interiors)	205 Willoughby Road	Lots 38, 39 and 40, DP 5751	Local	I172
Naremburn	House (including original interiors)	248 Willoughby Road	Lot 126, DP 1038878	Local	I173
Naremburn	Group of shops	272–276 Willoughby Road	Lot B, DP 385463	Local	I174
Naremburn	Shops	284 and 284A Willoughby Road	Lots 1 and 2, DP 616913	Local	I175
Northbridge	St Phillip Neri School Hall	65–71 Baringa Road	Part of Lot 1, DP 1022446	Local	I176
Northbridge	Clock tower	Corner Cliff and Strathallen Avenues (public roadway near the Suspension Bridge)		Local	I177
Northbridge	House (including original interiors)	9 Coorabin Road	Lot 20, DP 11031	Local	I178
Northbridge	Clive Park and Tidal Pool	Sailors Bay Road	Lot 7093, DP 93909; Lot 347, DP 1130320	Local	I179
Northbridge	Northbridge Golf Club and Golf Course	Sailors Bay Road	Part of Lot 688, DP 752067; part of Lot 687, DP 752067	Local	I180
Northbridge	Northbridge Public School, original school Building A	Sailors Bay Road	Part of Lot 362, DP 752067	Local	I181
Northbridge	Northbridge Sailing Club	Sailors Bay Road	Part of Lot 259, DP 752067	Local	I182

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Northbridge	House (including original interiors)	186 Sailors Bay Road	Lot 19, Section 3, DP 7122	Local	I183
Northbridge	Flats (including original interiors)	266–276 Sailors Bay Road	Lots 3–14, DP 15725	Local	I184
Northbridge	Group of shops	288–296 Sailors Bay Road	Lots 1–5, DP 306078	Local	I185
Northbridge	Shops and residence	395 Sailors Bay Road	Lot 1A, DP 372721	Local	I186
Northbridge	Suspension bridge	Strathallen Avenue over Tunks Park		Local	I229
Roseville	House (including original interiors)	97 Ashley Street	Part of Lot 300, DP 1029909	Local	I60
Roseville	House (including original interiors and grounds)	5 Findlay Avenue	Lot 2, DP 703121	Local	I136
Roseville	House (including original interiors and grounds)	16 Findlay Avenue	Lot 1, DP 328766	Local	I137
Roseville	House (including original interiors and circular driveway)	23 Findlay Avenue	Lot 12, DP 537533	Local	I138
Roseville	House (including original interiors)	36 Findlay Avenue	Lot 1, DP 964503	Local	I139
Roseville	House (including original interiors)	40 Findlay Avenue	Lot 12, DP 1030300	Local	I140
Roseville	House (including original interiors)	59 William Street	Lot 2, DP 215604	Local	I134
St Leonards	Gore Hill Memorial Cemetery	211 Pacific Highway	Lots 101 and 102, DP 791327	State	I148
St Leonards	Pavilion Wing Building, Block 1B (including original interiors)	Royal North Shore Hospital	Part of Lot 21, DP 863329	Local	I240
St Leonards	Pavilion Wing Building, Block 1A (including original interiors)	Royal North Shore Hospital	Part of Lot 21, DP 863329	Local	I241
St Leonards	Resident Medical Officers (RMO) Building—known as Vanderfield Building (including original interiors)	Royal North Shore Hospital	Part of Lot 21, DP 863329	Local	I242
St Leonards	Anstro—Body Protein Building (including original interiors)	Royal North Shore Hospital	Part of Lot 21, DP 863329	Local	I243

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St Leonards	Orthotics Building (including original interiors)	Royal North Shore Hospital	Part of Lot 21, DP 863329	Local	I244
Willoughby	House (including original interiors)	35 Frenchs Road	Lot 1, DP 848409	Local	I195
Willoughby	House (including original interiors)	42 High Street	Lot 1, DP 719224	Local	I197
Willoughby	House "Oakville" (including original interiors)	98 High Street	Lot B, DP 333217	Local	I198
Willoughby	House (including original interiors)	9 Mann Street	Lot A, DP 151779	Local	I207
Willoughby	House (including original interiors)	76 Marlborough Road	Lot 35, Section 2, DP 741	Local	I208
Willoughby	St Stephen's Church (including original interiors)	Corner Mowbray Road and Sydney Street	Lot 5, DP 246192	Local	I209
Willoughby	Willoughby Girls High School	Corner Mowbray Road and Penshurst Street	Lots 1 and 2, DP 782204	Local	I210
Willoughby	House (including original interiors and original fence elements)	175 Mowbray Road	Lot 10, DP 709494	Local	I81
Willoughby	House and offices (including original interiors)	4 Oakville Road	Lots 8 and 9, Section B, DP 2631	Local	I211
Willoughby	Shop (including original interiors)	28 Oakville Road	Lot 1, DP 232462	Local	I212
Willoughby	Willoughby Public School	Oakville Road	Lots 1–12, Section F, DP 2631; Lot 2, DP 74980	Local	I213
Willoughby	House (including original interiors)	18 Penkivil Street	Lot 13, Section 3, DP 4667	Local	I214
Willoughby	House (including original interiors)	20 Penkivil Street	Lot 12, Section 3, DP 4667	Local	I215
Willoughby	House (including original interiors)	22 Penkivil Street	Lot 11, Section 3, DP 4667	Local	I216
Willoughby	House (including original interiors)	24 Penkivil Street	Lot B, DP 384806	Local	I217
Willoughby	House and curtilage (including former stables "Laurel Bank" and original interiors)	85–87 Penshurst Street	Lots 1, 2 and 3, Section 2, DP 977087	State	I218

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Willoughby	Semi-detached house (including original interiors)	16 Salisbury Road	Lot 1, DP 719119	Local	I225
Willoughby	Semi-detached house (including original interiors)	18 Salisbury Road	Lot 2, DP 719119	Local	I226
Willoughby	Incinerator	2 Small Street	Part of Lot 2, DP 57586	State	I228
Willoughby	Group of shops	80 Sydney Street	Lot 8, DP 12798	Local	I123
Willoughby	House (including original interiors)	94 Sydney Street	Lot 1, DP 87567	Local	I124
Willoughby	House (including original interiors)	96 Sydney Street	Lot 2, DP 556541	Local	I125
Willoughby	Bridge	Willoughby Road over Flat Rock Creek		Local	I232
Willoughby	Group of shops (front facade only)	Part 549–553 Willoughby Road	Part SP 67350; Lot 1, DP 656349; part of Lot C, DP 162380	Local	I233
Willoughby	Bridgeview Hotel (including original interiors)	576 Willoughby Road	Lot 1, DP 81718; Lot 12, DP 75352	Local	I234
Willoughby East	House (including original interiors)	9 Edinburgh Road	Lot 58, DP 4151	Local	I192
Willoughby East	Telford Lane paving	Between Fourth Avenue and Eastern Valley Way		Local	I194
Willoughby East	House "Tyneside" (including original interiors)	143 High Street	Lot 1, DP 536418	Local	I199
Willoughby East	House "Rosewall" (including original interiors)	171 High Street	Lot 1, DP 217775	Local	I200
Willoughby East	Bowling Club House (including original interiors)	Robert Street, Willoughby Park	Part of Lot 7092, DP 93908	Local	I224
Willoughby East	Tresillian Nursing Home (including original interiors)	2–6 Second Avenue	Lot D, DP 314721	Local	I227
Willoughby East	Chowne Memorial Hall	Warrane Road, Willoughby Park	Part of Lot 7092, DP 93908	Local	I230
Willoughby East	Gates at Willoughby Park	Warrane Road, Willoughby Park	Part of Lot 7092, DP 93908	Local	I231
Willoughby North	House (including original interiors)	1 Clanwilliam Street	Lot 36, DP 1038700	Local	I189

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Willoughby North	House (including original interiors)	3–5 Clanwilliam Street	Lots 1 and 2, DP 560086	Local	I190
Willoughby North	Uniting Church and Manse (including original interiors)	10–12 Clanwilliam Street	Lot 1, DP 197947; Lot 1, DP 197948; Lot 1, DP 197949	Local	I191
Willoughby North	House (including original interiors)	34 Forsyth Street	Lot 1, DP 602895	Local	I193
Willoughby North	House (including original interiors)	190 High Street	Lot 1, DP 782188	Local	I201
Willoughby North	House (including original interiors)	206 High Street	Lot 2, DP 192006	Local	I202
Willoughby North	House "Captains Cottage" (including original interiors)	208 High Street	Lot 1, DP 192006	Local	I203
Willoughby North	House (including original interiors)	247 High Street	Lot 9, DP 660448	Local	I204
Willoughby North	Shop	29 Laurel Street	Lot 7, Section 4, DP 1746	Local	I205
Willoughby North	Willoughby Fire Station	47 Laurel Street	Lot 2, DP 999243	Local	I206
Willoughby North	House (including original interiors)	105 Penshurst Street	Lot 1, DP 577630	Local	I219
Willoughby North	Baby Health Centre	191 Penshurst Street	Lots 47 and 48, DP 14241	Local	I220
Willoughby North	House (including original interiors)	232–234 Penshurst Street	Lots 7 and 8, DP 16622; Parcel Lot 6B, DP 360295	Local	I221
Willoughby North	House (including original interiors)	238 Penshurst Street	Lot 4, DP 16622	Local	I222
Willoughby North	Hotel Willoughby (including original interiors)	315 Penshurst Street	Lot 1, DP 105551; Lot 1, DP 1010598	Local	I223
Willoughby North	House (including original interiors)	98 Sydney Street	Lot 1, DP 75125	Local	I126
Willoughby North	House (including original interiors)	142A and 142B Sydney Street	SP 76442	Local	I127
Willoughby North	House (including original interiors)	161 Sydney Street	Lot 1, DP 1080450	Local	I128

Part 2 Heritage conservation areas

Description	Identification on Heritage Map	Significance
Artarmon	Shown by a heavy red outline and hatched and marked "C1"	Local

Draft

Blue Gum	Shown by a heavy red outline and hatched and marked "C2"	Local
Findlay and Wyvern Avenues	Shown by a heavy red outline and hatched and marked "C3"	Local
Griffin	Shown by a heavy red outline and hatched and marked "C4"	Local
Harwood Avenue	Shown by a heavy red outline and hatched and marked "C5"	Local
Hollywood Crescent	Shown by a heavy red outline and hatched and marked "C6"	Local
Horsley Avenue	Shown by a heavy red outline and hatched and marked "C7"	Local
Naremburn	Shown by a heavy red outline and hatched and marked "C8"	Local
Naremburn Central Township	Shown by a heavy red outline and hatched and marked "C9"	Local
North Chatswood	Shown by a heavy red outline and hatched and marked "C10"	Local
South Chatswood	Shown by a heavy red outline and hatched and marked "C11"	Local
Willoughby Park	Shown by a heavy red outline and hatched and marked "C12"	Local

Part 3 Archaeological sites

Suburb	Item name	Address	Property description	Significance	Item no
Chatswood	Caroma site	176–194 Victoria Avenue and 17 Septimus Street (bounded by Victoria Avenue, Septimus Street, Albert Avenue and Jacques Street)	Lot 2, DP 1066417; Lot 10, DP 1066417; Lots 1–103, SP 72739	Local	A1

Schedule 6 Pond-based and tank-based aquaculture

(Clause 5.19)

Part 1 Pond-based and tank-based aquaculture

Division 1 Site location requirements

1 Conservation exclusion zones

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

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

(b) vacant Crown land,

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

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

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

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

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

Division 2 Operational requirements

2 Species selection

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

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

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

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

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

5 Outlets from culture ponds etc

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

6 Definition

In this Division—

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

Draft

Part 2 Extensive pond-based aquaculture

Division 1 Site location requirements

7 Conservation exclusion zones

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

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

(b) vacant Crown land,

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

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

8 Flood liability

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

Division 2 Operational requirements

9 Species selection

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

10 Pond design

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

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

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

11 Culture water

Must use freshwater.

Dictionary

(Clause 1.4)

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

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

Draft

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 Willoughby Local Environmental Plan 2012 Acid Sulfate Soils Map.

Active Street Frontages Map means the Willoughby Local Environmental Plan 2012 Active Street Frontages Map.

advertisement has the same meaning as in the Act.

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

advertising structure has the same meaning as in the Act.

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

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

affordable housing has the same meaning as in the Act.

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

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

Note.

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

agriculture means any of the following—

(a) aquaculture,

(b) extensive agriculture,

(c) intensive livestock agriculture,

(d) intensive plant agriculture.

Draft

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

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

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

Note.

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

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

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

(a) billiards, pool or other like games, or

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

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

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

Note.

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

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

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

(a) a retail area for the sale of the products,

(b) a restaurant or cafe,

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

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

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

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

(a) each dwelling is attached to another dwelling by a common wall, and

(b) each of the dwellings is on its own lot of land, and

(c) none of the dwellings is located above any part of another dwelling.

Note.

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

Draft

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

backpackers' accommodation means a building or place that—

(a) provides temporary or short-term accommodation on a commercial basis, and

(b) has shared facilities, such as a communal bathroom, kitchen or laundry, and

(c) provides accommodation on a bed or dormitory-style basis (rather than by room).

Note.

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

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

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

(a) meals are provided for guests only, and

(b) cooking facilities for the preparation of meals are not provided within guests' rooms, and

(c) dormitory-style accommodation is not provided.

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

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

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

Note.

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

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

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

Note.

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

boarding house means a building that—

(a) is wholly or partly let in lodgings, and

(b) provides lodgers with a principal place of residence for 3 months or more, and

(c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and

(d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

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

Draft

or a serviced apartment.

Note.

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

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

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

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

brothel has the same meaning as in the Act.

Note.

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

building has the same meaning as in the Act.

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

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

(a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or

(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,

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

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

Note.

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

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

(a) a building wall, or

(b) the outside face of any balcony, deck or the like, or

(c) the supporting posts of a carport or verandah roof,

whichever distance is the shortest.

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

Note.

The term is defined as follows—

bush fire hazard reduction work means—

(a) the establishment or maintenance of fire breaks on land, and

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

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

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

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

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

business identification sign means a sign—

(a) that indicates—

(i) the name of the person or business, and

(ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and

(b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

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

Note.

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

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

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

(b) a service is provided directly to members of the public on a regular basis,

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

Note.

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

camping ground means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

canal estate development means development that incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are constructed by or with the authority of a person or body responsible for those functions and that are limited to the

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minimal reasonable size and capacity to meet a demonstrated need for the works), and that either—

(a) includes the construction of dwellings (which may include tourist and visitor accommodation) of a kind other than, or in addition to—

(i) dwellings that are permitted on rural land, and

(ii) dwellings that are used for caretaker or staff purposes, or

(b) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

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

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

catchment action plan has the same meaning as in the *Catchment Management Authorities Act 2003*.

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

cellar door premises means a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

Note.

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

cemetery means a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.

centre-based child care facility means—

(a) a building or place used for the education and care of children that provides any one or more of the following—

(i) long day care,

(ii) occasional child care,

(iii) out-of-school-hours care (including vacation care),

(iv) preschool care, or

(b) an approved family day care venue (within the meaning of the *Children (Education and Care Services) National Law (NSW)*),

Note. An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the *Children (Education and Care Services) National Law (NSW)*) is provided.

but does not include—

(c) a building or place used for home-based child care or school-based child care, or

(d) an office of a family day care service (within the meanings of the *Children (Education and Care Services) National Law (NSW)*), or

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(e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or

(f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or

(g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or

(h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

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

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

Note.

The term is defined as follows—

classified road means any of the following—

(a) a main road,

(b) a highway,

(c) a freeway,

(d) a controlled access road,

(e) a secondary road,

(f) a tourist road,

(g) a tollway,

(h) a transitway,

(i) a State work.

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

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

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

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

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

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

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

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

commercial premises means any of the following—

Draft

(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 Willoughby City Council.

crematorium means a building in which deceased persons or pets are cremated, whether or not it contains an associated building for conducting memorial services.

curtilage, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance.

dairy (pasture-based) means a dairy that is conducted on a commercial basis where the only restriction facilities present are milking sheds and holding yards and where cattle generally feed by grazing on living grasses and other plants on the land and are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

Note.

Dairies (pasture-based) are a type of ***extensive agriculture***—see the definition of that term in this Dictionary.

dairy (restricted) means a dairy that is conducted on a commercial basis where restriction facilities (in addition to milking sheds and holding yards) are present and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief). It may comprise the whole or part of a restriction facility.

Note.

Dairies (restricted) are a type of ***intensive livestock agriculture***—see the definition of that term in this Dictionary.

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

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

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

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

Note.

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

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

Note.

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

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

Note.

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

Dual Occupancy Restriction Map means the Willoughby Local Environmental Plan 2012 Dual Occupancy Restriction Map.

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

dwelling house means a building containing only one dwelling.

Note.

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

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

(a) a centre-based child care facility,

(b) home-based child care,

(c) school-based child care.

earthworks means excavation or filling.

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

eco-tourist facility means a building or place that—

(a) provides temporary or short-term accommodation to visitors on a commercial basis, and

(b) is located in or adjacent to an area with special ecological or cultural features, and

(c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

Draft

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

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

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

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

(a) a school, or

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

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

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

emergency services organisation means any of the following—

(a) Ambulance Service of New South Wales,

(b) Fire and Rescue NSW,

(c) NSW Rural Fire Service,

(d) NSW Police Force,

(e) State Emergency Service,

(f) New South Wales Volunteer Rescue Association Incorporated,

(g) New South Wales Mines Rescue Brigade established under the *Coal Industry Act 2001*,

(h) an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

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

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

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

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

Note.

The term is defined as follows—

estuary means—

Draft

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

(b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea, or

(c) anything declared by the regulations (under the *Water Management Act 2000*) to be an estuary,

but does not include anything declared by the regulations (under the *Water Management Act 2000*) not to be an estuary.

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

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

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

extensive agriculture means any of the following—

(a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,

(b) the grazing of livestock (other than pigs and poultry) for commercial purposes on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the livestock,

(c) bee keeping,

(d) a dairy (pasture-based) where the animals generally feed by grazing on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the animals.

Note.

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

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

Note.

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

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

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

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

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

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

feedlot means a confined or restricted area that is operated on a commercial basis to rear and fatten cattle, sheep or

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other animals, but does not include a poultry farm, dairy or pig farm.

Note.

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

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

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

(b) the use of land as a waste disposal facility.

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

(a) still photography, or

(b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or

(c) recording images as a visitor or tourist for non-commercial purposes, or

(d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

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

Note.

The term is defined as follows—

Definition of "fish"

(1)

Fish means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).

(2)

Fish includes—

(a) oysters and other aquatic molluscs, and

(b) crustaceans, and

(c) echinoderms, and

(d) beachworms and other aquatic polychaetes.

(3)

Fish also includes any part of a fish.

(4)

However, ***fish*** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the *Fisheries Management Act 1994*.

flood mitigation work means work designed and constructed for the express purpose of mitigating flood impacts. It

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involves changing the characteristics of flood behaviour to alter the level, location, volume, speed or timing of flood waters to mitigate flood impacts. Types of works may include excavation, construction or enlargement of any fill, wall, or levee that will alter riverine flood behaviour, local overland flooding, or tidal action so as to mitigate flood impacts.

floor space ratio—see clause 4.5.

Floor Space Ratio Map means the Willoughby Local Environmental Plan 2012 Floor Space Ratio Map.

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

(a) a restaurant or cafe,

(b) take away food and drink premises,

(c) a pub,

(d) a small bar.

Note.

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

foreshore area means the land identified as "Foreshore Area" on the Foreshore Building Line Map.

Foreshore Building Line Map means the Willoughby Local Environmental Plan 2012 Foreshore Building Line Map.

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

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

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

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

Note.

Funeral homes are a type of ***business premises***—see the definition of that term in this Dictionary.

garden centre means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may include a restaurant or cafe and the sale of any of the following—

(a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,

(b) pets and pet supplies,

(c) fresh produce.

Note.

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

general industry means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

Note.

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

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

(a) the area of a mezzanine, and

(b) habitable rooms in a basement or an attic, and

(c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes—

(d) any area for common vertical circulation, such as lifts and stairs, and

(e) any basement—

(i) storage, and

(ii) vehicular access, loading areas, garbage and services, and

(f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and

(g) car parking to meet any requirements of the consent authority (including access to that car parking), and

(h) any space used for the loading or unloading of goods (including access to it), and

(i) terraces and balconies with outer walls less than 1.4 metres high, and

(j) voids above a floor at the level of a storey or storey above.

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

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

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

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

Note.

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

group home (permanent) or ***permanent group home*** means a dwelling—

(a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and

(b) that is used to provide permanent household accommodation for people with a disability or people who are

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socially disadvantaged,

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

Note.

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

group home (transitional) or ***transitional group home*** means a dwelling—

(a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and

(b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

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

Note.

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

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

Note.

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

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

(a) to human health, life or property, or

(b) to the biophysical environment.

Note.

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

hazardous storage establishment means a building or place that is used for the storage of goods, materials or products and that would, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), pose a significant risk in the locality—

(a) to human health, life or property, or

(b) to the biophysical environment.

Note.

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

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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 Willoughby Local Environmental Plan 2012 Height of Buildings Map.

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

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

(a) a terminal building, or

(b) facilities for the parking, storage or repair of helicopters.

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Note.

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

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

(a) shown on the Heritage Map as a heritage conservation area, and

(b) the location and nature of which is described in Schedule 5,

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

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

heritage impact statement means a document consisting of—

(a) a statement demonstrating the heritage significance of a heritage item or heritage conservation area, and

(b) an assessment of the impact that proposed development will have on that significance, and

(c) proposals for measures to minimise that impact.

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

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

heritage management document means—

(a) a heritage conservation management plan, or

(b) a heritage impact statement, or

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

Heritage Map means the Willoughby Local Environmental Plan 2012 Heritage Map.

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

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

(a) electronic or micro-electronic systems, goods or components,

(b) information technology (such as computer software or hardware),

(c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,

(d) biological, pharmaceutical, medical or paramedical systems, goods or components,

(e) film, television or multi-media technologies, including any post production systems, goods or components,

(f) telecommunications systems, goods or components,

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(g) sustainable energy technologies,

(h) any other goods, systems or components intended for use in a science or technology related field,

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

Note.

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

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

(a) a restaurant or cafe,

(b) take away food and drink premises,

(c) service stations and facilities for emergency vehicle towing and repairs,

(d) parking for vehicles,

(e) rest areas and public amenities.

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

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

home business means a business 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,

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(c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter,

(d) the exhibition of any signage (other than a business identification sign),

(e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

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

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

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

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

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

(b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or

(c) the display of goods, whether in a window or otherwise, or

(d) the exhibition of any signage (other than a business identification sign), or

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

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

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

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

(b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or

(c) the exhibition of any signage, or

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

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

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

Note.

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

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

(a) day surgery, day procedures or health consulting rooms,

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(b) accommodation for nurses or other health care workers,

(c) accommodation for persons receiving health care or for their visitors,

(d) shops, kiosks, restaurants or cafes or take away food and drink premises,

(e) patient transport facilities, including helipads, ambulance facilities and car parking,

(f) educational purposes or any other health-related use,

(g) research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes),

(h) chapels,

(i) hospices,

(j) mortuaries.

Note.

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

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

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

(b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

Note.

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

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

(a) comprises rooms or self-contained suites, and

(b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

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

Note.

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

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

industrial retail outlet means a building or place that—

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

(b) is situated on the land on which the industry or rural industry is located, and

(c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured

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on the land on which the industry or rural industry is located,

but does not include a warehouse or distribution centre.

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

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

industry means any of the following—

(a) general industry,

(b) heavy industry,

(c) light industry,

but does not include—

(d) rural industry, or

(e) extractive industry, or

(f) mining.

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

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

(a) dairies (restricted),

(b) feedlots,

(c) pig farms,

(d) poultry farms,

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

Note.

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

intensive plant agriculture means any of the following—

(a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),

(b) horticulture,

(c) turf farming,

(d) viticulture.

Note.

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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 Willoughby Local Environmental Plan 2012 Land Application Map.

Land Reservation Acquisition Map means the Willoughby Local Environmental Plan 2012 Land Reservation Acquisition Map.

Land Zoning Map means the Willoughby Local Environmental Plan 2012 Land Zoning Map.

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

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

Note.

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

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

(a) high technology industry,

(b) home industry,

(c) artisan food and drink industry.

Note.

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

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

Note.

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

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

Note.

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

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

Note.

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

Lot Size Map means the Willoughby Local Environmental Plan 2012 Lot Size Map.

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

manor house means a residential flat building containing 3 or 4 dwellings, where—

(a) each dwelling is attached to another dwelling by a common wall or floor, and

(b) at least 1 dwelling is partially or wholly located above another dwelling, and

(c) the building contains no more than 2 storeys (excluding any basement).

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.

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Note.

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

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

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

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

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

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

Note.

The term is defined as follows—

moveable dwelling means—

(a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or

(b) a manufactured home, or

(c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the *Local Government Act 1993*) for the purposes of this definition.

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

Note.

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

native fauna means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans.

native flora means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the *Fisheries Management Act 1994*.

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

navigable waterway means any waterway that is from time to time capable of navigation and is open to or used by the public for navigation, but does not include flood waters that have temporarily flowed over the established bank of a watercourse.

neighbourhood shop means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include neighbourhood supermarkets or restricted premises.

Note. See clause 5.4 for controls relating to the retail floor area of neighbourhood shops.

Neighbourhood shops are a type of ***shop***—see the definition of that term in this Dictionary.

neighbourhood supermarket means premises the principal purpose of which is the sale of groceries and foodstuffs

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to provide for the needs of people who live or work in the local area.

Note. See clause 5.4 for controls relating to the gross floor area of neighbourhood supermarkets.

Neighbourhood supermarkets are a type of ***shop***—see the definition of that term in this Dictionary.

nominated State heritage item means a heritage item that—

(a) has been identified as an item of State significance in a publicly exhibited heritage study adopted by the Council, and

(b) the Council has, by notice in writing to the Heritage Council, nominated as an item of potential State significance.

non-potable water means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

offensive industry means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

Note.

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

offensive storage establishment means a building or place that is used for the storage of goods, materials or products and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

Note.

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

office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

Note.

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

open cut mining means mining carried out on, and by excavating, the earth's surface, but does not include underground mining.

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

oyster aquaculture means the cultivation of any species of edible oyster for a commercial purpose.

Note.

Oyster aquaculture is a type of ***aquaculture***—see the definition of that term in this Dictionary.

parking space means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

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passenger transport facility means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

people who are socially disadvantaged means—

(a) people who are disadvantaged because of their alcohol or drug dependence, extreme poverty, psychological disorder or other similar disadvantage, or

(b) people who require protection because of domestic violence or upheaval.

people with a disability means people of any age who, as a result of having an intellectual, psychiatric, sensory, physical or similar impairment, or a combination of such impairments, either permanently or for an extended period, have substantially limited opportunities to enjoy full and active lives.

pig farm means land that is used to keep or breed pigs for animal production, whether an indoor, outdoor, free-range or other type of operation.

Note.

Pig farms are a type of ***intensive livestock agriculture***—see the definition of that term in this Dictionary.

place of public worship means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

plant nursery means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

Note.

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

pond-based aquaculture means aquaculture undertaken predominantly in ponds, raceways or dams (including any part of the aquaculture undertaken in tanks such as during the hatchery or depuration phases), but not including natural water-based aquaculture.

Note.

Pond-based aquaculture is a type of ***aquaculture***—see the definition of that term in this Dictionary. Typical pond-based aquaculture is the pond culture of prawns, yabbies or silver perch.

port facilities means any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the *Ports and Maritime Administration Act 1995*—

(a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,

(b) facilities for the loading or unloading of freight onto or from vessels and associated receival, land transport and storage facilities,

(c) wharves for commercial fishing operations,

(d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,

(e) sea walls or training walls,

(f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines,

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fencing, lighting or car parks.

potable water means water that meets the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

poultry farm means land that is used to keep or breed poultry for animal production, whether for meat or egg production (or both) and whether an indoor, outdoor, free-range or other type of operation.

Note.

Poultry farms are a type of ***intensive livestock agriculture***—see the definition of that term in this Dictionary.

private open space means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

property vegetation plan mean a property vegetation plan approved under Part 4 of the *Native Vegetation Act 2003* before the repeal of that Act (as continued in force by the regulations under the *Biodiversity Conservation Act 2016*).

pub means licensed premises under the *Liquor Act 2007* the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

Note.

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

public administration building means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

public authority has the same meaning as in the Act.

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

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

public utility undertaking means any of the following undertakings carried on or permitted to be carried on by or by authority of any Public Service agency or under the authority of or in pursuance of any Commonwealth or State Act—

(a) railway, road transport, water transport, air transport, wharf or river undertakings,

(b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Public Service agency, corporation, firm or authority carrying on the undertaking.

rainwater tank means a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

recreation area means a place used for outdoor recreation that is normally open to the public, and includes—

(a) a children's playground, or

(b) an area used for community sporting activities, or

(c) a public park, reserve or garden or the like,

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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,

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(i) rural workers' dwellings,

(j) secondary dwellings,

(k) semi-detached dwellings,

(l) seniors housing,

(m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

residential care facility means accommodation for seniors or people with a disability that includes—

(a) meals and cleaning services, and

(b) personal care or nursing care, or both, and

(c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

but does not include a dwelling, hostel, hospital or psychiatric facility.

Note.

Residential care facilities are a type of ***seniors housing***—see the definition of that term in this Dictionary.

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

Note.

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

resource recovery facility means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

Note.

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

respite day care centre means a building or place that is used for the care of seniors or people who have a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

Note.

Restaurants or cafes are a type of ***food and drink premises***—see the definition of that term in this Dictionary.

restricted premises means premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises, but does not include a pub, hotel or motel accommodation, home occupation (sex services) or sex services premises.

restriction facilities means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation

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to recover from the effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following—

(a) (Repealed)

(b) cellar door premises,

(c) food and drink premises,

(d) garden centres,

(e) hardware and building supplies,

(f) kiosks,

(g) landscaping material supplies,

(h) markets,

(i) plant nurseries,

(j) roadside stalls,

(k) rural supplies,

(l) shops,

(la) specialised retail premises,

(m) timber yards,

(n) vehicle sales or hire premises,

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

Note.

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

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

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

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

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

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

(a) agricultural produce industries,

(b) livestock processing industries,

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(c) composting facilities and works (including the production of mushroom substrate),

(d) sawmill or log processing works,

(e) stock and sale yards,

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

Note.

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

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

Note.

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

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

Note.

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

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

Note.

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

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

Note.

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

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

Note. Accordingly, a building or place within a school that is used to provide out-of-school-hours care for both school children and pre-school children is not school-based child care.

secondary dwelling means a self-contained dwelling that—

(a) is established in conjunction with another dwelling (the ***principal dwelling***), and

(b) is on the same lot of land as the principal dwelling, and

(c) is located within, or is attached to, or is separate from, the principal dwelling.

Note. See clause 5.4 for controls relating to the total floor area of secondary dwellings.

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

self-storage units means premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

Note.

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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 that is a combination of any of the things referred to in paragraphs (a)–(d).

sex services means sexual acts or sexual services in exchange for payment.

sex services premises means a brothel, but does not include home occupation (sex services).

shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.

Note.

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

shop top housing means one or more dwellings located above ground floor retail premises or business premises.

Note.

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

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

(a) an advertising structure,

(b) a building identification sign,

(c) a business identification sign,

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

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

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

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

(a) any basement,

(b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,

(c) any eaves,

(d) unenclosed balconies, decks, pergolas and the like.

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

Note.

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

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

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

Special Provisions Area Map means the Willoughby Local Environmental Plan 2012 Special Provisions Area Map.

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

(a) a large area for handling, display or storage, or

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

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

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

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

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

Note.

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

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

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

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

(b) a mezzanine, or

(c) an attic.

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

Note.

The term is defined as follows—

swimming pool means an excavation, structure or vessel—

(a) that is capable of being filled with water to a depth of 300 millimetres or more, and

(b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

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

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

Note.

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

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

Note.

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

telecommunications facility means—

(a) any part of the infrastructure of a telecommunications network, or

(b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or

(c) any other thing used in or in connection with a telecommunications network.

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

temporary structure has the same meaning as in the Act.

Note.

The term is defined as follows—

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

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

timber yard means a building or place the principal purpose of which is the sale of sawn, dressed or treated timber,

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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.

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Note.

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

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

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

Note.

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

warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, and includes local distribution premises.

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

Note.

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

waste or resource management facility means any of the following—

(a) a resource recovery facility,

(b) a waste disposal facility,

(c) a waste or resource transfer station,

(d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

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

Note.

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

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

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

(a) retention structures, and

(b) treatment works, and

(c) irrigation schemes.

Note.

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

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

Note.

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

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

Note.

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

water supply system means any of the following—

(a) a water reticulation system,

(b) a water storage facility,

(c) a water treatment facility,

(d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

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

Note.

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

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

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

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

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

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

wetland means—

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

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

wharf or boating facilities means a wharf or any of the following facilities associated with a wharf or boating that

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are not port facilities—

(a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,

(b) facilities for the loading or unloading of freight onto or from vessels and associated receival, land transport and storage facilities,

(c) wharves for commercial fishing operations,

(d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,

(e) sea walls or training walls,

(f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

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

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Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
Cll	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

Table of amending instruments

Willoughby Local Environmental Plan 2012 (679). LW 21.12.2012. Date of commencement, 31.1.2013, cl 1.1AA. This Plan has been amended as follows—

2012 No 96 *Forestry Act 2012*. Assented to 21.11.2012.
Date of commencement of Sch 4.41, 7.1.2013, sec 2 and 2012 (680) LW 21.12.2012.

2013 No 5 *Liquor Amendment (Small Bars) Act 2013*. Assented to 19.3.2013.
Date of commencement, 1.7.2013, sec 2 and 2013 (292) LW 21.6.2013.

No 111 *Statute Law (Miscellaneous Provisions) Act (No 2) 2013*. Assented to 3.12.2013.
Date of commencement of Sch 3.27, 10.1.2014, Sch 3.27.

2014 (368) *Willoughby Local Environmental Plan 2012 (Amendment No 1)*. LW 13.6.2014.
Date of commencement, on publication on LW, cl2.

No 33 *Statute Law (Miscellaneous Provisions) Act 2014*. Assented to 24.6.2014.
Date of commencement of Sch 2.36, 14.7.2014, Sch 2.36.

(493) *Willoughby Local Environmental Plan 2012 (Amendment No 2)*. LW 1.8.2014.
Date of commencement, on publication on LW, cl2.

(513) *Standard Instrument (Local Environmental Plans) Amendment Order 2014*. LW 15.8.2014.
Date of commencement, on publication on LW, cl2.

2015 (316) *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development (Amendment No 3)*. LW 19.6.2015.
Date of commencement, 4 weeks after publication on LW, cl 2.

No 15 *Statute Law (Miscellaneous Provisions) Act 2015*. Assented to 29.6.2015.
Date of commencement of Sch 3, 15.7.2015, sec 2 (3).

(789) *Willoughby Local Environmental Plan 2012 (Amendment No 3)*. LW 18.12.2015.
Date of commencement, on publication on LW, cl2.

2016 (43) *Standard Instrument (Local Environmental Plans) Amendment (Maps) Order 2016*. LW 27.1.2016.
Date of commencement, 27.1.2016, cl 2.

(117) *Willoughby Local Environmental Plan 2012 (Amendment No 4)*. LW 4.3.2016.
Date of commencement, on publication on LW, cl2.

(126) *Standard Instrument (Local Environmental Plans) Amendment Order 2016*. LW 11.3.2016.
Date of commencement, on publication on LW, cl2.

(271) *Willoughby Local Environmental Plan 2012 (Amendment No 7)*. LW 27.5.2016.
Date of commencement, on publication on LW, cl2.

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No 27 *Statute Law (Miscellaneous Provisions) Act 2016*. Assented to 7.6.2016.
Date of commencement of Sch 2, 8.7.2016, sec 2 (1).

(309) *Standard Instrument (Local Environmental Plans) Amendment (Observatory and Defence Facility) Order 2016*. LW 10.6.2016.
Date of commencement, 56 days after publication on LW, cl 2.

(456) *Willoughby Local Environmental Plan 2012 (Amendment No 6)*. LW 22.7.2016.
Date of commencement, on publication on LW, cl2.

2017 (37) *Willoughby Local Environmental Plan 2012 (Amendment No 8)*. LW 17.2.2017.
Date of commencement, on publication on LW, cl2.

(180) *Willoughby Local Environmental Plan 2012 (Amendment No 9)*. LW 5.5.2017.
Date of commencement, on publication on LW, cl2.

(327) *Willoughby Local Environmental Plan 2012 (Amendment No 5)*. LW 30.6.2017.
Date of commencement, on publication on LW, cl2.

(453) *Standard Instrument (Local Environmental Plans) Amendment (Vegetation) Order 2017*. LW 25.8.2017.
Date of commencement, 25.8.2017, cl 2.

(492) *Standard Instrument (Local Environmental Plans) Amendment (Child Care) Order 2017*. LW 1.9.2017.
Date of commencement, on publication on LW, cl2.

(493) *State Environmental Planning Policy Amendment (Child Care) 2017*. LW 1.9.2017.
Date of commencement, on publication on LW, cl2.

(537) *Willoughby Local Environmental Plan 2012 (Amendment No 11)*. LW 22.9.2017.
Date of commencement, on publication on LW, cl2.

(588) *Willoughby Local Environmental Plan 2012 (Amendment No 10)*. LW 20.10.2017.
Date of commencement, on publication on LW, cl2.

2018 (105) *Standard Instrument (Local Environmental Plans) Amendment (Coastal Management) Order 2018*. LW 23.3.2018.
Date of commencement, 3.4.2018, cl2.

(109) *Willoughby Local Environmental Plan 2012 (Amendment No 12)*. LW 23.3.2018.
Date of commencement, on publication on LW, cl2.

(154) *Standard Instrument (Local Environmental Plans) Amendment (Minimum Subdivision Lot Size) Order 2018*. LW 20.4.2018.
Date of commencement, on publication on LW, cl2.

(156) *State Environmental Planning Policy Amendment (Willoughby) 2018*. LW 20.4.2018.
Date of commencement, on publication on LW, cl2.

No 40 *Forestry Legislation Amendment Act 2018*. Assented to 27.6.2018.
Date of commencement of Sch 3.12, 9.11.2018, sec 2 and 2018 (620) LW 9.11.2018.

(404) *Standard Instrument (Local Environmental Plans) Amendment (Artisan Food and Drink Industries) Order 2018*. LW 27.7.2018.
Date of commencement, on publication on LW, cl2.

(405) *Standard Instrument (Local Environmental Plans) Amendment (Garden Centres) Order 2018*. LW 27.7.2018.
Date of commencement, on publication on LW, cl2.

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(406) *State Environmental Planning Policy Amendment (Artisan Food and Drink Industries) 2018*. LW 27.7.2018.
Date of commencement, on publication on LW, cl2.

(477) *Standard Instrument (Local Environmental Plans) Amendment (Land Use Terms) Order 2018*. LW 29.8.2018.
Date of commencement, 31.8.2018, cl 2.

(488) *State Environmental Planning Policy Amendment (Land Use Terms) 2018*. LW 29.8.2018.
Date of commencement of Sch 1.2, 31.8.2018, cl 2 (1).

No 46 *Children (Education and Care Services) Supplementary Provisions Amendment Act 2018*. Assented to 27.9.2018.
Date of commencement of Sch 2.3, 31.10.2019, sec 2(1) and 2019 (200) LW 24.5.2019.

(717) *Standard Instrument (Local Environmental Plans) Amendment (Greater Sydney Commission) Order 2018*. LW7.12.2018.
Date of commencement, 10.12.2018, cl 2.

2019 (133) *Standard Instrument (Local Environmental Plans) Amendment (Primary Production and Rural Development) Order 2019*. LW 28.2.2019.
Date of commencement, on publication on LW, cl2.

(494) *Willoughby Local Environmental Plan 2012 (Amendment No 13)*. LW 4.10.2019.
Date of commencement, on publication on LW, cl2.

(620) *Standard Instrument (Local Environmental Plans) Amendment Order 2019*. LW 13.12.2019.
Date of commencement, 15.1.2020, cl 2.

(621) *State Environmental Planning Policy Amendment (Miscellaneous) 2019*. LW 13.12.2019.
Date of commencement of Schs 1, 3 and 5, 15.1.2020, cl 2(1).

Table of amendments

No reference is made to certain amendments made consequential on the amendment of the *Standard Instrument (Local Environmental Plans) Order 2006*.

Cl 1.2	Am 2017 (327), Sch 1 [1].
Cl 1.8A	Am 2019 (621), Sch 5[1].
Cl 1.9A	Am 2019 (621), Sch 5[2]–[4].
Land Use Table	Am 2017 (493), Sch 1.1 [1] [2]; 2019 (621), Sch 3.
Cl 4.1A	Am 2017 (327), Sch 1 [2]. Renumbered as cl 4.1C, 2017 (327), Sch 1 [3]. Ins 2017 (327), Sch 1 [4].
Cl 4.1B	Am 2017 (327), Sch 1 [5].
Cl 4.1C (previously cl 4.1A)	Renumbered 2017 (327), Sch 1 [3]. Am 2018 (156), cl 4.1 (1)–(3).
Cl 4.3A	Am 2017 (327), Sch 1 [6].
Cl 4.4A	Am 2014 (368), Sch 1 [1] [2]; 2016 (117), cl 5 (1); 2017 (180), Sch 1 [1]; 2017 (588), Sch 1 [1]; 2018 (109), cl 5 (1).
Cl 4.6	Am 2017 (180), Sch 1 [2].
Cl 5.4	Am 2018 (406), Sch 1.152 [1] [2].
Cl 6.8	Am 2017 (327), Sch 1 [7]–[12]; 2019 (621), Sch 1.14[1].

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Cl 6.9	Am 2015 (316), Sch 2.19.
Cl 6.10	Am 2017 (327), Sch 1 [13].
Cl 6.14	Am 2019 (621), Sch 1.14[2].
Cl 6.17	Am 2017 (493), Sch 1.2 [1].
Cl 6.20	Ins 2014 (368), Sch 1 [3]. Am 2016 No 27, Sch 2.57.
Cl 6.21	Ins 2015 (789), cl 5. Am 2016 (271), cl 4 (1) (2).
Cl 6.22	Ins 2017 (180), Sch 1 [3]. Am 2017 (588), Sch 1 [2]—[4].
Sch 1	Am 2014 (368), Sch 1 [4]; 2016 (117), cl 5 (2); 2016 No 27, Sch 2.57; 2016 (456), cl 4; 2017 (37), cl 4 (1) (2); 2017 (180), Sch 1 [4]; 2017 (327), Sch 1 [14]–[16]; 2017 (493), Sch 1.2 [1]; 2018 (109), cl 5 (2); 2018 (488), Sch 1.2.
Sch 4	Am 2017 (327), Sch 1 [17].
Sch 5	Am 2019 (494), cl 5.
Maps	Am 2014 (368), cl 4; 2014 (493), cl 4; 2015 (789), cl 4; 2016 (117), cl 4; 2017 (180), cl 4; 2017 (327), cl 4; 2017 (537), cl 4; 2017 (588), cl 4; 2018 (109), cl 4; 2019 (494), cl 4.

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