
Orders



New South Wales

Standard Instrument (Local Environmental Plans) Amendment Order 2007

under the

Environmental Planning and Assessment Act 1979

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 33A of the *Environmental Planning and Assessment Act 1979*, make the following Order.

Dated, this 12th day of December 2007.

By Her Excellency's Command,

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Standard Instrument (Local Environmental Plans) Amendment Order 2007

Standard Instrument (Local Environmental Plans) Amendment Order 2007

under the

Environmental Planning and Assessment Act 1979

1 Name of Order

This Order is the *Standard Instrument (Local Environmental Plans) Amendment Order 2007*.

2 Commencement

This Order commences on 1 January 2008.

3 Amendment of Standard Instrument (Local Environmental Plans) Order 2006

The *Standard Instrument (Local Environmental Plans) Order 2006* is amended as set out in Schedule 1.

4 Amendment of standard instrument

The standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006* is amended as set out in Schedule 2.

Standard Instrument (Local Environmental Plans) Amendment Order 2007

Amendment of Standard Instrument (Local Environmental Plans) Order 2006 Schedule 1

Schedule 1 Amendment of Standard Instrument (Local Environmental Plans) Order 2006

(Clause 3)

[1] Clause 4 Mandatory provisions of the standard instrument

Omit “the words [“Not applicable”] or words to the same effect” from clause 4 (3).

Insert instead “the words “[Not applicable]” or words to the same effect”.

[2] Clause 4, note

Insert at the end of the note to the clause:

In relation to the numbering of clauses, the standard instrument adopts a Part decimal numbering system. That is, each clause has 2 numbers separated by a decimal point, the first being the number of the Part in which the clause appears and the second being the appropriate consecutive number according to the position of the clause in the Part. For example, the first clause in Part 4 is clause 4.1 followed by clauses 4.2, 4.3 and so on, while Part 5 begins with clause 5.1 followed by clause 5.2 etc.

[3] Clause 5 Additional provisions

Omit the note to the clause. Insert instead:

Note. When the standard instrument is amended by a future Order to add a mandatory clause in Parts 1–5, the new clause will ordinarily be added at the end of the relevant Part with sequential numbering. However, if it is necessary to add a new mandatory clause between existing clauses of the standard instrument, it will have a number with double lettering (eg clauses 4.2AA and 4.2BB would appear between clauses 4.2 and 4.3). Only mandatory provisions added by an Order will use double lettering in this manner, and the same convention applies to any additional mandatory subclauses and paragraphs that are inserted in an existing clause. If a whole Part is added by an Order, it will also have double lettering (eg Part 5AA, with clauses starting at 5AA.1) so as to distinguish the Part from any additional non-mandatory (or local) Part that may be included in a local environmental plan that has adopted the standard instrument.

In the case of additional non-mandatory (or local) provisions of a local environmental plan that has adopted the standard instrument, an additional Part will ordinarily be added after Part 5 with a sequential Part number (eg Parts 6, 7 etc) and clauses in that Part will have sequential numbers (eg clauses 6.1, 6.2 or 7.1, 7.2 etc). However, if it is necessary to add a non-mandatory Part between any of the Parts of the standard instrument, it will have a number with single lettering (eg Part 4A, with clauses starting at clause 4A.1). Any additional non-mandatory clause that appears in Parts 1–5 will also be numbered with the letter “A” or “B” etc, whether it is included at the end of the mandatory Part or between clauses in a mandatory Part). Single lettering will also be used for additional non-mandatory subclauses, paragraphs or subparagraphs that are inserted in a mandatory clause in Parts 1–5.

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Schedule 1	Amendment of Standard Instrument (Local Environmental Plans) Order 2006

The amending Order may also make other provisions of a savings or transitional nature consequent on the amendment of the standard instrument (for example, the repeal or amendment of an additional local provision in a plan that is made the subject of a compulsory provision in the standard instrument).

[4] Clause 7 Land to which standard instruments apply

Omit clause 7 (2). Insert instead:

- (2) However, the Minister may make a local environmental plan that adopts the standard instrument and that applies only to part of the land in the local government area concerned if the Minister considers it appropriate to do so.

[5] Clause 8

Insert after clause 7:

8 Application of amending orders

- (1) The amendments made by an amending order do not apply to or in respect of any development application that was made, but not determined, before the commencement of the amending order.
- (2) In issuing a certificate under section 65 of the Act that a draft local environmental plan submitted to the Director-General under section 64 of the Act has been prepared in accordance with the standard instrument prescribed by this Order, the Director-General may (but is not required to) take into account any amendment made to the standard instrument by an amending order after the date on which the draft local environmental plan was submitted.
- (3) In this clause:
amending order means an order under section 33A of the Act that amends the standard instrument prescribed by this Order.

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(Clause 4)

[1] The whole instrument

Insert “*or other relevant name*” after “*Name of local government area*” wherever occurring.

[2] Clause 3 Land to which Plan applies [compulsory]

Insert at the end of the direction:

The Plan should wherever practicable apply to the whole of the local government area.

[3] Clause 7 Maps [compulsory]

Insert “or replaced” after “amended” in clause 7 (1) (b).

[4] Clause 7 (1) (b)

Insert “or replace” after “amend”.

[5] Clause 7 (4)

Insert after clause 7 (3):

- (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.

[6] Clause 7, direction

Omit the third sentence of the direction.

[7] Clause 7, note

Insert at the end of the clause (after the direction):

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 Department of Planning’s website.

[8] Clause 9 Application of SEPPs and REPs [compulsory]

Omit “(clause 6)” from clause 9 (2).

Insert instead “(clause 6 and Parts 3 and 4)”.

[9] Clause 15 Subdivision—consent requirements [compulsory]

Omit clause 15 (2). Insert instead:

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- (2) However, consent is not required for a subdivision for the purpose only of any one or more of the following:
- (a) widening a public road,
 - (b) a minor realignment of boundaries that does not create:
 - (i) additional lots or the opportunity for additional dwellings, or
 - (ii) lots that are smaller than the minimum size shown on the Lot Size Map in relation to the land concerned,
 - (c) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
 - (d) rectifying an encroachment on a lot,
 - (e) creating a public reserve,
 - (f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.

[10] Land Use Table at end of Part 2

Omit paragraph (c) of the third direction at the beginning of the Table.

Insert instead:

- (c) the words “Any development not specified in item [*specify item number or numbers*]”,

[11] Land Use Table at end of Part 2 (Zones RU1 and RU2)

Insert “; Home occupations” after “Extensive agriculture” wherever occurring in item 2 of the matter relating to Zones RU1 Primary Production and RU2 Rural Landscape.

[12] Land Use Table (Zone RU1)

Omit “and with adjoining zones” from the fourth dot point in item 1 of the matter relating to Zone RU1 Primary Production.

Insert instead “and land uses within adjoining zones”.

[13] Land Use Table (Zone RU2)

Insert before the first dot point in item 1 of the matter relating to Zone RU2 Rural Landscape:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.

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[14] Land Use Table (Zone RU4)

Omit “small-scale” from the first dot point in item 1 of the matter relating to Zone RU4 Rural Small Holdings.

[15] Land Use Table (Zones RU4, RU5, R1, R2, R5, E3 and E4)

Insert “Home occupations” in item 2 of the matter relating to Zones RU4 Rural Small Holdings, RU5 Village, R1 General Residential, R2 Low Density Residential, R5 Large Lot Residential, E3 Environmental Management and E4 Environmental Living.

[16] Land Use Table (Zones RU4, RU6 and R5)

Insert “land uses within” after “zone and” wherever occurring in item 1 of the matter relating to Zones RU4 Rural Small Holdings, RU6 Transition and R5 Large Lot Residential.

[17] Land Use Table (Zone R1)

Omit item 3 of the matter relating to Zone R1 General Residential.

Insert instead:

3 Permitted with consent

Attached dwellings; Boarding houses; Child care centres; Community facilities; Dwelling houses; Group homes; Hostels; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Semi-detached dwellings; Seniors housing; Shop top housing

[18] Land Use Table (Zone R3)

Omit item 3 of the matter relating to Zone R3 Medium Density Residential.

Insert instead:

3 Permitted with consent

Attached dwellings; Boarding houses; Child care centres; Community facilities; Group homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Seniors housing

[19] Land Use Table (Zone R5)

Insert “, and minimising impacts on,” after “preserving” in the first dot point of item 1 of the matter relating to Zone R5 Large Lot Residential.

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[20] Land Use Table (Zone B1)

Omit “live and” from item 1 of the matter relating to Zone B1 Neighbourhood Centre.

Insert instead “live or”.

[21] Land Use Table (Zones B1, B2 and B3)

Insert “Business premises;” in alphabetical order in item 3 of the matter relating to Zones B1 Neighbourhood Centre, B2 Local Centre and B3 Commercial Core.

[22] Land Use Table (Zones B1, B2, B3 and SP1)

Omit “which” wherever occurring from item 1 of the matter relating to Zones B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core and SP1 Special Activities.

Insert instead “that”.

[23] Land Use Table (Zone B3)

Insert “or motel” after “Hotel” in item 3 of the matter relating to Zone B3 Commercial Core.

[24] Land Use Table (Zone B4)

Omit item 3 of the matter relating to Zone B4 Mixed Use. Insert instead:

3 Permitted with consent

Boarding houses; Business premises; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Retail premises; Seniors housing; Shop top housing

[25] Land Use Table (Zone B5)

Omit item 1 of the matter relating to Zone B5 Business Development.

Insert instead:

1 Objectives of zone

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

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[26] Land Use Table (Zone B5)

Omit item 3 of the matter relating to Zone B5 Business Development.

Insert instead:

3 Permitted with consent

Child care centres; Passenger transport facilities; Warehouse or distribution centres

[27] Land Use Table (Zone B6)

Omit the second dot point from item 1 of the matter relating to Zone B6 Enterprise Corridor.

Insert instead:

- To provide a range of employment uses (including business, office, retail and light industrial uses) and residential uses (but only as part of a mixed use development).

[28] Land Use Table (Zone B6)

Omit “the retailing of food and clothing” from the third dot point of item 1 of the matter relating to Zone B6 Enterprise Corridor.

Insert instead “retailing activity”.

[29] Land Use Table (Zone B6)

Omit item 3 of the matter relating to Zone B6 Enterprise Corridor.

Insert instead:

3 Permitted with consent

Business premises; Community facilities; Hotel or motel accommodation; Landscape and garden supplies; Light industries; Passenger transport facilities; Timber and building supplies; Warehouse or distribution centres

[30] Land Use Table (Zone IN2)

Omit the second dot point from item 1 of the matter relating to Zone IN2 Light Industrial.

Insert instead:

- To encourage employment opportunities and to support the viability of centres.

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[31] Land Use Table (Zone RE1)

Insert “Any development not specified in item 2 or 3” in item 4 of the matter relating to Zone RE1 Public Recreation.

[32] Land Use Table (Zone E1)

Insert “or that is acquired under Part 11 of that Act” after “1974” in the first dot point of item 1 of the matter relating to Zone E1 National Parks and Nature Reserves.

[33] Land Use Table (Zone E1)

Insert after the second dot point in item 1 of the matter relating to Zone E1 National Parks and Nature Reserves:

- 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.

[34] Land Use Table (Zone E1)

Insert “Nil” in item 3 of the matter relating to Zone E1 National Parks and Nature Reserves.

[35] Land Use Table (Zone E1)

Insert “Any development not specified in item 2 or 3” in item 4 of the matter relating to Zone E1 National Parks and Nature Reserves.

[36] Land Use Table (Zone E2)

Insert “; Any other development not specified in item 2 or 3” at the end of item 4 of the matter relating to Zone E2 Environmental Conservation.

[37] Land Use Table (Zone E3)

Insert at the end of the direction in the matter relating to Zone E3 Environmental Management:

Home industries, kiosks, cellar door premises, neighbourhood shops and roadside stalls may (but need not) be included as permitted with consent.

[38] Land Use Table (Zone E3)

Omit item 4 of the matter relating to Zone E3 Environmental Management.

Insert instead:

4 Prohibited

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or

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

[39] Land Use Table (Zone E4)

Insert at the end of the direction in the matter relating to Zone E4 Environmental Living:

Home industries may (but need not) be included as permitted with consent.

[40] Land Use Table (Zone E4)

Omit item 4 of the matter relating to Zone E4 Environmental Living.

Insert instead:

4 Prohibited

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

[41] Land Use Table (Zones W1 and W2)

Insert at the end of item 1 of the matter relating to Zones W1 Natural Waterways and W2 Recreational Waterways:

- To provide for sustainable fishing industries and recreational fishing.

[42] Land Use Table (Zone W1)

Omit item 4 of the matter relating to Zone W1 Natural Waterways.

Insert instead:

4 Prohibited

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

[43] Land Use Table (Zone W2)

Omit “; Recreation facilities (outdoor)” from item 3 of the matter relating to Zone W2 Recreational Waterways.

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[44] Land Use Table (Zone W2)

Omit item 4 of the matter relating to Zone W2 Recreational Waterways.

Insert instead:

4 Prohibited

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

[45] Land Use Table (Zones W2 and W3)

Omit “water based” wherever occurring in item 1 of the matter relating to Zones W2 Recreational Waterways and W3 Working Waterways.

Insert instead “water-based”.

[46] Land Use Table (Zone W3)

Insert at the end of item 1 of the matter relating to Zone W3 Working Waterways:

- To provide for sustainable fishing industries.

[47] Land Use Table (Zone W3)

Omit item 4 of the matter relating to Zone W3 Working Waterways.

Insert instead:

4 Prohibited

Any development not specified in item 2 or 3

[48] Land Use Table (Zone W3)

Omit “Commercial port facilities” from item 3 of the matter relating to Zone W3 Working Waterways.

Insert instead “Port facilities”.

[49] Part 3 Exempt and complying development

Omit the direction at the beginning of the Part.

[50] Clause 16 Exempt development [compulsory]

Omit clause 16 (3). Insert instead:

- (3) To be exempt development, the development:

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- (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
 - (c) must not be designated development, and
 - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*, and
 - (e) must not be carried out in an environmentally sensitive area for exempt or complying development (as defined in clause 18).
- (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.

[51] Clause 17 Complying development [compulsory]

Omit “Department of Environment and Conservation” from paragraph (e) of the note at the beginning of the clause.

Insert instead “Department of Environment and Climate Change”.

[52] Clause 17, note

Insert at the end of paragraph (e) of the note at the beginning of the clause:

or

- (f) the development is on land identified as an environmentally sensitive area.

[53] Clause 17 (2)

Omit the subclause. Insert instead:

- (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.

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Note. See also clause 33AA (3) which provides that the conversion of fire alarms is complying development in certain circumstances.

[54] Clause 17 (4)

Insert after clause 17 (3):

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

[55] Clause 18 Environmentally sensitive areas excluded [compulsory]

Omit clause 18 (2). Insert instead:

- (2) For the purposes of this clause:
environmentally sensitive area for exempt or complying development means any of the following:
- (a) the coastal waters of the State,
 - (b) a coastal lake,
 - (c) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies,
 - (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
 - (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
 - (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
 - (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
 - (h) land reserved as a state conservation area under the *National Parks and Wildlife Act 1974*,
 - (i) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
 - (j) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

Direction. Additional areas may be added to this list.

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[56] Clause 19

Omit the clause. Insert instead:

19 Minimum subdivision lot size [optional]

- (1) The objectives of this clause are as follows:
 - (a) *[set out objectives of the clause]*
- (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.

Direction. An exception to the minimum size shown on the Lot Size Map may be provided in certain circumstances, for example, in the case of land that is to be used for attached dwellings.
- (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

[57] Clause 21

Omit the clause. Insert instead:

21 Height of buildings [optional]

- (1) The objectives of this clause are as follows:
 - (a) *[set out objectives of the clause]*
- (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.

Direction. Different heights may be shown on the map for different zones or for different land in the same zone. This Plan may also provide for specified height restrictions to be varied or modified in certain circumstances, for example, to prevent overshadowing of public open space, for air safety reasons or for the purposes of promoting design excellence.

[58] Clause 22

Omit the clause. Insert instead:

22 Floor space ratio [optional]

- (1) The objectives of this clause are as follows:
 - (a) *[set out objectives of the clause]*

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- (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.

Direction. Different floor space ratios may be shown on the FSR map for different zones, for different land in the same zone or for different land uses within a building. This Plan may provide that, despite subclause (2), the maximum floor space ratio for a building is to be determined partly by the FSR map and partly by other means, or wholly by other means.

[59] Clause 23 Calculation of floor space ratio and site area [optional]

Omit “total floor space” from clause 23 (2). Insert instead “gross floor”.

[60] Clause 24 Exceptions to development standards [compulsory]

Omit “or of *State Environmental Planning Policy No 1—Development Standards*” from clause 24 (2).

[61] Clause 24 (8)

Omit the subclause. Insert instead:

- (8) This clause does not allow 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 28AA.

Direction. Additional exclusions may be added.

[62] Clause 25 Relevant acquisition authority [compulsory]

Insert at the end of the Table to clause 25 (2) in Columns 1 and 2, respectively:

Zone E1 National Parks and Nature Reserves and marked “National Park”	Minister administering the <i>National Parks and Wildlife Act 1974</i>
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[63] Clause 26 Development on proposed classified road [compulsory]

Omit the clause.

[64] Clause 27 Classification and reclassification of public land [compulsory]

Omit “, by means of this Plan,” from clause 27 (1).

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[65] Clause 27 (5)

Omit “on the commencement of the relevant classification Plan and, by the operation of that Plan,”.

Insert instead “when the description of the land is inserted into that Part and”.

[66] Clause 27 (5)

Insert at the end of the subclause:

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.

[67] Clause 27 (6) and (7)

Omit the subclauses.

[68] Clause 28AA

Insert after clause 28:

28AA Controls relating to miscellaneous permissible uses [compulsory]

(1) Bed and breakfast accommodation

If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than [*insert number not less than 3*] bedrooms.

(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 [*insert number not less 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 light industry must not involve the use of more than [*insert number not less 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) [*insert number not more than 40*] % of the combined gross floor area of the industrial retail outlet and the building or place on which the relevant industry is carried out, or

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(b) [*insert number not less than 400*] square metres, whichever is the lesser.

(5) Farm stay accommodation

If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than [*insert number not less 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 [*insert number not less than 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 [*insert number not less than 80*] 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 [*insert number not less than 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 or the following is the greater:

- (a) 60 square metres,
- (b) [*insert number*]% of the total floor area of both the self-contained dwelling and the principal dwelling.

[69] Clause 29 Community use of educational establishments [compulsory]

Omit the clause.

[70] Clause 30 Classified roads [optional]

Omit the clause.

[71] Clause 31 Development in proximity to a rail corridor [compulsory]

Omit the clause.

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- [72] Clause 32 Development within the coastal zone [compulsory if land to which Plan applies includes land in the coastal zone]**
 Omit “NSW Coastal Policy” from clause 32 (1) (b).
 Insert instead “NSW Coastal Policy”.
- [73] Clause 32 (1) (b) (vi)**
 Insert “rock platforms,” after “preserve”.
- [74] Clause 32 (1) (b) (xi) and (xii)**
 Insert at the end of clause 32 (1) (b) (x):
 , and
 (xi) protect Aboriginal cultural places, values and customs, and
 (xii) protect and preserve items of heritage, archaeological or historical significance.
- [75] Clause 32 (2) (a)**
 Omit “or persons who are less mobile,”.
 Insert instead “(including persons with a disability)”.
- [76] Clause 32 (2) (e) (iii)**
 Omit “water bodies”. Insert instead “waterbodies”.
- [77] Clause 32 (2) (e) (iv)**
 Omit “native animals, fish, plants and marine vegetation”.
 Insert instead “native fauna and native flora”.
- [78] Clause 32AA**
 Insert after clause 32:
- 32AA Architectural roof features [optional]**
- (1) The objectives of this clause are:
 - (a) [set out objectives of the clause]
 - (2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 21 may be carried out, but only with consent.
 - (3) Development consent must not be granted to any such development unless the consent authority is satisfied that:
 - (a) the architectural roof feature:
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- (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.

[79] Clause 33AA

Insert after clause 33:

33AA Conversion of fire alarms [compulsory]

- (1) This clause applies to a fire alarm system that can be monitored by New South Wales Fire Brigades or by a private service provider.
- (2) The following development may be carried out, but only with consent:
 - (a) converting a fire alarm system from connection with the alarm monitoring system of New South Wales Fire Brigades to connection with the alarm monitoring system of a private service provider,
 - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
 - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) Development to which subclause (2) applies is complying development if it consists only of:
 - (a) internal alterations to a building, or
 - (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm x 100mm x 100mm.

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- (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 New South Wales Fire Brigades to monitor fire alarm systems.

[80] Clause 34 Preservation of trees or vegetation [optional]

Omit “clause 33” from the note to clause 34 (7). Insert instead “clause 35”.

[81] Clause 35 Heritage conservation [compulsory]

Insert before subclause (1):

Note. Heritage items, heritage conservation areas and archaeological sites (if any) are shown on the Heritage Map. The location and nature of any such item, area or site is also described in Schedule 5.

[82] Clause 35

Omit “building,” from clause 35 (2) (c). Insert instead “building”.

[83] Clause 35 (4)–(9)

Renumber clause 35 (4)–(9) as clause 35 (5)–(10) and insert after clause 35 (3):

(4) **Effect on heritage significance**

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

[84] Clause 35 (7), as renumbered by item [83]

Insert “under the *Heritage Act 1977*” after “interim heritage order”.

[85] Clause 35 (9), as renumbered by item [83]

Omit “State heritage significance”. Insert instead “State significance”.

[86] Clause 35 (9) (b), as renumbered by item [83]

Insert “from the Heritage Council” after “response received”.

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[87] Clause 35 (10), as renumbered by item [83]

Omit “by this Plan”. Insert instead “by this Plan,”.

[88] Clause 37 Development for group homes [compulsory]

Omit the clause.

[89] Clause 38

Omit the clause. Insert instead:

38 Infrastructure development and use of existing buildings of the Crown [compulsory]

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

[90] Schedule 2 Exempt development

Insert at the beginning of the Schedule:

Direction.

Filming (and tents or marquees used solely for filming purposes), rainwater tanks and satellite TV dishes must be included, in appropriate alphabetical order, in this Schedule as types of exempt development with development standards as specified below (unless alternative development standards are specified).

Filming

- (1) May only be carried out:
 - (a) on private land, or
 - (b) in the Sydney Olympic Park within the meaning of the *Sydney Olympic Park Authority Act 2001*, or
 - (c) on Trust lands within the meaning of the *Royal Botanic Gardens and Domain Trust Act 1980*, or
 - (d) on Trust lands within the meaning of the *Centennial Park and Moore Park Trust Act 1983*, or
 - (e) on part of the foreshore area within the meaning of the *Sydney Harbour Foreshore Authority Act 1998*, or
 - (f) on Crown land.
- (2) May only be carried out on land:
 - (a) on which there is a heritage item, or

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- (b) within a heritage conservation area, or
 - (c) identified in clause 18 as an environmentally sensitive area for exempt development,
- if the filming does not involve or result in any of the following:
- (d) any changes or additions that are not merely superficial and temporary to any part of a heritage item, a heritage conservation area or an environmentally sensitive area,
 - (e) the mounting or fixing of any object or article on any part of such an item or area (including any building or structure),
 - (f) the movement, parking or standing of any vehicle or equipment on or over any part of such an item or area that is not specifically designed for the movement, parking or standing of a vehicle or equipment on or over it,
 - (g) any changes to the vegetation on, or level of, such an item or area or any changes to any other natural or physical feature of the item or area.
- (3) Must not create significant interference with the neighbourhood.
 - (4) The person carrying out the filming must obtain a policy of insurance that adequately covers the public liability of the person in respect of the filming for an amount of not less than \$10,000,000.
 - (5) If the filming is carried out on private land, the filming must not be carried out for more than 30 days within a 12-month period at the particular location.
 - (6) A filming management plan must be prepared and lodged with the consent authority for the location at least 5 days before the commencement of filming at the location. The plan must contain the following information and be accompanied by the following documents (without limiting the information or documents that may be submitted):
 - (a) the name, address and telephone number of the person carrying out the filming (such as a production company) and of the producer for the filming,
 - (b) a brief description of the filming to be carried out (for example, a television commercial, a television series, a feature film or a documentary),
 - (c) the proposed location of the filming,
 - (d) the proposed commencement and completion dates for the filming at the location,
 - (e) the proposed daily length of filming at the location,
 - (f) the number of persons to be involved in the filming,
 - (g) details of any temporary structures (for example, tents or marquees) to be erected at the location for the purposes of the filming,
 - (h) the type of filming equipment to be used in the filming (such as a hand-held or mounted camera),
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- (i) proposed arrangements for parking vehicles associated with the filming during the filming,
 - (j) whether there will be any disruption to the location of the filming or the surrounding area and the amenity of the neighbourhood (for example, by the discharge of firearms or explosives, the production of offensive noise, vibrations, disruption to traffic flow or the release of smells, fumes, vapour, steam, soot, ash, dust, waste water, grit or oil),
 - (k) whether the filming will involve the use of outdoor lighting or any other special effects equipment,
 - (l) a copy of the public liability insurance policy that covers the filming at the location,
 - (m) a copy of any approval given by a public or local authority to carry out an activity associated with the proposed filming at the location, such as the following:
 - (i) an approval by the Roads and Traffic Authority for the closure of a road,
 - (ii) an approval by the Council for the erection of a temporary structure, closure of a road or a public footpath, or a restriction in pedestrian access,
 - (iii) an approval by the Environment Protection Authority for an open fire,
 - (iv) an approval by the NSW Police Force for the discharge of firearms,
 - (v) an approval by the Department of Lands for the use of Crown land.
- (7) The person carrying out the filming must, at least 5 days before the commencement of filming at the particular location, give notice in writing (by way of a letter-box drop) of the filming to residents within a 50m radius of the location. The notice must contain the following information:
- (a) the name and telephone number of the person carrying out the filming (such as a production company) and of a contact representative of that person,
 - (b) a brief description of the filming to be carried out at the location, and any proposed disruptions to the location or the surrounding area or the amenity of the neighbourhood,
 - (c) the proposed commencement and completion dates for the filming at the location,
 - (d) the proposed daily length of filming at the location.

Tents or marquees used solely for filming purposes

- (1) May only be used in connection with filming that is exempt development.
- (2) Total floor area of all tents or marquees on location at the same time must not exceed 200 square metres.

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- (3) Must be located within at least 3m from any boundary adjoining a public road and at least 1m from any other boundary.
 - (4) Must have the following number of exits arranged so as to afford a ready means of egress from all parts of the tent or marquee to open space or a road:
 - (a) 1 exit if the floor area of the tent or marquee does not exceed 25 square metres,
 - (b) 2 exits in any other case.
 - (5) Width of each exit must be at least:
 - (a) 800mm if the floor area of the tent or marquee is less than 150 square metres, or
 - (b) 1m in any other case.
 - (6) Height of the walls must not exceed:
 - (a) 4m if erected on private land, or
 - (b) 5m in any other case.
 - (7) Height (as measured from the surface on which the or marquee is erected to the highest point of the tent or marquee must not exceed 6m.
 - (8) Must resist loads determined in accordance with the following Australian and New Zealand Standards entitled:
 - (a) AS/NZS 1170.0:2002, *Structural design actions—General principles*,
 - (b) AS/NZS 1170.1:2002, *Structural design actions—Permanent, imposed and other actions*,
 - (c) AS/NZS 1170.2:2002, *Structural design actions—Wind actions*.
 - (9) Must not remain at the location more than 2 days after the completion of the filming at the location.

Rainwater tanks

- (1) Must not be installed or erected on land:
 - (a) that is within a heritage conservation area or within the curtilage of a heritage item, or
 - (b) that is within 40m of a perennial watercourse identified by a 1:50,000 topographic map held by the Department of Lands, or
 - (c) the surface of which has a slope greater than 18 degrees from the horizontal, or
 - (d) that is a lot within the meaning of the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986*.
- (2) Must be located:
 - (a) behind the front alignment to the street of the building to which the tank is connected (or in the case of a building

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- on a corner block, behind both the street front and the street side alignments of the building), and
- (b) at least 450mm from any property boundary.
- (3) Must not be installed or erected:
- (a) over or immediately adjacent to a water main or sewer main unless it is installed in accordance with any requirements of the public authority that has responsibility for the main, or
- (b) over any structure or fitting used by a public authority to maintain a water main or sewer main.
- (c) on a footing of any building or other structure, including a retaining wall.
- (4) The installation or erection of the rainwater tank must not:
- (a) require a tree to be removed, or
- (b) involve the excavation of more than 1m from the existing ground level, or the filling of more than 1m above the existing ground level.
- (5) Subject to this clause, the capacity of the rainwater tank, or the combined capacity of the tanks, on a lot must not exceed 10,000 litres (or in the case of a tank or tanks used for an educational establishment, 25,000 litres).
- Direction.** Rainwater tanks that exceed the maximum capacity referred to in this subclause may be permitted under an additional provision in this clause.
- (6) The rainwater tank must:
- (a) be designed to capture and store roof water from gutters or downpipes on a building, and
- (b) be fitted with a first-flush device, being a device that causes the initial run-off of any rain to bypass the tank to reduce pollutants entering the tank, and
- (c) be structurally sound, and
- (d) be prefabricated, or be constructed from prefabricated elements that were designed and manufactured for the purpose of the construction of a rainwater tank, and
- (e) be assembled and installed in accordance with the manufacturer's or tank designer's specifications, and
- (f) be installed and maintained (including any stand for the tank) in accordance with any requirements of the public authority that has responsibility for the supply of water to the premises on which the tank is installed, and
- (g) be enclosed, and any inlet to the tank must be screened or filtered, to prevent the entry of foreign matter or creatures, and
- (h) be maintained at all times so as not to cause a nuisance with respect to mosquito breeding or overland flow of water, and
- (i) have a sign affixed to it clearly stating that the water in the tank is rainwater.

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- (7) The rainwater tank must not:
 - (a) collect water from a source other than gutters or downpipes on a building or a water supply service pipe, or
 - (b) exceed 3m in height above ground level, including any stand for the tank.
 - (8) Any overflow from the rainwater tank must be directed into an existing stormwater system.
 - (9) Any plumbing work undertaken on or for the rainwater tank that affects a water supply service pipe or a water main must be undertaken:
 - (a) with the consent of the public authority that has responsibility for the water supply service pipe or water main, and
 - (b) in accordance with any requirements by the public authority for the plumbing work, and
 - (c) by a licensed plumber in accordance with the *New South Wales Code of Practice for Plumbing and Drainage* produced by the Committee on Uniformity of Plumbing and Drainage Regulations in NSW.
 - (10) Any motorised or electric pump used to draw water from the rainwater tank or to transfer water between rainwater tanks:
 - (a) must not create an offensive noise, and
 - (b) in the case of a permanent electric pump, must be installed by a licensed electrician.

Satellite TV dishes

- (1) Must not be installed or erected:
 - (a) on land within a heritage conservation area or within the curtilage of a heritage item, or
 - (b) less than 1m from any easement or public sewer main.
- (2) Must be installed or erected wholly within the boundaries of a property.
- (3) If roof mounted, must have a diameter not exceeding 90cm (excluding any projecting feed element) and its height at any point must not exceed the highest point of the roof (if the roof is peaked) or 1.2m above the roof (if the roof is flat).
- (4) if ground mounted, must have a diameter not exceeding 90cm (excluding any projecting feed element) and its height must not exceed 1.2m above the highest point of the roof of the dwelling on which, or adjacent to which, it is erected.
- (5) If installed or erected on land within a Business or Industrial zone, must comply with the following:
 - (a) if roof mounted, must have a diameter not exceeding 1.8m (excluding any projecting feed element) and its height at any point must not exceed 1.8m above the highest point of the roof structure,

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- (b) if ground mounted, must have a diameter not exceeding 1.8m (excluding any projecting feed element) and its height must not exceed 1.8m above the highest point of the roof of any building on which, or adjacent to which, it is erected.
 - (6) Must be installed in accordance with the manufacturer's specifications and any relevant standard specified by Standards Australia.
 - (7) Must not affect the structural integrity of any building on which it is erected.

[91] Schedule 3

Omit the Schedule. Insert instead:

Schedule 3 Complying development

(Clause 17)

Part 1 Types of development

Part 2 Complying development certificate conditions

[92] Schedule 4

Omit the Schedule. Insert instead:

Schedule 4 Classification and reclassification of public land

(Clause 27)

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

Column 1	Column 2
Locality	Description

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

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description

[93] Schedule 5 Environmental heritage

Omit “Clause 33”. Insert instead “Clause 35”.

[94] Dictionary

Omit the direction at the beginning of the Dictionary.

[95] Dictionary, definition of “Acid Sulfate Soils Guidelines”

Omit the definition. Insert instead:

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

[96] Dictionary, definition of “agriculture”

Omit the definition. Insert instead:

agriculture means any of the following:

- (a) animal boarding or training establishments,
- (b) aquaculture,
- (c) extensive agriculture,
- (d) farm forestry,

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- (e) intensive livestock agriculture,
 - (f) intensive plant agriculture.

[97] Dictionary, definition of “agricultural produce industry”

Omit “a rural industry”. Insert instead “an industry”.

[98] Dictionary

Insert in alphabetical order:

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.

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 (not being an individual lot in a strata plan or community title scheme), and
- (c) none of the dwellings is located above any part of another dwelling.

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.

brothel has the same meaning as in the Act.

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) the Ambulance Service of New South Wales,
- (b) New South Wales Fire Brigades,
- (c) the NSW Rural Fire Service,
- (d) the NSW Police Force,
- (e) the State Emergency Service,
- (f) the New South Wales Volunteer Rescue Association Incorporated,
- (g) the 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*.

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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.

farm stay accommodation means tourist and visitor accommodation provided to paying guests on a working farm as a secondary business to primary production.

Note. See clause 28AA for controls relating to the number of bedrooms.

health services facility means a building or place used as a facility 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 the following:

- (a) day surgeries and medical centres,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) facilities for the transport of patients, including helipads and ambulance facilities,
- (e) hospitals.

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

- (a) restaurants or take away food and drink premises,
- (b) service stations and facilities for emergency vehicle towing and repairs,
- (c) parking for vehicles,
- (d) rest areas and public amenities.

industrial retail outlet means a building or place that:

- (a) is used in conjunction with an industry (including a light industry) but not in conjunction with a warehouse or distribution centre, and
- (b) is situated on the land on which the industry is carried out, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been

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manufactured on the land on which the industry is carried out.

Note. See clause 28AA for controls relating to the retail floor area.

intensive plant agriculture means any of the following carried out for commercial purposes:

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

nightclub means premises specified in a nightclub licence under the *Liquor Act 1982*.

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

place of public entertainment has the same meaning as in the Act.

Note. The term is defined as follows:

place of public entertainment means:

- (a) any theatre or cinema (including a drive-in or open-air theatre or cinema) that is used or intended to be used for the purpose of providing public entertainment, or
- (b) any premises the subject of a licence under the *Liquor Act 1982* or a certificate of registration under the *Registered Clubs Act 1976*, that are used or intended to be used for the purpose of providing entertainment, including public entertainment, but not including amusement provided by means of an approved gaming machine within the meaning of the *Gaming Machines Act 2001*, or
- (c) any public hall that is used or intended to be used for the purpose of providing public entertainment.

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.

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, 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.

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

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

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 (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

Note. See clause 28AA for controls relating to the total floor area.

self-storage units means storage premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

semi-detached dwelling means a dwelling that is on its own lot of land (not being an individual lot in a strata plan or community title scheme) and is attached to only one other dwelling.

sewage reticulation system means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated:

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

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.

sewerage system means a biosolids treatment facility, sewage reticulation system, sewage treatment plant, water recycling facility, or any combination of these.

shop means retail premises that sell groceries, personal care products, clothing, music, homewares, stationary, electrical goods or other items of general merchandise, and may include a

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neighbourhood shop, but does not include food and drink premises or restricted premises.

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 business premises or retail premises on the same parcel of land.

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

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.

waste or resource management facility means a waste or resource transfer station, a resource recovery facility or a waste disposal facility.

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.

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.

water reticulation system means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure, dosing facilities and water supply reservoirs.

water storage facility means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

water supply system means a water reticulation system, water storage facility, water treatment facility, or any combination of these.

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

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.

[99] Dictionary, definition of “airport”

Omit the definition. Insert instead:

airport means a place used for the landing, taking off, parking, maintenance or repair of aeroplanes (including associated buildings, installations, facilities and movement areas and any heliport that is part of the airport).

[100] Dictionary, definition of “airstrip”

Omit “taking-off”. Insert instead “taking off”.

[101] Dictionary, definition of “amusement centre”

Omit “hotel or pub”. Insert instead “pub or registered club”.

[102] Dictionary, definition of “animal boarding or training establishment”

Omit “clinic”. Insert instead “hospital”.

[103] Dictionary, definition of “aquaculture”

Insert at the end of the note (as part of the note):

This Dictionary also contains definitions of ***natural water-based aquaculture***, ***pond-based aquaculture*** and ***tank-based aquaculture***.

[104] Dictionary, definition of “archaeological site”

Omit the definition. Insert instead:

archaeological site means an area of land:

- (a) shown on the Heritage Map as an archaeological site, and
- (b) the location and nature of which is described in Schedule 5, and
- (c) that contains one or more relics.

[105] Dictionary, definition of “bed and breakfast accommodation”

Omit “for a maximum of [*insert maximum number of guests*] guests”.

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- [106] **Dictionary, definition of “bed and breakfast accommodation”**
 Insert at the end of the definition:
Note. See clause 28AA for controls relating to the number of bedrooms.
- [107] **Dictionary, definition of “biosolid waste application”**
 Omit “dated October 1997”. Insert instead “(EPA 1997)”.
- [108] **Dictionary, definition of “biosolid waste application”**
 Omit “2000”. Insert instead “2000a”.
- [109] **Dictionary, definition of “boarding house”**
 Insert “a group home,” after “backpackers’ accommodation,”.
- [110] **Dictionary, definition of “boarding house”**
 Insert “or motel” after “hotel”.
- [111] **Dictionary, definitions of “boat shed”, “curtilage”, “depot”, “drainage”, “environmental facility” and “home-based child care”**
 Omit “which” wherever occurring. Insert instead “that”.
- [112] **Dictionary, definition of “building”**
 Omit “or a temporary structure within the meaning of the *Local Government Act 1993*” from the note to the definition.
- [113] **Dictionary, definition of “building height”**
 Omit “to highest”. Insert instead “to the highest”.
- [114] **Dictionary, definition of “bulky goods premises”**
 Omit the definition. Insert instead:
bulky goods premises means a building or place used primarily for the sale by retail, wholesale or auction of (or for the hire or display of) bulky goods, being goods that are of such size or weight as to require:
 (a) a large area for handling, display or storage, 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 or hire or display of bulky goods.

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- [115] Dictionary, definition of “bush fire prone land”**
Omit “*Environmental Planning and Assessment Act 1979*” from the note.
Insert instead “Act”.
- [116] Dictionary, definition of “business identification sign”**
Omit “person that”. Insert instead “person who”.
- [117] Dictionary, definition of “business premises”**
Omit the definition. Insert instead:
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 may include, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, medical centres, betting agencies and the like, but does not include sex services premises.
- [118] Dictionary, definition of “cemetery”**
Omit the definition. Insert instead:
cemetery means a building or place for the interment of deceased persons or their ashes.
- [119] Dictionary, definition of “child care centre”**
Omit paragraph (c). Insert instead:
(c) a building or place used for home-based child care, or
- [120] Dictionary, definition of “coastal lake”**
Insert “No” before “71”.
- [121] Dictionary, definition of “commercial port facility”**
Omit the definition. Insert instead in alphabetical order:
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,

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- (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.

[122] Dictionary, definition of “community facility”

Omit the definition. Insert instead:

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.

[123] Dictionary, definition of “correctional centre”

Omit the definition. Insert instead:

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.

[124] Dictionary, definition of “Crown reserve”

Omit “land” from paragraph (c). Insert instead “lands”.

[125] Dictionary, definition of “dairy (pasture based)”

Omit the definition. Insert instead:

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dairy (pasture-based) means a dairy where the only restriction facilities present are the milking sheds and holding yards and where cattle are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

[126] Dictionary, definition of “dual occupancy”

Insert “(not being an individual lot in a strata plan or community title scheme), but does not include a secondary dwelling” after “land”.

[127] Dictionary, definition of “educational establishment”

Omit “college” from paragraph (b). Insert instead “establishment”.

[128] Dictionary, definition of “entertainment facility”

Omit “, amusement centre and the like”.

Insert instead “and the like, but does not include a pub, nightclub or registered club”.

[129] Dictionary, definition of “extensive agriculture”

Omit paragraphs (d)–(j) of the definition. Insert instead:

- (d) animal boarding or training establishments,
- (e) aquaculture,
- (f) farm forestry,
- (g) intensive livestock agriculture,
- (h) intensive plant agriculture.

[130] Dictionary, definition of “fill”

Insert “not” after “and that does” in paragraph (a).

[131] Dictionary, definition of “fill”

Omit paragraph (b) of the definition. Insert instead:

- (b) the use of land as a waste disposal facility.

[132] Dictionary, paragraph (c) of definition of “filming”

Omit “non commercial”. Insert instead “non-commercial”.

[133] Dictionary, definition of “food and drink premises”

Omit “take away food shops”.

Insert instead “take away food and drink premises”.

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- [134] **Dictionary, definitions of “funeral chapel” and “funeral home”**
Omit “business” wherever occurring.
- [135] **Dictionary, definitions of “funeral chapel” and “funeral home”**
Omit “short term” wherever occurring. Insert instead “short-term”.
- [136] **Dictionary, definition of “gross floor area”**
Omit “each storey”. Insert instead “each floor”.
- [137] **Dictionary, definition of “gross floor area”**
Omit “within the storey” from paragraph (a).
- [138] **Dictionary, definition of “gross floor area”**
Insert “or an attic” after “basement” in paragraph (b).
- [139] **Dictionary, definition of “ground level (finished)”**
Omit “which” where secondly occurring. Insert instead “that”.
- [140] **Dictionary, definition of “health consulting rooms”**
Insert “a medical centre that comprises” after “means”.
- [141] **Dictionary, definition of “heliport”**
Omit “helicopters” where firstly occurring. Insert instead “helicopters,”.
- [142] **Dictionary, definition of “heritage conservation area”**
Omit the definition. Insert instead:
heritage conservation area means an area of land:
(a) shown on the Heritage Map as a heritage conservation area or as a place of Aboriginal heritage significance, and
(b) the location and nature of which is described in Schedule 5,
and includes any heritage items situated on or within that area.
- [143] **Dictionary, definition of “heritage item”**
Omit the definition. Insert instead:
heritage item means a building, work, archaeological site, tree, place or Aboriginal object:
(a) shown on the Heritage Map as a heritage item, and
(b) the location and nature of which is described in Schedule 5, and

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- (c) specified in an inventory of heritage items that is available at the office of the Council.

[144] Dictionary, definition of “home-based child care” or “family day care home”

Omit “or *family day care home*”.

[145] Dictionary, definitions of “home business” and “home industry”

Omit the definitions. Insert instead:

home business means a business carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling 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) involve the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the business carried on in the dwelling), 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 28AA for controls relating to the floor area used to carry on the business.

home industry means a light industry carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling 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

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- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
 - (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the light industry carried on in the dwelling), 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 or sex services premises.

Note. See clause 28AA for controls relating to the floor area used to carry on the light industry.

[146] Dictionary, definition of “home occupation”

Insert “, a brothel” after “bed and breakfast accommodation”.

[147] Dictionary, definition of “home occupation (sex services)”

Omit “in a dwelling, or in a building ancillary to a dwelling,”.

Insert instead “in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling,”.

[148] Dictionary, definition of “hotel accommodation”

Omit the definition. Insert instead:

hotel or motel accommodation means tourist and visitor accommodation (whether or not licensed premises under the *Liquor Act 1982*):

- (a) comprising rooms or self-contained suites, and
- (b) that 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.

[149] Dictionary, definition of “intensive livestock agriculture”

Insert “, for commercial purposes,” after “breeding”.

[150] Dictionary, definition of “intensive livestock agriculture”

Insert “the” after “includes”.

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- [151] **Dictionary, definition of “kiosk”**
Omit the definition. Insert instead:
kiosk means retail premises used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.
Note. See clause 28AA for controls relating to the gross floor area.
- [152] **Dictionary, definition of “landscaped area”**
Omit “residential”.
- [153] **Dictionary, definition of “liquid fuel depot”**
Omit “a depot or place”. Insert instead “storage premises that are”.
- [154] **Dictionary, definition of “livestock processing industry”**
Omit “a rural industry”. Insert instead “an industry”.
- [155] **Dictionary, definitions of “local heritage significance”, “materials recycling or recovery centre”, “public meeting”, “sensitive coastal location”, “sewage treatment works”, “utility installation” and “waste disposal land fill operation”**
Omit the definitions.
- [156] **Dictionary, definition of “maintenance”**
Omit “in relation to”. Insert instead “, in relation to”.
- [157] **Dictionary, definition of “multi dwelling housing”**
Insert “(not being an individual lot in a strata plan or community title scheme) each with access at ground level, but does not include a residential flat building” after “land”.
- [158] **Dictionary, definition of “natural water-based aquaculture”**
Omit “strings” from the note. Insert instead “lines”.
- [159] **Dictionary, definition of “neighbourhood shop”**
Omit the definition. Insert instead:
neighbourhood shop means retail premises used for the purposes of selling small daily convenience goods such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.
Note. See clause 28AA for controls relating to the retail floor area.

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[160] Dictionary, definition of “permanent group home”

Omit the definition. Insert instead in alphabetical order:

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

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

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

[161] Dictionary, definition of “pond based aquaculture”

Omit the definition. Insert instead:

pond-based aquaculture means aquaculture undertaken in structures that are constructed by excavating and reshaping earth, which may be earthen or lined, and includes any part of the aquaculture undertaken in tanks, such as during the hatchery or pre-market conditioning phases, but does not include natural water-based aquaculture.

Note. Typical pond-based aquaculture is the pond culture of prawns, yabbies or silver perch.

[162] Dictionary, definitions of “pub”, “restricted premises” and “tourist and visitor accommodation”

Insert “or motel” after “hotel” wherever occurring.

[163] Dictionary, definition of “public administration building”

Insert “, and includes a courthouse or a police station” after “for public purposes”.

[164] Dictionary, definition of “public entertainment”

Omit the definition. Insert instead:

public entertainment has the same meaning as in the Act.

Note. The term is defined as follows:

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public entertainment means entertainment to which admission may ordinarily be gained by members of the public on payment of money or other consideration:

- (a) whether or not some (but not all) persons are admitted free of charge, and
- (b) whether or not the money or other consideration is demanded:
 - (i) as a charge for a meal or other refreshment before admission is granted, or
 - (ii) as a charge for the entertainment after admission is granted.

[165] Dictionary, definition of “recreation facility (major)”

Omit “include”. Insert instead “includes”.

[166] Dictionary, definition of “residential flat building”

Insert “, but does not include an attached dwelling or multi dwelling housing” after “dwellings”.

[167] Dictionary, definition of “roadside stall”

Omit “with a gross floor area not exceeding [insert number] square metres”.

[168] Dictionary, definition of “roadside stall”

Insert at the end of the definition:

Note. See clause 28AA for controls relating to the gross floor area.

[169] Dictionary, definition of “sex services premises”

Omit the definition. Insert instead:

sex services premises means a brothel, but does not include home occupation (sex services).

[170] Dictionary, definition of “shop top housing”

Omit “mixed use development comprising”.

[171] Dictionary, definition of “site area”

Insert “, but does not include the area of any land on which development is not permitted to be carried out under this Plan” after “each other”.

[172] Dictionary, definition of “site coverage”

Insert “balconies,” after “unenclosed” in paragraph (d).

[173] Dictionary, definition of “swimming pool”

Omit “this Act.” from the note. Insert instead “that Act.”.

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[174] Dictionary, definition of “take away food or drink premises”

Omit the definition. Insert instead:

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

[175] Dictionary, definition of “temporary structure”

Omit “*Local Government Act 1993*”. Insert instead “the Act”.

[176] Dictionary, definition of “timber and building supplies”

Omit the definition. Insert instead:

timber and building supplies means a building or place used for the display, sale (whether by retail or wholesale) or hire of goods or materials that are used in the construction and maintenance of buildings.

[177] Dictionary, definition of “transitional group home”

Omit the definition. Insert instead in alphabetical order:

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.

[178] Dictionary, definition of “vehicle showroom”

Omit the definition. Insert instead:

vehicle sales or hire premises means a building or place used for the display, sale (whether by retail or wholesale) 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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[179] Dictionary, definition of “waterbody (artificial)”

Insert “or *artificial waterbody*” after “(*artificial*)”.

[180] Dictionary, definition of “waterbody (natural)”

Insert “or *natural waterbody*” after “(*natural*)”.

[181] Dictionary, definition of “wetland”

Omit “water body” from paragraph (b). Insert instead “waterbody”.

[182] The whole instrument (as amended by this Order)

Renumber each clause so that the clause has 2 numbers separated by a decimal point, with the first number being the number of the Part in which the clause appears and the second number being the appropriate consecutive number according to the position of the clause in the Part, and amend any cross-reference in the instrument to a renumbered clause (including in any notes) by renumbering the cross-reference accordingly.