



# PART J - DEFINITIONS

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## Definitions

### Acid sulfate soils

Acid sulfate soils - means naturally occurring sediments and soils containing iron sulfides (principally pyrite) or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulfuric acid (for example, by drainage or excavation).

### Attic

Attic - means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as a dormer windows and the like.

### Basement

Basement - means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

### Bicycle Parking Facility

Bicycle parking facility - is an area reserved or designed for short term parking of one or more bicycles. It includes a device to which the bicycle frame and wheels can be locked. It is mostly used by visitors to the development at which it is provided.

### Bicycle Storage Facility

Bicycle storage facility - is an area reserved or designed for long term parking of one or more bicycles. It is usually enclosed to provide security. It is mostly used by employees or residents of the development at which it is provided.

### Building Envelope

Building envelope - means the three-dimensional space within which a building is to be confined.

### Building Footprint

Building footprint - means the area of land measured at finished ground level which is enclosed by the external walls of a building

### Building Height (or height of building)

Building height (or height of building) - means the vertical distance between ground level (existing) at any point to 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 height plane

Building height plane - means a plane projected at an angle of 45° over the actual land to be built upon from a vertical distance of 5.0 metres above ground level at the side boundaries of the site.

### Building identification signs

Building identification sign - means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol, but that does not include general advertising of products, goods or services.

### Building line or setback

Building line or setback - means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

- a) A building wall, or
- b) the outside face of any balcony, deck or the like, or
- c) the supporting posts of a carport or verandah roof, whichever is the shortest.

### Business identification sign

Business identification sign - means a sign:

- a) That indicates:
  1. the name of the person or business, and
  2. the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- b) may include the address of the premises or place and a logo or other symbol that identifies the business, but does not include any advertising relating to a person that does not carry on business at the premises or place.

### Ceiling Height

Ceiling height - in relation to buildings means the greatest distance measured vertically from the ceiling of the upper most habitable room, or in the case of raked or cathedral ceilings a line projected from associated ceilings, to the existing ground level, or the lowest habitable floor immediately below that point, whether or not at natural ground level, excluding chimneys, attic rooms, and non-habitable rooms which are entirely below natural ground level and have no visible external elevation whatsoever.

### Child Care Centre

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

- a) Provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
- b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,

but does not include:

- c) a family day care home or home-based child care home, or
- d) an out-of-home care service provided by an agency or organisation accredited by the NSW Office of the Children's Guardian, or
- e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
- h) a service that is concerned primarily with the provision of:

- 1. lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
- 2. private tutoring, or
  - i) a school, or
  - j) a service provided at exempt premises (within the meaning of section 200 of the Children and Young Persons (Care and Protection) Act 1998), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

### Co-located facilities

Co-located facilities – means one or more facilities on or within an original facility or a public utility structure.

### Co-Siting

Co-siting – means the siting of a number of telecommunication facilities, often owned by different carriers, in one location.

### Collection Area

Collection area - is the location where garbage or recyclable material is transferred from a building's storage containers to a collection vehicle for removal from the site.

### Communal Open Space

Communal open space - means useable shared open space for the recreation and relaxation of residents of a housing development and which is under the control of a body corporate or equivalent.

### Conservation Plan

Conservation plan - means a document establishing the significance of a heritage item and recommending an appropriate policy to enable that significance to be retained.

### Cumulative impact

Cumulative impact – in relation to Telecommunications and Radiocommunications infrastructure - means the impact of radiation from various sources or over time.

### **Council**

Council - means the City of Canada Bay Council or any officer or delegated authority authorised to act on behalf of Council.

### **Development Control Plan (DCP)**

A plan made to provide more detailed provisions than those included in a local environmental plan.

### **Dormer Window**

Dormer window - means a construction containing a vertical window framed into and projecting through a steeply sloping roof. It can be a window or a group of windows forming a bay or recess in a room projecting outward from the general line of the wall.

### **Dual Occupancy**

Dual occupancy – means two (2) dwellings (whether attached or detached) on one lot of land.

### **Dwelling House**

Dwelling house - means a building containing only one dwelling.

### **Ecologically sustainable development**

Ecologically sustainable development - means development that meets the needs of the present without compromising the ability of future generations to meet their own needs. ESD encompasses energy efficiency, minimising greenhouse gas emissions, the efficient use of land and resources, biodiversity conservation and equity within and between generations.

### **Electromagnetic radiation (EMR)**

Electromagnetic radiation (EMR) – means the radiation in the microwave and radiofrequency band of the electromagnetic spectrum.

### **Floor Space Ratio**

Floor Space Ratio – See clause 4.5 of the Canada Bay Local Environmental Plan.

### **Frontage**

Frontage - means the alignment at the public road reserve at the front of a lot and in the case of a lot that abuts two or more streets, the boundary of which, when chosen, would enable the lot to comply with the DCP provisions.

### **Garbage and Recycling Room**

Garbage and Recycling Room - means a room where garbage and recycling receptacles are stored, awaiting reuse or removal from the premises.

### **Gross Floor Area**

Gross Floor Area – means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and **includes:**

- a) The area of a mezzanine, and
- b) habitable rooms in a basement or an attic, and
- c) any shop, auditorium, cinema and the like, in a basement or attic,

#### **But excludes:**

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

### **Ground Level (existing)**

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

### **Gross Leaseable Floor Area**

Gross Leaseable Floor Area – the sum of the areas of each floor of a building that is taken to be the area within the internal faces of the walls, excluding stairs, amenities, lifts, corridors and other public areas but including stock storage area.

### **Habitable Room**

Habitable room - is a bedroom, living room or kitchen, dining room, study, play room and sun room.

but excludes:

a bathroom, laundry, water closet, food storage pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes drying room, ancillary storage or parking area and other spaces of a specialised nature occupied neither frequently nor for extended periods.

### **Injuring**

Injuring - includes the administration to any part of a tree of any chemical or compound or substance which has the potential to harm the tree, irrespective of whether it actually harms the tree; "injuring" also includes altering the ground level in the near vicinity of the tree; "injuring" also includes changing the level of the water table so as to adversely affect the tree.

### **Landscaped Area**

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

### **Large Dwelling**

Large dwelling - means a three (3) or more bedroom dwelling, the floor space of which is more than 98m<sup>2</sup>.

### **Local Environmental Plan (LEP)**

An LEP is a legal document and generally provides the land use zones, Council Objectives and development standards for different types of development.

### **Low Impact Facility (LIF)**

Low impact facility (LIF) - a facility that is exempted from state and council local planning under the Telecommunications (Low-impact Facilities) Determination 1997.

### **Medium Dwelling**

Medium dwelling - means a two (2) bedroom dwelling, the floor space of which is not less than 79m<sup>2</sup> but not more than 98m<sup>2</sup>.

### **Multi Dwelling Housing**

Multiple dwelling housing - means three (3) or more dwellings (whether attached or detached) on one lot of land (not being an individual lot in a strata plan or community title scheme) each with access at ground level, but does not include a residential flat building.

### **NatHERS or equivalent**

NatHERS or equivalent - NatHERS (Nationwide House Energy Rating System) is a computer simulation tool developed by the CSIRO for rating the thermal performance of houses across Australia. The Energy Management Task Force is responsible for delivering a NatHERS compliance protocol. Any software or paper checklist which passes under this protocol is deemed "NatHERS or equivalent" (SEDA 1997).

### **North Facing**

North facing - means the orientation within 20 degrees east and 30 degrees west of true north.

### **Outbuilding**

Outbuilding - means a detached building or structure used for purposes ancillary to the main dwelling on an allotment and includes cabanas, gazebos, garden sheds, greenhouses, garages, carports and the like.

### **Private Open Space**

Private open space - means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoors purposes ancillary to the use of the building.

**Radiocommunications facility**

Radiocommunications facility – means a base station or radio communications link, satellite-based facility or radio communications transmitter.

**Recyclable**

Recyclable - means capable of being reprocessed into useable material or re-used.

**Removal and Cutting down**

Removal and cutting down - means the cutting down of a tree so that the tree, including its branches, foliage, trunk, stump and root system will not regrow. This includes the poisoning of the stump and/or roots and/or removal or grinding out of its remains to prevent regrowth. "Transplanting" is "Removal" when a tree is relocated from one property to another.

**Residential Flat Building**

Residential flat building – means a building containing three (3) or more dwellings, but does not include an attached dwelling or multi dwelling housing.

**Semi-Detached Dwelling**

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

**Site Coverage**

Site Coverage – means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- a) Any basement,
- b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- c) any eaves,
- d) unenclosed decks, pergolas and the like.

**Small Dwelling**

Small dwelling - means a one (1) bedroom dwelling or studio apartment, the floor space of which is not more than 79m<sup>2</sup>.

**Solar Access**

Solar access - means the amount of direct access to sunlight enjoyed by a building, room or open space.

**Statement of Heritage Impact (SOHI)**

Statement of Heritage Impact (SOHI) - means a statement prepared in accordance with the requirements of the Heritage Manual that addresses the significance of the place or item; adequately describes the existing features of the item or place; describes the proposed works and its contribution to the significance of the item; and justifies any proposed works.

**Special Waste**

Special waste - means a waste that posed or is likely to pose an immediate or long-term risk to human health or the environment. This includes hazardous waste, clinical waste and contaminated waste. Special arrangements need to be made for the management of these wastes.

**Storey**

Storey - means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- a) A space that contains only a lift shaft, stairway or meter room, or
- b) a mezzanine, or
- c) an attic.

**Telecommunications facility**

Telecommunications facility - any part of the infrastructure of a Telecommunications Network. It includes any telecommunications line, equipment, apparatus, telecommunications tower, mast, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or for use in connection with a Telecommunications Network.



**Telecommunications Network**

Telecommunications Network – means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided and/or unguided electromagnetic radiation.

**Tree**

Tree - means a perennial plant with at least one self-supporting woody or fibrous stem.

**Wall Height**

Wall height - means the greatest distance measured vertically from the topmost point on an external wall of a building, other than a gable wall or the wall of a dormer window, to existing ground level immediately below that point.

**Waste**

Waste – means any substance that is no longer able to be used for the purpose for which it was originally intended, and defined under the Waste Minimisation and Management Act, 1995, as:

- a) Any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume or manner as to cause an alteration in the environment; or
- b) any discarded, rejected, unwanted, surplus or abandoned substance; or
- c) any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or recycling, reprocessing, recovery or purification by a separate operation from that which produced the substance; or
- d) any substance prescribed by the regulation to be waste under the Waste Minimisation and Management Regulation.

For the purpose of the DCP, a substance is not precluded from being waste merely because it can be re-processed, re-used or recycled.

**Waste Management Plan**

Waste Management Plan – means a checklist showing the volume and type of waste to be generated, stored and treated on site, and how the residual is to be disposed, re-processed, re-used or recycled.

**Waste Storage and Recycling Area**

Waste storage and recycling area – means a designated area or a combination of designated areas on the site of a building for the housing of approved containers to store all waste material (including recyclable material) likely to be generated by the occupants of the building.

For a comprehensive list of definitions please refer to the Canada Bay LEP.

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