

NEW SOUTH WALES

ORDINANCE

Local Government Act, 1919

*(Published in Government Gazette No.21 of 21 February 1969)*

PROCLAMATION

(L.S.) A.R. CUTLER, *Governor* 12 February 1969  
THE Strathfield Planning Scheme Ordinance is hereby proclaimed as set out in the Schedule hereto (P.5/32)

By His Excellency's Command,

P.H. MORTON

GOD SAVE THE QUEEN!

SCHEDULE

Local Government Act 1919: Part X11A

STRATHFIELD PLANNING SCHEME ORDINANCE

**PART I**

*Preliminary*

**Citation**

1. (1) This Ordinance may be cited as the "Strathfield Planning Scheme Citation Ordinance".  
(2) The planning scheme prepared by the Council of the Municipality of Strathfield in respect of all land within the Municipality of Strathfield, in pursuance of paragraph (a) of subsection (1) of section 34 of the Local Government (Areas) Act, 1948 "and the Strathfield Planning Scheme (Amended No.1) as proclaimed in the Gazette of 30 April, 1971, and the Strathfield Planning Scheme (Amendment No.2) as proclaimed in the Gazette of 15 March, 1974, are embodied in this Ordinance."

**Variation of County of Cumberland Planning Scheme**

2. The planning scheme referred to in subclause (2) of clause 1 varies in certain respects the County of Cumberland Planning Scheme and incorporates all such provisions of that Scheme relating to land within the Municipality of Strathfield as are not inconsistent with the provisions of the Scheme so referred to.

## Division into Parts

3. This Ordinance is divided into parts as follows:

PART I - *Preliminary* - *cll. 1-6*

PART II - *Reservation and Restriction on Use of Land* - *cll.7-21.*

PART III - *Restrictions on Building and Use of Land* - *cll.22-24.*

PART IV - *Existing Buildings, Existing Works and Existing Use of Land* -*cll.25-29.*

PART V - *Consents* - *cll.30-37.*

PART VI - *General Amenity and Convenience* - *cll.38-40.*

PART VII - *Special Provisions* - *cll.41-61C.*

PART VIII - *General* - *cll.62-73.*

[LEP4 GG 23.10.83]

## SCHEDULES.

### Interpretation

4. (1) In this Ordinance, unless the context or subject matter otherwise indicates or requires-

“Advertisement” means the display of symbols, messages or other devices for promotional purposes or for conveying instructions, directions or the like, whether or not the display includes the erection of an advertising structure or the carrying out of a work.

[LEP74 GG 15.10.99]

“Airline terminal” means a building or place used for the assembly of passengers and goods prior to the transport of such passengers and goods either to or from an aerodrome.

“Alter”, in relation to a heritage item or to a building or work within a heritage conservation area, means-

- (a) make structural changes to the outside of the heritage item, building or work; or
- (b) make non-structural changes to the detail, fabric, finish or appearance of the outside of the heritage item, building or work, other than changes that maintain the existing detail, fabric, finish or appearance of the outside of the heritage item, building or work.

[LEP30 GG 31.7.92]

“Amusement centre” means a building or place principally used for the purpose of playing-

- (a) electrically, electronically or mechanically operated amusement devices such as pin ball machines, video machines, and the like; or
- (b) billiards, pool or other like games.

[LEP58 GG 24.12.93]

“Appointed day” means the day upon which this Ordinance takes effect.

“Attached dual occupancy” means a building containing two dwellings that are superimposed or alongside each other on an allotment of land that is not less than 560 square metres in area.

[LEP79 GG 4/2/00]

“Bed and breakfast establishment” means the use of a dwelling to provide accommodation for commercial purposes to guests, where:

- (a) the dwelling is used to accommodate no more than 12 persons (including permanent residents of the dwelling and their guests, whether or not the guests pay for the accommodation) at any one time, and
- (b) paying guests do not stay at the premises for consecutive periods of more than 1 week, and
- (c) no more than 4 bedrooms are made available for use by paying guests, and
- (d) any bedroom made available for paying guests is used to accommodate no more than 2 persons.

[LEP96 GG 31/05/02]

“Boarding-house” includes a house let in lodgings or a hostel, but does not include a motel or a bed and breakfast establishment.

[LEP79 GG 4/2/00]

“Brothel” means premises used for the purposes of prostitution by one or more prostitutes.

[LEP82 GG 21.11.97]

“Building” includes a structure or any part of a structure.

[LEP30 GG 31.7.92]

“Bulk store” means a building or place used or intended for use for the bulk storage of goods, where the goods stored or to be stored are not required for use in a shop or commercial premises on the same parcel of land or on adjoining land in the same ownership.

“Bus depot” means a building or place used for the servicing, repair and garaging of buses and other vehicles used for the purposes of a bus transport undertaking.

“Bus station” means a building or place used as a terminal for the assembly and dispersal of passengers travelling by bus.

“Car repair station” means a building or place used or intended for use for the purpose of carrying out repairs to motor vehicles or agricultural machinery, not being-

- (a) body building;
- (b) panel beating which involves dismantling; or
- (c) spray painting other than of a touching-up character.

“Child Care Centre” means a building or place which is used (whether or not for profit) for the purpose of educating, minding or caring for children (whether or not any of the children are related to the owner or operator), but only if the following conditions are satisfied:

- (a) the children number 6 or more, are under 6 years of age, and do not attend a government school, or a registered non-government school, within the meaning of the Education Reform Act 1990; and
- (b) the building or place does not provide residential care for any of the children (other than those related to the owner or operator).

[LEP89 GG 16.7.99]

“Church” means any place of public worship, whether in the Christian faith or otherwise.

[LEP79 GG 4/2/00]

“**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).

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

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

[LEP 106 GG 22/1/10]

“Club” means a building used or intended for use by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purpose whether of the same or of a different kind and whether or not the whole or a part of such building is specified as licensed premises in a certificate of registration granted under Part X of the Liquor Act 1912, as amended.

“Commercial premises” means a building or place used or intended for use as an office or for other business or commercial purposes, but does not include a building or place elsewhere specifically defined in this clause or a building or place used or intended for use for a purpose elsewhere specifically defined in this clause or for a roadside stall.

“Convenience store” means a building used for selling-

- (a) a variety of goods, including foodstuffs, personal care products, household cleaning products and small items of hardware; and

- (b) petrol, oil and petroleum products (whether or not other goods are also sold in the building).

[LEP57 GG 9.7.93]

“Council” means the Council of the Municipality of Strathfield.

“County road” means-

- (a) any existing road indicated on the scheme map by a continuous red band on white between firm black lines;
- (b) any proposed road indicated on the scheme map by a broken red band between broken black lines; and
- (c) any proposed widening indicated on the scheme map by a broken red band between a firm black line and a broken black line.

“Demolition”, in relation to a heritage item or to a building or work within a heritage conservation area, means the damaging, defacing, destruction, pulling down or removal of the heritage item, building or work, in whole or in part.

[LEP30 GG 31.7.92]

“Detached dual occupancy” means 2 detached dwellings erected on a single allotment of land that is not less than 560 square metres in area.

[LEP79 GG 4/2/00]

“Development” has the meaning ascribed to it in section 342T of the Act.

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

[(LEP79 GG 4/2/00)]

“Educational establishment” means a building used or intended for use as a school, college, technical college, academy, lecture hall, gallery or museum, but does not include a building used or intended for use wholly or principally as an institution.

“Extractive industry” means an industry or undertaking not being a mine which depends for its operations on the winning of extractive material from the land upon which it is carried on.

“Extractive material” means sand, gravel, clay, turf, soil, rock, stone and similar substances.

“Forestry” includes arboriculture, silviculture, forest protection, the cutting, dressing and preparation other than in a sawmill of wood and other forest products and the establishment of roading required for the removal of wood and forest products and for forest protection.

“Generating works” means a building or place used or intended for use for the purpose of making or generating gas, electricity or other forms of energy.

“Heritage and conservation map” means the map marked “Strathfield Local Environmental Plan No.85 - Heritage & Conservation Map” as amended by the maps (or, if sheets of maps are specified, by the specified sheets of the maps): Strathfield Local Environmental Plan No.94 - Heritage and Conservation Map, Strathfield Local Environmental Plan No. 109 - Heritage and Conservation Map

[LEP85 GG 12.3.99]

[LEP94 GG 18.5.01]

[LEP109 GG 24.12.09]

“Heritage conservation area” means an area of heritage significance referred to in Schedule 10 and being the land edged heavy black with grey toning and marked “Heritage Conservation Area” on the Heritage & Conservation Map.

[LEP30 GG 31.7.92]

“Heritage item” means a building, work, relic, tree or place of heritage significance to the Municipality of Strathfield, described in Schedule 9 and identified on the Heritage & Conservation Map.

[LEP30 GG 31.7.92]

“Heritage significance” means historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance.

[LEP30 GG 31.7.92]

“Home industry” means industry carried on in a building, not being a dwelling house or dwelling in a residential flat building under the following circumstances-

- (a) the building does not occupy a floor space exceeding 300 square feet and is erected within the curtilage of the dwelling house or residential flat building occupied by the person carrying on the industry or on adjoining land owned by such person;
- (b) the industry does not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise;
- (c) the industry does not involve exposure to view from any adjacent premises or from any public place of any unsightly matter; and
- (d) the industry does not require the provision of any essential service main of a greater capacity than that available in the locality.

“Home occupation” means an occupation carried on in a dwelling house, or a dwelling in a residential flat building, by the permanent residents of the dwelling house or such dwelling which does not involve any of the following-

- (a) the registration of the building under the Factories, Shops and Industries Act 1962, as amended;
- (b) the employment of persons other than such residents;
- (c) 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, oil or otherwise;
- (d) the display of goods, whether in a window or otherwise;
- (e) the exhibition of any notice, advertisement or sign other than a notice or sign exhibited on such dwelling house or such dwelling to indicate the name and occupation of the resident; or
- (f) the use of the dwelling house or dwelling as a brothel.

[LEP82 GG 21.11.97]

“Hospital” means a building used or intended for use as a hospital, sanatorium, health centre or dispensary, a nursing home or home for aged, infirm, incurable or convalescent persons, whether public or private, and includes a shop or dispensary used in conjunction therewith, but does not include an institution.

“Hotel” means any premises specified in a publican’s licence issued under the Liquor Act 1912, as amended.

“Industry” means-

- (a) any manufacturing process\* within the meaning of the Factories, Shops and Industries Act 1962, as amended;
- (b) the breaking up or dismantling of any goods or any article for trade or sale or gain or as ancillary to any business; or
- (c) the winning of extractive material.

\* *Note: Manufacturing process is defined as*

“Manufacturing process” means any handicraft or process in or incidental to the making, assembling, altering, repairing, renovating, preparing, ornamenting, finishing, cleaning, washing, breaking up, or adapting of any goods or any articles or any part of an article for trade or sale or gain, or as ancillary to any business, and includes any handicraft or process declared by the Governor, pursuant to this Act, to be a manufacturing process.

“Institution” means a building used or intended for use wholly or principally for any of the following uses, namely, as-

- (a) a home or other institution for mental defectives;
- (b) a mental hospital;
- (c) a penal or reformatory institution.

“Integrated housing” means housing resulting from:

- (a) the subdivision of land into 5 or more allotments, with each allotment created having an area of not less than 230 square metres; and
- (b) the erection of a dwelling-house, that does not have a floor space ratio greater than .5:1, on each of the allotments created by the subdivision.

[LEP93 GG8.9.00]

“Junk yard” means land used for the collection, storage, abandonment or sale of scrap metals, waste paper, rags, bottles or other scrap materials or goods or used for the collecting, dismantling, storage, salvaging or abandonment of automobiles or other vehicles or machinery and for the sale of parts thereof.

“Light industry” means an industry in which the processes carried on, the transportation involved or the machinery or materials used do 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, oil or heavy vehicle traffic or otherwise.

[LEP86 GG 30.4.99]

“Liquid fuel depot” means a depot or place used or intended for use for the bulk storage for wholesale distribution of petrol, oil, petroleum or other inflammable liquids.

“Main road” means a main road within the meaning of the Main Roads Act 1924, as amended.

“Maintenance” means the continuous protective care of the fabric of a heritage item and its setting;

[LEP30 GG 31.7.92]

“Mine” means any place, open cut, shaft, tunnel, pit, drive, level or other excavation, drift, gutter, lead, vein, lode or reef whereon, wherein or whereby any operation is carried on for or in connection with the purpose of obtaining any metal or mineral by any mode or method, and any place adjoining on which any product of the mine is stacked, stored, crushed or otherwise treated, but does not include a quarry.

“Motel” means a building or buildings, not being a hotel or a residential building, substantially used or intended for use for the overnight accommodation of travellers and the vehicles used by them whether or not the building or buildings are also used or intended for use in the provision of meals to such travellers or the general public.

“Motor showroom” means a building or place used or intended for use for the display or sale of motor vehicles and accessories.

“Multiple-unit housing” means housing comprising more than one dwelling, such as villas, townhouses, other buildings containing 2 or more dwellings or other similar forms of housing.  
[LEP79 GG 4/2/00]

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“Offensive or hazardous industry” means an industry which, by reason of the processes involved or the method of manufacture or the nature of the materials used or produced, requires isolation from other buildings and includes those trades which are declared noxious under the Noxious Trades Act 1902, as amended.

“Place of assembly” means a public hall, theatre, cinema, music hall, concert hall, dance hall, open-air theatre, drive-in theatre, music bowl or any other building of a like character used as such and whether used for the purposes of gain or not, but does not include a place of public worship, an institution or an educational establishment.

“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.

[LEP79 GG 4/2/00]

“Professional consulting rooms” means a room or a number of rooms forming either the whole of or part of, attached to or within the curtilage of, a dwelling house and used by not more than three legally qualified medical practitioners or by not more than three dentists within the meaning of the Dentists Act 1989, or by not more than three health care professionals, who practise therein the profession of medicine, dentistry or health care, respectively, and if more than one, practise in partnership, and who employ not more than three employees in connection with that practice.

[LEP44 GG 16.4.92]

\* *Note: Under the Model Provisions a*

“Health care professional” means a person who provides professional health services to members of the public, and includes:

- (a) a podiatrist registered under the Podiatrists Registration Act 1989; and
- (b) a chiropractor or osteopath or chiropractor and osteopath registered under the Chiropractors and Osteopaths Act 1991; and
- (c) a physiotherapist registered under the Physiotherapists Registration Act 1945; and
- (d) an optometrist registered under the Optometrists Act 1930.

“Public building” means a building used or intended for use as offices or for administrative or other like purposes by the Crown, a statutory body, a council or by organisations established for public purposes.

“Public utility undertaking” means any of the following undertakings carried on or permitted or suffered to be carried on by or by authority of any Government Department or under the authority of or in pursuance of any Commonwealth or State Act, that is to say-

- (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 any reference to a person carrying on any public utility undertaking shall be deemed to include a reference to a council, county council, Government Department, corporation, firm or authority carrying on such undertaking.

“Recreation facility” means a building or place used for indoor recreation, a billiard saloon, table tennis centre, squash court, swimming pool, gymnasium, health studio, bowling alley, fun parlour or any other building of a like character used for recreation and whether used for the purpose of gain or not, but does not include a place of assembly.

[LEP45 GG 24.7.92]

“Refreshment room” means a restaurant, cafe, tea room, eating-house or the like.

“Relic” means any deposit, object or material evidence relating to the use or settlement of the area of the Municipality of Strathfield which is 50 or more years old.

[LEP30 GG 31.7.92]

“Road transport terminal” means a building or place used for the principal purpose of the bulk handling of goods for transport by road, including facilities for the loading and unloading of vehicles used to transport such goods and for the parking, servicing and repair of such vehicles.

“Sawmill” means a mill handling, cutting and processing timber from logs or baulks.

“Schedule” means a schedule to this Ordinance.

“Scheme” means the Strathfield Planning Scheme embodied in this Ordinance.

“Scheme map” means the series of maps bound in a book the title of which is marked “Planning Scheme for the Municipality of Strathfield”, signed by the Minister for Local Government and deposited in the office of the Council, as amended-

[LEP15 GG 5.7.85]

- (a) by the maps similarly deposited and marked as Strathfield Local Environmental Plan Nos.6,7,9 and 12; and
- (b) by the maps similarly deposited and marked as follows-  
Strathfield Local Environmental Plan No. 18, 32, 40, 43, 46, 48, 54, 57, 58, 70, 79, 86, 90, 92, 93, 95, 101, 102,103, 104, 106, 108 – Sheet 3, 110 – Sheet 3

[LEP15 GG 5.7.85]

[LEP 106 GG 22.01.10]

[LEP 108 GG 4.06.10]

[LEP 110 GG 4.06.10]

“Service station” means a building or place used or intended for use for the fuelling of motor vehicles involving the sale by retail of petrol, oils and other petroleum products whether or not the building or place is also used or intended for use for any one or more of the following purposes-

- (a) the sale by retail of spare parts and accessories for motor vehicles;
- (b) washing and greasing of motor vehicles;
- (c) installation of accessories;
- (d) repairing and servicing of motor vehicles involving the use of hand tools

provided that such repairing and servicing shall not include top overhaul of motors, body building, panel beating, spray painting, or suspension, transmission or chassis restoration.

“Serviced apartments” means a building or place which is cleaned and serviced by the owner or manager of the building or place or the owner’s or manager’s agent, and which provides short-term accommodation for travellers or tourists, but does not include a hostel or a building or place elsewhere specifically defined for the purposes of this Ordinance.

[LEP79 GG 4/2/00]

“Shop” means a building or place used or intended for use for the purpose of selling, exposing or offering for sale by retail goods, merchandise or materials, but does not include a building or place elsewhere specifically defined in this clause or a building or place used or intended for use for a purpose elsewhere specifically defined in this clause or for a roadside stall.

“Stock and sale yard” means a building or place used or intended for the purpose of offering animals for sale and includes a public cattle market.

“Structure” includes a wireless aerial, mast or post visible from any public reserve, a swimming pool, a fence and a tennis court;

[LEP30 GG 31.7.92]

“The Act” means the Local Government Act 1919, as amended.

“Transport terminal” means a building or place used as an airline terminal, a road transport terminal, a bus station or a bus depot.

“Utility installation” means a building or work intended for use by a public utility undertaking but does not include a building designed wholly or principally as administrative or business premises or as a showroom.

“Warehouse” means a building or place used or intended for use for the storage of goods, merchandise or materials pending their sale and distribution to persons engaged in the retail trade.

“Zone” means land referred to in Column 1 of the Table to clause 22 of this Ordinance and shown on the scheme map by distinctive colouring or edging or in some distinctive manner as referred to in such Column for the purpose of indicating the restrictions imposed by Part III of this Ordinance on the erection and use of buildings, the carrying out and use of works or the use of land in such zone.

(2) For the purpose of this Ordinance, the number of storeys in a building is the maximum number of storeys, levels or floors, as the case may be, of the building which may be intersected by the same vertical line, not being a line which passes through any wall of the building.

[LEP60 GG 19.5.95]

(3) Notes included in this Ordinance are provided for guidance and do not form part of this Ordinance.

[LEP 106 GG 22.1.10]

### **Land to which Scheme applies**

5. This Ordinance applies to all land within the Municipality of Strathfield, as shown on the scheme map, with boundaries as indicated on such map.

### **Responsible Authorities**

6. (1) In respect of the provisions of this Ordinance relating to-
- (a) the acquisition and transfer of land reserved under Division 2 or 3 of Part II for county open space, new county roads and widening of existing county roads and of land within Zone No.5(c);
  - (b) places of scientific or historic interest;
  - (c) the relocation or alteration of the route of any county road indicated on the scheme map;
  - (d) controlled access roads; and
  - (e) any matters in respect of which the Authority is expressly charged with any power, authority, duty or function;

the Authority shall be the responsible authority and shall be charged with the functions of carrying into effect and enforcing such provisions.

(2) The Council shall, subject to this Ordinance, be the responsible authority and shall be charged with the functions of carrying into effect and enforcing the provisions of this Ordinance relating to any power, authority, duty or function other than those enumerated in subclause (1) of this clause.

## PART II

### *Reservation and Restriction on Use of Lands*

#### Division 1

##### **Application of Part**

7. This Part shall apply to all land shown on the scheme map in the following manner, viz:-
- All land coloured light green with red edging with the letter "C" superimposed in red thereon;
- All land coloured yellow with green edging with scarlet lettering superimposed thereon;
- All land shown by a broken red band between a firm black line and a broken black line and by a broken red band between broken black lines.

##### **Definitions**

8. In this Part, unless the context or subject matter otherwise indicates or requires-

"Built-up land" means all land other than vacant land.

"Vacant land" means land upon which immediately before the appointed day there were no buildings or upon which the only buildings were fences, greenhouses, conservatories, garages, summer-houses, private boathouses, fuel sheds, tool-houses, cycle sheds, aviaries, milking bails, haysheds, stables, fowl-houses, pig sties, barns or the like.

#### Division 2

##### **Reservation of Land**

9. The several pieces of land specified in Column 1 of the Table to this clause are reserved for the purposes set out opposite such land in Column 2 of the Table.

Table

Column 1	Column 2
Indication on scheme map of land Reserved	Purposes for which land is reserved
All land coloured light green with red edging with the letter "C" superimposed thereon.	County open space.
All land coloured yellow with green edging with scarlet lettering superimposed thereon.	Special use - the particular purpose shown by scarlet lettering on the scheme map.

**Buildings etc not to be erected on Reserved land without Consent**

- 10. (1) Except as provided in subclause (2) of this clause a person shall not on land reserved under this Division erect a building, or carry out or alter a work of a permanent character or make or alter a permanent excavation other than a building or a permanent work or a permanent excavation required for or incidental to the purpose for which the land is so reserved.
- (2) Where it appears to the responsible authority that the purpose for which the land is reserved under this Division cannot be carried into effect within a reasonable time after the appointed day the owner of such land may with the consent of the responsible authority erect a building, or carry out or alter a work of a permanent character or make or alter a permanent excavation.
- (3) Any such consent shall be subject to such conditions including conditions with respect to the removal or alteration of the building, work or excavation, or any such alteration of a work or excavation, or the reinstatement of the land or the removal of any waste material or refuse, with or without payment of compensation, as the responsible authority thinks fit.
- (4) Nothing in this clause shall operate to prohibit the erection of a fence on any land reserved under this Division or the erection or construction, with the consent of the responsible authority, of any essential utility installation.

Division 3

**Application of Division**

- 11. This Division shall apply only to vacant land and the expression “land” where used in this Division means vacant land.

**Reservation of Land**

- 12. The several pieces of land specified in Column 1 of the Table to this clause are reserved for the purposes set out opposite such land in Column 2 of the Table.

Table

Column 1	Column 2
Indication on scheme map of land reserved	Purposes for which land is reserved
All land shown by a broken red band between a firm black line and a broken black line and by a broken red band between broken black lines.	New county roads and widening of existing county roads.

**Buildings etc not to be erected on Reserved Land without Consent**

- 13. (1) Except as provided in subclause (2) of this clause a person shall not on land reserved under this Division erect a building or carry out or alter a work of a permanent character or make or alter a permanent excavation other than a building or a permanent work or a permanent excavation required for or incidental to the purpose for which the land is so reserved.

(2) Where it appears to the responsible authority that the purpose for which the land is reserved under this Division cannot be carried into effect within a reasonable time after the appointed day the owner of such land may with the consent of the responsible authority and of the Commissioner for Main Roads erect a building or carry out or alter a work of a permanent character or make or alter a permanent excavation.

(3) Any such consent shall be subject to such conditions with respect to the removal or alteration of the building, work or excavation or any such alteration of a work or excavation or the reinstatement of the land or the removal of any waste material or refuse, with or without payment of compensation, as the responsible authority thinks fit, and to such conditions as the Commissioner for Main Roads requires to be imposed.

(4) Nothing in this clause shall operate to prohibit the erection of a fence on any land reserved under this Division.

#### Division 4

##### **Application of Division**

14. This Division shall apply only to land which is built-up land and the expression "land" where used in this Division means built-up land.

##### **Built-up land on proposed Routes of Roads**

15. (1) This clause shall apply only to the following land, namely, all land shown on the scheme map by a broken red band between a firm black line and a broken black line and by a broken red band between broken black lines.

(2) Land shall not be used without the consent of the responsible authority for any purpose other than the purpose for which the land was used immediately before the appointed day.

(3) The erection of a building shall not be undertaken without the consent of the responsible authority.

#### Division 5

##### **Application of Division**

16. This Division shall apply both to vacant land and built-up land.

##### **Restriction on use of Land**

17. (1) Land which is reserved under Division 2 or 3 of this Part shall not be used without the consent of the responsible authority for any purpose other than the purpose for which it was used immediately before 12 July 1946.

(2) Nothing in subclause (1) of this clause shall prevent the use of land for a purpose other than the purpose for which it was used immediately before 12 July 1946, where consent to the first-mentioned use has been granted either in accordance with the terms of the Town and Country Planning (General Interim Development) Ordinance or Division 7 of Part XIII of the Act or the County of Cumberland Planning Scheme Ordinance.

## Acquisition of Land

18. (1) The owner of any land reserved under Division 2 or 3 of this Part upon which the erection of any building or the carrying out or alteration of any work of a permanent character or the making or alteration of any permanent excavation is prohibited except for or incidental to a purpose for which the land is so reserved, or the owner of any land so reserved, in respect of which the responsible authority has refused its consent pursuant to subclause (2) of clause 10, subclause (2) of clause 13 or clause 17 of this Ordinance, may, by notice in writing, require the responsible authority to acquire such land.
- (2) Upon receipt of such notice the responsible authority shall acquire the land to which the notice relates.

## Acquisition of land within Zones Nos 6 (d) and 9 (a)

- 18A. (1) The owner of any land within Zone No 6 (d) or 9 (d) may, by notice in writing, request the Council to acquire the land.
- (2) Subject to subclause (3), on receipt of such a notice, the Council must acquire the land.
- (3) Until:
- (a) land the subject of the notice referred to in subclause (1) is acquired by the Council, or
  - (b) land that has been acquired under this clause is developed for the purpose for which it has been acquired,
- development may, with development consent, be carried out on the land for any purpose, if the Council is satisfied that the development will not adversely affect the usefulness of the land for the purpose for which it has been reserved.
- (4) In determining whether to grant consent to development under subclause (3), the Council must take into consideration:
- (a) the effect of the proposed development on the costs of the acquisition, and
  - (b) the imminence of acquisition, and
  - (c) the cost of re-instatement of the land for the purposes of public open space, local roads and road widening.

[LEP102 GG 15.08.03]

## Transfer of Land

19. (1) The Authority may upon such terms and conditions as may be agreed upon, transfer any land which has been acquired by it in pursuance of clause 18 of this Ordinance to the Council or the Commissioner for Main Roads.
- (2) The Authority may, with the consent of the Council or of any public body or trustees, place any land acquired for county open space under the care, control and management of such Council, public body or trustees.

## Schedule of Proposals

20. (1) The Commissioner for Main Roads may from time to time notify the Authority of a schedule of proposals in relation to county roads in conformity with this scheme which the Commissioner, pursuant to any powers, authorities, duties and functions conferred by any Act, proposes to carry into effect in relation to such land.
- (2) Where any such notice has been given the Authority shall not thereafter incur any expense in respect of the acquisition of, or otherwise in relation to, the land which is required in connection with such proposals and shall upon such terms and conditions as may be agreed transfer to the Commissioner any land which has been acquired by the Authority in connection with such proposals before the receipt of such notice.

## Relocation of County Roads

21. (1) The Authority may, with the concurrence of the Commissioner for Main Roads, relocate or alter the route of any county road indicated on the scheme map.
- (2) The Commissioner for Main Roads may make application to the Authority for the relocation or alteration of the route of any such road and shall indicate the relocation or alteration required.
- (3) Where the Authority proposes to relocate or alter the route of any county road the Authority shall-
- (a) notify brief particulars in the Gazette and in a newspaper circulating in the locality; and
  - (b) in respect of each parcel of land affected by such relocation or alteration, notify the person who is shown in the rate book of the Council as the owner of the land, of such proposal by registered letter addressed to the last known address of that person as recorded in the rate book.
- Any such notification shall state that full particulars of the proposed relocation or alteration together with a plan or aerial photograph showing the land affected thereby, may be inspected at such places as are designated and that objections against the proposal may be made in writing to the Authority on or before the date specified in the notice by any person who has an estate or interest in the land.
- (4) On or before the date so specified any such person may make objection in writing to the Authority against the proposal to relocate or alter the route of any county road.
- (5) The Authority shall consider any such objection and after making any adjustments which may be considered desirable and which are concurred in by the Commissioner for Main Roads may with the approval of the Governor relocate or alter the route of the county road.
- (6) Where the route of a county road has been relocated or altered under the preceding provisions of this clause, the Authority shall cause to be prepared three copies of a plan showing such relocation or alteration and the land which is required for the purposes of the county road as so relocated or altered. The plan shall also indicate any land which is no longer required for the purpose of the county road as relocated or altered and the zones in which such land shall be included or the purposes for which such land shall be reserved in accordance with this Part.



Such copies of the plan shall be sealed with the seal of the Authority and thereafter one plan shall be attached to the scheme map, one shall be forwarded to the Council and the other shall be forwarded to the Commissioner for Main Roads. The Authority shall cause to be published in the Gazette and in a newspaper circulating in the locality notification that the route of the county road has been relocated or altered and that the copies of the plan have been forwarded to the authorities referred to in this subclause.

- (7) Upon publication of the notification referred to in subclause (6) of this clause the provisions of Divisions 3 and 4 of this Part relating to county roads shall thereupon-
- (a) cease to apply to the land shown on the plans referred to in such notification as being no longer required for the purpose of the county road as relocated or altered and such land shall be deemed to be included in the zone indicated on such plan or reserved in accordance with the provisions of this Part and the provisions of this Ordinance relating to land included in a zone or so reserved shall apply to such land; and
  - (b) apply to any land shown on the plan referred to in such notification as being required for the purposes of the county road as relocated or altered in all respects and to the like extent as if such land were land to which this Part applies and the provisions of Divisions 3 or 4 of this Part shall apply thereto in the case of vacant land and built-up land respectively and such land shall be deemed to be no longer included in a zone or reserved for purposes other than county roads and the provisions of this Ordinance relating to land included in a zone or so reserved shall cease to apply to such land.

### **PART III**

#### *Restrictions on Building and Use of Land*

#### **Erection or use of building or works**

22. Subject to the provisions of Parts IV, V, VI and VII and to any other special provisions of this Ordinance-
- (a) a person shall not erect, carry out or use a building or work or use land in any of the Zones specified in Column 1 of the Table to this clause except for the purposes referred to in Column II of such Table without the consent of the responsible authority:
  - (b) the purposes-
    - (i) for which buildings or works may be erected, carried out or used in each of such Zones "only with the consent of the responsible authority, where that consent cannot be refused and subject to such conditions as may be imposed by the responsible authority."  
[GG 5.3.82]
    - (ii) for which buildings or works may be erected, carried out or used only with the consent of the responsible authority in each of such Zones are respectively shown opposite thereto in Column IV of the Table:
    - (iii) for which buildings or works may not be erected, carried out or used in each of such Zones are respectively shown opposite thereto in Column V of the Table.

**LAND USE TABLES - RESIDENTIAL ZONES**

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on scheme map	Purposes for which buildings or works may be erected or carried out or used <u>without the consent</u> of the responsible authority.	Purposes for which buildings or works may be erected or carried out or used <u>subject to such conditions</u> as may be imposed by the responsible authority.	Purposes for which buildings or works may be erected or carried out or used <u>only with the consent</u> of the responsible authority.	Purposes for which buildings or works <u>may not</u> be erected or carried out or used.
<p>2. Residential (a) Residential "A" Light scarlet</p> <p>[LEP79 GG 4.2.00]</p>	.....	.....	Attached dual occupancies which are not subdivided; bed and breakfast establishments; child care centres; churches; detached dual occupancies which are not subdivided; educational establishments; home industries; home occupations; open space; places of public worship; professional consulting rooms; roads; single dwellings; utility installations other than gas holders or generating works.	Any purpose other than those permitted by Column IV.

**LAND USE TABLES - RESIDENTIAL ZONES**

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on scheme map	Purposes for which buildings or works may be erected or carried out or used <u>without the consent</u> of the responsible authority.	Purposes for which buildings or works may be erected or carried out or used <u>subject to such conditions</u> as may be imposed by the responsible authority.	Purposes for which buildings or works may be erected or carried out or used <u>only with the consent</u> of the responsible authority.	Purposes for which buildings or works <u>may not</u> be erected or carried out or used.
<i>(b) Residential "B"</i> Light scarlet with dark red edging and lettered 2(b)	.....	.....	Attached dual occupancies; bed and breakfast establishments; child care centres; churches; detached dual occupancies; educational establishments; home industries; home occupations; hospitals; integrated housing (except on land that contains a heritage item or is within a heritage conservation area unless, in the opinion of the Council, the development is sympathetic to the heritage item or heritage conservation area); motels on land having frontage to a county road or adjacent to a business zone; multiple-unit housing ( except on land that contains a heritage item or is within a heritage conservation area unless, in the opinion of the Council, the development is sympathetic to the heritage item or heritage conservation area) open space; places of public worship; professional consulting rooms; roads; single dwellings; utility installations other than generating works or gas holders.	Any purpose other than those permitted by Column IV.

**LAND USE TABLES – BUSINESS ZONES**

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on scheme map	Purposes for which buildings or works may be erected or carried out or used <u>without the consent</u> of the responsible authority.	Purposes for which buildings or works may be erected or carried out or used <u>subject to such conditions</u> as may be imposed by the responsible authority.	Purposes for which buildings or works may be erected or carried out or used <u>only with the consent</u> of the responsible authority.	Purposes for which buildings or works <u>may not</u> be erected or carried out or used.
<p><i>3. Business.</i> <i>(a) Business General.</i> <i>Light blue.</i></p> <p>[LEP79 GG 4.2.00]</p>	.....	Shops and commercial premises referred to in Schedule 1 having a total floor space not exceeding 929sqm in the case of shops and not exceeding 1393.5 sqm in the case of commercial premises	Any purpose other than those permitted by Column III or prohibited by Column V.	Attached dual occupancies; boarding-houses; brothels; caravan parks; car repair stations; detached dual occupancies; single dwellings other than those used in conjunction with shops or commercial premises; gas holders; generating works; industries other than light industries; institutions; junk yards; liquid fuel depots; mines; stock and sale yards; transport terminals.
<p><i>(b) Business (Special).</i> <i>Light blue with dark red edging and lettered 3(b).</i></p> <p>[LEP79 GG 4.2.00]</p>	.....	.....	Car repair stations; child care centres; commercial premises; hotels; integrated housing; light industries; motels; motor showrooms; multiple-unit housing; public buildings; recreation facilities; roads; service stations; serviced apartments; single dwellings used in conjunction with commercial premises; utility installations other than gas holders or generating works.	Any purpose other than those permitted by Column IV.
<p><i>(c) Business Neighbourhood.</i> <i>Dark Blue.</i></p> <p>[LEP79 GG 4.2.00]</p>	.....	Shops in a building or group of buildings to be used wholly or partly as shops, having a total floor space not exceeding 464.5sqm; dwellings attached to and used in conjunction with shops.	Beauty salons; child care centres; commercial premises; drainage; dwellings attached to and used in conjunction with commercial premises, beauty salons or hairdressing salons; integrated housing; multiple-unit housing; open space; parking; purposes referred to in Schedule 2; roads; shops other than those referred to in Column III; utility installations other than generating works or gas holders.	Any purpose other than those permitted by Column III or Column IV

**LAND USE TABLE – INDUSTRIAL ZONE**

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on scheme map	Purpose for which buildings or works may be erected or carried out or used <u>without the consent</u> of the responsible authority.	Purposes for which buildings or works may be erected or carried out or used <u>subject to such conditions</u> as may be imposed by the responsible authority.	Purposes for which buildings or works may be erected or carried out or used <u>only with the consent</u> of the responsible authority.	Purposes for which buildings or works <u>may not</u> be erected or carried out or used.
<p>4. <i>Industrial</i>  <i>Purple with black edging and marked "4".</i></p> <p>[LEP79 GG 4.2.00]</p>	.....	.....	Any purpose other than those prohibited by Column V.	Attached dual occupancies; bed and breakfast establishments; boarding-houses; caravan parks; child care centres; commercial premises and shops (other than those ordinarily incidental or subsidiary to industry, or which are primarily intended to serve persons occupied or employed in a land use otherwise permitted in this zone, or which by virtue of their nature, the services provided, or the products produced, distributed or sold, are, in the opinion of the Council, appropriately located in this zone); detached dual occupancies; educational establishments (other than those associated with land uses permitted in this zone); extractive industries; hazardous industries; hazardous storage establishments; hospitals; institutions; junk yards; integrated housing; mines; multiple-unit housing; offensive industries; offensive storage establishments; places of assembly; places of public worship; roadside stalls; serviced apartments; single dwelling-houses (other than those used in conjunction with other land uses allowed in this zone); stock and sale yards.

**LAND USE TABLES - SPECIAL USES ZONES**

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on scheme map	Purposes for which buildings or works may be erected or carried out or used <u>without the consent</u> of the responsible authority	Purposes for which buildings or works may be erected or carried out or used <u>subject to such conditions</u> as may be imposed by the responsible authority	Purposes for which buildings or works may be erected or carried out or used <u>only with the consent</u> of the responsible authority	Purposes for which buildings or works <u>may not</u> be erected or carried out or used
5. Special Uses. (a) Special Uses A. Yellow.  [LEP89 GG 16.7.99]	.....	The particular purpose indicated by scarlet lettering on the scheme map.	Any purpose ordinarily incidental or subsidiary to the purpose referred to in Column III; child care centres (only where the particular purpose indicated by scarlet lettering on the scheme map is 'school'); roads; drainage; utility installations other than generating works or gas holders.	Any purpose other than those permitted by Column III or Column IV.
(b) Special Uses "B". (Railways). Blue-purple.	.....	.....	Any purpose	.....
(c) Special Uses "C". Yellow with dark red edging and lettering 5(c).	.....	.....	Any purposes authorised by the Sydney Farm Produce Market Authority Act 1968; utility installations other than gas holders or generating works. Amend No.1 of 30.4.71.	Any purpose other than those permitted by Column IV.

## LAND USE TABLES - OPEN SPACE ZONES

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on scheme map	Purposes for which buildings or works may be erected or carried out or used <u>without the consent</u> of the responsible authority	Purposes for which buildings or works may be erected or carried out or used <u>subject to such conditions</u> as may be imposed by the responsible authority	Purposes for which buildings or works may be erected or carried out or used <u>only with the consent</u> of the responsible authority	Purposes for which buildings or works <u>may not</u> be erected or carried out or used
6. Open Space. (a) Recreation Existing. Dark Green.	.....	Any purpose authorised by Division 2 or 3 of Part XIII of the Act*; racecourses; showgrounds; sports-grounds.  * see Annexure A	Agriculture; caravan parks; drainage; forestry; roads; utility installations other than generating works or gas holders.	Any purpose other than those permitted by Column III or Column IV.
(b) Recreation Private. Dark green with yellow edging.	.....	Golf courses; recreation areas.	Any purpose incidental to a purpose referred to in Column III; utility installations other than generating works or gas holders.	Any purpose other than those permitted by Column III or Column IV.
(c) Urban Bushland. Light Green edging.  [LEP57 GG 9.7.93]	.....	.....	Any purpose consistent with the aims and objectives of SEPP19 – Bushland in Urban Areas.	Any purpose other than those permitted by Column IV.
(d) Proposed Open Space. Dark green with red edging.  [LEP102 GG 15.08.03]	.....	Children's playgrounds; gardens; parks; sportsgrounds.	Drainage; roads; utility installations other than generating works or gas holders.	Any purpose other than those permitted by Column 3 or Column 4.
9. Local Road (a) Proposed Local Road.  Grey between a heavy black line and a heavy black broken line.  [LEP102 GG 15.08.03]	.....	.....	Drainage; roads; utility installations other than generating works or gas holders.	Any purpose other than those permitted by Column 4.
10. Mixed Use Beige and lettered "10"  [LEP79 GG 4.2.00]	.....	.....	Any purpose other than those prohibited by Column V.	Boarding houses; brothels; bulk stores; bus depots; caravan parks; extractive industries; gas holders; generating works; industries (other than light industries); junk yards; liquid fuel depots; mines; offensive or hazardous industries; roadside stalls; sawmills; stock and sale yards; transport terminals.

- 22A (1) Development listed in Schedule 13 is exempt development, except as provided by subclause (2).
- (2) Development is exempt development only if:
- (a) it does not cause interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil or otherwise, and

The next page is 21



- (b) it complies with any deemed-to-satisfy provisions of the Building Code of Australia relevant to the development, and
- (c) it does not contravene any condition of a development consent applying to the land, and
- (d) it does not obstruct drainage of the site on which it is carried out, and
- (e) it does not restrict any vehicular or pedestrian access to or from the site, and
- (f) it is carried out at least one metre from any easement or public sewer main and complies with the building over sewer requirements of Sydney Water Corporation applying to the land, and
- (g) it does not require a tree to be removed, and
- (h) it is carried out behind the building line of a heritage item or behind the building line of a building within a heritage conservation area unless Schedule 13 provides that it is not exempt development if it is carried out in a heritage conservation area.

[LEP91 GG 10.3.00]

### Complying development

22B (1) Development listed in Schedule 14 is complying development if:

- (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
- (b) it is not an existing use, as defined in section 106 of the Act,

except as provided by subclauses (2) and (3).

(2) Development is complying development only if:

- (a) it complies with any deemed-to-satisfy provisions of the Building Code of Australia relevant to the development, and
- (b) it meets the requirements listed in Schedule 14 for the development, and
- (c) it is carried out behind the building line of a heritage item or behind the building line of a building within in a heritage conservation area unless Schedule 14 provides that it is not complying development if it is carried out in a heritage conservation area, and
- (d) it does not contravene any condition of a development consent applying to the land, and
- (e) it does not obstruct drainage of the site on which it is carried out, and
- (f) it does not restrict any vehicular or pedestrian access to or from the site, and
- (g) any plans relating to the development that are required to be stamped by Sydney Water Corporation have been stamped, and
- (h) a certificate of compliance has been obtained for the development, if required, from Sydney Water Corporation.

(3) Development is not complying development if it is carried out on land that:

- (a) is a site that has previously been used as a service station, for waste storage or waste treatment, or for the manufacture of chemicals, asbestos or asbestos products, and a notice of completion of remediation work for the proposed use has not been given to Council in accordance with State Environmental Planning Policy No. 55 - Remediation of Land.
- (4) A complying development certificate issued for any such development is to be subject to the conditions for the development specified in Strathfield Development Control Plan No 22 – Conditions of Consent for Complying Developments, as amended by the following amendments to that Development Control Plan: (*Amendment No 1*), as approved by the Council on 20 March 2001, (*Amendment No 2*), as approved by the Council on 12 November 2002.

[LEP91 GG 10.3.00]  
[LEP100 GG 28.2.03]

### **Restrictions on buildings and works**

23. Subject to the provisions of Part IV and to any other special provisions of this Ordinance-
- (a) a building or work shall not, without the consent of the responsible authority, be erected, carried out or used in any zone for any purpose shown opposite that zone in Column III or Column IV of the Table to clause 22 of this Ordinance;
  - (b) a building or work shall not be erected, carried out or used in any zone for any purpose shown opposite that zone in Column V of the Table to clause 22 of this Ordinance.

### **Restriction on use of land**

24. Subject to the provisions of Part IV and to any other special provisions of this Ordinance-
- (a) land, included in a zone, whether forming the site of a building or not, shall not be used without the consent of the responsible authority for any purpose for which a building in the same zone may be erected or used only with the consent of the responsible authority;
  - (b) land, included in a zone, whether forming the site of a building or not, shall not be used for any purpose for which a building in the same zone may not be erected or used.

## **PART IV**

CLAUSES 25-31 omitted - GG 26.9.80

## **PART V**

### *Consents*

### **Consideration of certain applications**

32. In respect of any application for the consent of the responsible authority whether under this Ordinance or under any provision of the Act for consent or approval to the carrying out of development for a purpose referred to in Column IV of the Table to clause 22 of this Ordinance, namely-

#### **Aesthetic appearance**

- (a) to the erection of a building, to the carrying out of a work or to the use of land within a Foreshore Scenic Protection Area or within view of any waterway, or adjacent to any county road or main road, railway, public reserve or land reserved for open space or land within Zone No.6(a) or 6(b), the responsible authority shall take into consideration the probable aesthetic appearance of such land or of the proposed building or work when used for the proposed purpose and viewed from such waterway, county road or main road, railway, public reserve or any such reserved or zoned land;

#### **Hotels, motels, service stations, car repair stations, places of assembly, industry, etc.**

- (b) to the erection or use of an hotel, motel, service station, car repair station, place or assembly or industrial premises or to carrying out of any other development likely to cause increased vehicular traffic on any road in the vicinity thereof, the responsible authority shall take into consideration whether, having regard to the proposed use of any such building or development-

- (i) adequate vehicular exits and entrances to the site have been provided so that vehicles using such entrances and exits will not endanger persons and vehicles using any such road;
- (ii) space, sufficient to provide for the parking or standing of such number of vehicles as the responsible authority may determine, is provided on the site or on land adjoining the site not being a public road;and
- (iii) OMITTED SEPP (REPEAL OF CONCURRENCES AND REFERRAL PROVISIONS) 2004 - 28/2/05;
- (iv) adequate space has been provided within the site of the building or development for the loading, unloading and fuelling of vehicles and for the picking up and setting down of passengers;

### **Transport terminals**

- (c) to the erection of a building, to the carrying out of a work or to the use of a building, work or land for the purpose of a transport terminal the responsible authority shall take into consideration-
  - (i) OMITTED SEPP (REPEAL OF CONCURRENCES AND REFERRAL PROVISIONS) 2004 - 28/2/05
  - (ii) the standard of the roads in the locality in relation to the size and weight of the vehicles likely to use the terminal;
  - (iii) traffic conditions and facilities generally in the vicinity of the approaches to the terminal;
  - (iv) the means of ingress and egress;
  - (v) the provision on land other than a public road of space for the parking and standing of vehicles; and
  - (vi) the layout of buildings on the site in relation to the provision of space for the parking and standing of vehicles, to the provision of space for the loading, unloading or fuelling of vehicles and to the traffic facilities within the site.

### **Residential flat buildings**

OMITTED LEP79 GG 4.2.00

[amended GG30.4.71]

### **Development which must be advertised**

33. Where an application is received by the Council for consent to erect a building or to use a building or land for the following:

- (a) a home industry; or
- (b) a nursing home; or
- (c) a home for the aged, or for infirm, incurable or convalescent persons; or
- (d) a residential flat building; or
- (e) development for the purpose of:

- (i) an industry other than a light industry; or
- (ii) a bulk store, warehouse or transport terminal,

where such development relies on access to the arterial road network by way of a road that passes through a residential zone or road funded in whole or part by the Roads & Traffic Authority,

the development proposed is advertised development for the Environmental Planning & Assessment Act 1979

[LEP79 GG 4.2.00]

CLAUSES 34 & 35 OMITTED SEPP (REPEAL OF CONCURRENCES AND REFERRAL PROVISIONS) 2004 - 28/2/05.

CLAUSES 36 & 37(2)(3) omitted GG 26.9.80

## PART VI

### *General Amenity and Convenience*

#### **Places of scientific or historic interest**

38. (1) The Governor, on the application of the responsible authority, may, by proclamation, declare any land, building or work to be a place of scientific or historic interest.
- (2) A copy of such proclamation shall be served by the responsible authority on the owner and occupier of any such land, building or work.
- (3) Where any land, building or work has been declared under this clause a place of scientific or historic interest, a person shall not make any alterations or additions to the land, building or work, or demolish such building or work without the consent of the responsible authority.
- (4) The responsible authority may acquire any such land, building or work for the purpose of preserving it for public use and enjoyment.
- (5) Where any land, building or work has been declared under this clause to be a place of scientific or historic interest, the owner of such land, building or work may, by notice in writing, require the responsible authority to acquire the land, building or work.
- Upon receipt of any such notice the responsible authority shall acquire the land, building or work to which the notice relates.
- (6) The responsible authority may with the consent of the Council or trustees or any authority established for that purpose, place any such land, building or work under the care, control and management of such Council, trustees or authority.

#### **Foreshore building lines**

39. (1) The responsible authority may by resolution fix building lines (in this clause called "foreshore building lines") in respect of any land fronting any bay, river, creek, lake, estuary or lagoon.
- (2) A foreshore building line shall, when fixed by the responsible authority, be marked upon a plan or clearly described in the resolution and such plan or resolution shall be open for inspection by the public during the office hours of the responsible authority.
- (3) A building shall not be erected between such building line and the bay, river, creek, lake, estuary or lagoon in respect of which the line is fixed.
- (4) The responsible authority may alter or abolish any such building line where the levels or depths of the allotment or other exceptional conditions of the site make it necessary or expedient to do so.

## **Preservation of trees**

40. (1) Where it appears to the responsible authority that it is expedient for the purpose of securing amenity or of preserving existing amenities it may for that purpose make an order (hereinafter referred to as a "tree preservation order") and may by like resolution rescind or vary any such order.
- (2) A tree preservation order may prohibit the ringbarking, cutting down, topping, lopping, removing, injuring or wilful destruction of any tree or trees specified in such order except with the consent of the responsible authority and any such consent may be given subject to such conditions as the responsible authority may think fit.
- (3) Any such order may relate to any tree or trees or to any specified class, type or description of trees on land described in such order and such land may be described particularly or generally by reference to the municipality or divisions thereof.
- (4) The responsible authority shall forthwith upon the making of a tree preservation order cause notice of the making of such order to be published in the Gazette and in a newspaper circulating in the area in which the land described in the order is situate.
- (5) Any person who contravene or causes or permits to be contravened the provisions of a tree preservation order shall be guilty of an offence.
- (6) In any proceedings under this clause it shall be sufficient defence to prove that the tree or trees ringbarked, cut down, topped, lopped, removed, injured or wilfully destroyed, was or were dying or dead or had become dangerous.
- (7) The powers conferred upon the responsible authority by this clause shall not extend to any trees within a State Forest or land reserved from sale as a Timber or Forest Reserve under the Forestry Act 1916, as amended.

## **PART VII**

### *Special Provisions*

#### **Allotment sizes within residential zones**

41. (1) The Council shall not grant consent to the subdivision of land within Zone No 2(a) or 2(b) which creates allotments intended to be used for the erection of single dwellings, attached or detached dual occupancies, or multiple-unit housing, unless each proposed allotment has an area of not less than 560 square metres and a width at the front building line of not less than 15 metres.
- (2) A single dwelling, attached dual occupancy, detached dual occupancy or multiple-unit housing must not be erected on an allotment of land within Zone No 2(a) or 2(b) which has an area of less than 560 square metres or a width at the front building line of less than 15 metres.
- (3) For the purposes of subclause (1) and (2), the area of a battle-axe shaped allotment shall not include the area of the access corridor.
- (4) Nothing in this clause shall operate to prohibit the erection of a single dwelling in Zone No 2(a) or 2(b) on an allotment of land that was in existence as a separate allotment of land on the appointed day (21 February 1969).
- (5) Nothing in this clause shall operate to prohibit the carrying out of development for the purpose of integrated housing on land in Zone No.2(b).

### **Subdivision of certain dual occupancies prohibited**

- 41A (1) On and after the day on which Strathfield Local Environmental Plan No.71 commences (4/10/96) a subdivision that creates separate allotments for each of the two dwellings resulting from dual occupancy development carried out in accordance with Sydney Regional Environmental Plan No.12 – Dual Occupancy – is prohibited.
- (2) The separate occupation of the proposed lots illustrated by a proposed strata plan relating to any such dual occupancy development is prohibited.
- (3) This clause does not apply to the two dwellings resulting from development carried out pursuant to a consent:
- (a) granted in accordance with Sydney Regional Environmental Plan No.12 – Dual Occupancy – on or after the day on which Strathfield Local Environmental Plan No.71 commenced, but only if the application for the consent was made on or before, the day on which Strathfield Local Environmental Plan No.71 commenced; or
  - (b) granted in accordance with Sydney Regional Environmental Plan No.12 – Dual Occupancy – before the day on which Strathfield Local Environmental Plan No.71 commenced.

### **Development within residential zones**

- 41B. The Council shall not grant consent to development allowed by Column IV of the Table to clause 22 in Zone No 2(a) or 2(b) or which is otherwise permissible within those zones unless it is satisfied that-
- (a) any proposed buildings will be compatible with other development that is proposed or likely to be carried out in the vicinity; and
  - (b) where any proposed buildings will be on land within or adjoining a heritage conservation area, the buildings will be compatible with the particular characteristics of the heritage conservation area, including building height, scale, character and external detailing; and
  - (c) any proposed buildings will be unlikely to adversely affect the amenity of existing residential development by way of overshadowing, overlooking, noise, hours of operation or otherwise. [LEP79 GG 4.2.00]

### **Development adjoining residential zones**

- 41C. The Council shall not grant consent to development on land which adjoins land in a residential zone unless it is satisfied that –
- (a) wherever the Council considers it to be appropriate, proposed buildings are compatible with the height, scale, siting and character of existing buildings within the residential zone; and
  - (b) any goods, plant, equipment and other material that will be on the land as a consequence of the proposed development are to be stored within a building or will be suitably screened from existing buildings within the residential zone; and

- (c) the elevation of any proposed building facing land in a residential zone has been designed to be compatible with existing buildings within the residential zone, or is suitably screened; and
- (d) the development will not inhibit reasonable solar access to existing buildings within the residential zone between the hours of 9am and 3pm during the winter solstice; and
- (e) noise generating from fixed sources or motor vehicles associated with the development has been effectively insulated or otherwise minimised; and
- (f) the development will not otherwise cause nuisance to residents, by way of hours of operation, traffic movement, parking, headlight glare, security lighting or the like; and
- (g) windows facing residential areas have been treated to avoid overlooking of private yard space or windows in residences. [LEP79 GG 4.2.00]

### **Development within the Mixed Use zone**

41D. (1) The Council shall not grant consent to development on land within Zone No. 10 for the purpose of shops unless it is satisfied that –

- (a) suitable land for the development is not available in any nearby business centre; and
- (b) the proposed development will not detrimentally affect the viability of any business centre within the locality and the development is unlikely to encourage illegal parking or dangerous traffic movements on Parramatta Road.

(2) Subject to subclause (3), the Council shall not grant consent to development on land within Zone No. 10 for the purpose of a supermarket, department store, discount department store, clothing or footwear shop or small electrical appliances shop or for any other purpose which the Council considers would be more appropriately located in a business centre.

(3) This clause does not apply to –

- (a) the retailing on land of goods produced or stored on the same land where such retailing is secondary and ancillary to a manufacturing or storage use; or
- (b) a small supermarket which, in the opinion of the Council, is primarily intended to serve local residents and has a floor area consistent with that function.

[LEP79 GG 4.2.00]

### **Traffic and parking within the Mixed Use zone**

41E (1) Subject to subclause (2), the Council shall not grant consent to any development within Zone No. 10 unless it is satisfied that -

- (a) the proposed development will be capable of accommodating its parking and servicing needs and associated vehicle movements on the land on which the development is to be carried out; and
- (b) the proposed development will not adversely affect any planned improvements to Parramatta Road or any associated local area traffic management schemes; and



- (c) the proposed development is unlikely to generate increased traffic movements, particularly by heavy vehicles, in any residential street in the vicinity; and
- (d) the particular traffic generating characteristics of the proposed development will be unlikely to cause any significant or cumulative change to the level of performance and safety of Parramatta Road; and
- (e) the proposed development will not involve the creation of additional vehicle access points to Parramatta Road.

(2) The Council may grant consent to development on land within Zone No. 10 which does not satisfy any one or more of the criteria set out in subclause (1) where it is satisfied that the traffic, servicing, access and parking measures proposed in, or in association with, the development are likely to create a net improvement over existing actual or potential conditions.

(3) As a condition of a consent referred to in this clause, the Council may require the consolidation of allotments of land within Zone No. 10 prior to any increased intensity of development taking place, so as to enable improvements to access, servicing and parking arrangements.

[LEP79 GG 4.2.00]

### **Urban design considerations within the Mixed Use zone**

41F. The Council shall not grant consent to development on land within Zone No. 10 until the Council is satisfied that an assessment has been made of the extent to which the development will:

- (a) complement significant elements of the built environment in the vicinity of the land; and
- (b) improve the appearance of the built environment in the vicinity of the land, particularly in the relationship of buildings to each other and from the perspective of motorists, pedestrians and employees; and
- (c) complement established landscaping themes or landscaping themes that the Council considers to be desirable; and
- (d) enable the removal of unsightly or visually intrusive structures.

[LEP79 GG 4.2.00]

### **Liquid fuel depots**

42. A liquid fuel depot having an aboveground storage capacity of 100,000 gallons (454,600 litres) or more of inflammable liquid shall not be established, enlarged or used except with the consent of the responsible authority.

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### **Industries in business and local industrial zones**

43. Subject to the provisions of Part IV of this Ordinance, a building shall not be erected or used and land shall not be used in Zone No.3(a) for the purpose of an industry where-

- (a) the total floor space of the building or part of the building or the total area of the land used or proposed to be used for the purposes of the industry is in excess of 465.5m<sup>2</sup>; or

- (b) the total area of the parcel of land upon which the proposed development will be established is in excess of 929m<sup>2</sup> provided that this paragraph shall not apply to a service station or a car repair station.

[LEP86 GG 30.4.99]

### Subdivision

43A. A person shall not subdivide any land without development consent.

[LEP79 GG 4.2.00]

### Floor space of buildings

44. (1) In each of the Zones specified in Column 1 of the Table to this clause the ratio of the total floor space area of any building, excluding the area of any basement or space permanently set aside within the building for the parking of vehicles, to the area of the site upon which the building is or is proposed to be erected shall not be greater than that set out opposite such Zone in Column 2 of the Table.

(2) This clause does not apply to land to which Strathfield Local Environmental Plan No.70 applies (see clause 44B).

[LEP70 GG 8.3.96]

(3) OMITTED LEP79 GG 4.2.00

(4) This clause does not apply to land to which Strathfield Local Environmental Plan No.88 applies (see clause 44D).

[LEP88 GG 25.9.98]

Table

Column 1	Column 2
Zones Nos.3(a) and 3(b) [LEP15 GG 5.7.85]	3 : 1
Zone No.3(c) [LEP18 GG 25.9.87] [LEP86 GG 30.4.99] [LEP79 GG 4.2.00]	2 : 1

### Floor space ratio for residential flat buildings – 3-7 Albert Road, Strathfield

44A (1) This clause applies to the land to which Strathfield Environmental Plan No.48 applies.

(2) The floor space area of a building or part of a building on the land to which this clause applies which is used exclusively for a residential purpose, shall be excluded from the calculation of total floor space area for the purposes of clause 44.

[LEP48 GG 21.8.92]

### Floor space ratios for Strathfield Town Centre

44B (1) This clause applies to land shown edged heavy black on sheet 2 of the map marked "Strathfield Local Environmental Plan No.70" deposited in the office of Strathfield Council ("the floor space ratio map").

(2) The Council may consent to the carrying out of development on land to which this clause applies only if the ratio of the gross floor area of any building or buildings to the area of the site on which the building or buildings is or are to be erected does not exceed the ratio shown in respect of the land on the floor space ratio map.

(3) Development of land which is shown on the floor space ratio map as having a bonus of up to 3:1 over the base floor ratio of 3:1 only attracts that bonus if:

(a) the application for consent to carry out the development is made in respect of a contiguous site area of 3,000 square metres or more; and

(b) that site area consists of one allotment only.

(4) A person must not, without the consent of the Council, subdivide an allotment on which development has been carried out only because of the bonus provided by subclause (3).

(5) In this clause, "gross floor area" means the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1,400mm above each floor level, excluding:

(a) columns, fin walls, sun control devices and any elements, projections or works outside the general lines of the outer face of the external wall; and

(b) lift towers, cooling towers, machinery and plant rooms and ancillary storage space and vertical air-conditioning ducts; and

(c) carparking needed to meet any requirements of the Council and any internal access thereto; and

(d) space for the loading and unloading of goods.

[LEP70 GG 8.3.96]

#### **Floor space ratio for certain land - Nos.5-7 Beresford Road, Strathfield**

44C (1) This clause applies to land shown edged heavy black on the map marked "Strathfield Local Environmental Plan No.72" deposited in the office of the Council.

(2) The Council may consent to the carrying out of development on the land to which this clause applies only if the ratio of the gross floor area of the building or buildings to the area of the site on which the building or buildings is, or are, to be created does not exceed 2.5:1.

(3) In this clause "Gross floor area" means the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1,400mm above each floor level, excluding:

(a) columns, fin walls, sun control devices and any elements, projections or works outside the general lines of the outer face of the external wall; and

(b) lift towers, cooling towers, machinery and plant rooms and ancillary storage space and vertical air-conditioning ducts; and

- (c) carparking needed to meet any requirements of the Council and any internal access thereto; and
- (d) space for the loading and unloading of goods.

[LEP72 GG 2.5.97]

**Floor space ratio for certain land - 14 Station Street, Homebush**

44D (1) This clause applies to land shown edged heavy black on the map marked “Strathfield Local Environmental Plan No.88” deposited in the office of the Council.

(2) The Council may consent to the carrying out of development on the land to which this clause applies only if the ratio of the gross floor area of the building or buildings to the area of the site on which the building or buildings is, or are, to be located does not exceed 3:1.

(3) In this clause, gross floor area has the same meaning as in clause 44C(3).  
[LEP88 GG 25.9.98]

45 & 46 OMITTED LEP79 4.2.00

**Storeys - special provisions – 3-7 Albert Road, Strathfield**

46A (1) This clause applies to the land within Zone No.3(a) and described in Column 1 of the Table to this clause.

(2) A building shall not be erected on land in to which this clause applies if the number of storeys measured vertically above natural ground level would exceed the number of storeys specified opposite the land in Column 2 of the Table.

(3) In this clause “storeys” in relation to a building means the maximum number of storeys, levels or floors, as the case may be, of the building which may be intersected by the same vertical line, not being a line which passes through any wall of the building.

Column 1 Land	Column 2 Storeys (maximum)
Land known as nos.3-7 Albert Road, Strathfield as shown edged heavy black on the map marked “Strathfield Local Environmental Plan No.48” deposited in the office of the Council.	16

[LEP48 GG 21.8.92]

**Outdoor Advertising**

47. (1) The aim of this clause is to ensure that outdoor advertising:

- (a) conveys advertisers’ messages and images while complementing and conforming with the visual appearance of the building or other structure on which it is displayed and the amenity of the surrounding environment; and

- (b) does not adversely affect the area in which it is located in terms of appearance, size, illumination, overshadowing or in any other way; and
- (c) does not lead to visual clutter through the proliferation of signs.

(2) In this clause and in Schedule 12:

**“business identification sign”** means an advertisement which, in respect of any place or premises to which it is fixed, contains all or any of the following information wholly or predominantly in the English language:

- (a) the identity or a description of the place or premises;
- (b) the identity or a description of any person residing or carrying on an occupation at the place or premises;
- (c) particulars of any occupation carried on at the place or premises;
- (d) such directions or cautions as are usual or necessary relating to the place or premises or any occupation carried on there;
- (e) particulars or notifications required or permitted to be displayed by or under any State or Commonwealth Act;
- (f) particulars relating to the goods, commodities or services dealt with or provided at the place or premises;
- (g) particulars of any activities held or to be held at the place or premises;
- (h) a reference to an affiliation with a trade, professional or other association relevant to the business conducted at the place or premises;

**“directional sign”** means an advertising sign erected by the Council or a statutory authority for the purpose of directing vehicular or pedestrian traffic, or advising or restricting the public, and which does not include any information of a commercial nature;

**“fly poster”** means an advertisement promoting any event or activity adhered to or affixed on power poles, bus shelters or other public property, fences, buildings or hoardings;

**“real estate sign”** means an advertisement which, in respect of any place or premises to which it is affixed, contains only a notice that the place or premises is or are for sale or letting together with particulars of the sale or letting, and:

- (a) in the case of an advertisement in respect of residential premises relating to a letting, sale by private treaty or sale by auction, does not exceed 2.5 square metres in area;
- (b) in the case of an advertisement in respect of commercial or industrial premises, does not exceed 3.5 square metres in area; and
- (c) is not displayed for more than seven days after the commencement of the letting or completion of the sale of the premises or place to which the sign relates;
- (d) in the case of an advertisement that is illuminated, is illuminated only by back-projection by use of solar power.

“**roof sign**” means a sign erected on or above the roof or parapet of a building.

“**temporary sign**” means an advertisement of a temporary nature which:

- (a) announces any local event of a religious, educational, cultural, political, social or recreational character or relates to any temporary matter in connection with such an event; and
- (b) does not include advertising of a commercial nature (except for the name of an event’s sponsor); and
- (c) is not a fly poster; and
- (d) is not displayed earlier than 28 days before the day on which the event is to take place and is removed within seven days after that event;

**Advertisements which do not require development consent**

(3) Notwithstanding any other provision of this Ordinance, any type of advertisement or sign listed in Schedule 12 may be erected or displayed on land to which this Ordinance applies, without consent.

**Advertisements which are permissible with consent**

(4) A person may, with the consent of the Council, carry out development for the purpose of erecting or displaying, on land to which this Ordinance applies, any advertisement or sign other than those permitted without consent by subclause (3) or prohibited by subclause (5).

**Advertisements which are prohibited**

(5) Development for the purpose of erecting or displaying any of the following types of advertisements and signs is prohibited:

- (i) roof signs;
- (ii) flashing or moving signs or advertisements;
- (iii) signs, made of canvas, fabric, or any type of airborne sign, except a temporary sign;
- (iv) fly posters;
- (v) signs affixed to the surface of a public footway or public roadway;
- (vi) signs which may obscure, obstruct or interfere with any road traffic signs or motorist vision or otherwise adversely affecting road safety;
- (vii) signs prohibited under the Tobacco Advertising Prohibition Act 1991, or any other Act;
- (viii) within Zones No. 2(a), 2(b) or 2(c), any signs, other than business identification signs, directional signs, real estate signs or temporary signs.

### **Advertisements related to tourist facilities**

(6) Notwithstanding any other provisions of this Ordinance, the Council may grant consent to the erection of an advertisement on any land for the specific purpose of directing the travelling public to tourist facilities and places of scientific, historic or scenic interest if it is satisfied that:

- (a) the advertisement relates to a specific building or place; and
- (b) the principal purpose of the advertisement is to direct the travelling public to that building or place; and
- (c) the dimensions and overall size of the advertisement are no larger than would reasonably be required to so direct the travelling public.

### **Certain advertisements may be permitted by Council**

(7) Notwithstanding any other provision of this Ordinance, a person may, without development consent, carry out development for the purpose of erecting or displaying a fly poster, or erecting or displaying an advertisement (whether or not a fly poster) on a structure within a road reserve or public place, if the person has been issued with a permit to do so by the Council.

47A (1) This clause applies to all land zoned Open Space - Recreation Existing - having a frontage to a county road.

(2) Despite the other provisions of this Ordinance, a person may, with the consent of the Council, erect an advertising structure on the land to which this clause applies, but only where:

- (a) the distance between the county road and any part of the advertising structure is not greater than 5 metres; and
- (b) the distance between advertising structures is not less than 100 metres.

(3) In this clause

“advertising structure” means a structure used or to be used principally for the display of an advertisement, being 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, but does not include either a temporary advertising structure (being a structure erected for not more than 2 months) or a structure used for the purpose only of displaying a commercial sign.

“commercial sign” means an advertisement, whether illuminated or not, which:

- (a) has an outline that would fit within a rectangular figure 1.2metres in length and 0.6 metres in height, and
- (b) in respect of any place or premises to which it is affixed contains only:
  - (i) a reference to the identify or a description of the place or premises; or
  - (ii) a reference to the identify or a description of any person residing or carrying on an occupation at the place or premises; or
  - (iii) particulars of any occupation carried on at the place or premises, or
  - (iv) such directions or cautions as are usual or necessary relating to the place or any occupation carried on at the place or premises; or
  - (v) particulars or notifications required or permitted to be displayed by or under any Act or any Act of the Parliament of the Commonwealth; or

- (vi) particulars relating to the goods, commodities or services dealt with or provided at the place or premises; or
- (vii) particulars of any activities held or to be held at the place or premises; or
- (viii) a reference to an affiliation with a trade, professional or other association relevant to the business conducted at the place or premises.

[LEP84 GG 19.6.98]

### **Restriction on excavations**

48. Where immediately before 27 June 1951, any land within Zone No.2(a) or 2(b) was used for the purpose of winning extractive materials, no excavation for that purpose shall be made, opened or extended within 50 feet (15.24m) of adjoining land which is within Zone No.2(a) or 2(b) and was not, immediately prior to 27 June 1951, in the same ownership.

[LEP79 4.2.00]

### **Alignment of main road**

49. The Council shall not, without the approval of the Commissioner for Main Roads, cause to be aligned or re-aligned any main road or any other road which the Commissioner for Main Roads has notified as a proposed main road.

CLAUSE 50 OMITTED SEPP (REPEAL OF CONCURRENCES AND REFERRAL PROVISIONS) 2004 - 28/2/05

### **Railway sidings**

51. Nothing in this Ordinance shall operate to prohibit the construction and use of any railway siding designed to serve land in Zone No.4.

[LEP86 GG 30.4.99]

52. OMITTED LEP79 GG 4.2.00

### **Development in beds of rivers etc**

53. Notwithstanding any other provision of this Ordinance a building or work shall not, without the consent of the responsible authority, be erected or carried out on any land forming part of the bed of a river or any other natural watercourse shown uncoloured on the scheme map nor shall any such land be used for any purpose without such consent.

### **Service stations or car repair stations**

54. (1) A building or work shall not be erected or used and land shall not be used for purpose of a service station or car repair station unless:
- (a) the site is more than 300 feet (91.44m) from the junction or intersection of a county road or a main road with another county road or a main road;
  - (b) where the site has frontage to a county road or a main road-



- (i) OMITTED SEPP (REPEAL OF CONCURRENCES AND REFERRAL PROVISIONS) 2004 - 28/2/05
- (ii) where the site is not a corner lot the frontage to such road is not less than 125 feet (38.1m), or, where the site is a corner lot, the frontage to such road is not less than 100 feet (30.48m);
- (c) where the site has frontage to a road other than a county road or a main road such frontage is not less than 100 feet (30.48m);
- (d) the width of a vehicular crossing over a footpath is less than 30 feet (9.144m);
- (e) any vehicular crossing over a footpath is not closer than 20 feet (6.096m) to a road intersection;
- (f) separate entrances to and exits from the site are provided and such entrances and exits are separated by physical barriers constructed on the road alignment, and so identified by suitable signs readily visible to persons using the adjoining road or entering upon or leaving the site;
- (g) where the site is a corner lot and if the responsible authority so requires separate entrances and exits are provided to and from each of the adjoining roads and a physical barrier is erected so that a vehicle entering the site must, when leaving it, use an exit leading only to the road from which entrance was gained.
- (2) A building or work shall not be erected or used and land shall not be used for the purpose of a service station unless in addition to the other requirements of this clause-
  - (a) inlets to bulk fuel storage tanks are so situated on the site as to ensure that tankers, while discharging fuel into such tanks, shall stand wholly within the site;
  - (b) fuel pumps are within the site and not closer than 12 feet (3.6576m) to the road alignment;
  - (c) the layout of the site is such as to facilitate the movement of vehicles entering upon or leaving the site with the flow of traffic on the adjoining road;
  - (d) vehicular access to or from the site from or to an adjoining road is situated not closer than 80 feet (24.384m) to any traffic lights on such road; and
  - (e) the site is suitably landscaped to the satisfaction of the responsible authority.

### **Drive-in theatres**

55. A drive-in theatre shall not be erected or used unless the following conditions are complied with:
- (a) a vehicular entrance to or exit from a drive-in theatre shall not be located within 300 feet (91.44m) of a country road or a main road;
  - (b) within the site of a drive-in theatre there shall be a vehicular driveway, at least 200 feet (60.90m) in length and 70 feet (21.336m) in width, leading from the entrance to the site to the ticket office;
  - (c) the screen of a drive-in theatre shall be so located or protected that no image projected thereon shall be visible and identifiable from a county or a main road;

(d) OMITTED SEPP (REPEAL OF CONCURRENCES AND REFERRAL PROVISIONS) 2004 - 28/2/05

56 OMITTED LEP79 GG 4.2.00

### **Use of certain land – 88-94 Redmyre Road, Strathfield**

56A (1) This clause applies to lots 33-36, section 1, DP581, known as Nos. 88-94 Redmyre Road, Strathfield being the land shown edged heavy black on the map marked “Strathfield Local Environmental Plan No.41” deposited in the office of the Council.

(2) Despite the other provisions of this Ordinance, a person may, with the consent of the council:

(a) convert the historical building known as “Woodstock”, situated on the land to which this clause applies, into 2 apartments; and

(b) erect 8 villa houses on that land.

(3) In this clause, “villa house” means a dwelling within a one storey building containing 2 or more dwellings where each dwelling has, within the curtilage, pedestrian access and open space at ground level for the exclusive use of the occupants of the dwelling.

(4) A person may, with the consent of the Council, construct an attic room (that is, a room contained largely within the roof structure of the building) in a villa house erected in accordance with this clause.

[LEP41 GG 21.2.92]

56AA and 56AB OMITTED LEP79 GG 4.2.00

### **Use of residential buildings in Zone No.3(a)**

56B (1) This clause applies to any building erected on land within Zone No.3(a) wholly or partly for residential purposes pursuant to a grant of development consent.

(2) No building or part of a building to which this clause applies shall be for any purpose other than residential or home occupation.

[LEP48 GG 21.9.92]

56BA, 56C OMITTED LEP79 GG 4.2.00

### **Controlled access roads**

57. (1) The Governor may proclaim any county road or any part of a county road to be a controlled access road and in the like manner amend or revoke any such proclamation.

(2) A copy of any proclamation made under subclause (1) of this clause shall be published in the Gazette and in a newspaper circulating in the locality in which the controlled access road is situated and shall be served on the responsible authority.

(3) A person shall not enter or leave a controlled access road except by means of access or route provided for that purpose.

(4) The Council or any person shall not, without the consent of the responsible authority, open, construct, form or lay out any means of access to or from a controlled access road.

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(5) The responsible authority may erect and maintain fences or posts across any side road or other means of access for the purpose of preventing access to a controlled access road.

(6) A person shall not drive any loose sheep, cattle, horses or other animals on or along a controlled access road.

(7) The provisions of this clause shall not apply to or in respect of any main road which is proclaimed a motorway under Part VAA of the Main Roads Act 1924, as amended.

### **Restriction of ribbon development**

58. (1) The provisions of this clause shall apply to any county road or to any main road or to any part of a county road or main road to which road or part such provisions are applied by the Governor by proclamation.

(2) The Governor, in respect of any land fronting, adjoining or adjacent to a road to which the provisions of this clause apply, may by proclamation-

(a) prohibit the erection of buildings or any specified class of buildings or buildings intended for use for specified purposes within such distance of the road as may be set out in the proclamation;

(b) direct that, in respect of the erection of buildings or any specified class of buildings or buildings intended for use for specified purposes within such distance of the road as may be set out in the proclamation, unless the responsible authority is satisfied that either-

(i) the character of the building or the use to which the building is to be put is such as not to be likely to cause traffic congestion on the road; or

(ii) satisfactory arrangements have been made for limiting traffic congestion on the road;

the responsible authority shall as a condition of its consent to the erection of any such building require the provision and maintenance of such means of entrance and egress and of such accommodation for the loading or unloading or parking of vehicles or picking up and setting down of passengers or the fuelling of vehicles as may be determined by the responsible authority for the purpose of limiting such congestion:

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- (c) prohibit the making of any permanent excavation within such distance of the road as may be set out in the proclamation;
- (d) prohibit the subdivision of any land which provides for the creation of separate parcels of land with a length of frontage to the road less than that specified in the proclamation,

For the purposes of this subclause “building” has the meaning ascribed to in paragraph (b) of subsection 3 of section 342G of the Act.

- (3) Any proclamation made under subclause (2) of this clause-
  - (a) may apply generally to all buildings or to all buildings other than those mentioned in the proclamation or particularly to any specified class of buildings or buildings intended for use for specified purposes;
  - (b) may specify different distances for different buildings or for different classes of buildings or buildings intended for use for different purposes or different distances for different roads or different distances for different parts of the same road.
- (4) Any such proclamation may be amended, varied or revoked by a similar proclamation.
- (5) A proclamation made under this clause shall be published in the Gazette and in a newspaper circulating in the locality in which the road is situated.

A copy of any such proclamation shall be served on the responsible authority.

- (6) Upon the publication of any proclamation made under subclause (2) of this clause the operation of any instrument giving consent or approval under Part XIIA of the Act to the erection of a building or the making of a permanent excavation or the subdivision of land which, if erected, made or carried out after the publication of such proclamation would be in contravention thereof, shall be deemed to have been suspended to the extent of its inconsistency with this clause but such suspension shall not prevent the completion of the erection of a building or the making of a permanent excavation which was substantially commenced but not completed before the publication of such proclamation.

### **Land used for commercial or industrial purposes**

- 59. (1) This clause shall apply to all land having a frontage to a main or county road used or to be used for commercial or industrial purposes whether or not it forms the site of a building.
- (2) Notwithstanding anything contained in Part III of this Ordinance-
  - (a) where there is no building on the land or the only building thereon is of a minor character, such land shall not be used for the storage, sale or display of goods or for advertising purposes without the consent of the responsible authority;
  - (b) where the land forms the site of a building, other than one of a minor character, the land between the road frontage and the building alignment shall not be used for the storage, sale or display of goods or for advertising purposes without the consent of the responsible authority.

### **Heritage items**

- 59A (1) A person shall not, in respect of a building, work, relic, place or tree that is a heritage item-

- (a) demolish or alter the building or work;
- (b) damage or move the relic;
- (c) excavate for the purpose of exposing the relic;
- (d) damage or despoil the place or tree;
- (e) erect a building on, or subdivide, land on which the building, work or relic is situated or that comprises the place; or
- (f) damage any tree included in the Council's Tree Preservation Order on land on which the building, work or relic is situated or on the land which comprises the place,

except with the consent of the Council.

(2) The Council shall not grant a consent referred to in subclause (1) unless it has taken into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the item and any stylistic or horticultural features of its setting.

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, Statements of Heritage Impact).

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(3) Nothing in clause 6, 9 or 10 of State Environmental Planning Policy No.4 - Development without Consent - authorises the carrying out of development referred to in subclause (1) without the need to obtain development consent.

(4) Nothing in subclause (1) requires development consent for the erection of-

(a) a free-standing structure having a roof or floor area of 12 square metres or less -

- (i) on a site which is not a corner lot, if the structure is located behind the rear line (when viewed from the front of the site) of any dwelling house listed in Schedule 9 that is on the site; or
- (ii) on a site which is a corner lot, if the structure is located behind the rear line (when viewed from the front of the site) of any dwelling house listed in Schedule 9 that is on the site and behind the line of the side wall of that dwelling house that is furthest from the side street;

(b) pergolas, swimming pools and fences (except a fence forward of the building line or a fence on the boundary where that boundary adjoins a public place other than a rear lane).

[LEP30 GG 31.7.92]

(5) Notwithstanding any other provision of this clause, development consent is not required for development which would not, in the absence of this clause, require development consent on land where a heritage item has been demolished in accordance with a consent granted pursuant to subclause (1)(a).

[LEP85 GG 12.3.99]

**Development in the vicinity of heritage items**

59B The Council shall not grant consent to an application for consent to the carrying out of development on land in the vicinity of a heritage item unless it has made an assessment of the effect the carrying out of that development will have on the heritage significance of the item and its setting.

[LEP30 GG 31.7.92]

**Heritage conservation areas**

59C (1) A person shall not, in respect of a heritage conservation area-

- (a) demolish or alter a building or work within the area;
- (b) damage or move a relic within the area;
- (c) excavate within the area for the purpose of exposing the relic;
- (d) damage or despoil any place or tree within the area; or
- (e) erect a building on, or subdivide, land within the area,

except with the consent of the Council.

(2) The Council shall not grant a consent referred to in subclause (1) unless it has taken into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage conservation area.

(3) The Council shall not grant a consent referred to in subclause (1), being a consent to an application to erect a new building or to alter an existing building, unless the Council has made an assessment of-

- (a) the pitch and form of the roof;
- (b) the style, size, proportion and position of the openings for windows and doors; and
- (c) whether the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building are compatible with the materials used in the existing buildings in the heritage conservation area.

(4) Nothing in clauses 6, 9 or 10 of State Environmental Planning Policy No.4 - Development without Consent - authorises the carrying out of development referred to in subclause (1) without the need to obtain development consent.

(5) Nothing in subclause (1) requires development consent for the erection of-

- (a) a free-standing structure having a roof or floor area of 12 square metres or less-
  - (i) on a site which is not a corner lot, if the structure is located behind the rear line (when viewed from the front of the site) of any dwelling house listed in Schedule 10 that is on the site; or
  - (ii) on a site which is a corner lot, if the structure is located behind the rear line (when viewed from the front of the site) of any dwelling house listed in Schedule 10 that is on the site and behind the line of the side wall of that dwelling house that is furthest from the side street;
- (b) pergolas, swimming pools and fences (except a fence forward of the building line or a fence on the boundary where that boundary adjoins a public place other than a rear lane).

[LEP30 GG 31.7.92]

### **Submission of heritage assessment**

- 59D (1) The Council shall not consent to the carrying out of development referred to in clause 59A, 59B or 59C unless a statement is submitted with the application-
- (a) demonstrating that consideration has been given to the heritage significance and the conservation of the building, work or land to which the application relates; and
  - (b) setting out any steps to be taken to mitigate any impact of the development on the heritage significance of that building, work or land; and

- (c) describing the significance of that building, work or land as part of the environmental heritage of the Municipality of Strathfield.

[LEP30 GG 31.7.92]

### **Heritage advertisement and notifications**

- 59E (1) Except as provided by subclause (2)
- (a) the provisions of sections 84, 85, 86, 87(1) and 90 of the Environmental Planning & Assessment Act 1979 apply to and in respect of-
- (i) the demolition of a building or work that is a heritage item;
  - (ii) the demolition of a building or work within a heritage conservation area; and
  - (iii) the use of a building or land referred to in clause 59F for a purpose which, but for that clause, would be prohibited under this Ordinance,

in the same way as these provisions apply to and in respect of designated development; and

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- (2) Subclause (1) does not apply to the partial demolition of a heritage item or a building or work within a heritage conservation area if, in the opinion of the Council, the partial demolition will be minor and will not adversely affect the heritage significance of the heritage item, building or work in relation to the environmental heritage of the Municipality of Strathfield.

[LEP30 GG 31.7.92]

### **Conservation incentives**

- 59F (1) Nothing in this plan prevents the Council from granting consent to an application to-
- (a) the use, for any purpose, of a building that is a heritage item or the land on which the building is erected; or
- (b) the use, for any purpose, of a building within a conservation area or the land on which the building is erected,

if it is satisfied that-

- (c) the proposed use would have little or no adverse effect on the amenity of the area; and
- (d) the conservation of the building depends on the Council's granting that consent.
- (2) When considering an application to erect a building on land on which there is situated a building which is a heritage item, the Council may-
- (a) for the purpose of determining the floor space ratio; and
- (b) for the purpose of determining the number of parking spaces to be provided on the site,

exclude from its calculation of the floor space of the buildings erected on the land the floor space of the item, but only if the Council is satisfied that the conservation of the building depends upon the Council's granting the exclusion.

- (3) In this clause-
- (a) “floor space ratio”, in relation to a building, means the ratio of the gross floor area of the building to the area of the site on which the building is, or is proposed to be, erected; and
- (b) “gross floor area” means the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1,400mm above each floor level, excluding the following:
- (i) columns, fin walls, shade devices, awnings and any other elements, projections or works outside the general lines of the outer face of the external wall;
  - (ii) lift towers, cooling towers, machinery and plant rooms and ancillary storage space and air-conditioning ducts;
  - (iii) carparking needed to meet the requirements of the Council and any internal access to that carparking;
  - (iv) space for the loading and unloading of goods;
  - (v) internal public arcades and thoroughfares, terraces and balconies with outer walls less than 1400mm high.

[LEP30 GG 31.7.92]

### **Provisions relating to heritage items covered by a conservation instrument**

59G Clauses 59A, 59C, 59D and 59E shall not apply to a building, work, relic or place that is a heritage item or is within a heritage conservation area and is the subject of a conservation instrument within the meaning of the Heritage Act 1977.

[LEP30 GG 31.7.92]

### **Land within Zone No.5(c)**

**Note:** Nothing in this clause is to be construed as requiring a public authority to acquire land-see section 27 (3) of the Act.

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60. (1) Despite any other provisions of this Ordinance, the Council must not consent to the carrying out of any development on land within Zone No. 5( c), unless it has taken the following into consideration:
- a) The effect of the proposed development on the cost of acquisition,
  - b) The imminence of acquisition,
  - c) The cost to reinstate the land for the purpose for which the land is to be acquired.

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(2) The owner of any land within Zone No.5(c) may by notice in writing require the responsible authority to acquire such land.

(3) Upon receipt of such notice the responsible authority shall acquire the land to which the notice relates.

(4) The responsible authority may, and upon such terms and conditions as may be agreed, transfer any land acquired by it in pursuance of this clause to the Sydney Farm Produce Market Authority.

60A OMITTED BY LEP30 GG 31.7.92

60AA OMITTED BY LEP30 GG 31.7.92

61 OMITTED BY LEP79 GG 4.2.00



61A Nothing in this Ordinance prevents a person, with the consent of the Council, from carrying out development on the land referred to in Column I for the purposes specified in Column II of that table shown opposite that land.

[LEP4 GG 23.10.81]

TABLE

Column I	Column II
Part Lot 5 and Part Lot 6, DP7675, 37-39 Punchbowl Road, Belfield and lot 11, DP592982, Water Street, Belfield as shown edged heavy black on the map marked "Strathfield Local Environmental Plan No.7" deposited in the office of the Council. [LEP7 GG 15.7.83]	Refreshment rooms
Lot 3, DP538771, No.187 Parramatta Road, Homebush as shown edged heavy black on the map marked "Strathfield Local Environmental Plan No.8" deposited in the office of the Council of the Municipality of Strathfield. [LEP8 GG 29.7.83]	Commercial premises
Lot 7, DP627719, Mitchell Road, Strathfield West, as shown edged heavy black on the map marked "Strathfield Local Environmental Plan No.13" deposited in the office of the Council. [LEP13 GG 29.6.84]	Erection and use of a building for girl guide and boy scout purposes
Lot 7, DP14710 and Lot C2 in Transfer F.510589, 101 Madeline Street, Belfield, as shown edged heavy black on the map marked "Strathfield Local Environmental Plan No.17" deposited in the office of the Council. [LEP17 GG 28.11.86]	10 x 2 bedroom single storey villa homes
Part Lot B, DP390726, known as No.41 Richmond Road, Homebush West, as shown edged heavy black on the map marked "Strathfield Local Environmental Plan No.21" deposited in the office of the Council. [LEP21 GG 3.4.87]	Panel beating and spray painting
Lots 1-4, DP15917, known as No.9 Albert Road, Strathfield, as shown edged heavy black on the map marked "Strathfield Local Environmental Plan No.33" deposited in the office of the Council. [LEP33 GG 17.8.90]	Convenience store/retail sales of petroleum and petroleum products
Land, being part of the land known as Nos.75-79 Wentworth Road South, Homebush, as shown edged heavy black on the map marked "Strathfield Local Environmental Plan No.36" deposited in the office of the Council. [LEP36 GG 10.8.90]	Carparking ancillary to a use permitted in Zone No.3(b)
Lot 22 in a re-subdivision of Lot 20, DP811890, known as 630-634 Liverpool Road, Strathfield South, as shown edged heavy black on the map marked "Strathfield Local Environmental Plan No.42" deposited in the office of the Council. [LEP42 GG 10.1.92]	Convenience store/retail sales of petroleum and petroleum products
Part Lot 1 and Lot 2, DP711168, 2-34 Davidson Street, Greenacre, as shown edged heavy black on the map marked "Strathfield Local Environmental Plan No.66" deposited in the office of the Council. [LEP66 GG 12.5.95]	General store
Lot 231, DP844782, known as 626-628 Liverpool Road, Strathfield South, as shown edged heavy black on the map marked "Strathfield Local Environmental Plan No.73" deposited in the office of the Council. [LEP13 GG 29.3.96]	Motel

Lot 1, DP104549, known as 5 The Crescent, Strathfield, as shown edged heavy black on the map marked "Strathfield Local Environmental Plan No.75" deposited in the office of the Council. [LEP75 GG 12.4.96]	Ground level carparking
Lot 202, DP615212, known as No.A1 Richmond Road, Homebush West, as shown edged heavy black on the map marked "Strathfield Local Environmental Plan No.80" deposited in the office of the Council. [LEP80 GG 11.7.97]	The use of the existing buildings as commercial premises; ancillary carparking
Lot A, DP323191 and Lot F, DP356321, known as Nos. 444-446 Liverpool Road, Strathfield South, as shown edged heavy black on the map marked "Strathfield Local Environmental Plan No.81" deposited in the office of the Council. [LEP81 GG 20.3.98]	The use of the existing building as a specialist veterinary hospital and ancillary carparking
Land known as Lots A and B, DP397716, 49-51 Punchbowl Road, Belfield, as shown edged heavy black on the map marked "Strathfield Local Environmental Plan No.87" deposited in the office of the Council. [LEP87 21.8.98]	The retailing of non-manufactured goods in conjunction with retailing of products manufactured on site
Lots 1 & 2, DP 215920, known as Nos. 88-90 Dean Street, Strathfield South, as shown edged heavy black on the map marked "Strathfield Local Environmental Plan No. 92" deposited in the office of the council. [LEP92 19.5.00]	Erection of a residential flat building to a maximum height of 2 storeys.
Lot 1, DP 311277, known as 67 Rochester Street, Homebush, as shown edged heavy black on the map marked "Strathfield Local Environmental Plan No 98" deposited in the office of the Council. [LEP98 GG 28.3.02]	Library

## 2-46 Richmond Road and 132 The Crescent

61BA (1) This clause applies to land being part Nos.2-46 Richmond Road and No.132 The Crescent, Strathfield West, and being the land shown coloured purple with dark red edging and lettered 4(b) on the map marked "Strathfield Local Environmental Plan No.6" deposited in the office of the Council.

(2) Development shall not be carried out on any allotment of land to which this clause applies unless the allotment has a frontage to Richmond Road or The Crescent, Strathfield West, of at least 25 metres.

[LEP6 GG 12.8.83]

## Development of certain land - Strathfield Town Centre

61BC (1) This clause applies to land shown edged heavy black on Sheet 1 of the map marked "Strathfield Local Environmental Plan No.70" deposited in the office of Strathfield Council ("the town centre map").

(2) Despite any other provision of this Ordinance, the Council must not consent to the carrying out of development on land shown hatched on the town centre map unless it is satisfied that:

(a) adequate provision is made for public carparking on the land; and

- (b) appropriate measures for pedestrian comfort, safety and convenience are incorporated in relation to the land; and
  - (c) the width of any tower or towers situated along or immediately adjacent to Albert Road or Churchill Avenue is minimised; and
  - (d) the proposed development will not cause any overshadowing of Strathfield Square, or the southern side of Churchill Avenue west to the Strathfield Plaza pedestrian entry, before 3pm on any day during the winter solstice; and
  - (e) the buildings will not exceed 45 metres in height from the natural ground level to the ceiling of the topmost floor.
- (3) Clause 35 does not apply to the determination of any application relating to land to which this clause applies.
- (4) Despite any other provision of this Ordinance, development for the purpose of an amusement centre is prohibited on land to which this clause applies.

[LEP70 GG 8.3.96]

#### **Development of certain land - 1-5 Underwood Road, Homebush**

61BD (1) This clause applies to land known as Nos.1-5 Underwood Road, Homebush, as shown edged heavy black on the map marked "Strathfield Local Environmental Plan No.63" deposited in the offices of the Council.

(2) In this clause, "bulky goods, salesroom or showroom" means a building or place used for the sale by retail or auction, the hire or the display of items (whether goods or materials) which are of such a size, shape or weight as to require-

- (a) a large area for handling, storage or display; and
- (b) direct vehicular access to the site of the building or place by members of the public, for the purpose of loading items into their vehicles after purchase or hire,

and are of such a kind that they are required to be displayed in premises not easily accommodated in traditional commercial centres.

(3) Nothing in this Ordinance shall prevent a person, with the consent of the Council, from carrying out a development for the purposes of a bulky goods salesroom or showroom or for related commercial premises.

(4) This clause does not allow development for the purposes of shops selling foodstuffs or clothing or development for the purpose of produce stores.

[LEP63 GG 17.2.95]

#### **Certain development of land in 2-34 Davidson Street, Greenacre**

61BE (1) This clause applies to land, being part lot 1 and lot 2, DP711168, Davidson Street, Greenacre, as shown by heavy black edging on the map marked "Strathfield Local Environmental Plan No.83" deposited in the office of the Council.

(2) Notwithstanding any other provision of this Ordinance, the Council may consent to development of land to which this clause applies for the purpose of commercial premises and shops ordinarily incidental or ancillary to industries, or which are primarily intended to serve persons occupied or employed in land uses otherwise permitted on that land, or which (by virtue of their nature, the services they provide or the products produced, distributed or sold from them) are, in the opinion of the Council, appropriately located on this land, or for the purpose of light industries and warehouses.

(3) The Council shall not grant consent to development for the purpose of commercial premises or shops on land to which the clause applies, unless it is satisfied that:

- (a) the development will not detrimentally affect the viability of any business centre in the locality;
- (b) where the development may otherwise have occurred within a business centre in the locality, suitable land for the development is not available in that business centre; and
- (c) the development is of a type appropriate to the locality.

[LEP83 GG 27.3.98]

### **11-13 Beresford Road and 2-4 The Crescent**

61C (1) This clause applies to the land shown edged heavy black on the map marked "Strathfield Local Environmental Plan No.5" deposited in the office of the Council.

(2) & (3) OMITTED LEP79 GG 4.2.00

(4) The building, known as Nos.11-13 Beresford Road, Homebush, shall not be demolished without the consent of the responsible authority.

(5) Before determining an application for consent under subclause (4), the responsible authority shall make an assessment of-

- (a) the significance of the building as part of the environmental heritage of the Municipality of Strathfield;
- (b) the extent to which the approval of the application would affect the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the building and its site as items of the environmental heritage; and
- (c) whether refusal of the application would pose a hazard or danger to the users or occupiers of that building, the public or a section of the public.

(6) In this clause, "demolition", in relation to a building, includes the damaging, destruction, pulling down or removal of the building in whole or in part.

[LEP5 GG 25.6.82]

### **Development of certain land – Greenacre - Urban Bushland Zone**

61CA (1) This clause applies to land within Zone No.6(c) shown on the map marked "Strathfield Local Environmental Plan No.57" and deposited in the office of the Council.

(2) After the commencement of this clause, a person shall not carry out any development on land to which this clause applies without the consent of the Council.

(3) The Council shall not grant consent to development on the land to which this clause applies for any purpose unless a plan of management in respect of the land has been prepared in accordance with clause 8 of State Environmental Planning Policy No.19 - Bushland in Urban Areas.

(4) Nothing in this Ordinance shall require the consent of the Council for the carrying out of any development in accordance with the plan of management referred to in subclause (3).

(5) For the purpose of this clause, "development" includes damage to or destruction of vegetation existing on the site as at 14 April 1992, but does not include any work that the Council may require to be carried out in the interests of public health and safety.

[LEP57 GG 9.7.93]

### **Effect of development on urban bushland – 57-91 Roberts Road**

61CB (1) This clause applies to the land to which Strathfield Local Environmental Plan No.57 applies.

(2) The Council shall not consent to the carrying out of development on land to which this clause applies unless a statement is submitted with the application-

(a) demonstrating that consideration has been given to the impact the development will have on the bushland within Zone No.6(c) and, in particular, on the erosion of soils, the siltation of streams and waterways, the spread of weeds and exotic plants, the effect on water quality, the impact on flora and fauna and the effect of discharge of drainage; and

(b) setting out steps to be taken to mitigate any adverse impact the development will have on the significance of land within Zone No.6(c) as urban bushland.

[LEP 57 GG 9.7.93]

61CC OMITTED [LEP70 GG 8.3.96]

### **27-33 Roberts Road**

61D. (1) This clause applies to the land shown edged heavy black on the map marked "Strathfield Local Environmental Plan No.11" deposited in the office of the Council.

(2) Nothing in this Ordinance prevents a person, with the consent of the Council, from carrying out development on the land to which this clause applies for the purposes of a recreation facility.

[LEP11 GG 6.4.84]

(3) OMITTED [LEP45 GG 24.7.92]

### **Retailing of bulky goods**

61E. (1) This clause applies to development for the purposes of the retailing of bulky goods within Zone No.4.

(2) In the clause "bulky goods" means large goods which are in the opinion of the Council of such a size and shape as to require-

- (a) a large area for handling storage or display; and
  - (b) easy and direct vehicular access to enable the goods to be collected by customers after sale.
- (3) Nothing in this Ordinance shall prevent a person, with the consent of the Council, from carrying out development to which this clause applies.
- (4) The Council shall not consent to an application for consent to any such development unless it is satisfied that-
- (a) suitable land for the development is not available in any nearby business centre;
  - (b) to grant consent would not, by reason of the number of retail outlets which exist or are proposed on land within Zone No.4, defeat the predominantly industrial nature of the zone; and
  - (c) the proposed development will not detrimentally affect the viability of any business centre.
- (5) This clause does not apply to development for the purpose of selling food or clothing or development for the purpose of produce stores.  
 [LEP18 GG 2.10.87] [LEP23 GG 27.5.88] [LEP86 GG 30.4.99]
- (6) and (7) OMITTED [LEP23 GG 27.5.88]

**Development of certain land - South Strathfield**

- 61EA (1) This clause applies to land generally bounded by Liverpool Road, Hill Street, Hillcrest Avenue and the rear of lands fronting Bennett Avenue and Edward Street, South Strathfield, as shown coloured light scarlet with dark red edging and lettered "2(b)" on the map marked "Strathfield Local Environmental Plan No.22" deposited in the office of the Council.
- (2) The Council shall not grant consent to the carrying out of development on land to which this clause applies unless it is satisfied that-
- (a) arrangements will be made (whether by the imposition of conditions under section 91 of the Environmental Planning & Assessment Act 1979, or otherwise) for the provision of electricity reticulation (whether underground or otherwise) to the land or for the installation of lamp standards proposed by the Council in relation to that reticulation; and
  - (b) arrangements satisfactory to Telecom Australia will be made for the provision of telephone plant to the land; and
  - (c) arrangements satisfactory to the Water Board will be made for the provision of water, sewerage and drainage services to the land.
- (3) – (5) OMITTED [LEP30 GG 31.7.92]

**Consultation with certain public authorities - Zone No.4**

- 61F. (1) This clause applies to land shown edged heavy black on the map marked "Strathfield Local Environmental Plan No.18" deposited in the office of the Council.

(2) The Council shall not grant consent to the carrying out of development on land to which this clause applies unless it is satisfied that-

- (a) arrangements will be made (whether by the imposition of conditions under section 91 of the Environmental Planning & Assessment Act 1979, or otherwise) for the provision of electricity reticulation (whether underground or otherwise) to the land or for the installation of such lamp standards as are reasonably proposed by the Council in relation to that reticulation;
- (b) arrangements satisfactory to Telecom Australia will be made for the provision of telephone plant to the land;
- (c) arrangements satisfactory to the Water Board will be made for the provision of water, sewerage and drainage services to the land;
- (d) arrangements satisfactory to the Electricity Commission will be made in relation to its transmission line easement requirements; and
- (e) arrangements satisfactory to the Shell Company of Australia Limited and Sydney Metropolitan Pipe Line P/L will be made in relation to their easements for pipelines.

61FA OMITTED [LEP30 GG 31.7.92]

61G OMITTED [LEP86 30.4.99]

### **Developing adjoining residential zones**

61GA (1) In determining a development application that relates to land adjoining land in a residential zone, the Council must take into consideration the following matters:

- (a) whether any proposed building is compatible with the height, scale, siting and character of existing residential development within the residential zone;
- (b) whether any goods, plant, equipment and other material used in carrying out the proposed development will be stored or suitably screened from residential development;
- (c) whether the proposed development will maintain reasonable solar access to residential development between the hours of 9am and 3pm during the winter solstice;
- (d) whether noise generation from fixed sources or motor vehicles associated with the proposed development will be effectively insulated or otherwise minimised;
- (e) whether the proposed development will otherwise cause nuisance to residents, by way of hours of operation, traffic movement, parking, headlight glare, security lighting or the like; and
- (f) whether any windows facing residential areas will be treated to avoid overlooking of private yard space or windows in residences.

[LEP86 30.4.99]

### **Development in the industrial zone**

61GB (1) This clause applies to land within Zone No.4.

(2) In determining a development application, the Council must take into consideration the following matters:

- (a) whether the proposed development will provide adequate off-street parking, relative to the demand for parking likely to be generated;
- (b) whether the site of the proposed development will be suitably landscaped, particularly between any buildings and the street alignment;
- (c) whether the proposed development will contribute to the maintenance or improvement of the character and appearance of the locality'
- (d) whether access to the proposed development will be available by means other than a residential street but, if no other means of practical access is available, the Council must have regard to a written statement that:
  - (i) illustrates that no alternative access is available other than by means of a residential street;
  - (ii) demonstrates that consideration has been given to the effect of traffic generated from the site and the likely impact on surrounding residential areas; and
  - (iii) identifies appropriate traffic management schemes which would mitigate potential impacts of the traffic generated from the development on any residential environ;
- (e) whether goods, plant, equipment and other material used in carrying out the proposed development will be suitably stored or screened; and
- (f) whether the proposed development will detract from the amenity of any residential area in the vicinity.

(3) The Council shall not grant consent to development for the purpose of shops (other than bulky goods retailing) or commercial premises on land to which this clause applies, unless it is satisfied that:

- (a) the development will not detrimentally affect the viability of any business centre in the locality;
- (b) where the development may otherwise have occurred within a business centre in the locality, suitable land for the development is not available in that business centre; and
- (c) the development is of a type appropriate to an industrial zone, or to the general character of existing development within the industrial zone.

(4) The Council shall not grant consent to development for the purpose of a panel beating workshop on land to which this clause applies if the land adjoins land within a residential zone, unless appropriate arrangements are made to store all vehicles awaiting or undergoing repair, awaiting collection, or otherwise involved with the development on the site of the proposed development, and either:

- (a) within a building; or
- (b) within a suitably screened area.

[LEP86 GG 30.4.99]

### **Land of potential environmental conservation value**

61GC (1) This clause applies to a development application relating to land within Zone No.4 or Zone No.5(b).



(2) Where the Council is of the opinion that land to which such a development application relates may contain rare or endangered species of flora and fauna, or habitat which may support such species, the Council may decline to grant the development application until:

(a) it has considered the results of such studies or investigations into the matter as it considers appropriate; and

(b) it has consulted with such agencies in relation to the matter as it considers appropriate.

(3) The Council shall not grant consent to such a development application unless it has considered the potential impact of the proposed development on the environmental conservation value of the land to which it relates, and whether the development should be modified or the application refused in the light of that impact.

[LEP86 GG 30.4.99]

### **Development on uncoloured land**

61GD (1) Subject to any other provision of this Ordinance, a person shall not carry out development on land that is uncoloured on the Scheme map, except with the consent of the Council.

(2) Notwithstanding subclause (1) and clause 59C, development carried out by the Council or a person acting on behalf of the Council may be carried out without consent on any such land.

### **Development of certain land - Nos. 5-7 Beresford road, Strathfield**

61H. (1) this clause applies to land shown edged heavy black on the map marked "Strathfield Local Environmental Plan No.72" deposited in the office of the Council.

(2) Despite any other provision of this Ordinance, the Council must not consent to the carrying out of development on the land shown hatched on the map if any building resulting from that development has a height above ground level greater than 40 metres measured from the topmost part of the building to ground level immediately below that point.

(3) Despite any other provision of this Ordinance, the Council must not consent to the carrying out of development on the land shown crosshatched on the map if any building resulting from that development either has a height greater than 15 metres above ground level or is located closer than 9 metres to Beresford Road.

[LEP72 GG 2.5.97]

61HA OMITTED [LEP30 GG 31.7.92]

### **Development of certain land -14 Station Street, Homebush**

61I (1) This clause applies to land shown edged heavy black on the map marked "Strathfield Local Environmental Plan No.88" deposited in the office of the Council.

(2) Notwithstanding any other provision of this Ordinance, the height of any building on land to which this clause applies must not exceed 12 storeys. A "storey" means any floor regardless of use, but does not include a parking and storage area within a basement extending not more than 1.2 metres above ground level or an attic contained within a roof space of a building.

(3) A person must not carry out development for any purpose on any land to which this clause applies until any contamination of that land has been remediated to an appropriate standard and the Council accepts in writing an independent review verifying the remediation of the site to an appropriate standard.

(4) In subclauses (3) and (5):

“appropriate standard” means remediation to a standard appropriate for the intended use in terms of the requirements of the Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites jointly developed by the Australian and New Zealand Environment and Conservation Council and the National Health and Medical Research Council, published in 1992.

“independent review” means the checking of adherence to standards, procedures and protocols employed in a remediation process and the expression of an opinion on the conclusions reached in that process by a person:

(a) who is independent of the person who is carrying out the remediation, or on whose behalf the remediation is being carried out; and

(b) who is accredited as a site auditor, by the Environment Protection Authority, under Part 4 of the Contaminated Land Management Act 1997.

(5) Subclause (3) does not apply to any site area consisting of land to which this clause applies after the Council accepts in writing an independent review verifying the remediation of the site area to an appropriate standard.

[LEP88 GG 25.9.98]

#### **Development of certain land - 79 Courallie Avenue**

61J (1) This clause applies to Lots 49 and 52-54, DP11427, Lot 2, DP881461 and Lot 1, DP883809, as shown edged heavy black on the map marked “Strathfield Local Environmental Plan No 103” deposited in the office of Strathfield Municipal Council.

(2) Despite any other provisions of this Ordinance, the Council may, to support the residential development of the land to which this clause applies, consent to the carrying out of development on that land for the following purposes:

(a) convenience stores or shops having a gross lettable area of no more than 250 square metres,

(b) recreation facilities.

[LEP103 GG 17.01.03]

### **PART VIII**

#### *General*

#### **Savings**

62. Nothing in this Ordinance shall be construed as restricting or prohibiting or enabling the responsible authority to restrict or prohibit-

(a) the carrying out of development of any description specified in Schedule 7 to this Ordinance;

(b) the use of existing buildings of the Crown; or

(c) home occupations carried on in dwelling houses.

### **Rights etc under County of Cumberland Planning Scheme**

63. The revocation, pursuant to paragraph (d) of subsection 2 of section 342L of the Act, of the County of Cumberland Planning Scheme to the extent to which it applies in respect of all land within the Municipality of Strathfield shall not affect-
- (a) the preservation, continuance or enforcement of any right, privilege, obligation or liability acquired, accrued or incurred under that Scheme in respect of any land to which this Ordinance applies before such revocation;
  - (b) the taking of legal proceedings in respect of any offence under that Scheme committed in respect of any land to which this Ordinance applies before such revocation.

### **Application of Scheme to development incomplete at commencement of Scheme**

64. Nothing in this Ordinance shall prevent the erection of a building or the carrying out of work and the use of such building or work in accordance with the terms of the Town and Country Planning (General Interim Development) Ordinance or of any permission granted under Division 7 of Part XIIA of the Act and under that Ordinance or of any consent granted under the County of Cumberland Planning Scheme if the erection of the building or the carrying out of work was commenced, but not completed, before the appointed day or is substantially commenced within a period of 12 months after that day.

### **Application of Scheme to development before commencement of Scheme**

65. Any development which was carried out otherwise than in accordance with the terms of the Town and Country Planning (General Interim Development) Ordinance or of Division 7 of Part XIIA of the Act or otherwise than in accordance with the County of Cumberland Planning Scheme and which does not conform with the provisions of this Ordinance, shall be deemed to be in contravention of this Ordinance.

### **Fulfilment of conditions**

66. (1) Where permission to erect any building or to carry out any work or to use any building, work or land or to do any other act or thing has been granted under Division 7 of Part XIIA of the Act or under any Ordinance made under that Part or where any consent for any such purpose has been granted under the County of Cumberland Planning Scheme and conditions have been imposed which are not inconsistent with any provisions of this Ordinance, the conditions shall have effect as if they were conditions imposed under this Ordinance and may be enforced accordingly.
- (2) Where, in accordance with the provisions of Part IV of this Ordinance, an existing building or an existing work is maintained and used for its existing use or an existing use of land is continued and such use is permissible by virtue of a consent granted under the County of Cumberland Planning Scheme, such consent and any conditions attached thereto may be enforced as if it were a consent granted under this Ordinance, or such conditions were attached to a consent so granted.

### **Leasing of certain lands**

67. (1) Where the responsible authority has acquired any land for any purpose under this Ordinance and where it appears to the responsible authority that such purpose cannot be carried into effect immediately following such acquisition, the responsible authority may let such land by way of lease under and subject to the provisions of the Act: Provided that in the case of land acquired for the purpose of a main road or county road the consent of the Department of Main Roads to the lease shall be obtained.

(2) In determining the term of any such lease regard shall be had to the time when the land is likely to be required for the purpose for which it was acquired or the time when the purpose of the acquisition is likely to be carried into effect.

(3) Any such lease may authorise the erection of buildings, the carrying out of works and the making of excavations for any purposes but in any case where such purposes are inconsistent with the purposes for which the land is reserved or zoned under this Ordinance, the lease shall require the removal of any such buildings or works or the reinstatement of the land before the end of the term of the lease.

(4) Where the Authority is the responsible authority under this Ordinance it shall, before determining any application under this clause, consult with the Council and shall take into consideration any representations made by the Council in relation thereto.

### **Suspension of covenants, etc**

68. (1) The operation of the proclamations made under section 309 of the Act declaring the Residential Districts specified in Schedule 8 is hereby suspended to the extent to which such proclamations are inconsistent with any of the provisions of this Ordinance or with any consent given thereunder.

(2) In respect of any land which is comprised within any zone, other than within Zone No.2(a) or 2(b), the operation of any covenant, agreement or instrument imposing restrictions as to the erection or use of buildings for certain purposes or as to the use of land for certain purposes is hereby suspended to the extent to which any such covenant, agreement or instrument is inconsistent with any provision of this Ordinance, or with any consent given thereunder. Nothing in this subclause shall affect the rights and interests of any statutory authority under any registered instrument.

(3) The provisions of Part XIA of the Act as to compensation for injurious affection shall, in respect of any lands comprised in Zone No.6(b), be subject to Deeds of Agreement made between the owners of the lands and the Authority and the provisions of the said Part, to the extent to which such provisions are inconsistent with such agreements, are hereby suspended.

(4) The operation of the provisions of Schedule Seven to the Act is hereby suspended to the extent to which such provisions are inconsistent with the provisions of this Ordinance or with any consent given thereunder.

[GG 30.4.71]

### **Plans of subdivision**

69. The Council shall retain and catalogue a copy of every plan of subdivision approved by it and upon registration of such plan in the office of the Registrar General, shall clearly mark on a copy of a map of its area the location of the land to which each such plan relates with a reference to the catalogued copy.

## Classification and reclassification of public land

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

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

(2) The public land described in Part 1 or Part 2 of Schedule 11 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 11 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 11:

(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 11, 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 11, and

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

(c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).

**Note.** In accordance with section 30 (2) of the *Local Government Act 1993*, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 11.

(6) In this clause:

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

**Note.** The term is defined as follows:

**public land** means any land (including a public reserve) vested in or under the control of the Council, but does not include:

(a) a public road, or

(b) land to which the *Crown Lands Act 1989* applies, or

(c) a common, or

(d) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or

(e) a regional park under the *National Parks and Wildlife Act 1974*.

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

[cl70 omitted LEP 77 GG 27.6.97, new cl inserted LEP 106 GG 22.1.10]

## Differences between authorities

71. If any difference arises between the Authority and the Council with respect to the fulfilment and exercise of the duties, powers, privileges or authorities of the Authority or the Council under this Ordinance, the same shall be deemed to be a difference within the meaning of section 654 of the Act and the Authority or the Council may submit such difference to the Minister for determination under that section.

## Review

72. The Council shall, whenever directed by the Authority so to do and in any case within 10 years from the appointed day, review the Scheme and prepare and submit to the Authority in accordance with the provisions of the Act a town and country planning scheme or schemes varying this Scheme.

### 73. Classified roads

- (1) The objectives of this clause are:

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads (within the meaning of the *Roads Act 1993*), and
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emissions on development adjacent to classified roads.

- (2) Consent must not be granted to the development of land that has a frontage to a classified road unless the consent authority is satisfied that:

- (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the proposed development as a result of:
  - (i) the design of the vehicular access to the land, or
  - (ii) the emission of smoke or dust from the proposed development, or
  - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the proposed development.

- (3) In respect of any application for consent to such development by which vehicular access to the land is provided by the classified road, the consent authority is to consult with the Roads and Traffic Authority and take into consideration any representations by the Authority in determining whether to grant consent.

## **SCHEDULES**

### Schedule 1 - Clause 22

Butcher's shop  
Chemist's shop  
Clothing shop  
Confectionery shop  
Crockery shop  
Delicatessen  
Drapery shop  
Electrical appliances shop  
Florist's shop  
Footwear shop  
Fruit and vegetable shop  
Furniture shop  
Gift shop  
Grocery and health food shop  
Hardware shop  
Jewellery and watchmaker's shop  
Leathergoods and travel goods shop  
Musical instruments shop  
Optical goods shop  
Philatelist's shop  
Photographic apparatus and material shop  
Smallarms and ammunition shop  
Smallgoods shop  
Sports requisites shop  
Stationery shop (books and newspapers)  
Tobacconist's and hairdresser's shop  
Wine and spirit merchant's shop  
Agency offices other than TAB  
Banks  
Finance and property company premises  
Friendly and benefit society premises  
Insurance offices  
Professional chambers

### Schedule 2 - Clause 22

Boot and shoe repairing  
Bread, cake or pastry manufacture  
Dressmaking  
Drycleaning and dyeing agency  
Home industries  
Laundry  
Lending library  
Maintenance and repair of electrical appliances and fittings  
Professional chambers  
Refreshment rooms  
Service station  
Tailoring

Schedule 3 - OMITTED [LEP86 GG 30.4.99]

Schedule 4 - Clause 22

Boot and shoe repairs  
Bread, cake and pastry manufacture  
Builder's yard  
Car repair station  
Carrier's establishment  
Cycle and motorcycle repairs  
Dental mechanic's workshop  
Dressmaking  
Drycleaning and dyeing processing establishment  
Electrician's workshop  
Electrical home appliance repair  
Instrument repair workshop  
Laundry  
Locksmith  
Motor showroom  
Office machine and equipment repair  
Painter's workshop  
Photographic and film developing  
Plumber's workshop  
Printer (jobbing)  
Radio and television mechanic's workshop  
Service station  
Signwriter's workshop  
Tailoring  
Tool sharpening and grinding workshop  
Undertaker's establishment  
Upholstering  
Veterinary surgeon's establishment  
Any home industry not specified above

Schedules 5 & 6 OMITTED [LEP86 GG 30.4.99]

Schedule 7 – Clause 62

1. The carrying out by persons carrying on railway undertakings on land comprised in their undertakings of-
  - (a) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant;
  - (b) the erection within the confines of a railway station of buildings for any purpose;
  - (c) the erection, reconstruction and alteration of buildings for railway undertaking purposes within Zone No.5(b) outside the limits of a railway station;but excluding-



- (i) the construction of new railways, railway stations and bridges over roads;
- (ii) the erection of any building on land not included in Zone No.5(b);
- (iii) the erection, reconstruction and alteration of buildings for purposes other than railway undertaking purposes outside the confines of a railway station and the reconstruction or alteration so as materially to affect the design of railway stations or bridges;
- (iv) the formation or alteration of any means of access to a road;
- (v) the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings have direct access to a public place.

2. The carrying out by persons who are carrying on public utility undertakings, being water, sewerage, drainage, electricity or gas undertakings, of any of the following development, being development required for the purpose of their undertakings, that is to say-

- (a) development of any description at or below the surface of the ground;
- (b) the installation of any plant inside a building or the installation or erection within the premises of a generating station or substation established before the appointed day of any plant or other structures or erections required in connection with the station or substation;
- (c) the installation or erection of any plant or other structures or erections by way of addition to or replacement or extension of plant or structures or erections already installed or erected, including the installation in an electrical transmission line of substations, feeder-pillars or transformer housings, but not including the erection of overhead lines for the supply of electricity or pipes above the surface of the ground for the supply of water, or the installation of substations, feeder-pillars or transformer housings of stone, concrete or brickwork;
- (d) the provision of overhead service lines in pursuance of any statutory power to provide a supply of electricity;
- (e) the erection of service reservoirs on land acquired or in process of being acquired for the purposes thereof before the appointed day, provided reasonable notice of the proposed erection is given to the responsible authority;
- (f) any other development except-
  - (i) the erection of buildings, the installation or erection of plant or other structures or erections, and the reconstruction or alteration so as materially to affect the design or external appearance thereof, of buildings;
  - (ii) the formation or alteration of any means of access to a road.

3. The carrying out by persons carrying on public utility undertakings, being air transport undertakings, on land comprised in their undertakings within the boundaries of any aerodrome, of any development required in connection with the movement of traffic by air, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except-

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect the design or external appearance thereof;
- (b) the formation or alteration of any means of access to a road.

4. The carrying out by persons carrying on public utility undertakings being road transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by road, including the construction, reconstruction alteration, maintenance and repair of buildings, works and plant required for that purpose, except-
  - (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect the design or external appearance thereof;
  - (b) the formation or alteration of any means of access to a road.
5. The carrying out by the owner or lessee of a mine on the mine, of any development required for the purposes of the mine, except-
  - (a) the erection of buildings (not being plant or other structures or erections required for the mining, working, treatment or disposal of minerals) and the reconstruction, alteration or extension of buildings so as materially to affect the design or external appearance thereof;
  - (b) the formation or alteration of any means of access to a road.
6. The carrying out of any development required in connection with the construction, reconstruction, improvement, maintenance or repair of any county road or other road, except the widening, re-alignment or relocation of such road.

#### Schedule 8 - Clause 68

Residential District No.1 - Strathfield, published in Government Gazette No.51 of 2 May 1930, as amended by proclamations published in Government Gazette No.37 of 14 February 1936, No.1 of 7 January 1955, No.69 of 22 June 1956, No.92 of 19 September 1958, No.48 of 28 April 1961, No.18 of 23 February 1962 and No.59 of 22 June 1962.

Residential District No.5 - Strathfield, published in Government Gazette No.48 of 28 April 1961.

Residential District No.1 - Homebush, published in Government Gazette No.87 of 1 July 1927, as amended by proclamation published in Government Gazette No.101 of 29 July 1927.

Residential District No.2 - Homebush, published in Government Gazette No.87 of 1 July 1927, as amended by proclamations published in Government Gazette No.101 of 29 July 1927, No.98 of 26 August 1960, No.40 of 27 April 1962, No.61 of 29 June 1962 and No.106 of 4 September 1964.

Residential District No.3 - Homebush, published in Government Gazette No.87 of 1 July 1927, as amended by proclamation published in Government Gazette No.101 of 29 July 1927.

Residential District No.3 - Enfield, published in Government Gazette No.126 of 2 September 1932.

Residential District No.4 - Enfield, published in Government Gazette No.84 of 4 May 1934.

Schedule 9 - Heritage Items (Clause 4)

<b>Inventory No.</b>	<b>Property</b>
92	10 Abbotsford Road, Homebush - Interwar house
91	16 Abbotsford Road, Homebush - Federation house
86	33-35 Abbotsford Road, Homebush - Federation houses
89	44 Abbotsford Road, Homebush - Florenceville
85	53 Abbotsford Road, Homebush - Federation house
84	55-57 Abbotsford Road, Homebush - Federation house
81	60-62 Abbotsford Road, Homebush - Victorian villa
78	72-76 Abbotsford Road, Homebush - Rothesay
76	78-80 Abbotsford Road, Homebush - Hawthorne
126	65-69 Albert Road, Strathfield - Strathfield Education Centre
143	95-103 Albert Road, Strathfield - former Australia Post Training Centre
129	102 Albert Road, Strathfield - former Homebush Congregational School
144	113 Albert Road, Strathfield - Corfu
145	172-176 Albert Road, Strathfield - Victorian villas
52	179 Albert Road, Strathfield - Mount St Mary College
146	194 Albert Road, Strathfield - Edgebaston Vale
200	12-14 Albyn Road, Strathfield - Federation house
192	17 Albyn Road, Strathfield - Delavan
196	32-34 Albyn Road, Strathfield - Darenth
194	55 Albyn Road, Strathfield - Strathalbyn
195	96 Albyn Road, Strathfield - Californian bungalow
163	4 Alviston Street, Strathfield - Tara
45	12 Arthur Street, Strathfield - Interwar house
46	20 Arthur Street, Strathfield - House
47	108 Arthur Street cnr Mitchell Road, Homebush - Ukrainian Orthodox Church
51	96A Barker Road, Strathfield - St David's Presbyterian Church
95	33-35 Beresford Road, Strathfield - Montesca
124	36 Beresford Road, Strathfield - Talofa
125	44 Beresford Road, Strathfield - Masonic Temple
-	68-80 Beresford Road, Strathfield - Original stables building
73	29-37 Bridge Road, Homebush - Homebush Boys High School
97	4-6 Broughton Road, Strathfield - Federation house
44	5 Broughton Road, Strathfield - House
98	36 Broughton Road, Strathfield - Elouera
99	38 Broughton Road, Strathfield - Munna
100	40 Broughton Road, Strathfield - Interwar house
87	41 Broughton Road, Strathfield - Federation house
101	60 Broughton Road, Strathfield - Victorian Italianate villa
77	67 Broughton Road, Strathfield - Federation house
176	5 Brunswick Avenue, Strathfield - Victorian villa
62	51 Burlington Road, Homebush - Strathfield-Homebush Uniting Church
60	61 Burlington Road, Homebush - Victorian villa
70	82 Burlington Road, Homebush - Meyrick
71	102 Burlington Road, Homebush - Camden Lodge
72	104 Burlington Road, Homebush - Billesdon
172	2 Carrington Avenue, Strathfield - Glen Luna
169	13 Carrington Avenue, Strathfield - Uniting Church, Strathfield
171	26-28 Carrington Avenue, Strathfield - Victorian house
139	42 Churchill Avenue, Strathfield - Wychwood

140	50	Churchill Avenue, Strathfield - Wynella
141	54	Churchill Avenue, Strathfield - Federation house
131	71-73	Churchill Avenue, Strathfield - Federation house
233	101	Coronation Parade, Strathfield South - Federation house
224	1	Coronation Parade cnr Liverpool Road, Strathfield South - former Enfield Council Chambers
224A	-	Coronation Parade, cnr Liverpool Road, Strathfield South - Coronation Arch
234	137	Coronation Parade, Strathfield South - Bungalow
219	22-26	Cotswold Road, Strathfield - Fairholm
108	13	Coventry Road, Strathfield - Victorian house
107	17	Coventry Road, Strathfield - Federation house
112	18	Coventry Road, Strathfield - Interwar house
106	26	Coventry Road, Strathfield - Inveresk
105	28	Coventry Road, Strathfield - Federation house
116	-	Davey Square, Strathfield - War Memorial
232	46	Dean Street, Strathfield South - Federation house
120	4	Duke Street, Strathfield - Weatherboard cottage
25	1	Eastbourne Road, Homebush West - Manx cottage
27	-	Eastbourne Road cnr Exeter Road, Homebush West - Homebush West Public School
30	10	Eastbourne Road, Homebush West - Weatherboard cottage
53	1	Edgar Street, Strathfield - Brother Hickey Building
185	6-8	Elwin Street, Strathfield - Interwar bungalow
36	8-10	Exeter Road, Homebush West - Morinda
27	20	Exeter Road, Homebush West – Homebush West Public School
181	10	Florence Street, Strathfield - Victorian house
182	14-16	Florence Street, Strathfield - Victorian villas
213	5	Gelling Avenue, Strathfield - Californian bungalow
37	34	Hampstead Road, Homebush West - St Sava, Serbian Orthodox Church
39	45	Hampstead Road, Homebush West - Weatherboard cottage
40	-	Hampstead Road, Homebush West - War Memorial, Melville Reserve
34	27	Henley Road, Homebush West - former Homebush West Post Office
93	24	Homebush Road, Strathfield - Verani
122	25	Homebush Road, Strathfield - Carminya
123	27-29	Homebush Road, Strathfield - Federation house
119	36-42	Homebush Road, Strathfield - St Anne's Anglican Church
128	50	Homebush Road, Strathfield - Korean Uniting Church
132	55	Homebush Road, Strathfield - Federation house
153	61	Homebush Road, Strathfield - Federation house
154	65	Homebush Road, Strathfield - Council Chambers and Town Hall
133	72	Homebush Road, Strathfield - St Martha's Catholic Church & School
180	81	Homebush Road, Strathfield - Victorian villa
179	86	Homebush Road, Strathfield - Weatherboard house
183	91	Homebush Road, Strathfield - Federation house
184	93	Homebush Road, Strathfield - Federation house
186	110	Homebush Road, Strathfield - Californian bungalow
204	127	Homebush Road, Strathfield - Brockby House
212	151	Homebush Road, Strathfield - Californian bungalow
211	160	Homebush Road, Strathfield - Federation house

26	1	Hornsey Road, Homebush West - Brooklyn
28	13	Hornsey Road, Homebush West - St Columba's Anglican School
54	8-10	Hydebrae Street, Strathfield - Hydebrae
256	1-7	Juno Parade, Greenacre - Enfield Bricks Pits
208	17-19	Kingsland road, Strathfield - House
228	416-420	Liverpool Road, Strathfield South - Leigh College
229	416-420	Liverpool Road, Strathfield South - Brundah
225	457	Liverpool Road cnr Telopea Avenue, Strathfield - Strathfield South Public School
227A	-	Liverpool Road cnr Telopea Avenue, Strathfield - Milestone
227B	-	Liverpool Road cnr Braidwood Street, Strathfield South - Milestone
209	16	Llandilo Avenue, Strathfield - Arts and Crafts house
210	54-56	Llandilo Avenue, Strathfield - Federation house
166	3	Margaret Street, Strathfield - Federation house
167	16	Margaret Street, Strathfield - Lingwood (formerly Branxton)
79	19-21	Meredith Street, Homebush - Edensor
80	23	Meredith Street, Homebush - Federation house
102	34-36	Meredith Street, Strathfield - Federation house
113	13	Merley Road, Strathfield - Interwar style house
114	15	Merley Road, Strathfield - Georgian revival house
227C	-	Parramatta Road, south side east of Bridge Road, Homebush - Milestone
6	195	Parramatta Road, cnr Flemington Road, Homebush West - Wentworth Hotel
21	55-57	Parramatta Road, Homebush - Niterider Theatre Restaurant Parramatta Road, Homebush – Railway Bridge with Arnotts Sign over Parramatta Road
22	70	Parramatta Road cnr Knight Street, Homebush - Horse & Jockey Hotel
	350-374	Parramatta Road, Homebush West – Former Ford Factory Building (brick façade) Railway Land, Homebush – Railway Viaduct over Powells Creek
165	10-28	Redmyre Road, Strathfield - Meriden School
155	77-79	Redmyre Road, Strathfield - Victorian house
157	88-94	Redmyre Road, Strathfield - Woodstock
156	95	Redmyre Road, Strathfield - Inglethorpe
90	67	Rochester Street, Homebush - Weatherboard cottage
109	103	Rochester Street, Strathfield - Weatherboard cottage
110	109	Rochester Street, Strathfield - Del-Norte
16	1	Short Street East, Homebush - Weatherboard cottage
240	19-21	South Street, Strathfield - Georgian revival house
248	-	St Anne's Square, Strathfield South - including the historic Church of St Anne's
	11	Station Street, Homebush – Federation House
173	15	Strathfield Avenue, Strathfield - House
136	-	Strathfield Railway Station, Strathfield Square, Strathfield
142	39	The Boulevarde, Strathfield - Keary's Corner
168	49	The Boulevarde, Strathfield (Lauriston) - Santa Maria Del Monte
170	59-63	The Boulevarde, Strathfield (Brunyarra) - Santa Maria Del Monte
206	119	The Boulevarde, Strathfield (Somerset) - House and garden
207	125-127	The Boulevarde, Strathfield - Trinity Grammar Preparatory School
65	-	The Crescent, Homebush - Homebush Railway Station
64	26	The Crescent cnr Rochester Street, Homebush - Homebush Public School

67	17	The Crescent, Homebush - former Homebush Post Office
66	18,19,20, 22,23	The Crescent, Homebush - Homebush shops
63	32	The Crescent, Homebush (opposite Subway Lane) – Memorial Park
61	42	The Crescent, Homebush - Hollywood
58	56	The Crescent, Homebush - Victorian house
57	58	The Crescent, Homebush - Victorian villa
9	-	Underwood Road, Mason Park, Homebush - Pumping Station
10	74	Underwood Road, Homebush - Garden
161	3-5	Vernon Street, Strathfield - Russian Orthodox Church
162	22	Vernon Street, Strathfield - Federation house
258	23	Vernon Street, Strathfield - House
203	8-10	Victoria Street, Strathfield - Winbin
216	10	Wakeford Road, Strathfield - Glencona
252	36	Water Street, Belfield - Weatherboard cottage
15	80	Wentworth (Park) Road, Homebush - Spanish Mission house
191	18	Woodward Avenue, Strathfield - Victorian villa

[LEP 18 GG 12.3.99] [LEP 79 GG 4.2.00] [LEP 109 GG 24.12.09]

#### Schedule 10 – Heritage Conservation Areas (Clause 4)

<b>Inventory No.</b>	<b>Property</b>
69	Abbotsford Road Precinct Abbotsford Road Nos.1-101, 2-104 Meredith Street Nos.7-9 Rochester Street Nos.57-63
134	Churchill Avenue Precinct Churchill Avenue Nos.33-73, 48-86 St Martha's School situated on the western side of no.86
117	Homebush Road Precinct Homebush Road Nos.17-59, 24-64 Oxford Road No.2
50	Marion Street Precinct Barker Road Nos.45-55 Marion Street Nos.1-45, 2-26 Shortland Avenue Nos.46-50
83	Meredith Street Precinct Meredith Street Nos.16-24
149	Redmyre Road Precinct Homebush Road Nos.61-67, 74-80B Redmyre Road Nos.21-103, 34-108 Vernon Street Nos.2-8
160	Vernon Street Precinct Alviston Street Nos.2-8 Vernon Street Nos.1-15, 10-34

5	Welfare Street Precinct Flemington Road Nos.1-11 Welfare Street Nos.2-14
190	Woodward Avenue Precinct Albyn Road Nos.3-19 The Boulevarde Nos.95-103 Woodward Avenue Nos.2-28

[LEP18 GG 12.3.99]

**Schedule 11 Classification and reclassification of public land**  
(Clause 70)

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

Column 1	Column 2
Locality	Description

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

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

<b>Greenacre</b> 51–55 Roberts Road	Lot 1, DP 588394, as shown coloured purple and edged heavy black on the map marked “Strathfield Local Environmental Plan No 106” deposited in the office of the Council Nil.	Nil
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**Part 3 Land classified, or reclassified, as community Land**

Column 1	Column 2
Locality	Description

**Note.** Descriptions of land included in this Schedule prior to its omission and re-insertion by *Strathfield Local Environmental Plan No 106* are not affected by the omission and re-insertion.

## Advertisements that do not require development consent

- (a) An advertisement within a site which is not visible (due to built form) from outside that site (but not an advertisement on a heritage item or on a site within a heritage conservation area); or
- (b) A business identification sign, limited to one per premises, on land:
  - (i) within Zone No.2(a), 2(b) or 2(c), but only if:
    - it is not erected on a heritage item; and
    - the sign does not exceed 0.75 square metres in area; or
  - (ii) within Zone No.3(a), 3(b), 3(b1) or 3(c), but only if it is not erected on a heritage item and it meets any of the following descriptions:
    - located at a point below the level of the awning and with an area not exceeding 50% of the shopfront; orwhere there is no awning, located at a point below 3 metres above ground level on front or side walls of a building and covering no more than 50% of the area of the wall, plus 1 projecting wall sign for every 5 metres of shopfront length not exceeding 2.5 square metres in area and at no point less than 2.6 metres above the ground or pavement level and a minimum of 600mm from the street gutter.



- (iii) within Zone No.4(a), 4(b) or 4(b1), but only if any such signs do not exceed 1 square metre in area per metre of

frontage for the first 10 metres, the signs are erected on a small shop or other premises serving the daily needs of an industrial area, and the signs are not advertising a brothel;

- (iv) within Zone No.5(c) - signs advertising a fruit and vegetable market, but only if the signs are not legible from outside the market area and meet any of the following descriptions:

- located at a point below the level of an awning and not exceeding 50% of the elevation of a building; or
- where there is no awning, located at a point below 3 metres above ground level on front or side walls of a building and covering no more than 50% of the area of the wall plus 1 projecting wall sign for every 5 metres of wall length not exceeding 2.5 square metres and at no point less than 2.6 metres above ground/pavement level;

- (c) A directional sign;
- (d) A real estate sign on any land;
- (e) A temporary sign on any land;
- (f) A public notice displayed by a public authority giving information or directions about the services provided by it;
- (g) A sign behind, painted on or consisting of letters stuck on the glass line of a shop window and which is ancillary to a use of the premises for which consent is or has been granted;
- (h) An advertisement on a motor vehicle used principally for the conveyance of goods or passengers;
- (i) School signs, and advertisements located within the boundaries of a school, which are:
- not more than 0.75 square metres in area; and
  - not less than 3.5 metres apart; and
  - not more than 1.5 metres in height from ground level to the top of the advertisement; and
  - not higher than any existing boundary fence or wall; and
  - in accordance with the requirements for advertisements of the same kind made by this Ordinance; and
  - approved by the School's Council or Parents and Citizens or Friends(P&C or P&F) Association prior to erection or display,

but only if there are no more than 6 advertisements per frontage.

[LEP74 GG 15.10.99]

**Exempt Development**

TYPE OF ACTIVITY	EXEMPTION CIRCUMSTANCES
<p><b>Access Ramps for the Disabled</b></p>	<ul style="list-style-type: none"> <li>• Not on heritage items;</li> <li>• Maximum height 1m above the natural ground level;</li> <li>• Maximum grade 1:14 and otherwise in compliance with AS1428.1 - 1998;</li> <li>• Constructed so as to comply with the Building Code of Australia;</li> <li>• Materials used and location of the ramps must blend architecturally with the existing or proposed buildings; and</li> <li>• Ramps must not extend over or encroach onto public land.</li> </ul>
<p><b>Advertisements</b>  <b>Erection of advertising structures and display of advertisements on them or the display of an advertisement that is not an advertising structure in any of the following cases:</b></p> <p>1. <u>An advertisement within a site which is not visible (due to built form) from outside that site.</u></p> <p>2. <u>Business identification signs in residential areas</u></p> <p>3. <u>Business identification signs in business areas</u></p>	<p><u>General requirements</u></p> <ul style="list-style-type: none"> <li>• The erection of the advertising structure must comply with all the requirements of the Building Code of Australia including Section B1 (“Structural Provisions”);</li> <li>• Signs must not cover mechanical ventilation inlet or outlet vents;</li> <li>• Advertisements must relate to an approved use carried out on the land;</li> <li>• Information provided on the sign must be wholly or predominantly in the English language;</li> <li>• The structure must be able to withstand 160km wind velocity; and</li> <li>• Signs which have red, amber, green or blue lighting shall not be erected near traffic control signals.</li> </ul> <p><b>ADDITIONAL SPECIFIC REQUIREMENTS</b></p> <p>Nil</p> <ul style="list-style-type: none"> <li>• Not on a heritage item;</li> <li>• Not within a heritage conservation area;</li> <li>• One per premises;</li> <li>• Signs not exceeding 0.75m<sup>2</sup> in area; and</li> <li>• If over a public road, signs erected at a height no less than 2.6m above ground/ pavement level and at least 600mm from kerb/roadway edge.</li> </ul> <p><u>General</u></p> <ul style="list-style-type: none"> <li>• One sign per premises from the following list;</li> <li>• Not on heritage items; and</li> <li>• Not within a heritage conservation area.</li> </ul>

TYPE OF ACTIVITY	EXEMPTION CIRCUMSTANCES
<p>4. <u>Business identification signs in industrial areas</u></p>	<p><u>Additional specific requirements</u></p> <p>(a) <u>Suspended under awning sign</u></p> <ul style="list-style-type: none"> <li>• Not exceeding 2.5m in length and 1.5m<sup>2</sup> in area;</li> <li>• Securely fixed by rigid metal supports; and</li> <li>• If over a public road, suspended at a height no less than 2.6m above ground/pavement level and at least 600mm from kerb/roadway edge.</li> </ul> <p>(b) <u>Vertical or Horizontal Projecting Wall Signs</u></p> <ul style="list-style-type: none"> <li>• Not exceeding 2.5m<sup>2</sup> in area;</li> <li>• Securely fixed by rigid metal supports; and</li> <li>• If over a public road, erected at a height no less than 2.6m above ground/pavement and at least 600mm from kerb/roadway edge.</li> </ul> <p>(c) <u>Flush wall signs</u></p> <ul style="list-style-type: none"> <li>• Not exceeding 2.5m<sup>2</sup> in area;</li> <li>• Securely fixed by rigid metal supports; and</li> <li>• Shall not project above the top of the wall to which it is attached.</li> </ul> <p>(d) <u>Top hamper signs</u></p> <ul style="list-style-type: none"> <li>• Not exceeding 2.5m<sup>2</sup> in area;</li> <li>• Securely fixed by rigid metal supports;</li> <li>• Shall not extend below the level of the head of the doorway or window above which it is attached; and</li> <li>• Shall not be more than 3.7m above the natural ground level.</li> </ul> <p>(e) <u>Painted wall sign</u></p> <ul style="list-style-type: none"> <li>• Located below the level of the awning; and</li> <li>• Has an area of display not exceeding 50% of the area of the wall.</li> </ul> <p>(f) <u>Premises with no awning</u></p> <ul style="list-style-type: none"> <li>• Maximum height 3 metres above ground level on front or side walls; and</li> <li>• Has an area of display not exceeding 50 % of the area of the wall.</li> </ul> <p><u>General</u></p> <ul style="list-style-type: none"> <li>• One sign per premises;</li> <li>• Securely fixed by rigid metal supports;</li> <li>• Sign does not exceed 1 square metre of frontage for the first 10 metres; and</li> <li>• Sign is not advertising a brothel.</li> </ul> <p><u>Additional specific requirements</u></p> <p>(a) <u>Painted wall sign or flush wall sign</u></p> <ul style="list-style-type: none"> <li>• Located below the level of the awning; and</li> <li>• Has an area of display not exceeding 50% of the area of the wall.</li> </ul>

TYPE OF ACTIVITY	EXEMPTION CIRCUMSTANCES
5. <u>Business identification signs in the markets areas</u>	(a) <u>Painted wall sign or flush wall sign</u> <ul style="list-style-type: none"> <li>• Located below the level of the awning; and</li> <li>• Has an area of display not exceeding 50% of the area of the wall.</li> </ul> (b) <u>Premises with no awning</u> <ul style="list-style-type: none"> <li>• Maximum height 3 metres above ground level on front or side walls; and</li> <li>• Has an area of display not exceeding 50 % of the area of the wall.</li> </ul>
6. <u>Directional signs</u>	<ul style="list-style-type: none"> <li>• Signs erected by Council or a Statutory Authority for the purpose of directing vehicular or pedestrian traffic, or advising or restricting the public, and which does not include any information of a commercial nature.</li> </ul>
7. <u>Motor vehicle signs</u> (signs displayed on motor vehicles eg taxis and buses)	<ul style="list-style-type: none"> <li>• Vehicle must be used for the conveyance of goods and passengers.</li> </ul>
8. <u>Real estate signs</u>	<u>General</u> <ul style="list-style-type: none"> <li>• The sign advertises that the premises on which it is displayed is for sale or lease;</li> <li>• The sign is wholly on the site or if on the footpath, flush against the boundary; and</li> <li>• One sign per premises;</li> </ul> A. advertising premises/land for sale or rent in residential areas <ul style="list-style-type: none"> <li>• Signs not exceeding 2.5m<sup>2</sup> in area;</li> <li>• The sign is not displayed for more than seven days after the commencement of the letting or completion of the sale of the premises or place to which the sign relates;</li> <li>• In the case of an illuminated sign, is static illuminated only by back projection by use of solar power; and</li> <li>• The sign is not erected over public land.</li> </ul> B. advertising premises/land for sale or rent in commercial and industrial areas <ul style="list-style-type: none"> <li>• Signs not exceeding 3.5m<sup>2</sup> in area;</li> <li>• The sign is not displayed for more than seven days after the commencement of the letting or completion of the sale of the premises or place to which the sign relates;</li> <li>• In the case of an illuminated sign, is static illuminated only by back projection by use of solar power; and</li> <li>• The sign is not erected over public land.</li> </ul>
9. <u>Temporary signs</u>	<ul style="list-style-type: none"> <li>• The sign announces any local event of a religious, educational, cultural, political, social or recreational character or relates to any temporary matter in connection with such an event;</li> <li>• Does not include advertising of a commercial nature (except for the name of an event's sponsor);</li> <li>• Is not a fly poster; and</li> <li>• Is not displayed earlier than 28 days before the day on which the event is to take place and is removed within seven days after that event.</li> </ul>

TYPE OF ACTIVITY	EXEMPTION CIRCUMSTANCES
<p>10. <u>School signs</u></p> <p>11. <u>Window signs</u></p>	<ul style="list-style-type: none"> <li>• Signs are ancillary to the school;</li> <li>• Located within the boundaries of the school;</li> <li>• No more than 6 signs per street frontage;</li> <li>• Each sign is not more than 0.75 square metres in area;</li> <li>• Each sign is not less than 3.5 metres apart;</li> <li>• The top of each sign is not higher than 1.5 metres above the ground level; and</li> <li>• Sign is no higher than any existing boundary fence or wall.</li> </ul> <ul style="list-style-type: none"> <li>• Sign is behind, painted on or consisting of letters stuck on the front glass of a shop, business or industry which is ancillary to a use of the premises for which consent is or has been granted if it is required.</li> </ul>
<p><b>Aerials and Antennae</b> (not including satellite dishes or microwave antennae)</p>	<ul style="list-style-type: none"> <li>• Domestic use only used for TV reception;</li> <li>• Maximum of one per dwelling;</li> <li>• Maximum 3 metres high above the roof ridge line;</li> <li>• To be of lightweight metal and have a maximum surface area of 0.22m<sup>2</sup>;</li> <li>• Not located in front of buildings; and</li> <li>• Not located on poles to the front of buildings.</li> </ul>
<p><b>Air conditioning units for dwellings</b></p> <ul style="list-style-type: none"> <li>• Single Units</li> <li>• Split Systems</li> <li>• Ducted</li> </ul>	<p><u>General</u></p> <ul style="list-style-type: none"> <li>• Installed in accordance with Council’s design guidelines for residential air conditioning units;</li> <li>• Building work must not reduce the structural integrity of the building;</li> <li>• Any opening created is to be adequately weatherproofed; and</li> <li>• Located so as to avoid nuisance.</li> </ul> <p><u>Additional specific requirements</u></p> <ul style="list-style-type: none"> <li>• Located in side windows or side walls and offset from an adjoining window by at least 0.5 metres; and</li> <li>• Existing dwelling wall is setback at least 900mm from the boundary.</li> </ul> <ul style="list-style-type: none"> <li>• Located on ground level against side or rear walls of a dwelling house setback at least 900mm from the property boundary; or</li> <li>• Located above ground level on a balcony floor that has a minimum 3m setback from the property boundary or another dwelling unit; and</li> <li>• The exhaust fan is offset at least 0.5 metres from an adjoining window.</li> </ul> <ul style="list-style-type: none"> <li>• In the rear wall of buildings and located in the central third of the rear wall.</li> </ul>

TYPE OF ACTIVITY	EXEMPTION CIRCUMSTANCES
<p><b>Alterations and additions to dwelling houses</b></p> <p><u>External alterations (including underpinning that will not change the height of the building)</u></p> <p><u>Internal alterations</u></p>	<p><u>General</u></p> <ul style="list-style-type: none"> <li>• Non-structural alterations and maintenance work to buildings including painting, attaching fittings and decorative work.</li> <li>• Does not adversely affect the structural strength and stability of building.</li> </ul> <p><u>Additional specific requirements</u></p> <ul style="list-style-type: none"> <li>• Not on dwellings that are heritage items or within a heritage conservation area;</li> <li>• Re-cladding of roofs or walls with material similar to that of the existing roof or wall;</li> <li>• Replace existing materials with similar materials;</li> <li>• Re-cladding not to involve structural alterations; and</li> <li>• No more than a 10% alteration to existing window or door openings or their location or size.</li> </ul> <ul style="list-style-type: none"> <li>• Not on dwellings that are heritage items;</li> <li>• Non-structural work only such as: <ul style="list-style-type: none"> <li>- replacement of doors, walls, ceiling or floor linings; or</li> <li>- replacement of deteriorated frame members with equivalent or improved quality materials;</li> </ul> </li> <li>or</li> <li>- kitchen renovations; or</li> <li>- bathroom renovations; or</li> <li>- installation of built-in cupboards and wardrobes.</li> <li>• Applies only to alterations or renovations to previously completed buildings;</li> <li>• Work not to provide any additional floor space; and</li> <li>• Work shall not change window arrangements for light and ventilation needs or reduce doorways.</li> </ul>
<p><b>Alterations and additions to Commercial/ business/retail premises under 200m<sup>2</sup></b></p>	<ul style="list-style-type: none"> <li>• Not on premises that are heritage items;</li> <li>• Not on premises used for food preparation;</li> <li>• No increase in floor area;</li> <li>• Replacing existing materials internal or external with the same/similar materials only;</li> <li>• Non structural work only such as shelving, displays, benches and partitions that do not provide structural support to any part of the building;</li> <li>• Work must not compromise fire safety or affect accessibility to fire exit;</li> <li>• Work must not include changes to the configuration of rooms whether by removal of walls or other means of structural support;</li> <li>• Work must not increase travel distance to an exit; and</li> <li>• Any waste generated during internal and external alterations and additions must be managed in accordance with the Construction and Demolition Waste Action Plan 1998.</li> </ul>

TYPE OF ACTIVITY	EXEMPTION CIRCUMSTANCES
<p><b>Ancillary residential works, structures and outbuildings</b></p> <ul style="list-style-type: none"> <li>• Gardening and landscaping including garden arches and the like</li> <li>• Driveways and pathways (private land)</li> <li>• Minor ancillary residential structures such as <ul style="list-style-type: none"> <li>- cabanas</li> <li>- garden sheds</li> <li>- gazebos</li> <li>- green houses</li> </ul> </li> <li>• Paving</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> <li>• Not elevated or suspended above natural ground level;</li> <li>• Stormwater not to be directed onto adjoining properties or Council footpaths;</li> <li>• One driveway and pathway per property;</li> <li>• No more than 65% of the total site is to be covered by impervious surfaces; and</li> <li>• No more than 50% or 90m<sup>2</sup> whichever is the lesser of the property forward of the building line shall be occupied by driveway and pathway.</li> <li>• Maximum area 25m<sup>2</sup>;</li> <li>• The structure is erected at least 900mm from each boundary and extends no more than 2.7m above the natural ground level;</li> <li>• The development does not involve excavation beyond 600mm below natural ground level;</li> <li>• Not more than one each to be erected on the property;</li> <li>• No more than 65% of the entire site is to be covered by impervious surfaces;</li> <li>• Built in non-reflective materials;</li> <li>• Located in rear yard only;</li> <li>• Maximum height for pre-fabricated structures located against a side or rear fence 2.1m above natural ground level;</li> <li>• Water must be drained away from the boundary;</li> <li>• Where the structure is roofed, all stormwater is to be connected to the existing drainage system;</li> <li>• Not to be used for habitable purposes;</li> <li>• Installed to manufacturer's specifications;</li> <li>• To be fixed down to a reinforced concrete slab having a minimum thickness of 100mm; and</li> <li>• Not sited under the dripline of any tree which is subject to the Tree Preservation Order.</li> <li>• Paving or hard surface area does not to cover more than 25 square metres; and</li> <li>• No more than 65% of the entire site is covered by impervious surfaces.</li> </ul>

TYPE OF ACTIVITY	EXEMPTION CIRCUMSTANCES
<b>Awnings (includes a covered pergola), canopies and storm blinds on dwellings</b>	<ul style="list-style-type: none"> <li>• Maximum area 10m<sup>2</sup>;</li> <li>• Located behind the front building line only;</li> <li>• Setback a minimum of 900mm from any side or rear boundary;</li> <li>• Consisting of a roof only (but may include supporting posts);</li> <li>• As roofed structures are subject to wind uplift forces, roof cladding is securely fixed to roof beams or rafters;</li> <li>• Supporting posts are securely fixed to concrete footings or rafters;</li> <li>• Maximum height 2.7m;</li> <li>• Awnings other than cantilever type must be drained by guttering, downpiping and stormwater piping to either the street gutter or a stormwater main;</li> <li>• All work must comply with the Building Code of Australia;</li> <li>• No more than 65% of the entire site is to be covered by impervious surfaces;</li> <li>• No part of the structure is to hang over a public road or public place; and</li> <li>• Not erected on a property listed as a heritage item or within a heritage conservation area and which is visible from a public road.</li> </ul>
<b>Barbecues</b>	<ul style="list-style-type: none"> <li>• Maximum one per property;</li> <li>• Maximum area 2m<sup>2</sup>;</li> <li>• Maximum height 1.8m;</li> <li>• Located behind the front building line;</li> <li>• Setback a minimum of 900mm from any side or rear boundary;</li> <li>• Not located within 6 metres of a window or other ventilation opening on premises or adjacent building; and</li> <li>• No roof or other cover.</li> </ul>
<b>Bird aviaries and dog kennels</b>	<ul style="list-style-type: none"> <li>• Maximum area 10m<sup>2</sup>;</li> <li>• Maximum height 2.1m;</li> <li>• Located in rear yard only;</li> <li>• Constructed of non reflective material;</li> <li>• Setback a minimum of 2m from any side or rear boundary;</li> <li>• As roofed structures are subject to wind uplift forces, roof cladding should be securely fixed to roof beams or rafters;</li> <li>• Supporting posts should be securely fixed to concrete footings or slabs;</li> <li>• The enclosure is to be vermin proof; and</li> <li>• No more than 65% of the entire site is to be covered by impervious surfaces.</li> </ul>
<b>Bridges, Paths and Staircases installed in public parks and recreation spaces</b>	<ul style="list-style-type: none"> <li>• Construction by or on behalf of Council;</li> <li>• Bridges to a maximum span of 5m; and</li> <li>• Designed, fabricated and installed in accordance with the Building Code of Australia (section B), AS4100 (for steel structures), AS1720 (for timber structures) and AS3600 (for concrete structures).</li> </ul>



TYPE OF ACTIVITY	EXEMPTION CIRCUMSTANCES
<b>Bus Shelters</b>	<ul style="list-style-type: none"> <li>• Constructed by or on behalf of Council; and</li> <li>• Not to obstruct the line of sight of vehicular traffic along the road.</li> </ul>
<b>Carports</b>	<ul style="list-style-type: none"> <li>• Single car carport only;</li> <li>• Prefabricated or kit form only;</li> <li>• Maximum roof area 20m<sup>2</sup> over an existing driveway at the rear of a property;</li> <li>• On corner allotments must be setback a minimum of 5.5m from the secondary street frontage;</li> <li>• A carport must have 2 or more sides open and at least 1/3 of its perimeter open. A side is considered to be open if the roofing covering adjacent to that side is at least 500mm from another building or allotment boundary;</li> <li>• All stormwater drainage is to flow to the street frontage;</li> <li>• No doors are fitted to the carport;</li> <li>• Installed according to manufacturer's specifications;</li> <li>• Metal roofs not located under power lines; and</li> <li>• Not on a property listed as a heritage item or within a heritage conservation area.</li> </ul>
<p><b>Change of use – A different use of a building resulting from a change of use from:</b></p> <ul style="list-style-type: none"> <li>• <b>shop to shop</b></li> <li>• <b>shop to commercial premises</b></li> <li>• <b>commercial premises to shop</b></li> <li>• <b>commercial premises to commercial premises</b></li> </ul>	<ul style="list-style-type: none"> <li>• Council is provided with written advice within 7 days of the new use;</li> <li>• Floor area does not exceed 200m<sup>2</sup>;</li> <li>• Proposed new use is consistent with the classification of the building under the Building Code of Australia and replaces a former use being carried out in accordance with a development consent;</li> <li>• The new use shall continue with the conditions of any previous Council consent relating to the use of the building;</li> <li>• The proposed use does not include any of the following: <ul style="list-style-type: none"> <li>- Drive in take away food places</li> <li>- Funeral parlour</li> <li>- Adult book/novelty shop which sells restricted publications within the meaning of the classification (Publications, Films and Computer Games) Enforcement Act 1995, or displays material concerned with sexual behaviour</li> <li>- A food shop or a shop which involves the preparation of food for sale or consumption</li> <li>- A use prohibited by any provision of this Ordinance.</li> </ul> </li> <li>• No additional commercial or retail floorspace is proposed;</li> <li>• The curtilage of the premises is not used for storage or display purposes except in accordance with the exemption circumstances relating to "Display of certain merchandise and articles on footpaths" described in this table; and</li> <li>• The hours of operation do not extend outside the hours which the previous use operated.</li> </ul>

TYPE OF ACTIVITY	EXEMPTION CIRCUMSTANCES
<p><b>Change of use of a building from industry to light industry or warehouse to warehouse</b></p>	<ul style="list-style-type: none"> <li>• Council is provided with written advice within 7 days of the new use;</li> <li>• Floor area not to exceed 500m<sup>2</sup>;</li> <li>• Proposed new use is consistent with the classification of the building under the Building Code of Australia and replaces a former legal use being carried out in accordance with a development consent;</li> <li>• The new use shall continue with the conditions of any previous Council consent relating to the use of the building;</li> <li>• The proposed use: <ul style="list-style-type: none"> <li>- is not actually or potentially a hazardous or offensive industry;</li> <li>- does not involve the repair of motor vehicles;</li> <li>- does not involve the preparation of food for sale or consumption;</li> <li>- it is not prohibited by any provision of this Ordinance;</li> </ul> </li> <li>• The proposed use is not for the purposes of a brothel;</li> <li>• Hours of operation do not exceed 6am - 6pm Monday - Saturday;</li> <li>• No additional floorspace is proposed;</li> <li>• No more than 25% of the floorspace is used for office or showroom activities;</li> <li>• The curtilage of the building is not used for storage or display purposes;</li> <li>• No retailing, other than ancillary retailing, is carried out on the premises;</li> <li>• Previous use would not give rise to any potential for site contamination; and</li> <li>• There is to be no handling, storing or using hazardous chemicals or materials other than on a domestic scale and the use is not to release any hazardous chemicals or materials or any pollutant into the environment.</li> </ul>
<p><b>Clothes Hoists/lines</b></p>	<ul style="list-style-type: none"> <li>• To be located in the rear yard only;</li> <li>• Maximum height 2.1m; and</li> <li>• Must be installed in accordance with the manufacturer's specifications.</li> </ul>
<p><b>Cubby Houses and Domestic Play Equipment at Ground Level</b></p>	<ul style="list-style-type: none"> <li>• Maximum height 2.1m;</li> <li>• Maximum area 25m<sup>2</sup>;</li> <li>• Located in rear yard only (basketball/netball rings and backboards may be located forward of the front building line if attached to the central front face of a garage);</li> <li>• Setback a minimum of 900mm from any side or rear boundary;</li> <li>• All equipment must be installed in accordance with the manufacturer's instructions and comply with the relevant Australian Standards;</li> <li>• Not associated with commercial premises;</li> <li>• As roofed structures are subject to wind uplift forces, roof cladding is securely fixed to roof beams or rafters; and</li> <li>• Supporting posts are securely fixed to concrete footings or rafters.</li> </ul>

TYPE OF ACTIVITY	EXEMPTION CIRCUMSTANCES
<b>Decks</b>	<ul style="list-style-type: none"> <li>• Maximum area 25m<sup>2</sup>;</li> <li>• 1.5 metres in width;</li> <li>• Finished surface level not greater than 1m above existing ground level;</li> <li>• Located behind front building line;</li> <li>• Side setback is no less than the existing alignment of the dwelling or no less than 900mm whichever is the greater; and</li> <li>• Deck is not roofed.</li> </ul>
<b>Demolition</b>	<ul style="list-style-type: none"> <li>• Does not involve demolition of heritage items or properties in conservation areas as defined in the Strathfield Planning Scheme Ordinance;</li> <li>• Involves the demolition of a structure contained in this Schedule of exempted activities or involves demolition ordered by Council;</li> <li>• The structure to be demolished is not greater than 25m<sup>2</sup>;</li> <li>• Demolition is carried out to AS2601 - 1991 Demolition Code;</li> <li>• All works involving asbestos cement must comply with the WorkCover Authority's Guidelines for Practices Involving Asbestos Cement in Buildings;</li> <li>• All work involving lead paint removal must not cause lead contamination of air or ground;</li> <li>• Any waste generated must be managed in accordance with the Construction and Demolition Waste Action Plan 1998; and</li> <li>• The top layer of soil should not be left exposed where children or other sensitive individuals may come into contact with it.</li> </ul>
<b>Display of certain merchandise and articles on footpaths</b>	<ul style="list-style-type: none"> <li>• No food (other than fruit or vegetables) which is capable of being consumed in the same state in which it is sold, or perishable food (including meat, fish, poultry, dairy products, eggs, cooked rice and shellfish) is displayed outside the confines of the building.</li> <li>• All displayed food to comply with the requirements of the Food Act, 1989.</li> <li>• All externally displayed fruit and vegetables must be protected from contamination.</li> <li>• Any food, including tinned and packaged goods, displayed outside the confines of the shop shall be at a height not less than 750mm above footpath level.</li> <li>• No displayed food or articles or shop stand or other structure exceeds a maximum height of 1200mm.</li> <li>• No displayed food or articles or shop stand or other structure encroaches onto the footpath by more than 450mm at any point.</li> <li>• No displayed food or articles (including shop stands and other structures) are located within a distance of 300mm either side of any permanent shop access, so as not to impede any persons from accessing the shop.</li> <li>• No trolleys or shopping baskets is displayed or stored on the footpath.</li> </ul>

TYPE OF ACTIVITY	EXEMPTION CIRCUMSTANCES
	<ul style="list-style-type: none"> <li>• Material is not be stored for any period on the footpath during loading or unloading activities.</li> <li>• No cardboard, foam or polystyrene boxes is displayed unless in a suitable enclosure.</li> <li>• Any food or article displayed and any shop stands and other structures on which it is displayed relates to the approved use of the shop, is stable, is of aesthetically pleasing appearance and is removed from the footpath at the close of each day's shop trading.</li> <li>• Where no other suitable onsite location exists, all loading and unloading must occur immediately from the vehicle to the interior of the shop.</li> </ul>
<b>External Lighting</b> (except for the lighting of tennis courts and sports fields)	<ul style="list-style-type: none"> <li>• Lighting does not cause glare onto adjoining properties or streets.</li> </ul>
<p><b>Fences</b>, including the repair or replacement of an existing fence with exactly the same materials and to exactly the same height (other than fences covered by the Swimming Pools Act 1992)</p> <p>Boundary Fences (behind building line)</p> <p>Side Boundary Fences (forward of building line)</p> <p>Front Fence</p> <p>Security Fences</p>	<ul style="list-style-type: none"> <li>• Constructed so as not to prevent the natural flow of stormwater drainage/run off; and</li> <li>• Maximum height 1.8m; and</li> <li>• Constructed of timber, metal or lightweight materials.</li> <li>• Not a heritage item or in a heritage conservation area;</li> <li>• Maximum height 1m; and</li> <li>• Constructed of timber, metal or lightweight materials.</li> <li>• Not a heritage item or in a heritage conservation area;</li> <li>• Maximum height of 1m;</li> <li>• Constructed of timber, wrought iron or similar; and</li> <li>• Does not have solid footing (eg. brick, concrete block etc) unless replacing a fence of the same type.</li> <li>• Chain wire type fences around council owned compounds and depots; and</li> <li>• Only on Council premises.</li> </ul>
<b>Flagpoles</b> (residential areas)	<ul style="list-style-type: none"> <li>• No advertising material or logos are displayed;</li> <li>• Located near the dwelling house;</li> <li>• Maximum height 6m above ground level;</li> <li>• Not located near any power lines;</li> <li>• Is structurally adequate; and</li> <li>• One permitted per property installed in accordance with the manufacturer's specifications.</li> </ul>
<b>Home Occupations</b>	

TYPE OF ACTIVITY	EXEMPTION CIRCUMSTANCES
<p><b>Letterboxes</b></p> <p>Single Dwelling House</p> <p>Multiple Unit Residential Developments</p>	<p><u>General</u></p> <ul style="list-style-type: none"> <li>• One box per dwelling;</li> <li>• House number prominently displayed;</li> <li>• Structurally stable with adequate footings;</li> <li>• Consistent with the minimum requirements of Australia Post; and</li> <li>• Not located on or over the footpath.</li> </ul> <p><u>Additional specific requirements</u></p> <ul style="list-style-type: none"> <li>• In front fence or a separate structure; and</li> <li>• Maximum height 1.2m.</li> <li>• Separate structure at 90° to the street frontage.</li> </ul>
<p><b>Markets (Sydney Markets)</b></p> <p>Alterations to existing sheds</p> <p>Awnings</p>	<p><u>External</u></p> <ul style="list-style-type: none"> <li>• Non-structural alterations to the exterior of a building including painting, attaching fittings;</li> <li>• May involve re-cladding of existing roof or wall materials with similar materials;</li> <li>• Any re-cladding does not involve structural alterations; and</li> <li>• No more than a 10% alteration to existing door openings or their location or size.</li> </ul> <p><u>Internal</u></p> <ul style="list-style-type: none"> <li>• Non-structural work only such as: <ul style="list-style-type: none"> <li>- replacement of doors, walls, ceiling or floor linings; or</li> </ul> </li> <li>• Alterations or renovations to previously completed building only; and</li> <li>• Work does not provide any additional floor space.</li> <li>• Maximum surface area 200m<sup>2</sup>;</li> <li>• Stormwater disposal is connected to the existing stormwater system in accordance with Council's Stormwater Management Code;</li> <li>• All work complies with the Building Code of Australia; and</li> <li>• Not used for the washing of vehicles or machinery.</li> </ul>

TYPE OF ACTIVITY	EXEMPTION CIRCUMSTANCES
<p>Coolrooms</p> <p>Staircases (new, additional, alteration or relocation)</p>	<ul style="list-style-type: none"> <li>• Maximum area 100m<sup>2</sup>;</li> <li>• Does not create additional floor space;</li> <li>• The coolroom is no more than 1 storey in height;</li> <li>• All internal intersections of the walls and floors are covered to a radius of no less than 25mm;</li> <li>• All vertical internal wall to wall intersections are covered to a radius of no less than 25mm;</li> <li>• The floor is constructed of concrete;</li> <li>• Any space less than 450mm between the coolroom wall/s and any structure is sealed both vertically and horizontally;</li> <li>• Service pipes are sealed into the wall and/or floor or fixed on corrosion resistant brackets and kept 25mm clear of the walls;</li> <li>• Any metal shelving is pre-treated to resist corrosion;</li> <li>• The doors can be opened from within without a key and have an alarm fitted that is controllable from within the coolroom;</li> <li>• A thermometer is provided which can be read from outside the coolroom; and</li> <li>• Condensate and other liquid waste arising from equipment and washing down is conveyed to the building sewerage service via closed pipes.</li> </ul> <ul style="list-style-type: none"> <li>• All work complies with the Building Code of Australia.</li> </ul>
<p><b>Park and Street Furniture, Seats, Bins, Picnic Tables, Minor Shelters</b></p>	<ul style="list-style-type: none"> <li>• Constructed by or for the Council and designed, fabricated and installed in accordance with relevant SAA standards and/or Building Code of Australia; and</li> <li>• Located on land under control of the Council.</li> </ul>
<p><b>Pergola (Unroofed)</b></p>	<ul style="list-style-type: none"> <li>• Maximum area 25m<sup>2</sup>;</li> <li>• Maximum height 2.7m;</li> <li>• Side setback is no less than the existing alignment of the dwelling or no less than 900mm whichever is the greater;</li> <li>• Not roofed or enclosed;</li> <li>• Located behind the front building line; and</li> <li>• Total site area coverage of impervious materials does not exceed 65%.</li> </ul>
<p><b>Playground and Park Equipment (Council only)</b> including goal posts, sight screens and similar ancillary sporting structures on sporting or playing fields for use in the playing/performance of sporting events (excluding grandstands and dressing sheds)</p>	<ul style="list-style-type: none"> <li>• Any pergolas (open, park entrance structures and the like) have a maximum area of 20m<sup>2</sup>, maximum height of 2.5m and a minimum setback of 2m from adjoining properties.</li> <li>• Involves only replacing or adding to existing equipment in an established playground area or establishing a new playground for which development consent has been granted.</li> <li>• A detailed plan is placed on public exhibition and public comments are taken into account in the final design.</li> </ul>

TYPE OF ACTIVITY	EXEMPTION CIRCUMSTANCES
<b>Portable classrooms and school buildings</b>	<ul style="list-style-type: none"> <li>• Not on a heritage item;</li> <li>• Maximum height 3.5 metres above natural ground level;</li> <li>• The structure is not located less than 3 metres from any adjoining boundary;</li> <li>• Structurally adequate;</li> <li>• Installation accords with a suitably qualified engineer's design;</li> <li>• The buildings comply with the Building Code of Australia;</li> <li>• The buildings are located only in school grounds and do not contravene any other consent;</li> <li>• The buildings do not exceed 1 storey;</li> <li>• Stormwater is connected to the stormwater system; and</li> <li>• The buildings are for a temporary period and are removed within 5 years.</li> </ul>
<b>Retaining Walls</b>	<ul style="list-style-type: none"> <li>• Maximum height 600mm;</li> <li>• Setback a distance of at least 3m from all property boundaries;</li> <li>• The construction of the retaining wall does not result in the raising of the existing ground levels;</li> <li>• Masonry walls comply with: AS3700 - Masonry Code AS3600 - Concrete Structures AS1170 - Loading Code;</li> <li>• Timber walls comply with: AS1720 - Timber Structures AS1170 - Loading Code;</li> <li>• The retaining wall is designed and constructed with an effective drainage system to prevent backfill becoming saturated causing a build up of water pressure behind the wall. Weepholes are provided to ensure effective drainage of backfill material and continuous drainage within the backfill; and</li> <li>• The retaining wall is not constructed within a floodway or overland flow path.</li> </ul>
<b>Roof ventilators</b>	<ul style="list-style-type: none"> <li>• Maximum area not greater than 0.3m<sup>2</sup>;</li> <li>• The work does not reduce the structural integrity of the building or involve structural alterations; and</li> <li>• Installed to manufacturer's specifications.</li> </ul>
<b>Satellite Dishes</b> (Domestic purposes only)	<ul style="list-style-type: none"> <li>• Not on a heritage item or in a heritage conservation area;</li> <li>• Maximum one per property;</li> <li>• Maximum diameter of 65cm across with a maximum surface area of 0.34m<sup>2</sup>;</li> <li>• Constructed of pre-coated metal in colours which blend with the existing building and surroundings;</li> <li>• For domestic purposes only;</li> <li>• Maximum height of 2.4m above ground level or the ceiling height of the top-most floor whichever is the lesser;</li> <li>• Located below the fence line on corner allotments;</li> <li>• Setback a distance of at least 3m from side and rear boundary;</li> <li>• Only one dish per dwelling; and</li> <li>• Located at rear of building only.</li> </ul>

TYPE OF ACTIVITY	EXEMPTION CIRCUMSTANCES
<b>Scaffolding</b>	<ul style="list-style-type: none"> <li>• Not on a heritage item;</li> <li>• Does not encroach onto footpaths, public thoroughfares or adjoining property, unless the consent of the adjoining owner is obtained in writing;</li> <li>• Erected in accordance with WorkCover Authority's requirements;</li> <li>• Complies with AS 1576; and</li> <li>• Removed upon completion of the building.</li> </ul>
<b>Skylight Roof Windows</b> (including solartube or similar type installations)	<ul style="list-style-type: none"> <li>• Maximum area of skylight not to exceed 1m<sup>2</sup>;</li> <li>• Located not less than 900mm from a property boundary and not less than 900mm from a wall separating attached dwellings;</li> <li>• The building work does not reduce the structural integrity of the building or involve structural alterations;</li> <li>• Any opening created by the installation is adequately weatherproofed;</li> <li>• Installation to manufacturer's instructions;</li> <li>• Does not compromise fire safety; and</li> <li>• Not on a heritage items or buildings in conservation areas where the skylight is to be installed on the roof section visible from the street or public place.</li> </ul>
<b>Solar Water Heaters</b>	<ul style="list-style-type: none"> <li>• Not installed on the roof section visible from the street or public place;</li> <li>• Installed to manufacturer's specifications and requirements;</li> <li>• Installed by an appropriately qualified person;</li> <li>• Any building work does not reduce the structural integrity of the building or involve structural alterations; and</li> <li>• Any opening created by the installation is adequately weatherproofed.</li> </ul>
<b>Street signs</b> (including neon light signs) comprising name plates, directional signs and advance traffic warning signs	<ul style="list-style-type: none"> <li>• Construction by or for the Council;</li> <li>• Structurally sound; and</li> <li>• Designed, fabricated and installed in accordance with relevant SAA standards.</li> </ul>



TYPE OF ACTIVITY	EXEMPTION CIRCUMSTANCES
<p><b>Subdivision</b></p> <ul style="list-style-type: none"> <li>• Boundary adjustment that does not result in the creation of any additional allotments</li> <li>• Rectify an encroachment upon an allotment</li> <li>• Consolidate an allotment</li> <li>• Create a public reserve</li> </ul>	<p><u>General</u></p> <ul style="list-style-type: none"> <li>• Not on a heritage item or in a heritage conservation area.</li> </ul> <p><u>Additional specific requirements</u></p> <ul style="list-style-type: none"> <li>• The area of each allotment is not changed by more than 5%;</li> <li>• No water, sewerage or stormwater connection to the property requires relocation as a result of the subdivision; and</li> <li>• Does not result in any building contravening the deemed-to-satisfy provisions of the Building Code of Australia</li> </ul> <p>Nil</p> <p>Nil</p> <p>Nil</p>
<p><b>Temporary Buildings</b></p> <ul style="list-style-type: none"> <li>- Builders Sheds, Portaloos and the like</li> </ul>	<ul style="list-style-type: none"> <li>• Removal after completion of construction to which buildings relate;</li> <li>• Located within the property boundaries; and</li> <li>• Not used for habitation.</li> </ul>
<p><b>Water Heaters</b> (excluding solar systems)</p>	<ul style="list-style-type: none"> <li>• Not on the front of a dwelling;</li> <li>• Replacement or new installations;</li> <li>• The work does not reduce the structural integrity of the building or involve structural alterations;</li> <li>• Installed to manufacturer's specifications and requirements; and</li> <li>• Installed by an appropriately qualified person.</li> </ul>
<p><b>Water Tanks</b> (at or above ground level) - domestic only</p>	<ul style="list-style-type: none"> <li>• Maximum capacity of 3000 litres;</li> <li>• Located in the rear yard of the subject property clear of any drains, easements and the like;</li> <li>• Located at least 900mm from any property boundary;</li> <li>• The top of the tank is located below the top of the nearest fenceline or 1.8m whichever is the lesser;</li> <li>• Utilises existing downpipes;</li> <li>• No part of the tank or tank stand rests on a wall footing;</li> <li>• Overflow from tanks is piped directly to the approved stormwater system;</li> <li>• Water not used for drinking;</li> <li>• Pumps no more than 5dBA above background noise levels;</li> <li>• Tanks installed in accordance with the manufacturer's specifications; and</li> <li>• The structure and tank are painted to match the existing buildings or in environmentally acceptable colours.</li> </ul>

TYPE OF ACTIVITY	EXEMPTION CIRCUMSTANCES
<p><b>Replacement or alteration in size of windows, glazed areas and external doors</b></p>	<ul style="list-style-type: none"> <li>• Not on a heritage item or in a heritage conservation area;</li> <li>• Replacement in residential premises with materials that comply with: <ul style="list-style-type: none"> <li>a) AS1288 Glass in Buildings - Selection and Installation; and</li> <li>b) AS2208 Safety Glazing Materials for Use in Buildings (Human Impact Considerations);</li> </ul> </li> <li>• A maximum 10% reduction or enlargement (not more than once) in the area;</li> <li>• Any works involving asbestos cement must comply with the WorkCover Authority's "Guidelines for Practices Involving Asbestos Cement in Buildings"; and</li> <li>• Any work involving lead paint removal must not cause lead contamination of air or ground.</li> </ul>

[LEP91 GG 10.3.00]

**Complying Development**

TYPE OF ACTIVITY	COMPLYING CIRCUMSTANCES
<p><b>Awnings (including covered pergolas), canopies and storm blinds on dwellings</b></p>	<ul style="list-style-type: none"> <li>• Not on a building or property listed as a heritage item or within a heritage conservation area and which is visible from a public road;</li> <li>• Maximum area 25m<sup>2</sup>;</li> <li>• Located behind the front building line only;</li> <li>• Roof cladding is securely fixed to roof beams or rafters. Supporting posts are securely fixed to concrete footings or rafters;</li> <li>• Maximum height 2.7m;</li> <li>• Side setback is no less than the existing alignment of the dwelling or no less than 900mm whichever is the greater;</li> <li>• At least one side is open;</li> <li>• Located behind the front building line;</li> <li>• Any awnings are drained and connected by guttering, downpiping and stormwater piping to either the street gutter or a stormwater main;</li> <li>• All work complies with the Building Code of Australia; and</li> <li>• No more than 65% of the entire site is covered by impervious surfaces; and</li> <li>• No part of the structure hangs over a public road or public place.</li> </ul>
<p><b>Bed and Breakfast Establishments</b></p>	<ul style="list-style-type: none"> <li>• Not operated from a heritage item;</li> <li>• Located in a dwelling house;</li> <li>• The dwelling is permanently occupied by resident/s;</li> <li>• No more than 2 guest rooms and 4 adult guests at any one time;</li> <li>• A minimum of 2 bathrooms;</li> <li>• No more than one external sign of maximum 0.5m<sup>2</sup> in area is displayed within the property boundary;</li> <li>• A separate hand wash basin is provided (in addition to any single or double bowl sink);</li> <li>• Either a double bowl sink or a single bowl sink and dishwasher which can heat water to a minimum 77 degrees Celsius is provided;</li> <li>• Any food preparation area complies with the Food Act 1989, the Food (General) Regulation 1997, the Australian Institute of Health Surveyor's National Food Premises Code and Council's Food Premises Code;</li> <li>• A fire extinguisher and fire blanket are provided in the kitchen;</li> </ul>

TYPE OF ACTIVITY	COMPLYING CIRCUMSTANCES
	<ul style="list-style-type: none"> <li>• A smoke detection system that complies with AS 3786-1993 - Smoke Alarms and AS 3000 - 1991 - Electrical Installations for Buildings, Structures and Premises (the SAA wiring rules) is in the dwelling. The smoke detector system is to be connected to a permanent 240V electricity supply with a battery operated back-up device and a smoke detector is to be provided to all bedrooms and hallways;</li> <li>• No key release deadlocks on guest bedrooms and exit doors; and</li> <li>• No bars or other restrictions to egress from guest room windows.</li> </ul>
<p><b>Carports and garages</b></p>	<p><u>Enclosed carports and garages</u></p> <ul style="list-style-type: none"> <li>• Not on a heritage item or within a heritage conservation area.</li> </ul> <p><u>Setbacks</u></p> <ul style="list-style-type: none"> <li>• Located behind the front building setback;</li> <li>• Side setback is no less than the existing alignment of the dwelling or no less than 900mm whichever is the greater;</li> <li>• Rear boundary setback is no less than 900mm; and</li> <li>• Carports and garages facing a public road are not more than 4 metres, or 50% of the building width, whichever is the lesser.</li> </ul> <p><u>Bulk and Scale</u></p> <ul style="list-style-type: none"> <li>• The area under the roof is not more than 50m<sup>2</sup>;</li> <li>• The distance between the floor level and the underside of the eaves is no more than 2.7 metres;</li> <li>• The roof openings are flush with the roof pitch; and</li> <li>• The adjoining properties main area of open space and any habitable rooms in that property, are not in shadow between 10am and 3pm on 21 June as a result of the development.</li> </ul> <p><u>Privacy</u></p> <ul style="list-style-type: none"> <li>• Windows that allow an outlook to a window to a habitable room in an adjoining dwelling and are within 9 metres of that dwelling: <ul style="list-style-type: none"> <li>- are offset from the edge of one window to the edge of the other window by a distance of at least 0.5 metres, or</li> <li>- have a sill height of a least 1.7 metres above the floor; or</li> <li>- have fixed obscure glazing in any part of the window below 1.7 metres above the floor.</li> </ul> </li> </ul> <p><u>General</u></p> <ul style="list-style-type: none"> <li>• All work complies with the Building Code of Australia;</li> <li>• Stormwater drainage flows to the street frontage;</li> <li>• Not used for habitation or for commercial or industrial purposes;</li> <li>• Total site coverage of impervious materials does not exceed 65%; and</li> <li>• Metal roofs not located under power lines.</li> </ul>

TYPE OF ACTIVITY	COMPLYING CIRCUMSTANCES
<p><b>Change of use – A different use of a building resulting from a change of use from:</b></p> <ul style="list-style-type: none"> <li>• <b>shop to shop</b></li> <li>• <b>shop to commercial premises</b></li> <li>• <b>commercial premises to shop</b></li> <li>• <b>commercial premises to commercial premises</b></li> </ul>	<ul style="list-style-type: none"> <li>• Floor area does not exceed 1000m<sup>2</sup>;</li> <li>• Existing use is legal;</li> <li>• Proposed new use is consistent with the classification of the building under the Building Code of Australia and replaces a former use being carried out in accordance with a development consent if such consent is necessary;</li> <li>• The new use complies with the conditions of any previous Council consent relating to the use of the building;</li> <li>• The proposed use does not include any of the following: <ul style="list-style-type: none"> <li>- Drive in take away food places;</li> <li>- Funeral parlour;</li> <li>- A food shop or a shop which involves the preparation of food for sale or consumption;</li> <li>- A use prohibited by any provision of this Ordinance;</li> <li>- Adult/ book shop which sells restricted publications within the meaning of the Classification (Publications, Films and Computer Games Enforcement Act, 1995) or displays material concerned with sexual behaviour; and</li> </ul> </li> <li>• No additional commercial or retail floorspace is created.</li> </ul>
<p><b>Change of use from industry to light industry or warehouse to warehouse</b></p>	<ul style="list-style-type: none"> <li>• Floor area does not exceed 2000m<sup>2</sup>;</li> <li>• Proposed new use is consistent with the classification of the building under the Building Code of Australia and replaces a former legal use being carried out in accordance with a development consent where necessary;</li> <li>• The new use complies with the conditions of any previous Council consent relating to the use of the building;</li> <li>• The proposed use: <ul style="list-style-type: none"> <li>- is not actually or potentially a hazardous or offensive industry;</li> <li>- does not involve the repair of motor vehicles;</li> <li>- does not involve the preparation of food for sale or consumption;</li> <li>- it is not prohibited by any provision of this Ordinance;</li> </ul> </li> <li>- is not for the purposes of a brothel;</li> <li>• There is to be no handling, storing or using hazardous chemicals or materials other than on a domestic scale and the use is not to release any hazardous chemicals or materials or any pollutant into the environment;</li> <li>• No additional floorspace is created;</li> <li>• No more than 25% of the floorspace is to be used for office or showroom activities;</li> <li>• No retailing, other than ancillary retailing is proposed to be carried out on the premises; and</li> <li>• Previous use would not give rise to any potential for site contamination.</li> </ul>

TYPE OF ACTIVITY	COMPLYING CIRCUMSTANCES
<b>Decks</b>	<ul style="list-style-type: none"> <li>• Not on or in relation to a heritage item;</li> <li>• In the case of a deck that is roofed, the roof cladding is securely fixed to roof beams or rafters. Supporting posts are securely fixed to concrete footings or rafters;</li> <li>• Maximum area 25m<sup>2</sup>;</li> <li>• 1.5 metres in width;</li> <li>• Finished surface level is not greater than 1m above existing ground level;</li> <li>• Located behind front building line;</li> <li>• Side setback is no less than the existing alignment of the dwelling or no less than 900mm whichever is the greater; and</li> <li>• Awnings are drained by guttering, downpiping and stormwater piping to either the street gutter or the stormwater system.</li> </ul>

TYPE OF ACTIVITY	COMPLYING CIRCUMSTANCES
<p><b>Dwelling houses and extensions – single storey</b></p>	<ul style="list-style-type: none"> <li>• Not involve properties listed as a heritage item, adjoining a heritage item or within a heritage conservation area.</li> </ul> <p><u>General</u></p> <ul style="list-style-type: none"> <li>• The building complies with Strathfield DCP No. 21 – Guidelines for the Siting, Design and Erection of Dwelling Houses and Ancillary Structures;</li> <li>• All work complies with the Building Code of Australia;</li> <li>• New dwellings are constructed of single colour face brick.</li> <li>• No bagging, cement render or the like;</li> <li>• Roof is constructed of single coloured roof tile in hip or gable form;</li> <li>• Alterations and additions use materials of the same type and colour and blend architecturally with the existing building;</li> <li>• No change in existing ground level;</li> <li>• No trees are proposed to be removed;</li> <li>• Stormwater drainage is by gravity to the street and complies with the Council's Stormwater Management Code; and</li> <li>• Total site does not exceed 65%; and</li> <li>• Alterations do not affect the structural strength or stability of the building.</li> </ul> <p><u>Setbacks</u></p> <ul style="list-style-type: none"> <li>• Building are setback 9 – 10 metres from the street.</li> </ul> <p><u>Bulk and Scale</u></p> <ul style="list-style-type: none"> <li>• The floor level of the structure is located above the natural ground level at least 300mm but not more than 500mm at any point;</li> <li>• The distance between the floor level and the underside of the eaves is no more than 2.7 metres at any point;</li> <li>• The roof openings are flush with the roof pitch; and</li> <li>• The adjoining property's outdoor recreation and drying areas and any habitable rooms in that property, are not in shadow between 10am and 3pm on 21 June as a result of the development.</li> </ul> <p><u>Privacy</u></p> <ul style="list-style-type: none"> <li>• Windows in a habitable room that allow an outlook to a window to a habitable room in an adjoining dwelling and are within 9 metres of that dwelling: <ul style="list-style-type: none"> <li>- are offset from the edge of one window to the edge of the other window by a distance of at least 0.5 metres, or <ul style="list-style-type: none"> <li>- have a sill height of a least 1.7 metres above the floor; or</li> </ul> </li> <li>- have fixed obscure glazing in any part of the window below 1.7 metres above the floor.</li> </ul> </li> </ul>

TYPE OF ACTIVITY	COMPLYING CIRCUMSTANCES
<p><b>Industrial and Warehouse buildings replacements, additions and alterations</b></p>	<ul style="list-style-type: none"> <li>• Any existing building to be replaced does not exceed 4000m<sup>2</sup>;</li> <li>• The maximum floor space increase does not exceed 10% of the existing floor space;</li> <li>• The site does not: <ul style="list-style-type: none"> <li>- adjoin a residential zone; or</li> <li>- have as its only means of road access through a residential zone; or</li> <li>- have access only to an arterial road;</li> </ul> </li> <li>• Building setback <ul style="list-style-type: none"> <li>- for sites less than .8ha - 9m</li> <li>- for sites greater than .8ha - 15m;</li> </ul> </li> <li>• A minimum 2m landscaping strip along the street frontage with an area equivalent of double the width of the allotment measured along the street frontage;</li> <li>• The finished floor space ratio of the entire building is not more than 1:1;</li> <li>• The height of any wall is not greater than 7.2 metres, excluding any parapet;</li> <li>• Any parapets extend a maximum of 1.2 metres above the intersection of any wall and the roof;</li> <li>• Each roof pitch is no more than 10 degrees;</li> <li>• The site is not cut or filled so as to alter a level by more than 500mm;</li> <li>• All work complies with the Building Code of Australia;</li> <li>• All roof and surface water is drained to the street frontage and discharged into Council's stormwater system;</li> <li>• The drainage system is designed for a 1 in 10 year storm event;</li> <li>• Garbage and storage areas are on-site and behind the building line for the property;</li> <li>• The driveway has a minimum width of 7 metres; and</li> <li>• Any additional floorspace requires additional carparking to be provided as follows: <p><u>Industrial Use</u></p> <ul style="list-style-type: none"> <li>- 1 space per 55m<sup>2</sup> gross floor area (where office component is less than 20%)</li> <li>- 1 space per 55m<sup>2</sup> gross floor area plus 1 space per 40m<sup>2</sup> where the office is over 20% of the total floor area.</li> </ul> <p><u>Warehouse</u></p> <ul style="list-style-type: none"> <li>- one space per 100m<sup>2</sup> gross floor area.</li> </ul> </li> </ul>





TYPE OF ACTIVITY	COMPLYING CIRCUMSTANCES
<p><b>Swimming Pools</b></p>	<ul style="list-style-type: none"> <li>• Designed for domestic use only;</li> <li>• Maximum height of pool coping and decking is no more than 500mm at any point from natural ground level;</li> <li>• Located behind the building line;</li> <li>• Edge of pool is set back no less than 2m from side and rear boundaries;</li> <li>• No part of the pool is located within 3m of an existing tree;</li> <li>• Fencing complies with the Swimming Pools Act 1992 and the Swimming Pools Regulation 1998 and with AS 1926.2/1995 – Swimming Pool Safety – Location of fencing for private swimming pools;</li> <li>• Filtration or pumps do not exceed a noise level of 5dBA above the ambient background level measured at the property boundary;</li> <li>• No more than 65% of the site is covered by impervious surfaces; and</li> <li>• The installation and construction of the pool complies, where relevant, with:  AS/NZS 1838:1994 – Swimming Pools – Premoulded fibre-reinforced plastics – design and fabrication, and AS/NZS 1839:1994 – Swimming Pools – Premoulded fibre-reinforced plastics – Installations, or  AS 2783:1992 – Use of reinforced concrete for small swimming pools.</li> </ul>

[LEP91 GG 10.3.00]

Extract Local Government Act 1919

**PART XIII**

*Public Recreation*

Division 2 - Public Reserves, Parks etc

**Land for parks etc**

**347** Any land acquired by the council for any purpose under this Act, and not required for that purpose, may be used for the purposes of this Part.

**Power of council**

**348** (1) The council may provide, control, and manage grounds for public health, recreation, convenience, enjoyment, or other public purpose of the like nature, including-

- (a) parks;
- (b) children's playgrounds, drill-grounds, sports grounds;
- (c) gardens.

(2) Such children's playgrounds, drill-grounds, sports grounds, and gardens may be provided either in public reserves or on other lands of the council.

**Improvement and embellishment**

**349** The council may improve and embellish public reserves which are under its care, control, and management.

**Further powers of council**

**350** In any public reserve under its care, control, or management the council may provide, control, and manage-

- (a) musical entertainments;
- (b) chair for hire to the public;
- (c) public refreshment rooms;
- (d) buildings for public entertainments conducted or authorised by the council;
- (e) public entertainments;
- (f) boat sheds for the hire of boats to the public;
- (g) boats for hire to the public;
- (h) grandstands, pavilions, seats, shelter sheds, picnic kiosks, privies, and other buildings for the convenience of the public.

**Temporary enclosures for entertainments**

**351** (1) The council may authorise the construction of a temporary enclosure on a public reserve under its care, control, and management for the purpose of any entertainment to raise funds in aid of any charitable, patriotic, or public purpose, or for the purpose of a public demonstration organised by a local life-saving club: Provided that this privilege shall not be extended to any one such club more than once a year.

(2) The council may also construct such an enclosure for the purposes of any entertainment organised by the council in aid of the improvement of the public reserve.

### **Parking areas on public reserves**

**351A** (1) The council may by resolution regulate and control-

- (a) the taking of vehicles, or vehicles of any class or description specified in the resolution, on to any public reserve under its care, control and management; and
- (b) the use of vehicles, or vehicles of any class or description so specified, within any such public reserve.

[sub-s(1) am Act 150, 1982 s3, Sch1(2)]

(2) In subsection (1)-

“use” includes parking;

“vehicles” includes vehicles other than motor vehicles.

[s351A add Act 26, 1976 s11(a)]

### Division 3 - Baths and Bathing

#### **Baths and bathing facilities**

**353** On any land acquired by the council or in any public reserve under its care, control, and management, the council may provide, control, and manage-

- (a) public baths;
- (b) public dressing pavilions for bathers;
- (c) club and drill rooms, appliances and materials for life-saving clubs;
- (d) costumes and other conveniences for hire or sale to bathers;
- (e) works and appliances for the protection of bathers from injury, drowning, or sharks;
- (f) life-savers and life-saving or swimming instructors.

[s353 am Act 29 of 1922 s19; Act 19 of 1945 s13]

#### **Control of bathing**

**354** (1) The council may control and regulate public bathing and the conduct and costume of bathers-

- (a) in any public baths under the care, control, and management of the council;
- (b) in any private baths open to the public view;
- (c) in any river, watercourse, or tidal or non-tidal water;
- (d) in the sea adjacent to through outside the area; and
- (e) in any public place or public reserve adjacent to any of the aforesaid places.

(2) The council may prohibit bathing in any specified locality by notices erected in the vicinity of such locality.

(3) [sub-s(3) rep Act 96 of 1970 s3 and Sch1]

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