

Chapter 1:

Introduction & Administration



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Document Control

Version	Date in Force	Date Approved by Council	Notes
1.0	1 September 2021	26 July 2021	Commencement

Title Page: The picture on the title page is of the Capertee Valley (Source: Destination NSW - <https://www.visitnsw.com/destinations/blue-mountains/lithgow-area>).

Amendments to this DCP

Amendments to this DCP will be listed in the table below when they are adopted by Council.

Note: *At the commencement of this DCP there were no amendments.*

Date of Amendment	Name of Amendment	Chapters/Controls Affected

1.1 Name of this DCP

This Plan is called the *Lithgow Development Control Plan 2021 (DCP)*.

1.2 Adoption & Commencement

The DCP was originally adopted by Lithgow City Council (**Council**) on the **26 July 2021** and came into operation on **1 September 2021**.

Please see Amendments Section to this DCP at the start of this Chapter.

1.3 Where this DCP Applies

This DCP applies to all land within the Lithgow Local Government Area (**LGA**) where *Lithgow Local Environmental Plan 2014 (LLEP2014)* applies except the following:

- a) Portland 'Foundations Site'- shown as Deferred Matter on *Land Application Map* in [LLEP2014](#);
- b) Lithgow Pottery Estate- shown as Pottery Estate on *Pottery Estate Development Map* in [LLEP2014](#);
- c) Marrangaroo- shown as Urban Release Area on *Urban Release Area Map* in [LLEP2014](#).

1.4 Aims of this DCP

The overarching aims of this DCP are:

- a) To implement and support the objectives of [LLEP2014](#);
- b) To provide clear and concise development guidelines for various forms of development;
- c) To promote appropriate growth and development in the Lithgow Local Government Area and ensure it occurs in an orderly, environmentally friendly and sustainable manner;
- d) To ensure positive planning outcomes are maximised for the benefit of the broader community.

1.5 How to Use this DCP

1.5.1 Purpose of the DCP

This DCP supplements the [Lithgow Local Environmental Plan 2014 \(LLEP2014\)](#) by providing more detailed controls relating to specific types of development.

The controls included in this DCP must be taken into account during the design phase of development and will be taken into consideration by Council as part of the assessment of any Development Application.

All controls are designed to aid the decision-making process and improve planning outcomes for the Lithgow community.

1.5.2 Development Application Guide

Council has prepared a *Development Application Guide (DA Guide)* that is available on Council's website www.lithgow.nsw.gov.au. This should be reviewed by ALL Applicants prior to lodging a Development Application and sets out:

- The key steps in preparing a **Development Application**;
- How to address development controls including, but not limited to [LLEP2014](#) and this DCP;
- Checklist of Plans/Studies that may be needed to support a **Development Application**;
- Detail on what some of those supporting Plans/Studies may need to address.

1.5.3 Development Types

Prior to applying the controls in this DCP for the proposed development it is necessary to confirm the appropriate land use definition and whether it is permissible in the relevant zone for the subject land. Please review the relevant zone for the site on the *Land Zoning Maps* in [LLEP2014](#) or via the [NSW Government Planning Portal](#). The Land Use Table of [LLEP2014](#) identifies the permissibility of development types within each zone. Please discuss this with Council if you are unsure.

1.5.4 Structure of the DCP

The DCP has the following Chapters:

Chapter 1:	Introduction & Administration (THIS CHAPTER)
Chapter 2:	Site Requirements (All Development)
Chapter 3:	Natural Environment & Hazards
Chapter 4:	Heritage & Cultural Conservation
Chapter 5:	Subdivision & Roads
Chapter 6:	Residential Development
Chapter 7	Commercial, Community & Industrial Development (including Advertising/ Signage for all relevant land uses)
Chapter 8:	Rural & Other Land Uses
Chapter 9:	Location Specific Controls

For any development proposal you may need to address more than one Chapter of this DCP depending on the site opportunities and constraints and what development is proposed.

You are encouraged to consult with Council for clarification as to which Chapters or Sections in this DCP will apply to a particular development proposal. **IF YOU ARE UNSURE, PLEASE DISCUSS THIS WITH COUNCIL STAFF PRIOR TO LODGING YOUR APPLICATION.**

1.5.5 How the Controls are Structured

The development controls contained within this DCP are structured to ensure that zone objectives of **LLEP2014** are achieved and the desired land use and/or development outcome on a site is consistent with the corresponding objectives of the DCP. Therefore, the structure of each Part of this DCP includes:

Objectives (Performance Criteria)

Are located at the start of each Section or in the left-hand column of each Section and clearly state what Council is seeking to achieve and the desired outcomes for each Part or Section. If the Acceptable Solution below requires variation then the Objectives / Performance Criteria must be addressed.

Controls (Acceptable Solutions / Prescriptive Criteria)

Are located below the objectives/performance criteria and set the requirements for achieving an outcome consistent with the corresponding objectives for each Section. Some **Controls** are written more like objectives/performance criteria where no prescriptive criteria are appropriate. There is sometimes an 'acceptable solution' provided for 'performance criteria'.

Notes: Boxes like this are used to provide supporting information that may include:

- Information about when a particular section or control applies;
- Relevant definitions;
- References to other relevant Sections of the DCP or other planning policies;
- Background information justifying or explaining the control.

1.6 Variations to DCP Controls

The controls in this DCP have been designed to address the common development types and scenarios. Council accepts that it is not possible to plan for all development scenarios.

However, there will inevitably be situations where strict compliance is not able to be achieved, and/or alternate solutions are preferred.

Council may consent to a Development Application involving variation to a control contained within this DCP, but only where Council has considered a written request from the applicant that seeks to justify the variation by demonstrating:

- e) The objectives of the particular control(s) are met or sufficiently addressed; and
- f) Compliance with the particular control(s) within this DCP is unreasonable or unnecessary in the circumstance of the case; and
- g) There are sufficient environmental planning grounds to justify the departure from the particular control(s) within this DCP; and
- h) The impact(s) of the non-compliant proposal will not be significantly greater than a compliant proposal or may enhance the outcome; and
- i) There are public benefits from varying the control(s).

The written request for variation of a development control or controls may be included within the **Statement of Environmental Effects** submitted with the **Development Application**.

1.7 Relationship to other Documents

The DCP has been prepared in accordance with Part 3 Division 3.6 of the [Environmental Planning and Assessment Act 1979 \(EP&A Act\)](#).

This DCP supplements *Lithgow Local Environmental Plan 2014 (LLEP2014)* by providing more detailed controls relating to specific types of development.

The DCP is also to be read in conjunction with other relevant legislation, environmental planning instruments including *State Environmental Planning Policies (SEPPs)*, Council policies, codes and specifications that are relevant to specific aspects of a development proposal.

Council's *Local Strategic Planning Statement (LSPS)* sets out the vision for land use planning across the LGA and may provide background information on the desired future character and development of key areas. This DCP supports the vision and desired future character statements outlined in the **LSPS**.

Council's *Community Participation Plan (CPP)* sets out how Council will engage with the community and key stakeholders as part of its decision-making process. This includes when and how it will notify and/or publicly exhibit certain development applications made to Council. Please see the **CPP** for additional detail on these requirements.

In addition, you should read the DCP alongside the following documents on Council's website (www.lithgow.nsw.gov.au):

- Council's **Development Application (DA) Guide**, forms and checklists;
- Council's *Guidelines for Civil Engineering Design and Construction*; and
- Any other relevant endorsed / adopted Council Policies.

In the event of an inconsistency between this DCP and any other legislation or environmental planning instrument applying to the same land, the provisions of the other state-level documents or **LLEP2014** will prevail to the extent of the identified inconsistency. In assessing a Development Application, in addition to the provisions of this DCP, Council must also make an assessment of those matters specified for consideration under Section 4.15 of the [EP&A Act](#).

1.8 Exempt & Complying Development

Please note that [State Environment Planning Policy \(Exempt and Complying Development Codes\) 2008 \(Codes SEPP\)](#) may permit certain development set out in that policy without requiring a development application to Council if it complies with the requirements of the **Codes SEPP**. Please discuss this with Council or visit the [NSW Government Planning Portal](#).

1.9 Developer Contributions

Development may create a need for public services and facilities, such as open space, community facilities, utilities and traffic management. Needs will vary depending on the scale of the proposal, the characteristics of the area, the relevant population and standard/capacity of existing services.

Section 7.11 and Section 7.12 of the EP&A Act enables Council to levy contributions for amenities and services. As at the date of commencement of this DCP, Council has only adopted a Fixed Development Consent Levy under *Section 7.12 of the EP&A Act* (see Council's website for details).

Contributions are imposed by way of a condition of consent and can be satisfied by:

- a) Dedication of land;
- b) A monetary contribution;
- c) A material public benefit; or
- d) A combination of the above.

As an alternative to the payment of a *Section 7.11/7.12* contribution, the applicant may offer to enter into a Voluntary Planning Agreement (**VPA**) with Council. Acceptance of an offer is at the sole discretion of Council and where Council decides not to accept the offer, payment of the *Section 7.11/7.12* contributions will be required.

Council is also able to levy contributions for amenities and services under *Section 64* of the *Local Government Act 1993 (LG Act)*. In Lithgow **LGA**, Council may require contributions for water supply and sewerage utilities (headworks charges) in accordance with the relevant *Development Servicing Plan(s)* (as amended). See Council's website (www.lithgow.nsw.gov.au) for more details.

1.10 Abbreviations

The following are some abbreviations (or acronyms) used for key planning terms or legislation/policies that are used throughout this DCP when words are repeated several times.

ABBREVIATION	DEFINITION
AS	Australian Standards
Codes SEPP	<i>State Environment Planning Policy (Exempt and Complying Development Codes) 2008</i>
Council	Lithgow City Council
DA	Development Application
DA Guide	Council's Development Application Guide – See DCP Section 1.5.2
DCP	Development Control Plan made under Part 3 of the EP&A Act
Engineering Guidelines	Council's <i>Guidelines for Civil Engineering Design and Construction</i>
EP&A Act	<i>Environmental Planning & Assessment Act 1979</i>
LLEP2014 or LEP	<i>Lithgow Local Environmental Plan 2014</i>
LGA	Local Government Area (of Lithgow)
LG Act	<i>Local Government Act 1993</i>
Map	Map(s) under LLEP2014 (unless otherwise defined)
NCC	<i>National Construction Code</i> (former Building Code of Australia)
Bush Fire Guidelines	<i>Planning for Bushfire Protection (PBP) Guidelines</i> (2019 as amended)
SEPP	State Environmental Planning Policy
VPA	A planning agreement under Section 7.4 of the <i>Environmental Planning & Assessment Act 1979</i> .(between Council and the Applicant)
Zone	Land Use Zone under LLEP2014

1.11 Dictionary

The definitions for key words that are highlighted in **bold** in this DCP can be found in the Abbreviations section above or Dictionary in the Table below or in the various chapters of this DCP (where they are specific to certain land uses in those chapters).

Most words in this DCP are standard definitions in [LLEP2014](#) (as shown) or are defined by their common meaning or in accordance with the [EP&A Act](#). Some definitions are from the NSW Government (Dec 2018) *Standard DCP Definitions Discussion Paper (SDCP)* – noting this is still under review and not yet adopted government policy.

TERM	DEFINITION
Acceptable solution (SDCP)	acceptable solutions are ‘deemed to comply’ means by which a development may achieve the intent of a planning objective or performance criteria.
Active street frontage (SDCP)	means building street frontage(s) at street level that provides direct and level entry, and openings to allow physical and visual access that encourage interaction between the inside of a building and the external areas adjoining the building, including footpaths, road reserves or public spaces. Active street frontages support pedestrian safety and amenity and provide an interface between the public and private domain. Note: See Clause 7.9 & the Active Street Frontages Map in LLEP2014 .
Adaptable housing (SDCP/ Affordable Housing Guide)	means housing that is designed and built to accommodate future changes to suit occupants with mobility impairments or life-cycle needs.
Allowable encroachments (NCC)	Side and rear setbacks and setbacks from the boundary with a road do not apply to ‘ allowable encroachments ’ permitted under the National Construction Code (NCC) or any eave or roof overhang that has a horizontal setback of not less than 450mm from a boundary. ‘ Allowable encroachments ’ forming part of a building may include the fascia, gutters, downpipes, rainwater tanks, chimneys, flues, cooling or heating appliances, light fittings, electricity and gas meters, aerials, antennae, pergolas, sun blinds, unroofed terraces, landings, steps and certain ramps (fencing, paths, driveways, retaining walls and landscaping are also permitted).
Alteration (SDCP)	means buildings works within the existing building footprint that do not increase the total floor space but may include new or resized windows or new roof design.
Amenity (SDCP)	means the ‘liveability’ of a place that makes it pleasant and agreeable for individuals and the community. Amenity includes, but is not limited to, the enjoyment of sunlight, views, privacy and quiet.
Ancillary development (SDCP)	means development that is subordinate or subservient to the dominant purpose for which a site is used or proposed to be used.

TERM	DEFINITION
Approval/ Approved (SDCP)	means a consent, licence or permission or any form of authorisation issued by Council.
Articulation	means variations to the bulk, form, height, setbacks, openings and materials of a building that can create visual interest, avoid dominance of large and/or blank walls, and integrate with street and neighbouring building character.
Arterial road(s) RTA Guide to Traffic Generating Developments	means a road that predominantly carries through traffic from one region to another forming principal avenues of communication for metropolitan traffic movements. They are usually part of the proclaimed Main Roads system, including highways and freeways.
Asset protection zone (APZ) (Bush Fire Guidelines)	means a fuel reduced area surrounding a built asset or structure which provides a buffer zone between a bushfire hazard and an asset. The APZ includes a defensible space within which firefighting operations can be carried out. The size of the required asset protection zone varies with slope, vegetation and Fire Danger Index (FDI).
Attic (LLEP2014)	means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.
Australian standards (SDCP)	<i>Australian Standards (AS)</i> are published documents, developed either by a national standards body (like Standards Australia) or other accredited bodies, setting out specifications and procedures designed to ensure products, services and systems are safe, reliable and consistently perform the way they were intended to. These standards establish a common language which defines quality and safety criteria.
Australian height datum (AHD) (SDCP)	is a common national plane of level. 0.0m AHD corresponds approximately to mean sea level at Fort Denison in Sydney Harbour.
Basement (LLEP2014)	means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).
Basement car park (SDCP)	means a car parking area generally below ground level or above natural ground level but enclosed by bunding.
BASIX certificate	A certificate issued under <i>SEPP (Building Sustainability Index: BASIX) 2004</i> relating to water and energy efficiency of BASIX affected developments.
Battle-axe handle (or laneway) (SDCP)	means the area of land containing the carriageway entry for a battle-axe lot .
Battle-axe lot (Codes SEPP)	means a lot that has access to a road by an access laneway.

TERM	DEFINITION
Boundary adjustment (SDCP)	means a subdivision consisting only of one or more boundary realignments between lots that will not result in additional lots being created.
Buffer (SDCP)	means a distinct separation between two developments or land uses that require separation for amenity protection, environmental protection or other reason/s.
Building (EP&A Act)	building includes part of a building, and also includes any structure or part of a structure (including any temporary structure or part of a temporary structure), but does not include a manufactured home, moveable dwelling or associated structure within the meaning of the <i>Local Government Act 1993</i> .
Building height (or height of building) (LLEP2014)	means: a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.
Building envelope (SDCP)	means the three-dimensional space within which a building is confined.
Building height plane (SDCP)	means a plane projected at an angle of 45 degrees over the actual land to be built upon from a distance of 3.5m metres above ground level at the side boundaries of the site.
Building line (or setback) (LLEP2014)	means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and: a) a building wall, or b) the outside face of any balcony, deck or the like, or c) the supporting posts of a carport or verandah roof, whichever distance is the shortest.
Bush Fire Prone Land Map(s)	means land that has been identified by local council which can support a bush fire or is subject to bush fire attack. Bush fire prone land maps are prepared by local council and certified by the Commissioner of the NSW RFS. Check you Site through the NSW Planning Portal at www.planningportal.nsw.gov.au or the Rural Fire Service website at www.rfs.nsw.gov.au .
Business zone	means land identified on the Land Zoning Map in LLEP2014 within Zone B1 Neighbourhood Centre; Zone B2 Local Centre; Zone B4 Mixed Use; Zone B5 Business Development; Zone B6 Enterprise Corridor; or Zone B7 Business Park, (or where the use is permitted with consent in Zone RU5 Village).
Carport	means a car parking space with a roofed structure but no garage door and not totally enclosed by walls and used for car parking. It would be considered an 'enclosed' car parking space.

TERM	DEFINITION
Classified road (Roads Act 1993)	<p>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, (g1) a transitway, (h) a State work.</p> <p>See Roads & Maritime Services (RMS) <i>Schedule of Classified Roads & Unclassified Roads</i> (as amended) on the RMS website.</p>
Communal open space (SDCP)	<p>means outdoor space located within the site at ground level or on a structure that is within common ownership and for the recreational use of all residents of the development. Communal open space may be accessible to residents only, or to the public.</p>
Complying development (EP&A Act)	<p>An environmental planning instrument may provide that development, or a class of development, that can be addressed by specified predetermined development standards is complying development (Clause 4.2(5)).</p>
Contaminated land (SDCP)	<p>means land in, on or under which any substance is present at a concentration above that naturally present in, on or under the land and that poses, or is likely to pose, an immediate or long-term risk to human health or the environment.</p>
Corner lot (Codes SEPP)	<p>means a site that has two contiguous boundaries with a road or roads that intersect at an angle of 135 degrees or less (whether or not the lot has any other boundaries with a road).</p>
Council (LLEP2014)	<p>means Lithgow City Council or any officer authorised to act on behalf of Lithgow City Council.</p>
Deep soil landscaped area (SDCP)	<p>means the area of the site that contains landscaped area which has no above ground, ground level or subterranean development.</p> <p>Note: Deep soil zones exclude hardstand area & impervious or impervious surface area.</p>
Development (EP&A Act)	<p>(1) For the purposes of the EP&A Act, development is any of the following—</p> <ul style="list-style-type: none"> (a) the use of land, (b) the subdivision of land, (c) the erection of a building, (d) the carrying out of a work, (e) the demolition of a building or work, (f) any other act, matter or thing that may be controlled by an environmental planning instrument. <p>(2) However, development does not include any act, matter or thing excluded by the regulations (either generally for the purposes of this Act or only for the purposes of specified provisions of this Act).</p>
Development Application (DA) (EP&A Act)	<p>means an application for consent under Part 4 of the EP&A Act to carry out development but does not include an application for a complying development certificate.</p>

TERM	DEFINITION
Drainage (LLEP2014)	means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land
Dual frontage lot (SDCP)	means a lot which has two road frontages.
Earthworks (LLEP2014)	means excavation or filling.
Easement (SDCP)	means a right to use or travel over a specified strip of land belonging to another. For example, easements may be required for repairs, drainage of sewage, electricity purposes, services, water supply and right of access.
Excavation (LLEP2014)	means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.
External wall height (SDCP)	means the vertical distance between ground level (existing) at any point to the uppermost point of an external wall.
Façade (Apartment Design Guide)	means the external face of a building (usually the principal face facing a public street or space).
Garage	means a fully enclosed car parking space with roof, walls and usually a garage door.
Gross floor area (GFA) (LLEP2014)	means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes— <ul style="list-style-type: none"> (a) the area of a mezzanine, and (b) habitable rooms in a basement or an attic, and (c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes— <ul style="list-style-type: none"> (d) any area for common vertical circulation, such as lifts and stairs, and (e) any basement— <ul style="list-style-type: none"> (i) storage, and (ii) vehicular access, loading areas, garbage and services, and (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and (g) car parking to meet any requirements of the consent authority (including access to that car parking), and

TERM	DEFINITION
	<p>(h) any space used for the loading or unloading of goods (including access to it), and</p> <p>(i) terraces and balconies with outer walls less than 1.4 metres high, and</p> <p>(j) voids above a floor at the level of a storey or storey above.</p>
<p>Ground level (existing) (LLEP2014)</p>	<p>means the existing level of a site at any point.</p> <p>Note: 'Existing' generally means prior to any development on a site.</p>
<p>Ground level (finished) (LLEP2014)</p>	<p>means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.</p>
<p>Habitable room (NCC)</p>	<p>means a room used for normal domestic activities, and includes a bedroom, living room, kitchen, dining room, study, family room etc., but excludes a bathroom, laundry, pantry, walk-in-wardrobe, corridor/hallway, lobby, and other spaces of a specialised nature occupied neither frequently nor for extended period.</p>
<p>Hardstand area (SDCP)</p>	<p>means the area of a site through which water cannot infiltrate, and includes the area of the building footprint, garages, water tanks, outbuildings, and non-porous driveways, paths and courts, but excludes the water surface area of swimming pools.</p> <p>Note: compare definition for 'impervious or impervious surface'.</p>
<p>Hazardous materials (SDCP)</p>	<p>are solids, liquids, or gases that can harm people, other living organisms, property, or the environment. These may include materials that are radioactive, flammable, explosive, corrosive, oxidising, asphyxiating, bio-hazardous, toxic, pathogenic, or allergenic. Also included are physical conditions such as compressed gases and liquids or hot materials, including all goods containing such materials or chemicals, or may have other characteristics that render them hazardous in specific circumstances.</p>
<p>Higher impact land use (local)</p>	<p>may include, but is not limited to:</p> <ul style="list-style-type: none"> a) Extractive industries and mining; b) Most industrial uses (except light industry and high technology industry that by definition have no significant impacts); c) Commercial uses (e.g., animal boarding & training facilities) that may produce significant dust, noise, odour or traffic generation; d) Recreation areas that may produce significant dust, noise, light spill or traffic generation; e) Intensive agricultural uses (taking into account the 'right to farm' – see below); f) Infrastructure such as sewage treatment plants, waste depots, roads and rail, etc.; g) Other uses that, at the discretion of Council, would be expected to produce significant impacts on a sensitive land use within 500m of that use.

TERM	DEFINITION
Impervious or Impervious surface (SDCP)	means land or material that is not readily penetrable by water. Impervious areas occur where the soil surface is sealed, eliminating rainwater infiltration and natural groundwater recharge.
Industrial zone	means land identified on the Land Zoning Map in LLEP2014 within <i>Zone IN1 General Industrial</i> or <i>Zone IN2 Light Industrial</i> (or where the use is permitted with consent in Zone RU5 Village).
Infill development (SDCP)	means the development of land within an existing developed area.
Landscaped area (LLEP2014)	means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.
Living area (of a dwelling)	means a living room, kitchen or other primary communal living space within a dwelling but does not include bedrooms or non-habitable rooms.
Local development (SDCP)	means development, not being exempt development, complying development or State significant development, which is permissible with consent of Council under LLEP2014 .
Medium to higher density housing	This generally refers to residential accommodation types that includes dual occupancies (side-by-side), multi dwelling housing , residential flat buildings and other higher density outcomes addressed in DCP <i>Section 6.6 Medium to Higher Density Housing</i> .
Mixed-use development (LLEP2014)	means a building or place comprising two or more different land uses.
National Construction Code (NCC)	means the document, published by or on behalf of the Australian Building Codes Board, that is prescribed for purposes of this definition by the regulations, together with: <ul style="list-style-type: none"> a) such amendments made by the Board, and b) such variations approved by the Board in relation to New South Wales, as are prescribed by the regulations.
Non-habitable room (SDCP)	means a space of a specialised nature not occupied frequently or for extended periods, including a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom or clothes-drying room.
Non-potable water (LLEP2014)	means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.
On-site (stormwater) detention (OSD) (SDCP)	means a device used to control the rate of stormwater runoff in order to reduce peak discharges during storm events.

TERM	DEFINITION
Outbuilding (Codes SEPP)	means any of the following class 10a buildings under the National Construction Code (NCC) : a) balcony, deck, patio, pergola, terrace or verandah that is detached from a dwelling house, b) cabana, cubby house, fernery, garden shed, gazebo or greenhouse, c) carport that is detached from a dwelling house, d) farm building, e) garage that is detached from a dwelling house, f) rainwater tank (above ground) that is detached from a dwelling house, g) shade structure that is detached from a dwelling house, h) shed.
Outdoor dining (eating) area (SDCP)	means an approved sit-down, open-air (al-fresco) dining area with associated furniture located on either a public footpath or on private property.
Parapet (Apartment Design Guide)	means a horizontal low wall or barrier at the edge of a balcony or roof. Often taken to refer to the decorative element which establishes the street wall height of heritage buildings.
Parking space	means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.
Passive (or casual surveillance) (SDCP)	means the casual surveillance of public spaces and streets by the users of the local area or adjoining land.
Permeable or pervious surface (SDCP)	means a surface finish which permits or facilitates the infiltration or penetration of water e.g., grass areas, landscaping, swimming pools, porous paving and the like. Note: See definition for 'impermeable or impervious surface'.
Potable water (LLEP2014)	means water that meets the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.
Primary road (Codes SEPP)	means the road to which the front of a dwelling house, or a main building, on a lot faces or is proposed to face.
Primary (front) setback	means the setback between the Primary (Street) Frontage and the building or structure.

TERM	DEFINITION
Primary (street) frontage	The primary street frontage is usually either: a) the street frontage where the allotment has a single street frontage; or b) if an allotment has more than one street frontage: i) the street that is highest in the street hierarchy (connectivity and traffic densities); or ii) the street that most surrounding dwellings present to or have their primary (visitor) entrances/letterbox facing onto (this is usually the designated street address for that property).
Principal dwelling (SDCP)	means the largest dwelling house on a lot, measured by gross floor area
Principal private open space (Codes SEPP)	means an area outside a dwelling that is directly accessible from, and adjacent to, a habitable room in the dwelling, other than a bedroom.
Private open space (LLEP2014)	means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.
Public domain (SDCP)	means any permanent or temporary space, whether publicly or privately owned, that can be accessed and used by the public and/or is publicly visible.
Public road (Roads Act 1993)	means: a) Any road that is opened or dedicated as a public road, whether under the <i>Roads Act 1993</i> or any other Act or law, and b) Any road that is declared to be a public road for the purposes of the <i>Roads Act 1993</i> .
Re-sited dwelling (house) (SDCP)	means a dwelling that has been moved to a site from another location. Note: This does not include a manufactured home .
Retaining wall (SDCP)	means a wall which is external to a building and is used to retain cut or fill and incorporates adequate provision for drainage.
Right-of-way (SDCP)	means the legal right of access over a lot to another lot, as provided for through the creation of easements under the <i>Conveyancing Act 1919</i> .
Riparian corridor	means a transition zone between the land (also known as the terrestrial environment) and the river or watercourse (or aquatic environment). Riparian corridors perform a range of important environmental functions. It is generally defined as land that is within 40m of the top of the bank (measured horizontally) of land identified as 'Watercourse' on the <i>Environmentally Sensitive Areas – Water Overlay Map</i> in LLEP2014 .
Rural and/or Environmental Zone(s)	means land identified on the Land Zoning Map in LLEP2014 within Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone E3 Environmental Management, Zone E4 Environmental Living, or Zone R5 Large Lot Residential where the minimum lot size is >4,000m ² .

TERM	DEFINITION
Scale (SDCP)	means the size of a building and/or its elements and its relationship with the surrounding buildings or landscape.
Secondary (street) frontage	Means, for a corner lot, the street that is not the Primary Street Frontage .
Secondary (street) setback	means the setback between the Secondary (Street) Frontage and the building or structure.
Sensitive land use (local)	is any land use where there are users that are likely to be significantly and regularly affected by emissions from other higher-impact land use(s) . It extends beyond residential land uses to include, for example, tourist and visitor accommodation, hospitals, aged care and seniors living, child care facilities, playground and recreation areas, and some public buildings where a reasonable level of amenity (suitable for each use) must be protected.
Setback area (Codes SEPP)	means the area between the building line and the relevant boundary of the lot.
Site	means the allotment(s) of land on which a development is located or is proposed to be carried out.
Site area (LLEP2014)	means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under LLEP2014 .
Site coverage (LLEP2014)	means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage: <ul style="list-style-type: none"> a) any basement, b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary, c) any eaves, d) unenclosed balconies, decks, pergolas and the like.
Stacked (or tandem) parking	means a car parking space which is located behind (or in the access/ circulation) space of another parking space.
Storey (LLEP2014)	means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include: <ul style="list-style-type: none"> a) a space that contains only a lift shaft, stairway or meter room, or b) a mezzanine, or c) an attic.
Stormwater (SDCP)	means untreated water that originates from rainfall or snow/ice melt and soaks into the ground (infiltrate), is held on the surface and evaporates, or runs off to streams, rivers or other water bodies (surface water).

TERM	DEFINITION
Streetscape (SEPP (Housing for Seniors of People with a Disability) 2004)	means the character of a locality (whether it is a street or precinct) defined by the spatial arrangement and visual appearance of built and landscape features when viewed from the street.
Subdivision Certificate (EP&A Act)	means a certificate that authorises the registration of a plan of subdivision under Part 23 of the <i>Conveyancing Act 1919</i> . When issued, a subdivision certificate is taken to be part of the development consent that authorised the carrying out of the subdivision.
Urban residential zone	means land identified on the Land Zoning Map in LLEP2014 within <i>Zone R1 General Residential, Zone R2 Low Density Residential, Zone R5 Large Lot Residential</i> where the minimum lot size is $\leq 4,000\text{m}^2$, <i>Zone RU5 Village</i> , or another 'R' zone that is within the normal urban boundary of a settlement.
Urban zone and/or area	means land identified on the Land Zoning Map in LLEP2014 within a Business Zone, Industrial Zone , or an Urban Residential Zone . (i.e., it is not in a Rural and/or Environmental Zone as defined above).
Visually prominent site (SDCP)	means a site that is situated in a highly visible location and includes ridge top locations, escarpments, environmentally sensitive sites on sloping land, elevated allotments, corner sites, road bends, vista end points and any site that has the potential to dominate the visual amenity and character of the area.