State Environmental Planning Policy
(Sydney Region Growth Centres) 2006
under the
Environmental Planning and Assessment Act 1979

Status information

Currency of version
Historical version for 22 February 2014 to 16 April 2014 (generated 13 August 2014 at 12:42). Legislation on the NSW legislation website is usually updated within 3 working days.

Provisions in force
All the provisions displayed in this version of the legislation have commenced. For commencement and other details see the Historical notes.
# State Environmental Planning Policy (Sydney Region Growth Centres) 2006

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State Environmental Planning Policy (Sydney Region Growth Centres) 2006 [NSW]

under the
Environmental Planning and Assessment Act 1979

Part 1 Preliminary

1 Name of Policy

This Policy is State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

2 Aims of Policy

The aims of this Policy are (in conjunction with amendments to the regulations under the Act relating to precinct planning) as follows:

(a) to co-ordinate the release of land for residential, employment and other urban development in the North West and South West growth centres of the Sydney Region,

(b) to enable the Minister from time to time to designate land in those growth centres as ready for release for development,

(c) to provide for comprehensive planning for those growth centres,

(d) to enable the establishment of vibrant, sustainable and liveable neighbourhoods that provide for community well-being and high quality local amenity,

(e) to provide controls for the sustainability of land in those growth centres that has conservation value,

(f) to provide for the orderly and economic provision of infrastructure in and to those growth centres,

(g) to provide development controls in order to protect the health of the waterways in those growth centres,

(h) to protect and enhance land with natural and cultural heritage value,

(i) to provide land use and development controls that will contribute to the conservation of biodiversity.

Note. This Policy provides the initial environmental planning instrument component of the Metropolitan Strategy released on 4 December 2005 for the release of land for urban and employment development in areas suitable for growth in the Sydney Region (with more detailed land use and other development control components to be progressively included on completion of the planning process in precincts released for urban development from time to time under clause 276 of the Environmental Planning and Assessment Regulation 2000).

3 Interpretation

(1) In this Policy:

growth centre means the North West Growth Centre with boundaries as shown on the North West Growth Centre Precinct Boundary Map or the South West Growth
Centre with boundaries as shown on the South West Growth Centre Precinct Boundary Map.

**Note.** Both of these areas of land are no longer growth centres under the *Growth Centres (Development Corporations) Act* 1974 but continue to be referred to as growth centres for the purposes of this Policy.

**growth centre precinct** means a precinct shown on the North West Growth Centre Precinct Boundary Map or the South West Growth Centre Precinct Boundary Map.

**growth centre structure plan** means:

(a) in relation to the North West Growth Centre, the structure plan for the growth centre, being the explanatory notes and the map identified by the Minister on the commencement of *State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (Miscellaneous) 2010*, and

(b) in relation to the South West Growth Centre, the structure plan for the growth centre, being the explanatory notes and the map identified by the Minister on the commencement of *State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (Miscellaneous) 2010*.

**transitional land** means land in a growth centre precinct shown as transitional land and hatched pink on the North West Growth Centre Development Control Map or on the South West Growth Centre Development Control Map.

(2) The Dictionary at the end of this Policy defines words and expressions for the purposes of this Policy.

(3) A reference in this Policy to a growth centre structure plan is a reference to a plan deposited in the Department.

(4) Notes in this Policy are provided for guidance and do not form part of this Policy.

4 **Consent authority**

(1) Except as provided by a Precinct Plan, the consent authority for the purposes of this Policy is (subject to the Act) the council of the area in which the land concerned is situated.

**Note.** The Act enables an environmental planning instrument to specify a Minister or another public authority to be the consent authority for all or any particular kind of development in that zoned land. The Minister for Planning can also become the approval authority for development if it is declared to be a project under Part 3A of the Act.

(2) Despite subclause (1), the consent authority for the purposes of this Policy for land to which *State Environmental Planning Policy (Western Sydney Parklands) 2009* applies is the consent authority stated in clause 10 of that Policy.

5 **Land to which Policy applies**

This Policy applies to all land in a growth centre.

6 **Relationship with other environmental planning instruments**

(1) Subject to section 74 (1) of the Act, in the event of an inconsistency between this Policy and another environmental planning instrument whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.

(2) (Repealed)

6A **Maps**

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

(a) approved by the Minister when the map is adopted, and
(b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.

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

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

(3A) For the purposes of this Policy, a map may be in, and may be kept and made available in, electronic or paper form, or both.

(4) A map referred to in this Policy, immediately before the commencement of this clause, is taken to be a map approved by the Minister under this clause.
Part 2   Land use and other development controls resulting from precinct planning

7 Controls applying to precincts after finalisation of precinct planning process

The provisions applying to the carrying out of development in a precinct are those specified in the Appendix listed in Column 2 of the Table to this clause opposite the precinct listed in Column 1 of that Table.

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### 7A Controls applying to Colebee and Edmondson Park Precincts

For the purposes of this Policy, the provisions applying to the carrying out of development in the following precincts are those specified below for the precincts:

(a) the provisions of *Blacktown Local Environmental Plan 1988* are specified for the Colebee precinct within the North West Growth Centre,

(b) the provisions of *Campbelltown (Urban Area) Local Environmental Plan 2002, Liverpool Local Environmental Plan 2008 and Schedule 3 to State Environmental Planning Policy (Major Development) 2005* are specified for the land within Edmondson Park Precinct within the South West Growth Centre to which those instruments, or parts of instruments, apply.

### 7B Development in growth centres under other environmental planning instruments

Development carried out under any other environmental planning instrument on land that is the *subject land* within the meaning of Part 7 of Schedule 7 to the *Threatened Species Conservation Act 1995* is taken, for the purposes of this Policy, to be development carried out under this Policy.

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**Note.** The *Environmental Planning and Assessment Regulation 2000* (clauses 275 and 276) makes provision with respect to the staged release of precincts for urban development in the Sydney Region (including with respect to development assessment during the precinct planning process). On completion of the planning process for a precinct, land use and other development controls are to be specified in the relevant Appendix listed in the Table to this clause.
Part 3  Land Use—Environment Conservation and Recreation Zones

8  Application of Part and of other planning instruments
   (1) This Part applies to land within a growth centre precinct that is zoned under this Part.
   (2) Land that is zoned under this Part is not subject to the provisions of any environmental planning instrument (other than a State environmental planning policy or regional environmental plan) applying to the land concerned, except to the extent that this Policy otherwise provides.
   (3) This Part does not apply to land to which a Precinct Plan applies or land referred to in clause 7A.

9  Land use zones
   The land use zones under this Part are as follows:
      Environment Conservation
      Public Recreation—Regional
      Public Recreation—Local

10 Objectives for development in land use reservation zones
   (1) The objectives for development in each land use reservation zone are set out in the Table to this clause.
   (2) The consent authority must have regard to the objectives for development in any such zone when determining a development application in respect of land within the zone.

   Table

   Environment Conservation Zone
      (a) to protect and restore areas of special ecological, scientific or aesthetic values,
      (b) to conserve biological diversity, native vegetation corridors, aboriginal heritage or cultural values of the land, and its scenic qualities.

   Public Recreation—Regional Zone
      (a) to enhance, restore and protect the natural and cultural heritage values of the land,
      (b) to enable the land to be used for regional open space or recreational purposes that are consistent with the protection of its natural and cultural heritage values.

   Public Recreation—Local Zone
      (a) to enhance, restore and protect the natural and cultural heritage values of the land,
      (b) to enable the land to be used for public open space or recreational purposes that are consistent with the protection of its natural and cultural heritage values.

11 Zoning of land to which Part applies
   For the purposes of this Part, land is within the land use zones shown on the land zoning map.
12 Land use table for zones to which Part applies

(1) The land use table set out at the end of this clause specifies the following for each land use zone:
   (a) development that may be carried out without consent,
   (b) development that may be carried out only with consent,
   (c) development that is prohibited.

(2) This clause is subject to the other provisions of this Policy.

Land use table

Environment Conservation Zone

(1) Permitted without consent
   Development permitted by or under the *National Parks and Wildlife Act 1974* (but only if the land is reserved under that Act); development for the purpose of eradicating noxious weeds in accordance with the *Noxious Weeds Act 1993*.

(2) Permitted with consent
   Development for building identification signs, environmental facilities, environmental protection works, flood mitigation works, information and education facilities, kiosks associated with environmental facilities, temporary structures.

(3) Prohibited
   Any other development.

Public Recreation—Regional Zone

(1) Permitted without consent
   Development permitted by or under the *National Parks and Wildlife Act 1974* (but only if the land is reserved under that Act); development for the purpose of eradicating noxious weeds in accordance with the *Noxious Weeds Act 1993*.

(2) Permitted with consent
   Development for building identification signs, environmental facilities, environmental protection works, flood mitigation works, information and education facilities, kiosks, public entertainment, recreation areas, recreation facilities (outdoor), temporary structures.

(3) Prohibited
   Any other development.

Public Recreation—Local Zone

(1) Permitted without consent
   Development permitted by or under the *National Parks and Wildlife Act 1974* (but only if the land is reserved under that Act); development for the purpose of eradicating noxious weeds in accordance with the *Noxious Weeds Act 1993*.

(2) Permitted with consent
   Development for advertisements, advertising structures, drainage, earthworks, entertainment facilities, environmental protection works, flood mitigation works, kiosks associated with environmental facilities, public entertainment, recreation areas, recreation facilities, telecommunication facilities, telecommunication networks or temporary structures.
13 Additional permitted uses

(1) Despite anything to the contrary in this Part, development described or referred to in the Table to this clause may be carried out on land zoned under this Part:
   (a) with consent, or
   (b) if the Table so provides—without consent.

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

Table of additional permitted uses

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14 Development for previously permitted uses of land

(1) Despite anything to the contrary in this Part, the consent authority may grant consent to the carrying out of development on land zoned under this Part that is not otherwise permitted by this Part if:
   (a) the development is of a kind that could be carried out on the land under an applicable environmental planning instrument immediately before the commencement of this Policy, and
   (b) the relevant public authority referred to in clause 15 that may be required to acquire the land grants concurrence to the proposed development, and
   (c) the development is consistent with the aims of this Policy.

(2) In deciding whether to grant concurrence to proposed development under this clause, the relevant public authority must take the following matters into consideration:
   (a) the need to carry out development on the land for the purposes for which the land is zoned under this Part,
   (b) the imminence of acquisition of the land by the public authority,
   (c) the likely additional cost to the public authority resulting from the carrying out of the proposed development.

15 Acquisition of land zoned under this Part

The authority of the State that will be the relevant authority to acquire any land zoned under this Part, if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, is:
   (a) in the case of land within the Environment Conservation Zone or the Public Recreation—Regional Zone—the corporation constituted under section 8 (1) of the Act, or
   (b) (Repealed)
   (c) in the case of land within the Public Recreation—Local Zone—the council of the area in which the land is situated.
16 Development applications in growth centres—matters for consideration until finalisation of precinct planning for land

(1) Until provisions have been specified in a Precinct Plan or in clause 7A with respect to the development of the land, consent is not to be granted to the carrying out of development on land within a growth centre unless the consent authority has taken into consideration the following:

(a) whether the proposed development will preclude the future urban and employment development land uses identified in the relevant growth centre structure plan,

(b) whether the extent of the investment in, and the operational and economic life of, the proposed development will result in the effective alienation of the land from those future land uses,

(c) whether the proposed development will result in further fragmentation of land holdings,

(d) whether the proposed development is incompatible with desired land uses in any draft environmental planning instrument that proposes to specify provisions in a Precinct Plan or in clause 7A,

(e) whether the proposed development is consistent with the precinct planning strategies and principles set out in any publicly exhibited document that is relevant to the development,

(f) whether the proposed development will hinder the orderly and co-ordinated provision of infrastructure that is planned for the growth centre,

(g) in the case of transitional land—whether (in addition) the proposed development will protect areas of aboriginal heritage, ecological diversity or biological diversity as well as protecting the scenic amenity of the land.

(2) This clause does not apply to land zoned under Part 3.

17 Referral to Department of Planning after release of precinct

(1) This clause applies to land within a growth centres precinct that has been released by the Minister under the Environmental Planning and Assessment Regulation 2000 for urban development, and so applies until provisions have been specified in a Precinct Plan or in clause 7A with respect to the development of the land.

(2) The consent authority must, in the case of a development application for the carrying out of development (not being for a single residential dwelling):

(a) with a capital investment value of more than $500,000, or

(b) in respect of land that has an area of more than 2 hectares, or

(c) that is a subdivision of land (being a subdivision that creates 2 or more lots),

refer the application to the Director-General of the Department of Planning for comment.

Note. The Environmental Planning and Assessment Regulation 2000 (clause 275) provides that a development application referred to in this subclause cannot be made unless it is accompanied by an assessment of the consistency of the proposed development with the relevant growth centre structure plan.

(3) The consent authority must take any comments received from the Director-General of the Department of Planning (within 21 days after the development application was
referred to the Director-General for comment) into consideration when determining whether to grant consent to any such development.

(4) In this clause, capital investment value of development has the same meaning as in the Environmental Planning and Assessment Regulation 2000.

(5) Despite subclause (1), this clause does not apply to land within the Alex Avenue and Riverstone Precincts that is not land to which the Alex Avenue and Riverstone Precinct Plan 2010 (as referred to in Appendix 4) applies.

Note. The Alex Avenue and Riverstone Precinct Plan 2010 applies to land in the Alex Avenue and Riverstone Precincts (as shown on the Land Application Map).

The Land Application Map differs from the Precinct Boundary Map and, as such, the Alex Avenue and Riverstone Precinct Plan 2010 does not apply to all the land in the Alex Avenue and Riverstone Precincts (as shown on the Precinct Boundary Map).

(6) Despite subclause (5), this clause does apply to Lot 2, DP 563818.

### 18 Water recycling and conservation

Note. This clause and clauses 18A and 18B apply to all land to which this State Environmental Planning Policy applies.

(1) This clause applies to land within a growth centre:
   (a) that is serviced by a water recycling plant, or
   (b) that will be serviced by a water recycling plant as soon as the plant becomes operational.

(2) A consent authority must not grant consent to the carrying out of development on land unless the consent authority is satisfied that recycled water from the water recycling plant will be provided to the development.

(3) However, the consent authority may grant consent if it is satisfied that the development will be provided with recycled water from a water recycling or water conservation system approved by the Minister and specified in the Table to this clause.

### Table of approved systems

Note. On the commencement of this Policy, the Table was blank.

### 18A Public utility undertakings and clearing of native vegetation

(1) Development for public utility undertakings (other than electricity generating works or water recycling facilities) may be carried out without consent on land to which this Policy applies.

(2) A public authority, or a person acting on behalf of a public authority, must not carry out development comprising the clearing of native vegetation (within the meaning of the Native Vegetation Act 2003) on land that is not subject land (within the meaning of clause 17 of Schedule 7 to the Threatened Species Conservation Act 1995) unless the authority or person has:
   (a) given written notice of the intention to carry out the development to the Department of Planning and Infrastructure, and
   (b) taken into consideration any response to the notice that is received from that Department within 21 days after the notice is given.
18B  Electricity generating works and water recycling facilities

The consent authority must not grant consent to development for the purpose of electricity generating works or water recycling facilities unless it is satisfied that the development:

(a) will be of a small scale, and
(b) is likely to have only a minor environmental impact, and
(c) is consistent with the principles of ecologically sustainable development.
Part 5  Development controls—flood prone and major creeks land

19  Development on flood prone and major creeks land—additional heads of consideration

(1)  This clause applies to development requiring consent that is carried out on flood prone and major creeks land (other than any such land to which clause 20 applies).

(2)  Consent is not to be granted to the carrying out of development to which this clause applies unless the consent authority has taken the following into consideration:

(a)  whether or not the development will adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties,

(b)  whether or not the development will alter flow distributions and velocities to the detriment of other properties or the environment of the floodplain,

(c)  whether the development will enable safe occupation of the flood prone and major creeks land,

(d)  whether or not the development will detrimentally affect the floodplain environment or cause avoidable erosion, siltation, salinity, destruction of riparian vegetation or a reduction in the stability of the riverbank/watercourse,

(e)  whether or not the development will be likely to result in unsustainable social and economic costs to the flood affected community or general community, as a consequence of flooding,

(f)  whether or not the development is compatible with the flow conveyance function of the floodway,

(g)  whether or not the development is compatible with the flood hazard,

(h)  in the case of development consisting of the excavation or filling of land, whether or not the development:

(i) will detrimentally affect the existing drainage patterns and soil stability in the locality, and

(ii) will significantly impact on the likely future use or redevelopment of the land, and

(iii) will adversely impact on the existing and likely amenity of adjoining properties, and

(iv) will minimise the disturbance of relics, and

(v) will adversely impact on any watercourse, drinking water catchment or environmentally sensitive area.

Note. Section 79C of the Act requires other matters to be taken into consideration by a consent authority, including any draft environmental planning instrument that is placed on public exhibition during the precinct planning process for the purpose of including relevant land use and other development controls in an Appendix to this Policy.

20  Development on and near certain land at Riverstone West

(1)  This clause applies to the land shown outlined in red on the North West Growth Centre Development Control Map.

(2)  Despite any other provision of this Policy (including any Precinct Plan), the consent authority must not grant consent for development on land to which this clause applies unless it is satisfied that the proposed development:

(a)  will be undertaken in a manner that is consistent with the Floodplain Management Strategy (being part of the Riverstone West Precinct Development Control Plan), and
(b) does not increase flood levels on adjoining properties in events up to the design 100 year recurrence flood, and

(c) limits any increases in flood velocities on adjoining properties in events up to the design 100 year recurrence flood to minor increases only, and

(d) is not likely to result in adverse flood impacts on adjoining properties (including during any construction stage of the proposed development).

(3) This clause does not apply to development that the consent authority is satisfied is minor and will not result in unacceptable adverse flood impacts on adjoining properties.
Part 6  Development controls—vegetation

21 Land to which Part applies

(1) This Part applies to the following land:
   (a) land zoned under Part 3,
   (b) flood prone and major creeks land,
   (c) transitional land,
   (d) land that is:
      (i) under *State Environmental Planning Policy (Western Sydney Parklands) 2009*, in an environmental conservation area shown on the State Environmental Planning Policy (Western Sydney Parklands) 2009 Environmental Conservation Areas Map, and
      (ii) in a growth centre.

(2) This Part does not apply to land reserved under the *National Parks and Wildlife Act 1974*, unless the land is land mentioned in subclause (1) (d).

(3) In relation to land in the Oran Park and Turner Road Precincts, this Part applies to land within the Riparian Protection Area shown on the Riparian Protection Area Map.

(4) Despite subclause (1), this Part does not apply to the following:
   (a) the North Kellyville Precinct,
   (b) the Riverstone West Precinct,
   (c) land to which the *Alex Avenue and Riverstone Precinct Plan 2010* (as referred to in Appendix 4) applies,
   (d) the Marsden Park Industrial Precinct,
   (e) land to which the *Area 20 Precinct Plan 2011* (as referred to in Appendix 6) applies,
   (f) the Schofields Precinct,
   (g) land to which the *Liverpool Growth Centres Precinct Plan 2013* (as referred to in Appendix 8) applies,
   (h) land to which the *Camden Growth Centres Precinct Plan 2013* (as referred to in Appendix 9) applies,
   (i) land to which the *Campbelltown Growth Centres Precinct Plan 2013* (as referred to in Appendix 10) applies,
   (j) the Box Hill and Box Hill Industrial Precincts,
   (k) land to which the *Blacktown Growth Centres Precinct Plan 2013* (as referred to in Appendix 12) applies.

22 Vegetation to which Part applies

(1) This Part applies to native vegetation within the meaning of the *Native Vegetation Act 2003*.

(2) This Part does not apply to any particular native vegetation that the council of the area concerned is satisfied:
   (a) is dying or dead and is not required as the habitat of native fauna, or
   (b) is a risk to human life or property.

(3) This Part does not apply to any native vegetation:
(a) within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or
(b) declared to be noxious weeds under the Noxious Weeds Act 1993.

23 Consent for clearing native vegetation

(1) A person must not clear native vegetation on land to which this Part applies without:
(a) approval under Part 3A of the Act, or
(b) development consent.

For the purposes of this clause, clearing native vegetation has the same meaning as it has in the Native Vegetation Act 2003.

Note. A consent of the relevant consent authority required under this clause for the clearing of native vegetation is in addition to any development consent required or granted by the Minister for Natural Resources under the Native Vegetation Act 2003 in respect of that clearing.

(2) Development consent under this clause is not to be granted unless the consent authority is satisfied of the following in relation to the disturbance of bushland caused by the clearing of the vegetation:
(a) that there is no reasonable alternative available to the disturbance of the bushland,
(b) that as little bushland as possible will be disturbed,
(c) that the disturbance of the bushland will not increase salinity,
(d) that bushland disturbed for the purposes of construction will be re-instated where possible on completion of construction,
(e) that the loss of remnant bushland caused by the disturbance will be compensated by revegetation on or near the land to avoid any net loss of remnant bushland,
(f) that no more than 0.5 hectare of bushland will be cleared unless the clearing is essential for a previously permitted use of the land.

(3) The consent authority must, when determining a development application in respect of the clearing of native vegetation on land within a zone under Part 3, have regard to the objectives for development in that zone.

(4) This clause does not apply to or in respect of action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993, the Sydney Water Act 1994 or the Surveying Act 2002.

24 Relationship to tree preservation under other planning instruments

This Part does not affect any requirement of another environmental planning instrument applying to the land concerned relating to the preservation of trees. However, a development consent granted under this Part that allows any clearing of native vegetation satisfies any requirement under that other instrument for approval of any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree resulting from any such clearing.
Part 7 Development controls—cultural heritage landscape area

25 Application of Part
This Part applies to development requiring consent that is carried out on the cultural heritage landscape area, being the land in the vicinity of the Rouse Hill House Estate that is shown hatched brown on the map marked “North West Growth Centre Development Control Map”.

26 Development on land in cultural heritage landscape area—additional heads of consideration
Consent is not to be granted to the carrying out of development to which this Part applies unless the consent authority has taken the following into consideration:

(a) whether or not the development will adversely impact on the cultural heritage values of the Rouse Hill House Estate and its setting, having regard, in particular, to the following matters:
   (i) any proposed subdivision design and layout,
   (ii) the siting, height, bulk and scale of any proposed buildings or works (including any buildings or works likely to result from any proposed subdivision),
   (iii) the materials and colours to be used in any proposed buildings, fences or other structures,
   (iv) the extent, location and form of any proposed landscaping and its ability to reduce the visual impact of the development,
   (v) the impact of the development on any archaeological relics,
(b) a site analysis of the cultural heritage landscape area that assesses development that is responsive to the topography of the area and to other development in the vicinity,
(c) a visual analysis that assesses the impact of the development on views to and from the Rouse Hill House Estate,
(d) measures to minimise any adverse impact of the development on the cultural heritage values of Rouse Hill House Estate and its setting.

Note. Section 79C of the Act requires other matters to be taken into consideration by a consent authority, including any draft environmental planning instrument that is placed on public exhibition during the precinct planning process for the purpose of including relevant land use and other development controls in Schedule 1.
Appendix 1   Oran Park and Turner Road Precinct Plan

Part 1   Preliminary

Note. The Standard Instrument (Local Environmental Plans) Order 2006 sets out matters to be included in standard local environmental plans. While this Precinct Plan is not a standard local environmental plan, it is generally consistent with standard plans. A number of clauses from the Standard Instrument (Local Environmental Plans) Order 2006 have been included in this Precinct Plan and the clause numbering from that order has been retained. This means that the numbering in this Precinct Plan may contain some gaps. Additional provisions have been inserted and are numbered accordingly.

1.1 Name of Precinct Plan

This Plan is the Oran Park and Turner Road Precinct Plan 2007.

1.2 Aims of Precinct Plan

The aims of this Precinct Plan are:

- to make development controls for land in the Oran Park and Turner Road Precincts within the South West Growth Centre that will ensure the creation of quality environments and good design outcomes, and
- to protect and enhance the environmentally sensitive areas and natural and cultural heritage of those Precincts, and
- to provide for multifunctional and innovative communities in those Precincts that encourage employment and economic growth, and
- to promote housing choice and affordability in those Precincts, and
- to provide for the sustainable development of those Precincts, and
- to minimise the impact on existing and future communities of the full range of risks posed by natural hazards such as bushfires and flooding.

1.3 Land to which Precinct Plan applies

This Precinct Plan applies to land within the Oran Park and Turner Road Precincts.

1.4 Definitions

In this Precinct Plan, Council means the Camden Council.

Note. The Dictionary at the end of this State Environmental Planning Policy defines words and expressions for the purposes of this Precinct Plan.

1.6 Consent authority

The consent authority for the purposes of this Precinct Plan is (subject to the Act) the council of the area in which the land concerned is situated.

1.8 Repeal of other local planning instruments applying to land

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

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

(3) This clause does not affect the operation of other provisions of this State Environmental Planning Policy.
1.9 Application of SEPPs

(1) This Precinct Plan is subject to the provisions of any State environmental planning policy that prevails over this State Environmental Planning Policy as provided by section 36 of the Act.

Note. Section 36 of the Act generally provides that SEPPs prevail over LEPs. However, a LEP may (by an additional provision included in the LEP) displace or amend a SEPP to deal specifically with the relationship between this Precinct Plan and the SEPP.

(2) *State Environmental Planning Policy No 1—Development Standards* does not apply to the land to which this Precinct Plan applies.

(3) Subject to section 74 (1) of the Act, in the event of an inconsistency between this Precinct Plan and another environmental planning instrument whether made before or after the commencement of this Precinct Plan, this Precinct Plan prevails to the extent of the inconsistency.

Note. The other provisions of this State Environmental Planning Policy also contains provisions applying development controls to the South West Growth Centre, including the Oran Park and Turner Road Precincts.

1.9A Suspension of covenants, agreements and instruments

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

(2) This clause does not apply:

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

(b) to any prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, or

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

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

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

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

(g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.

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

(4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

Part 2 Permitted or prohibited development

2.1 Land use zones

The land use zones under this Precinct Plan are as follows:

Residential Zones
R1 General Residential
R3 Medium Density Residential
Business Zones
B1 Neighbourhood Centre
B2 Local Centre
B4 Mixed Use
B5 Business Development

Industrial Zones
IN1 General Industrial

Special Purpose Zones
SP2 Infrastructure

Recreation Zones
RE1 Public Recreation
RE2 Private Recreation

Environment Protection Zones
E2 Environmental Conservation
E4 Environmental Living

Note. At the commencement of this Precinct Plan, land within the Oran Park Precinct was within the Medium Density Residential Zone, the Neighbourhood Centre Zone, the Local Centre Zone, the General Industrial Zone, the Infrastructure Zone, the Public Recreation Zone, the Private Recreation Zone and the Environmental Living Zone. Land within the Turner Road Precinct was within the General Residential Zone, the Neighbourhood Centre Zone, the Mixed Use Zone, the Business Development Zone, the General Industrial Zone, the Public Recreation Zone and the Private Recreation Zone.

2.2 Zoning of land to which Precinct Plan applies
For the purposes of this Precinct Plan, land is within the zones shown on the Land Zoning Map.

2.3 Zone objectives and land use table
(1) The Land Use Table at the end of this Part specifies for each zone:
   (a) the objectives for development, and
   (b) development that may be carried out without consent, and
   (c) development that may be carried out only with consent, and
   (d) development that is prohibited.

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

(3) In the Land Use Table at the end of this Part:
   (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
   (b) a reference to a type of building or other thing does not include (despite any definition in this Precinct Plan) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.

(4) This clause is subject to the other provisions of this Part.

Notes.
1 Schedule 1 sets out additional permitted uses for particular land.
2 Clause 2.6 requires consent for subdivision of land.
3 Part 5 contains other provisions that require consent for particular development.
2.5 Additional permitted uses for particular land

(1) Development on particular land that is described or referred to in Schedule 1 may be carried out:
   (a) with consent, or
   (b) if the Schedule so provides—without consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.

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

2.6 Subdivision—consent requirements

(1) Land to which this Precinct Plan applies may be subdivided, but only with consent. 
   Note. State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies certain subdivision development as exempt development.

(2) (Repealed)

(3) Despite subclause (1), consent is not required for subdivision under the Strata Schemes (Freehold Development) Act 1973 or the Strata Schemes (Leasehold Development) Act 1986, except:
   (a) in the case of a building to which Part 3 of State Environmental Planning Policy (Affordable Rental Housing) 2009 applies, or
   (b) where the building has been designed or approved for occupation as a single unit.

2.6A Demolition

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

Note. The demolition of certain buildings and works is identified in the Oran Park Precinct Development Control Plan, the Turner Road Precinct Development Control Plan and State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as exempt or complying development.

Land Use Table

Zone R1 General Residential

1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To support the well being of the community, including educational, recreational, community, religious and other activities and, where appropriate, neighbourhood shops if there will be no adverse effect on the amenity of proposed or existing nearby residential development.
- To allow for small scale kiosks, function centres, restaurants and markets that support the primary function and use of recreation areas, public open space and recreation facilities located within residential areas.
- To allow for small scale intensity tourist and visitor accommodation that does not interfere with residential amenity.
- To provide for a variety of recreational uses within open space areas.
2 Permitted without consent

Nil

3 Permitted with consent

Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Airports; Airstrips; Biosolid waste applications; Bulky goods premises; Business premises; Car parks; Cemeteries; Correctional centres; Crematoria; Dairies (pasture-based); Depots; Entertainment facilities; Extractive industries; Farm buildings; Freight transport facilities; Function centres (other than those within recreation areas or operated in conjunction with recreation areas or recreation facilities); Hazardous storage establishments; Helipads; Heliports; Home occupations (sex services); Industrial retail outlets; Industries; Landscape and garden supplies; Liquid fuel depots; Materials recycling or recovery centres; Mines; Mortuaries; Offensive storage establishments; Office premises; Passenger transport facilities; Public administration buildings; Registered clubs; Retail premises (other than neighbourhood shops and other than kiosks, markets, restaurants or take away food and drink premises within recreation areas or operated in conjunction with recreation areas or recreation facilities); Restricted premises; Restriction facilities; Roadside stalls; Rural industries; Rural workers’ dwellings; Sawmill or log processing works; Service stations; Sewage treatment works; Sex services premises; Stock and sale yards; Storage premises; Timber and building supplies; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Waste disposal land fill operations; Waste management facilities; Wholesale supplies

Zone R3 Medium Density Residential

1 Objectives of zone

• To provide for the housing needs of the community within a medium density residential environment.
• To enable other land uses that provide facilities or services to meet the day to day needs of residents.
• To support the well being of the community, including educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.
• To provide for a variety of recreational uses within open space areas.
• To allow for small scale kiosks, function centres, restaurants and markets that support the primary function and use of recreation areas, public open space and recreation facilities located within residential areas.

2 Permitted without consent

Nil

3 Permitted with consent

Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Airports; Airstrips; Biosolid waste applications; Bulky goods premises; Business premises; Car parks; Caravan parks; Cemeteries; Correctional centres; Crematoria; Dairies (pasture-based); Depots; Dual occupancies; Dwelling houses;
Entertainment facilities; Exhibition homes; Extractive industries; Farm buildings; Freight transport facilities; Function centres (other than those within recreation areas or operated in conjunction with recreation areas or recreation facilities); Hazardous storage establishments; Helipads; Heliports; Home occupations (sex services); Industrial retail outlets; Industries; Landscape and garden supplies; Liquid fuel depots; Materials recycling or recovery centres; Mines; Mortuaries; Offensive storage establishments; Office premises; Passenger transport facilities; Public administration buildings; Registered clubs; Restricted premises; Restriction facilities; Retail premises (other than neighbourhood shops and other than kiosks, markets, restaurants or take away food and drink premises within recreation areas or operated in conjunction with recreation areas or recreation facilities); Roadside stalls; Rural industries; Rural workers’ dwellings; Sawmill or log processing works; Service stations; Sewage treatment works; Sex services premises; Stock and sale yards; Storage premises; Timber and building supplies; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Waste disposal land fill operations; Waste management facilities

Zone B1 Neighbourhood Centre

1 Objectives of zone

- To provide a range of small-scale retail, business and community uses which serve the needs of people who live or work in the surrounding neighbourhood and, in relation to the Turner Road Precinct, of a scale and nature that serves the wider community.
- To ensure the scale and type of business development is compatible with the amenity of surrounding areas.
- To allow for residential development that contributes to the economic and social vitality of the neighbourhood centre.
- To ensure that residential development does not preclude the provision of active retail, business and community uses at street level.
- To ensure that residential development does not detract from the primary function of the zone which is to provide for retail, business and convenience uses to serve the community.
- To promote retail activities in accessible locations that encourage walking.
- To promote a sense of place and focal points for the local community.
- To ensure retail development does not adversely impact on the viability of retail development in the Local Centre Zone.

2 Permitted without consent

Nil

3 Permitted with consent

Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Airports; Airstrips; Biosolid waste applications; Bulky goods premises; Caravan parks; Cemeteries; Correctional centres; Crematoria; Dairies (pasture-based); Depots; Extractive industries; Farm buildings; Freight transport facilities; Hazardous storage establishments; Helipads; Heliports; Home occupations (sex services); Industrial retail outlets; Industries; Liquid fuel depots; Materials recycling or recovery centres; Mines; Offensive storage establishments; Passenger
transport facilities; Recreation facilities (major); Residential flat buildings (other than as shop top housing); Restricted premises; Restriction facilities; Roadside stalls; Rural industries; Rural workers’ dwellings; Sawmill or log processing works; Seniors housing (other than as shop top housing); Sewage treatment works; Sex services premises; Stock and sale yards; Storage premises; Timber and building supplies; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle sales or hire premises; Warehouse or distribution centres; Waste disposal land fill operations; Waste management facilities; Wholesale supplies

Zone B2 Local Centre

1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses which serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To ensure that residential development does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.
- To ensure that residential development does not preclude the provision of active uses at street level.
- To provide for land uses of a higher order and density within the Local Centre Zone than are permitted within the Neighbourhood Centre Zone or the Mixed Use Zone.
- To provide for residential development that contributes to the vitality of the local centre.

2 Permitted without consent

Nil

3 Permitted with consent

Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Airports; Airstrips; Biosolid waste applications; Bulky goods premises; Caravan parks; Cemeteries; Correctional centres; Crematoria; Dairies (pasture-based); Depots; Dual occupancies; Dwelling houses; Extractive industries; Farm buildings; Freight transport facilities; Hazardous storage establishments; Helipads; Heliports; Home occupations (sex services); Industrial retail outlets; Industries; Liquid fuel depots; Materials recycling or recovery centres; Mines; Offensive storage establishments; Restricted premises; Restriction facilities; Roadside stalls; Rural industries; Rural workers’ dwellings; Sawmill or log processing works; Sewage treatment works; Sex services premises; Stock and sale yards; Storage premises; Timber and building supplies; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste disposal land fill operations; Waste management facilities; Wholesale supplies

Zone B4 Mixed Use

1 Objectives of zone

- To provide a mixture of compatible land uses.
• To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

• To encourage development that supports or complements the primary office and retail functions of the Neighbourhood Centre Zone and the Local Centre Zone.

• To encourage development providing services to the surrounding community.

• To permit development that adds to the vitality and diversity of commercial and retail centres while not prejudicing their principal function.

2 Permitted without consent

Nil

3 Permitted with consent

Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Airports; Airstrips; Biosolid waste applications; Bulky goods premises; Caravan parks; Correctional centres; Dairies (pasture-based); Depots; Dual occupancies; Dwelling houses; Extractive industries; Farm buildings; Freight transport facilities; Hazardous storage establishments; Helipads; Heliports; Home occupations (sex services); Industrial retail outlets; Industries; Liquid fuel depots; Materials recycling or recovery centres; Mines; Offensive storage establishments; Public administration buildings; Restricted premises; Restriction facilities; Roadside stalls; Rural industries; Rural workers’ dwellings; Sawmill or log processing works; Semi detached dwellings; Sex services premises; Stock and sale yards; Storage premises; Transport depots; Truck depots; Warehouse or distribution centres; Waste disposal land fill operations; Waste management facilities; Wholesale supplies

Zone B5 Business development

1 Objectives of zone

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

• To provide for a wide range of employment generating development.

• To provide for a mix of ancillary uses to support the primary function of providing employment generating development.

• To maintain the economic strength of centres by limiting the retailing of food, clothing and convenience shopping.

• To provide for a range of uses, including recreational uses and function centres, that complement other permissible employment generating land uses within the zone.

2 Permitted without consent

Nil

3 Permitted with consent

Light industries; Vehicle body repair workshops; Vehicle repair stations; Any other development not specified in item 2 or 4
4 **Prohibited**

Agriculture; Airports; Airstrips; Amusement centres; Attached dwellings; Biosolid waste applications; Boarding houses; Caravan parks; Correctional centres; Dairies (pasture-based); Depots; Dual occupancies; Dwelling houses; Extractive industries; Farm buildings; Freight transport facilities; Group homes; Hazardous storage establishments; Helipads; Heliports; Home occupations (sex services); Hostels; Industries; Liquid fuel depots; Materials recycling or recovery centres; Mines; Multi dwelling housing; Offensive storage establishments; Office premises; Residential flat buildings; Restricted premises; Restriction facilities; Roadside stalls; Rural industries; Rural workers’ dwellings; Sawmill or log processing works; Semi detached dwellings; Seniors housing; Sex services premises; Shop top housing; Stock and sale yards; Tourist and visitor accommodation (other than hotel or motel accommodation); Transport depots; Truck depots; Warehouse or distribution centres; Waste disposal land fill operations; Waste management facilities; Wholesale supplies

**Zone IN1 General Industrial**

1 **Objectives of zone**

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable development for the purpose of commercial offices only where it is associated with, and ancillary to, another permissible use on the same land.
- To enable development for the purpose of retail premises only where it serves convenience needs, or where the goods or materials sold are of a type and nature consistent with construction and maintenance of buildings.

2 **Permitted without consent**

Nil

3 **Permitted with consent**

Any other development not otherwise specified in item 2 or 4

4 **Prohibited**

Agriculture; Airports; Airstrips; Attached dwellings; Biosolid waste applications; Boarding houses; Bulky goods premises; Business premises; Caravan parks; Cemeteries; Community facilities; Correctional centres; Dairies (pasture-based); Dual occupancies; Dwelling houses; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Function centres; Group homes; Hazardous industries; Hazardous storage establishments; Health consulting rooms; Heavy industries; Heliports; Home-based child care; Home businesses; Home industries; Home occupations; Home occupations (sex services); Hospitals; Hostels; Information and education facilities; Mines; Multi dwelling housing; Offensive industries; Offensive storage establishments; Office premises; Public administration buildings; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential care facilities; Residential flat buildings; Restriction facilities; Retail premises (other than neighbourhood shops and take away food and drink premises); Roadside stalls; Rural industries; Rural workers’ dwellings; Sawmill or log processing works; Secondary dwellings; Semi detached dwellings; Seniors housing; Shop top housing; Stock and sale yards; Tourist and visitor accommodation; Waste disposal land fill operations
Zone SP2 Infrastructure

1 Objectives of zone
   • To provide for infrastructure and related uses.
   • To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent
   Nil

3 Permitted with consent
   The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Drainage; Earthworks; Electricity generating works; Environmental protection works; Flood mitigation works; Roads; Telecommunications facilities; Temporary structures; Water recycling facilities; Waterbodies (artificial)

4 Prohibited
   Any other development not specified in item 2 or 3

Zone RE1 Public Recreation

1 Objectives of zone
   • To enable land to be used for public open space or recreational purposes.
   • To provide a range of recreational settings and activities and compatible land uses.
   • To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent
   Nil

3 Permitted with consent
   Community facilities; Drainage; Earthworks; Electricity generating works; Environmental facilities; Environmental protection works; Flood mitigation works; Kiosks; Recreation areas; Recreation facilities (outdoor); Roads; Telecommunications facilities; Temporary structures; Utility installations; Water recycling facilities; Waterbodies

4 Prohibited
   Any other development not specified in item 2 or 3

Zone RE2 Private Recreation

1 Objectives of zone
   • To enable land to be used for private open space or recreational purposes.
   • To provide a range of recreational settings and activities and compatible land uses.
   • To protect and enhance the natural environment for recreational purposes.
   • To preserve and maintain the natural values of core riparian areas and to allow development where it can be demonstrated that the development will not destroy, damage or have any other adverse effect on those values.
• To ensure that residential development does not have an adverse effect on those values.

2 Permitted without consent
Nil

3 Permitted with consent
Community facilities; Drainage; Earthworks; Electricity generating works; Environmental facilities; Environmental protection works; Flood mitigation works; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads; Telecommunications facilities; Temporary structures; Utility installations; Water recycling facilities; Waterbodies

4 Prohibited
Any other development not specified in item 2 or 3

Zone E2 Environmental Conservation

1 Objectives of zone

• To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
• To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

2 Permitted without consent
Nil

3 Permitted with consent
Drainage; Earthworks; Environmental facilities; Environmental protection works; Flood mitigation works; Recreation areas; Roads; Sewage reticulation systems; Water recycling facilities; Water supply systems; Waterbodies (natural)

4 Prohibited
Any development not specified in item 2 or 3

Zone E4 Environmental Living

1 Objectives of zone

• To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
• To ensure that residential development does not have an adverse effect on those values.
• To preserve and maintain the natural values of core riparian areas and to allow development where it can be demonstrated that the development will not destroy, damage or have any other adverse effect on those values.
• To ensure that flood prone land is used in a manner appropriate to its environmental characteristics.

2 Permitted without consent
Nil
3 Permitted with consent

Bed and breakfast accommodation; Drainage; Dwelling houses; Earthworks; Electricity generating works; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Horticulture; Recreation areas; Recreation facilities (outdoor); Roads; Telecommunications facilities; Temporary structures; Water recreation structures; Water recycling facilities; Waterbodies (artificial)

4 Prohibited

Any other development not otherwise specified in item 2 or 3

Part 3

3.1–3.3 (Repealed)

Part 4 Principal development standards

4.1 Minimum subdivision lot size

(1) The objectives of this clause are as follows:
   (a) to ensure that the minimum size for lots is sufficient for the provision of usable areas for building and open space,
   (b) to facilitate and encourage a range of residential lot types, in particular, small lot housing,
   (c) to encourage the efficient use of land for residential purposes.

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

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

(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan.

4.1A Minimum lot sizes for other development

(1) Development must not be carried out on a lot within Zone R1 General Residential, Zone R3 Medium Density Residential, Zone B1 Neighbourhood Centre, Zone B2 Local Centre or Zone B4 Mixed Use for any of the following purposes if the area of the lot is less than the area specified below in relation to those purposes:
   (a) dwelling house—250m²,
   (b) dual occupancy—600m²,
   (c) attached dwelling—125m²,
   (d) residential flat building—1,000m².

(2) Development must not be carried out on a lot within Zone E4 Environmental Living for the purposes of a dwelling house if the area of the lot is less than 1,000m².

(3) Development for the purposes of multi dwelling housing must not be carried out on a lot in the following zones if the area provided for each dwelling is less than 125m²:
   (a) Zone R1 General Residential,
(b) Zone R3 Medium Density Residential,
(c) Zone B1 Neighbourhood Centre,
(d) Zone B2 Local Centre,
(e) Zone B4 Mixed Use.

4.1B Residential density—Oran Park Precinct

(1) The objective of this clause is to make provision with respect to the delivery of 7,540 new dwellings in the Oran Park Precinct.

(2) Development consent must not be granted to the subdivision of land intended to be used for residential purposes within the Oran Park Precinct unless the consent authority is satisfied that:

(a) a development control plan has been prepared providing for not less than 7,540 new dwellings within the Precinct and containing provisions to encourage a mix of dwelling types to be provided, and

(b) the granting of consent would not preclude or impede that number of dwellings within the Precinct.

4.1C Residential density—Turner Road Precinct

(1) The objective of this clause is to make provision with respect to the delivery of 4,020 new dwellings in the Turner Road Precinct.

(2) Development consent must not be granted to the subdivision of land intended to be used for residential purposes within the Turner Road Precinct unless the consent authority is satisfied that:

(a) a development control plan has been prepared providing for not less than 4,020 new dwellings within the Precinct and containing provisions to encourage a mix of dwelling types to be provided, and

(b) the granting of consent would not preclude or impede that number of dwellings within the Precinct.

4.1D (Repealed)

4.1E Shops—Turner Road Precinct

(1) The total area used for shops on all land within Zone B5 Business Development in the Turner Road Precinct must not exceed 2,500m².

(2) The total area used for shops in a particular development for that purpose on land within Zone B5 Business Development in the Turner Road Precinct must not exceed 500m².

4.3 Height of buildings

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

(a) to preserve the amenity of adjoining development in terms of solar access to dwellings, private open space and bulk and scale,

(b) to provide for a range of residential building heights in appropriate locations that provide a high quality urban form,

(c) to facilitate higher density neighbourhood and town centres while minimising impacts on adjacent residential areas,

(d) to provide appropriate height controls for commercial and industrial development.
(2) Except as provided by this clause, the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

(3) If the Height of Buildings Map specifies, in relation to any land shown on that map, a Reduced Level for any building on that land, any such building is not to exceed that specified Reduced Level.

(4) The consent authority may grant development consent for development for the purpose of attached housing, a dwelling house, dual occupancy, multi dwelling housing or a semi-detached dwelling on land within Zone R1 General Residential or Zone R3 Medium Density Residential, or a dwelling house within Zone E4 Environmental Living, that exceeds 9.5m in height above finished ground level, if the consent authority is satisfied that the development:
   (a) is located:
      (i) on a prominent street corner, or
      (ii) adjacent to a neighbourhood or local centre or public open space, or
      (iii) on land with a finished ground level slope equal to or more than 15%, and
   (b) is not likely to have an adverse impact on the existing or future amenity of any adjoining land on which residential development is permitted, having regard to overshadowing, visual impact and any impact on privacy.

(5) The consent authority may grant development consent for development on land within Zone B5 Business Development or Zone IN1 General Industrial, that does not exceed 15 metres in height above finished ground level, if the land has frontage to Badgally Road, Camden Valley Way, the Northern Road or East West Road (as shown in the Oran Park Precinct Development Control Plan or the Turner Road Precinct Development Control Plan), or to land within Zone RE1 Public Recreation or Zone RE2 Private Recreation.

4.6 Exceptions to development standards

(1) The objectives of this clause are:
   (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
   (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
   (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
   (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Consent must not be granted for development that contravenes a development standard unless:
   (a) the consent authority is satisfied that:
(i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and
(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider:
(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
(b) the public benefit of maintaining the development standard, and
(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

(6) Consent must not be granted under this clause for a subdivision of land within Zone E4 Environmental Living if:
(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant’s written request referred to in subclause (3).

(8) This clause does not allow consent to be granted for development that would contravene any of the following:
(a) a development standard for complying development,
(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated listed in the table to this clause,
(c) a development standard listed in the table to this clause.

Note. At the time this Precinct Plan was made, no exclusions were listed in a table to this clause.

Part 5 Miscellaneous provisions

5.1 Relevant acquisition authority

(1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions).

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

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

<table>
<thead>
<tr>
<th>Type of land shown on Map</th>
<th>Authority of the State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local open space</td>
<td>Council</td>
</tr>
</tbody>
</table>

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

5.2 Classification and reclassification of public land

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

Note. Under the *Local Government Act 1993*, “public land” is generally land vested in or under the control of a council (other than roads, 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 this Precinct Plan to discharge trusts on which public reserves are held if the land is reclassified under this Precinct Plan as operational land.

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

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

(4) The public land described in Part 1 of Schedule 4:
   (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
   (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.

(5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
   (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
   (b) any reservations that except land out of the Crown grant relating to the land, and
   (c) reservations of minerals (within the meaning of the *Crown 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 4.

5.3 Development near zone boundaries

(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 50 metres.
(3) This clause does not apply to:
   (a) land zoned RE1 Public Recreation, E2 Environmental Conservation or E4 Environmental Living, or
   (b) land within the coastal zone, or
   (c) land proposed to be developed for the purpose of sex services or restricted premises.

(4) Despite the provisions of this Precinct Plan relating to the purposes for which development may be carried out, consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:
   (a) the development is not inconsistent with the objectives for development in both zones, and
   (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

(5) The clause does not prescribe a development standard that may be varied under this Precinct Plan.

5.4 Controls relating to miscellaneous permissible uses

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

(2) If development for the purposes of a home business is permitted under this Precinct Plan, the carrying out of the business must not involve the use of more than 50m² of floor space.

(3) If development for the purposes of a home industry is permitted under this Precinct Plan, the carrying out of the business must not involve the use of more than 50m² of floor space.

(4) If development for the purposes of an industrial retail outlet is permitted under this Precinct Plan, the gross floor area of the outlet must not exceed:
   (a) 40 per cent of the combined gross floor area of the outlet or place and the building or place on which the industry is carried out, or
   (b) 400m², whichever is the lesser.

(5) If development for the purposes of farm stay accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

(6) If development for the purposes of a kiosk is permitted under this Precinct Plan, the gross floor area must not exceed 20m².

(7) If development for the purposes of a neighbourhood shop is permitted under this Precinct Plan, the retail floor area must not exceed 80m².

(8) If development for the purposes of a roadside stall is permitted under this Precinct Plan, the gross floor area must not exceed 20m².

5.8 Conversion of fire alarms

(1) This clause applies to a fire alarm system that can be monitored by New South Wales Fire Brigades or by a private service provider.
(2) The following development may be carried out, but only with consent:
   (a) converting a fire alarm system from connection with the alarm monitoring system of New South Wales Fire Brigades to connection with the alarm monitoring system of a private service provider,
   (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
   (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.

(3), (4) (Repealed)

(5) In this clause:
private service provider means a person or body that has entered into an agreement that is in force with New South Wales Fire Brigades to monitor fire alarm systems.

5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Director-General.
   Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) The clause does not apply to native vegetation to which clause 23 of this State Environmental Planning Policy applies.

(4) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:
   (a) development consent, or
   (b) a permit granted by the Council.

(5) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(7) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(8) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:
   (a) that is or forms part of a heritage item, or
   (b) that is within a heritage conservation area.
   Note. As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

(9) This clause does not apply to or in respect of:
   (a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003 or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or

(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or

(d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Sydney Water Act 1994*, the *Roads Act 1993* or the *Surveying Act 2002*, or

(e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

### 5.10 Heritage conservation

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

(1) **Objectives**

The objectives of this clause are:

(a) to conserve the environmental heritage of the Oran Park Precinct and the Turner Road Precinct, and

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

(c) to conserve archaeological sites, and

(d) to conserve places of Aboriginal heritage significance.

(2) **Requirement for consent**

Development consent is required for any of the following:

(a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area,

(b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior,

(c) altering a heritage item that is a building by making structural changes to its interior,

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

(e) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance,

(f) erecting a building on land on which a heritage item is located or that is within a heritage conservation area,

(g) subdividing land on which a heritage item is located or that is within a heritage conservation area.

(3) **When consent not required**

However, consent under this clause is not required if:

(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
(i) is of a minor nature, or is for the maintenance of the heritage item, archaeological site, or a building, work, relic, tree or place within a heritage conservation area, and
(ii) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area, or
(b) the development is in a cemetery or burial ground and the proposed development:
(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to a place of Aboriginal heritage significance, or
(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
(d) the development is exempt development.

(3AA) Effect on heritage significance
The consent authority must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned. This subclause applies regardless of whether a heritage impact statement is prepared under subclause (4) or a heritage conservation management plan is submitted under subclause (5).

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).

(4) Heritage impact assessment
The consent authority may, before granting consent to any development on land:
(a) on which a heritage item is situated, or
(b) within a heritage conservation area, or
(c) within the vicinity of land referred to in paragraph (a) or (b),
require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

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

(6) Archaeological sites
The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register under the Heritage Act 1977 or to which an interim heritage order applies), be satisfied that any necessary excavation permit required by the Heritage Act 1977 has been granted.

(7) Places of Aboriginal heritage significance
The consent authority must, before granting consent under this clause to the carrying out of development in a place of Aboriginal heritage significance:
(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and

(b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 21 days after the notice is sent, and

(c) be satisfied that any necessary consent or permission under the National Parks and Wildlife Act 1974 has been granted.

(8) (Repealed)

(9) Conservation incentives

The consent authority may grant development consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this Precinct Plan if the consent authority is satisfied that:

(a) the conservation of the heritage item is facilitated by the granting of consent, and

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

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

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

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

5.11 Bush fire hazard reduction

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

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

5.11A Development for group homes

(1) The objective of this clause is to facilitate the establishment of:

(a) permanent group homes in which disabled persons or socially disadvantaged persons may live in an ordinary residential household environment instead of an institutional environment, and

(b) transitional group homes that provide temporary accommodation for disabled persons or socially disadvantaged persons in an ordinary residential household environment instead of an institutional environment for such purposes as alcohol or drug rehabilitation and half-way rehabilitation for persons formerly living in institutions and refuges for men, women or young persons.

(2) If development for the purpose of a dwelling house or a dwelling in a residential flat building may lawfully be carried out in accordance with this Precinct Plan, development for the purposes of a group home may, subject to this clause, be carried out.

(3) Consent is required to carry out development for the purposes of a transitional group home.
(4) Consent is required to carry out development for the purposes of a permanent group home that contains more than 5 bedrooms.

(5) Consent is required to carry out development for the purposes of a permanent group home that contains 5 or less bedrooms and that is occupied by more residents (including any resident staff) than the number equal to the number calculated by multiplying the number of bedrooms in that home by 2.

(6) Consent may not be refused under this clause unless an assessment has been made of the need for the group home concerned.

(7) Nothing in this clause requires consent to be obtained by the Department of Housing (or by a person acting jointly with the Department of Housing) to carry out development for the purposes of a transitional group home.

5.12 Infrastructure development and use of existing buildings of the Crown

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

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

Part 6 Additional local provisions

6.1 Public utility infrastructure

(1) The consent authority must not grant development consent to development on land to which this Precinct Plan applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

(2) In this clause, public utility infrastructure includes infrastructure for any of the following:
   (a) the supply of water,
   (b) the supply of electricity,
   (c) the disposal and management of sewage.

(3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.

6.2 Registered clubs

Despite any other provision of this Precinct Plan, the consent authority may grant development consent to development for the purposes of a registered club associated with a golf club on land within the Turner Road Precinct that is, or is proposed to be, used for a golf course.

6.3 Environment protection works in Zones RE1 Public Recreation and RE2 Private Recreation

Despite any other provision of this Precinct Plan, development for the purposes of environment protection works may be carried out without development consent on land within Zone RE1 Public Recreation or RE2 Private Recreation if the development is consistent with the Oran Park and Turner Road Waterfront Land Strategy 2009, published in the Gazette on 17 July 2009.
6.4 Dual occupancies

Despite any other provision of this Precinct Plan, the consent authority must not grant development consent for the purposes of a dual occupancy on a lot of land that is less than the minimum size specified on the Lot Size Map unless:

(a) the dual occupancy comprises one dwelling located substantially above the other dwelling, or

(b) one of the dwellings has a floor area that does not exceed 60m² and is located above a garage, carport or similar structure for the principal dwelling.

6.5 Sex services premises

(1) Despite any other provision of this Precinct Plan, the consent authority must not grant development consent for the purposes of sex services premises if the premises are to be located on land that adjoins, or that is separated by a road only, from land:

(a) used for the purposes of residential accommodation or community, school or church uses, or

(b) within Zone RE1 Public Recreation or Zone RE2 Private Recreation.

(2) The consent authority must, in deciding whether to grant development consent to development for the purposes of sex services premises, take into account the impact the proposed development would have on any place that adjoins or is within view of the proposed development and is regularly used by children for educational, recreational or cultural activities.

6.6 Development in special areas

(1) This clause applies to land shown as being in a special area on the Special Areas Map.

(2) The consent authority must not grant development consent for development on land in a special area unless a development control plan that provides for detailed development controls has been prepared for the land.

(3) Without limiting subclause (2), the development control plan is to provide for the following:

(a) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,

(b) a strategy for the protection and enhancement of riparian areas and detailed landscaping requirements for public and private domain,

(c) a network of passive and recreational areas,

(d) stormwater and water quality management controls,

(e) detailed urban design controls.

(4) Subclause (2) does not apply for the following development:

(a) a subdivision of land that does not further fragment the land,

(b) a subdivision of land for the purpose only of defining the boundary of a special area, retaining a riparian protection area in one lot or for dedicating land for environmental protection purposes,

(c) a subdivision of land that only provides for a public purpose, including a public road or open space,

(d) a subdivision of land that is not for the purpose of enabling the construction of structures,

(e) development on land that is a riparian protection area owned by a public authority,
(f) development the consent authority is satisfied is minor or will not affect future development outcomes, including the remediation of land, for special areas.

(5) In this clause:

- **remediation of land** includes environmental protection works and the remediation of contaminated land.
- **riparian protection area** means a riparian protection area shown on the Riparian Protection Area Map.

### Schedule 1 Additional permitted uses

**Clause 2.5**

1 **Use of particular land adjacent to Oran Park Town Centre**

   (1) This clause applies to land in Zone R3 Medium Density Residential adjacent to Oran Park Town Centre and shown hatched red on Sheet LZN 004 of the Land Zoning Map.

   (2) Development that is dwelling houses or exhibition homes is permitted with consent.

### Schedule 4 Classification and reclassification of public land

**Clause 5.2**

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

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Locality</td>
<td>Description</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Locality</td>
<td>Description</td>
<td>Any trusts etc not discharged</td>
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</tbody>
</table>

**Part 3** Land classified, or reclassified, as community land

<table>
<thead>
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<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Locality</td>
<td>Description</td>
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</tbody>
</table>

### Schedule 5 Environmental heritage

**Clause 5.10**
### Heritage items

<table>
<thead>
<tr>
<th>Precinct</th>
<th>Item name</th>
<th>Address</th>
<th>Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oran Park</td>
<td>Denbigh (including homestead, grounds and gardens, slab outbuildings, coach house, stable, dairy and sheds)</td>
<td>421 The Northern Road, Bringelly</td>
<td>State</td>
</tr>
</tbody>
</table>
Appendix 2  North Kellyville Precinct Plan

Part 1  Preliminary

Note. The Standard Instrument (Local Environmental Plans) Order 2006 sets out matters to be included in standard local environmental plans. While this Precinct Plan is not a standard local environmental plan, it is generally consistent with standard plans. A number of clauses from the Standard Instrument (Local Environmental Plans) Order 2006 have been included in this Precinct Plan and the clause numbering from that order has been retained. This means that the numbering in this Precinct Plan may contain some gaps. Additional provisions have been inserted and are numbered accordingly.

1.1 Name of Precinct Plan

This Plan is the North Kellyville Precinct Plan 2008.

1.2 Aims of Precinct Plan

The aims of this Precinct Plan are:

(a) to make development controls for land in the North Kellyville Precinct within the North West Growth Centre that will ensure the creation of a quality environment and good design outcomes, and

(b) to protect and enhance the environmentally sensitive areas and natural and cultural heritage of the Precinct, and

(c) to promote employment, residential and recreational opportunities in the Precinct, and

(d) to promote housing choice and affordability in the Precinct, and

(e) to provide for the sustainable development of the Precinct.

1.3 Land to which Precinct Plan applies

This Precinct Plan applies to land within the North Kellyville Precinct.

1.4 Definitions

In this Precinct Plan, Council means the Hills Shire Council.

Note. The Dictionary at the end of this State Environmental Planning Policy defines words and expressions for the purposes of this Precinct Plan, including the relevant maps.

1.6 Consent authority

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

1.8 Repeal of other local planning instruments applying to land

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

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

(2A) This clause does not affect the operation of other provisions of this State Environmental Planning Policy.

1.9 Application of SEPPs

(1) This Precinct Plan is subject to the provisions of any State environmental planning policy that prevails over this State Environmental Planning Policy as provided by section 36 of the Act.
Note. Section 36 of the Act generally provides that SEPPs prevail over LEPs. However, a LEP may (by an additional provision included in the LEP) displace or amend a SEPP to deal specifically with the relationship between this Precinct Plan and the SEPP.

(2) State Environmental Planning Policy No 1—Development Standards does not apply to the land to which this Precinct Plan applies.

(2A) Subject to section 74 (1) of the Act, in the event of an inconsistency between this Precinct Plan and another environmental planning instrument whether made before or after the commencement of this Precinct Plan, this Precinct Plan prevails to the extent of the inconsistency.

Note. This State Environmental Planning Policy also contains provisions applying development controls to the North West Growth Centre, including the North Kellyville Precinct.

1.9A Suspension of covenants, agreements and instruments

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

(2) This clause does not apply:

(a) to a covenant imposed by the Council or that the Council requires to be imposed, or
(b) to any prescribed instrument within the meaning of section 183A of the Crown Lands Act 1989, or
(c) to any conservation agreement within the meaning of the National Parks and Wildlife Act 1974, or
(d) to any Trust agreement within the meaning of the Nature Conservation Trust Act 2001, or
(e) to any property vegetation plan within the meaning of the Native Vegetation Act 2003, or
(f) to any biobanking agreement within the meaning of Part 7A of the Threatened Species Conservation Act 1995, or
(g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.

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

(4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

Part 2 Permitted or prohibited development

2.1 Land use zones

The land use zones under this Precinct Plan are as follows:

Residential Zones
- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential

Business Zones
- B1 Neighbourhood Centre
- B2 Local Centre
Special Purpose Zones
SP2 Infrastructure

Recreation Zones
RE1 Public Recreation

Environment Protection Zones
E3 Environmental Management
E4 Environmental Living

2.2 Zoning of land to which Precinct Plan applies
For the purposes of this Precinct Plan, land is within the zones shown on the Land Zoning Map.

2.3 Zone objectives and land use table
(1) The Land Use Table at the end of this Part specifies for each zone:
   (a) the objectives for development, and
   (b) development that may be carried out without consent, and
   (c) development that may be carried out only with consent, and
   (d) development that is prohibited.

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

(3) In the Land Use Table at the end of this Part:
   (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
   (b) a reference to a type of building or other thing does not include (despite any definition in this Precinct Plan) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.

(4) This clause is subject to the other provisions of this Part.

Notes.
1 Schedule 1 sets out additional permitted uses for particular land.
2 Clause 2.6 requires consent for subdivision of land.
3 Part 5 contains other provisions that require consent for particular development.

2.3A Demolition
The demolition of a building or work may be carried out only with consent.

Note. The demolition of certain buildings and works is identified in the North Kellyville Precinct Development Control Plan as exempt or complying development.

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

(2) Before granting consent, the consent authority:
   (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
   (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.
2.5 Additional permitted uses for particular land

(1) Development on particular land that is described or referred to in Schedule 1 may be carried out:
   (a) with consent, or
   (b) if the Schedule so provides—without consent,
       in accordance with the conditions (if any) specified in that Schedule in relation to that development.

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

2.6 Subdivision—consent requirements

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

   Note. State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies certain subdivision development as exempt development.

(2) (Repealed)

Land Use Table

Zone R1 General Residential

1 Objectives of zone

• To provide for the housing needs of the community.
• To provide for a variety of housing types and densities.
• To enable other land uses that provide facilities or services to meet the day to day needs of residents.
• To encourage medium density housing in locations of high amenity adjoining open space and accessible transport corridors.
• To support the well being of the community, including educational, recreational, community, religious and other activities and, where appropriate, neighbourhood shops if there will be no adverse effect on the amenity of proposed or existing nearby residential development.
• To allow for low intensity tourist and visitor accommodation that does not interfere with residential amenity.
• To provide for a variety of recreational uses within open space areas.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Child care centres; Community facilities; Dwelling houses; Educational establishments; Group homes; Home businesses; Hostels; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Amusement centres; Biosolid waste applications; Bulky goods premises; Business premises; Canal estate developments; Caravan parks;
Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Extractive industries; Freight transport facilities; Home occupations (sex services); Industries; Information and education facilities; Marinas; Passenger transport facilities; Public administration buildings; Retail premises; Rural workers’ dwellings; Storage premises; Tourist and visitor accommodation; Vehicle sales or hire premises; Waste or resource management facilities; Wholesale supplies

Zone R2 Low Density Residential

1 Objectives of zone

• To provide for the housing needs of the community within a low density residential environment.
• To enable other land uses that provide facilities or services to meet the day to day needs of residents.
• To provide for a variety of housing types but primarily low density detached housing.
• To support the well being of the community, including educational, recreational, community, religious and other activities if there will be no adverse effect on the amenity of the proposed or existing nearby residential development.

2 Permitted without consent

Home occupations

3 Permitted with consent

Community facilities; Drainage; Dual occupancies; Dwelling houses; Earthworks; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home businesses; Information and education facilities; Recreation areas; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Water recycling facilities; Waterbodies (artificial)

4 Prohibited

Any development not specified in item 2 or 3

Zone R3 Medium Density Residential

1 Objectives of zone

• To provide for the housing needs of the community within a medium density residential environment.
• To provide a variety of housing types within a medium density residential environment.
• To enable other land uses that provide facilities or services to meet the day to day needs of residents.
• To encourage medium density housing adjoining the North Kellyville Local Centre.
• To support the well being of the community, including educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.
• To allow for low density tourist and visitor accommodation that does not interfere with residential amenity.
2 Permitted without consent
   Home occupations

3 Permitted with consent
   Attached dwellings; Bed and breakfast accommodation; Boarding houses; Child care
   centres; Community facilities; Group homes; Home businesses; Multi dwelling
   housing; Neighbourhood shops; Places of public worship; Roads; Seniors housing;
   Any other development not specified in item 2 or 4

4 Prohibited
   Agriculture; Amusement centres; Biosolid waste applications; Bulky goods
   premises; Business premises; Canal estate developments; Caravan parks;
   Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria;
   Depots; Dual occupancies; Dwelling houses; Electricity generating works;
   Entertainment facilities; Extractive industries; Freight transport facilities; Home
   occupations (sex services); Industries; Information and education facilities; Marinas;
   Passenger transport facilities; Retail premises; Rural workers’ dwellings;
   Semi-detached dwellings; Shop top housing; Storage premises; Tourist and visitor
   accommodation; Vehicle sales or hire premises; Waste or resource management
   facilities; Wholesale supplies

Zone B1 Neighbourhood Centre

1 Objectives of zone
   • To provide a range of small-scale retail, business and community uses that
     serve the needs of people who live or work in the surrounding neighbourhood.
   • To ensure the scale and type of business development is compatible with the
     amenity of surrounding areas.
   • To allow for residential development that contributes to the economic and
     social vitality of the neighbourhood centre.
   • To ensure that residential development does not preclude the provision of
     active retail, business and community uses at street level.
   • To ensure that residential development does not detract from the primary
     function of the zone which is to provide for retail, business and convenience
     uses to serve the community.
   • To promote retail activities in accessible locations that encourage walking.
   • To promote a sense of place and focal points for the local community.
   • To ensure retail development does not adversely impact on the viability of
     retail development in the Local Centre Zone.

2 Permitted without consent
   Nil

3 Permitted with consent
   Business premises; Child care centres; Community facilities; Neighbourhood shops;
   Roads; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited
   Agriculture; Biosolid waste applications; Bulky goods premises; Canal estate
   developments; Caravan parks; Cemeteries; Correctional centres; Crematoria;
   Depots; Dual occupancies; Dwelling houses; Electricity generating works;
Extractive industries; Freight transport facilities; Home occupations (sex services); Industries; Passenger transport facilities; Recreation facilities (major); Residential care facilities; Residential flat buildings (other than as a component of a mixed use development); Restricted premises; Roadside stalls; Rural workers’ dwellings; Secondary dwellings; Semi-detached dwellings; Sex services premises; Storage premises; Timber and building supplies; Vehicle sales or hire premises; Waste or resource management facilities

Zone B2 Local Centre

1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses which serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To ensure that residential development does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.
- To ensure that residential development does not preclude the provision of active uses at street level.
- To provide for land uses of a higher order and density within the Local Centre Zone than are permitted within the Neighbourhood Centre Zone.
- To ensure that retail development in the North Kellyville Local Centre is of an appropriate type and scale relative to the Rouse Hill Regional Centre.
- To provide for residential development that contributes to the vitality of the village centre.

2 Permitted without consent

Nil

3 Permitted with consent

Business premises; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Attached dwellings (other than as a component of mixed use development); Biosolid waste applications; Canal estate developments; Caravan parks; Cemeteries; Correctional centres; Crematoria; Dairies (pasture-based); Depots; Dual occupancies; Dwelling houses; Electricity generating works; Extractive industries; Freight transport facilities; Industrial retail outlets; Industries; Multi dwelling housing (other than as a component of mixed use development); Passenger transport facilities; Residential flat buildings (other than as a component of mixed use development); Restricted premises; Roadside stalls; Rural workers’ dwellings; Secondary dwellings; Semi-detached dwellings; Sex services premises; Storage premises; Waste or resource management facilities
Zone SP2 Infrastructure

1 **Objectives of zone**
   - To provide for infrastructure and related uses.
   - To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 **Permitted without consent**
   - Nil

3 **Permitted with consent**
   - The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Roads; Water recycling facilities; Waterbodies (artificial)

4 **Prohibited**
   - Any development not specified in item 2 or 3

Zone RE1 Public Recreation

1 **Objectives of zone**
   - To enable land to be used for public open space or recreational purposes.
   - To provide a range of recreational settings and activities and compatible land uses.
   - To protect and enhance the natural environment for recreational purposes.

2 **Permitted without consent**
   - Nil

3 **Permitted with consent**
   - Community facilities; Drainage; Earthworks; Electricity generating works; Environmental facilities; Environmental protection works; Flood mitigation works; Kiosks; Recreation areas; Recreation facilities (outdoor); Roads; Water recycling facilities; Waterbodies (artificial)

4 **Prohibited**
   - Any development not specified in item 2 or 3

Zone E3 Environmental Management

1 **Objectives of zone**
   - To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
   - To provide for a limited range of development that does not have an adverse effect on those values.

2 **Permitted without consent**
   - Home occupations
3 Permitted with consent
   Drainage; Dwelling houses; Earthworks; Electricity generating works; Environmental facilities; Environmental protection works; Flood mitigation works; Roads; Water recycling facilities; Waterbodies (artificial)

4 Prohibited
   Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone E4 Environmental Living

1 Objectives of zone
   • To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
   • To ensure that residential development does not have an adverse effect on those values.

2 Permitted without consent
   Home occupations

3 Permitted with consent
   Bed and breakfast accommodation; Drainage; Dual occupancies; Dwelling houses; Earthworks; Electricity generating works; Environmental facilities; Environmental protection works; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Horticulture; Recreation areas; Recreation facilities (outdoor); Roads; Swimming pools; Water recreation structures; Water recycling facilities; Waterbodies (artificial)

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

Part 3
3.1–3.3 (Repealed)

Part 4 Principal development standards

4.1 Minimum subdivision lot size
   (1) The objectives of this clause are as follows:
      (a) to ensure that the minimum size for lots is sufficient for the provision of usable areas for building and open space,
      (b) to facilitate and encourage a range of residential lot types, in particular, small lot housing,
      (c) to encourage the efficient use of land for residential purposes.
   (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Precinct Plan.
(3) The size of any lot resulting from any such subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan.

4.1A Minimum lot sizes for other development

Development must not be carried out on a lot in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone B1 Neighbourhood Centre or Zone B2 Local Centre for any of the following purposes, if the area of the lot is less than the area specified below in relation to those purposes:

(a) secondary dwelling—450 square metres,
(b) dual occupancy—600 square metres,
(c) semi-detached dwelling—600 square metres,
(d) multi dwelling housing—1,500 square metres,
(e) attached dwellings—1,500 square metres,
(f) residential flat building—4,000 square metres.

4.1B Residential density—North Kellyville Precinct

(1) The objective of this clause is to make provision with respect to the delivery of 4,500 new dwellings in the North Kellyville Precinct.

(2) Development consent must not be granted to the subdivision of land intended to be used for residential purposes within the North Kellyville Precinct unless the consent authority is satisfied that:

(a) a development control plan has been prepared providing for not less than 4,500 new dwellings within the Precinct and containing provisions to encourage a mix of dwelling types to be provided, and

(b) the granting of consent would not preclude or impede that number of dwellings within the Precinct.

4.3 Height of buildings

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

(a) to preserve the amenity of adjoining development in terms of solar access to dwellings, private open space and bulk and scale,

(b) to provide for a range of residential building heights in appropriate locations that provide a high quality urban form,

(c) to facilitate higher density neighbourhood and town centres while minimising impacts on adjacent residential areas,

(d) to provide appropriate height controls for commercial development,

(e) to restrict the height of buildings within the curtilage of heritage items.

(2) Except as provided by this clause, the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

(2A) The consent authority may grant development consent for development for the purpose of an attached dwelling, a dwelling house, dual occupancy, multi dwelling housing, place of public worship or school on land in Zone R1 General Residential or Zone R2 Low Density Residential, or a dwelling house on land in Zone E4 Environmental Living, that exceeds 9 metres in height above finished ground level, if the consent authority is satisfied that the development:
(a) is located:
   (i) on a prominent street corner, or
   (ii) adjacent to land in Zone B1 Neighbourhood Centre or Zone B2 Local Centre or that is a public open space, or
   (iii) on land with a finished ground level slope equal to or more than 15%,
   and
(b) is not likely to have an adverse impact on the existing or future amenity of any adjoining land on which residential development is permitted, having regard to over shadowing, visual impact and any impact on privacy.

4.4 Floor space ratio

(1) The objectives of this clause are as follows:
   (a) to control the bulk and scale of future development in the North Kellyville Precinct,
   (b) to ensure that control of the bulk and scale in the business zones does not restrict the provision of shop top housing.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

(2A) Despite any other provision of this Precinct Plan, any part of a building in Zone B1 Neighbourhood Centre or Zone B2 Local Centre used for residential accommodation is not to be included in the calculation of floor space ratio.

4.5 Calculation of floor space ratio and site area

(1) Objectives

The objectives of this clause are as follows:

(a) to define floor space ratio,

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

   (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
   (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
   (iii) require community land and public places to be dealt with separately.

(2) Definition of “floor space ratio"

The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) Site area

In determining the site area of proposed development for the purpose of applying a floor space ratio, the site area is taken to be:

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

(b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.
In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

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

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

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

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

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

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

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

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

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

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

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

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

(11) **Definition**
In this clause, **public place** has the same meaning as it has in the **Local Government Act 1993**.
4.5A Business, office and retail floor area

(1) The objectives of this clause are to provide for the equitable distribution of business, office and retail floor area:
   (a) between land in Zone B1 Neighbourhood Centre and Zone B2 Local Centre, and
   (b) between land in the northern and southern areas of Zone B1 Neighbourhood Centre, and
   (c) between land in the northern and southern areas of Zone B2 Local Centre.

(2) The total gross floor area used for the purposes of business, office and retail premises on all land:
   (a) in Zone B1 Neighbourhood Centre must not exceed 4,000 square metres, and
   (b) in Zone B2 Local Centre must not exceed 15,000 square metres.

(3) Development consent must not be granted to development on land in Zone B1 Neighbourhood Centre or Zone B2 Local Centre unless the consent authority has considered the objectives of this clause.

4.6 Exceptions to development standards

(1) The objectives of this clause are:
   (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
   (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
   (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
   (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Consent must not be granted for development that contravenes a development standard unless:
   (a) the consent authority is satisfied that:
      (i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and
      (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
   (b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider:
   (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
(b) the public benefit of maintaining the development standard, and
(c) any other matters required to be taken into consideration by the
Director-General before granting concurrence.

(6) Consent must not be granted under this clause for a subdivision of land within Zone E4 Environmental Living if:
(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
(b) the subdivision will result in at least one lot that is less than 90% of the
minimum area specified for such a lot by a development standard.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be
addressed in the applicant’s written request referred to in subclause (3).

(8) This clause does not allow consent to be granted for development that would
contravene any of the following:
(a) a development standard for complying development,
(b) a development standard that arises, under the regulations under the Act, in
connection with a commitment set out in a BASIX certificate for a building to
which State Environmental Planning Policy (Building Sustainability Index:
BASIX) 2004 applies or for the land on which such a building is situated listed
in the table to this clause,
(c) clauses 4.1A, 4.1B, 5.4, 6.2 and 6.4 of this Precinct Plan.

Part 5  Miscellaneous provisions

5.1 Relevant acquisition authority

(1) The objective of this clause is to identify, for the purposes of section 27 of the Act,
the authority of the State that will be the relevant authority to acquire land reserved
for certain public purposes if the land is required to be acquired under Division 3 of
Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (the
owner-initiated acquisition provisions).

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

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

<table>
<thead>
<tr>
<th>Type of land shown on Map</th>
<th>Authority of the State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone SP2 and marked “Local Road Widening”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 and marked “School”</td>
<td>Minister administering the Education Act 1990</td>
</tr>
<tr>
<td>Zone SP2 and marked “Trunk Drainage”</td>
<td>Sydney Water Corporation</td>
</tr>
<tr>
<td>Zone RE1 and marked “Local Open Space”</td>
<td>Council</td>
</tr>
</tbody>
</table>
(3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

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

(1) The objective of this clause is to protect land that is intended to be acquired for a public purpose.

(2) Development consent must not granted to development on land shown on the Land Reservation Acquisition Map that has not yet been acquired for a public purpose unless the consent authority is satisfied that the development is likely to be consistent with that public purpose as marked on the map.

5.2 Classification and reclassification of public land

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

Note. Under the Local Government Act 1993, “public land” is generally land vested in or under the control of a council (other than roads, 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 this Precinct Plan to discharge trusts on which public reserves are held if the land is reclassified under this Precinct Plan as operational land.

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

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

(4) The public land described in Part 1 of Schedule 4:
    (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
    (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.

(5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
    (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
    (b) any reservations that except land out of the Crown grant relating to the land, and
    (c) reservations of minerals (within the meaning of the Crown 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 4.

5.3 Development near zone boundaries

(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.

(3) This clause does not apply to:
   (a) land zoned B1 Neighbourhood Centre, B2 Local Centre, RE1 Public Recreation, E1 National Parks and Nature Reserves, E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living or W1 Natural Waterways or
   (b) land within the coastal zone, or
   (c) land proposed to be developed for the purpose of sex services or restricted premises.

(4) Despite the provisions of this Precinct Plan relating to the purposes for which development may be carried out, consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:
   (a) the development is not inconsistent with the objectives for development in both zones, and
   (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

(5) The clause does not prescribe a development standard that may be varied under this Precinct Plan.

5.4 Controls relating to miscellaneous permissible uses

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

(2) Home businesses
If development for the purposes of a home business is permitted under this Precinct Plan, the carrying on of the business must not involve the use of more than 50 square metres of floor area.

(3) Home industries
If development for the purposes of a home industry is permitted under this Precinct Plan, the carrying on of the home industry must not involve the use of more than 100 square metres of floor area.

(4) Industrial retail outlets
If development for the purposes of an industrial retail outlet is permitted under this Precinct Plan, the retail floor area must not exceed:
   (a) 40% of the combined gross floor area of the industrial retail outlet and the building or place on which the relevant industry is carried out, or
   (b) 400 square metres, whichever is the lesser.

(5) Farm stay accommodation
If development for the purposes of farm stay accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.
(6) **Kiosks**
If development for the purposes of a kiosk is permitted under this Precinct Plan, the gross floor area must not exceed 10 square metres.

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

(8) **Roadside stalls**
If development for the purposes of a roadside stall is permitted under this Precinct Plan, the gross floor area must not exceed 20 square metres.

(9) **Secondary dwellings**
If development for the purposes of a secondary dwelling is permitted under this Precinct Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

(a) 60 square metres,
(b) 20% of the total floor area of both the self-contained dwelling and the principal dwelling.

### 5.8 Conversion of fire alarms

(1) This clause applies to a fire alarm system that can be monitored by New South Wales Fire Brigades or by a private service provider.

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

(a) converting a fire alarm system from connection with the alarm monitoring system of New South Wales Fire Brigades to connection with the alarm monitoring system of a private service provider,

(b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,

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

(3), (4) (Repealed)

(5) In this clause:

*private service provider* means a person or body that has entered into an agreement that is in force with New South Wales Fire Brigades to monitor fire alarm systems.

### 5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Director-General.

**Note.** A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

(a) development consent, or
(b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:
   (a) that is or forms part of a heritage item, or
   (b) that is within a heritage conservation area.

Note. As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

(8) This clause does not apply to or in respect of:
   (a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003 or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
   (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause, or
   (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or
   (d) action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993 or the Surveying Act 2002, or
   (e) plants declared to be noxious weeds under the Noxious Weeds Act 1993, or
   (f) existing native vegetation areas to which clause 6.2 of this Precinct Plan applies, or
   (g) native vegetation retention areas or riparian protection areas to which clause 6.3 of this Precinct Plan applies.

5.10 Heritage conservation

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

(1) Objectives

The objectives of this clause are:
   (a) to conserve the environmental heritage of the North Kellyville Precinct, and
   (b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and
   (c) to conserve archaeological sites, and
   (d) to conserve places of Aboriginal heritage significance.

(2) Requirement for consent

Development consent is required for any of the following:
   (a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area,
(b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior,

(c) altering a heritage item that is a building by making structural changes to its interior,

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

(e) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance,

(f) erecting a building on land on which a heritage item is located or that is within a heritage conservation area,

(g) subdividing land on which a heritage item is located or that is within a heritage conservation area.

(3) **When consent not required**

However, consent under this clause is not required if:

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

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

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

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

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

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

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

(d) the development is exempt development.

(4) **Effect on heritage significance**

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

(5) **Heritage impact assessment**

The consent authority may, before granting consent to any development on land:

(a) on which a heritage item is situated, or

(b) within a heritage conservation area, or

(c) within the vicinity of land referred to in paragraph (a) or (b),
require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) **Heritage conservation management plans**

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

(7) **Archaeological sites**

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

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

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

(8) **Places of Aboriginal heritage significance**

The consent authority must, before granting consent under this clause to the carrying out of development in a place of Aboriginal heritage significance:

(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and

(b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.

(9) **Demolition of item of State significance**

The consent authority must, before granting consent for the demolition of a heritage item identified in Schedule 5 as being of State significance (other than an item listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

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

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

(10) **Conservation incentives**

The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this Precinct Plan, if the consent authority is satisfied that:

(a) the conservation of the heritage item is facilitated by the granting of consent, and

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

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

(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, and
(c) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

5.11 Bush fire hazard reduction

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

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

5.12 Infrastructure development and use of existing buildings of the Crown

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

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

Part 6 Additional local provisions

6.1 Public utility infrastructure

(1) The consent authority must not grant development consent to development on land to which this Precinct Plan applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

(2) In this clause, public utility infrastructure includes infrastructure for any of the following:
   (a) the supply of water,
   (b) the supply of electricity,
   (c) the disposal and management of sewage.

(3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.

6.2 Development controls—existing native vegetation areas

(1) The objective of this clause is to manage existing native vegetation areas in accordance with the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995.

(2) This clause applies to land within an existing native vegetation area as shown on the Native Vegetation Protection Map.

(3) This clause does not apply to any vegetation declared to be noxious weeds under the Noxious Weeds Act 1993.

(4) The consent authority must not grant development consent for development on land to which this clause applies unless the consent authority is satisfied that the proposed development will not result in the clearing of any existing native vegetation (within the meaning of the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995).
6.3 Development controls—native vegetation retention areas and riparian protection areas

(1) The objective of this clause is to prevent the clearing of certain native vegetation.

(2) This clause applies to land:
   (a) within a native vegetation retention area as shown on the Native Vegetation Protection Map, or
   (b) within a riparian protection area as shown on the Riparian Protection Area Map.

(3) This clause does not apply to any native vegetation that the consent authority is satisfied:
   (a) is dying or dead and is not required as the habitat of native fauna, or
   (b) is a risk to human life or property.

(4) This clause does not apply to any native vegetation:
   (a) within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
   (b) declared to be noxious weeds under the *Noxious Weeds Act 1993*.

(5) A person must not clear native vegetation on land to which this clause applies without:
   (a) approval under Part 3A of the Act, or
   (b) development consent.

   **Note.** A consent of the relevant consent authority required under this clause for the clearing of native vegetation is in addition to any development consent required or granted under the *Native Vegetation Act 2003* in respect of that clearing.

(6) Development consent under this clause is not to be granted unless the consent authority is satisfied of the following in relation to the disturbance of native vegetation:
   (a) that there is no reasonable alternative available to the disturbance of the native vegetation,
   (b) that as little native vegetation as possible will be disturbed,
   (c) that the disturbance of the native vegetation will not increase soil salinity,
   (d) that native vegetation disturbed for the purposes of construction will be reinstated where possible on completion of construction,
   (e) that the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid any net loss of remnant native vegetation,
   (f) that no more than 0.5 hectare of native vegetation will be cleared unless the clearing is essential for a previously permitted use of the land.

(7) The consent authority must, when determining a development application in respect of the clearing of native vegetation on land within a zone under this Precinct Plan, have regard to the objectives for development in that zone.

(8) This clause does not apply to or in respect of action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993*, the *Sydney Water Act 1994* or the *Surveying Act 2002*. 

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Historical version for 22.2.2014 to 16.4.2014 (generated on 13.08.2014 at 12:42)
6.4 Development on land in Zone E3 Environmental Management

(1) This clause applies to land in Zone E3 Environmental Management that is within an existing native vegetation area or native vegetation retention area as shown on the Native Vegetation Protection Map.

(2) The consent authority must not grant development consent to development on land to which this clause applies unless the consent authority is satisfied that the proposed development:
   (a) will be undertaken in a manner that is not inconsistent with the North Kellyville Precinct Environmental Management Plan, and
   (b) will not result in the clearing of any native vegetation.

6.5 Subdivision of land in Zone E4 Environmental Living

(1) The objectives of this clause are as follows:
   (a) to provide for residential development that takes account of the special values of land in Zone E4 Environmental Living,
   (b) to encourage development that will ensure the land is managed and conserved in a holistic and sensitive manner,
   (c) to promote high quality residential amenity in the urban environment,
   (d) to encourage an innovative and contemporary approach to building design and location that is appropriate to the special values of the land.

(2) This clause applies to land in Zone E4 Environmental Living.

(3) The consent authority may grant development consent for the subdivision of land to which this clause applies, only if:
   (a) the land is subdivided in accordance with the Community Land Development Act 1989 for a neighbourhood scheme, and
   (b) each lot, other than a lot comprising neighbourhood property, to be created by the subdivision will have an area of not less than 600 square metres, and
   (c) the subdivision will not result in more than 7.5 development lots per hectare.

Schedule 1 Additional permitted uses

Schedule 4 Classification and reclassification of public land

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

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<th>Column 2</th>
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<tr>
<td>Locality</td>
<td>Description</td>
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</tbody>
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Part 2  Land classified, or reclassified, as operational land—interests changed

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<tbody>
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Part 3  Land classified, or reclassified, as community land

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<td>Description</td>
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Schedule 5  Environmental heritage

(Clause 5.10)

Heritage items

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<tr>
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<th>Item name</th>
<th>Address</th>
<th>Significance</th>
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</thead>
<tbody>
<tr>
<td>North Kellyville</td>
<td>“Yalta”, house and immediate garden</td>
<td>Lot B, DP 374973, 45 Hezlett Road, Kellyville</td>
<td>Local</td>
</tr>
</tbody>
</table>
Appendix 3  Riverstone West Precinct Plan

Part 1  Preliminary

Note. The Standard Instrument (Local Environmental Plans) Order 2006 sets out matters to be included in standard local environmental plans. While this Precinct Plan is not a standard local environmental plan, it is generally consistent with standard plans. A number of clauses from the Standard Instrument (Local Environmental Plans) Order 2006 have been included in this Precinct Plan and the clause numbering from that Order has been retained. This means that the numbering in this Precinct Plan may contain some gaps. Additional provisions have been inserted and are numbered accordingly.

1.1 Name of Precinct Plan

This Precinct Plan is the Riverstone West Precinct Plan 2009.

1.2 Aims of Precinct Plan

The aims of this Precinct Plan are as follows:

(a) to make development controls for land in the Riverstone West Precinct within the North West Growth Centre that will ensure the creation of quality environments and good design outcomes,

(b) to protect and enhance the environmentally sensitive natural areas in, and the cultural heritage of, the Precinct,

(c) to provide for recreational opportunities within the Precinct,

(d) to provide for innovative development in the Precinct that encourages employment and economic growth,

(e) to provide for the sustainable development of the Precinct,

(f) to promote pedestrian and vehicle connectivity with adjoining Precincts and localities and within the Precinct.

1.3 Land to which Precinct Plan applies

This Precinct Plan applies to land within the Riverstone West Precinct.

1.4 Definitions

In this Precinct Plan, Council means Blacktown City Council.

Note. The Dictionary at the end of this State Environmental Planning Policy defines words and expressions for the purposes of this Precinct Plan, including the relevant maps.

1.6 Consent authority

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

1.8 Repeal of other local planning instruments applying to land

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

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

(3) This clause does not affect the operation of other provisions of this State Environmental Planning Policy.

(4) Despite this clause, Division 3 of Part 3 of Blacktown Local Environmental Plan 1988 (as in force on the commencement of this Precinct Plan) continues to apply as
if those provisions formed part of this Precinct Plan, but only in relation to the following heritage items within the meaning of that Plan:

(a) House—Part of Lot 211, DP 830505, No 17 Richards Avenue,
(b) Group of Workers’ Cottages—Part of Lot 211, DP 830505, Nos 23, 25, 27, 29, 31, 33, 37, 39, 43, 45, 47 and 49 Richards Avenue,
(c) Shop—former Butcher’s Shop—Part of Lot 10, DP 736235, Garfield Road West.

1.9 Application of SEPPs

(1) This Precinct Plan is subject to the provisions of any State environmental planning policy that prevails over this Precinct Plan as provided by section 36 of the Act.

Note. Section 36 of the Act generally provides that SEPPs prevail over LEPs. However, an environmental planning instrument may (by an additional provision included in the instrument) displace or amend a SEPP or LEP to deal specifically with the relationship between the instrument and the SEPP or LEP.

(2) *State Environmental Planning Policy No 1—Development Standards* does not apply to the land to which this Precinct Plan applies.

(3) Subject to section 74 (1) of the Act, in the event of an inconsistency between this Precinct Plan and any other provision of this or any other environmental planning instrument whether made before or after the commencement of this Precinct Plan, this Precinct Plan prevails to the extent of the inconsistency.

Note. The other provisions of this State Environmental Planning Policy also contain provisions applying development controls to the North West Growth Centre, including the Riverstone West Precinct.

1.9A Suspension of covenants, agreements and instruments

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

(2) This clause does not apply:

(a) to a covenant imposed by the Council or that the Council requires to be imposed, or
(b) to any prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, or
(c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
(d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
(e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
(f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or
(g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.

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

(4) Pursuant to section 28 of the Act, before the making of this clause, the Governor approved of subclauses (1)–(3).
Part 2  Permitted or prohibited development

2.1 Land use zones
The land use zones under this Precinct Plan are as follows:

- **Business Zones**
  - B7 Business Park
- **Industrial Zones**
  - IN1 General Industrial
  - IN2 Light Industrial
- **Special Purpose Zones**
  - SP2 Infrastructure
- **Recreation Zones**
  - RE2 Private Recreation
- **Environment Protection Zones**
  - E2 Environmental Conservation

2.2 Zoning of land to which Precinct Plan applies
For the purposes of this Precinct Plan, land is within the zones shown on the Land Zoning Map.

2.3 Zone objectives and land use table
(1) The Land Use Table at the end of this Part specifies for each zone:
   (a) the objectives for development, and
   (b) development that may be carried out without consent, and
   (c) development that may be carried out only with consent, and
   (d) development that is prohibited.

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

(3) In the Land Use Table at the end of this Part:
   (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
   (b) a reference to a type of building or other thing does not include (despite any definition in this Policy) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.

(4) This clause is subject to the other provisions of this Precinct Plan.

Notes.
1. Schedule 1 sets out additional permitted uses for particular land.
2. Clause 2.6 requires consent for subdivision of land.
3. Part 5 contains other provisions that require consent for particular development.
4. Part 6 sets out additional uses for particular land.

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

(2) Before granting consent, the consent authority:
(a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and

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

2.5 Additional permitted uses for particular land

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

(a) with consent, or

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

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

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

2.6 Subdivision—consent requirements

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

Note. State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies certain subdivision development as exempt development.

(2) (Repealed)

2.6A Demolition

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

Note. The demolition of certain buildings and works is identified in the Riverstone West Precinct Development Control Plan and State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as exempt or complying development.

2.6B Temporary use of land

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

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

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

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

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

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

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

(4) This clause does not prescribe a development standard that may be varied under this Precinct Plan.
Land Use Table

Note. Part 6 of this Precinct Plan sets out local provisions which include additional permissible land uses and heads of consideration for assessment.

Zone B7 Business Park

1 Objectives of zone
   - To provide a range of office and light industrial uses.
   - To encourage employment opportunities.
   - To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

2 Permitted without consent
   Nil

3 Permitted with consent
   Child care centres; Hotel or motel accommodation; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Roads; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited
   Agriculture; Air transport facilities; Biosolid waste applications; Bulky goods premises; Caravan parks; Cemeteries; Correctional centres; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Helipads; Home-based child care; Home businesses; Home industries; Home occupations; Home occupations (sex services); Industries; Information and education facilities; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Restriction facilities; Tourist and visitor accommodation; Waste disposal facilities

Zone IN1 General Industrial

1 Objectives of zone
   - To provide a wide range of industrial and warehouse land uses.
   - To encourage employment opportunities.
   - To minimise any adverse effect of industry on other land uses.
   - To enable development for the purpose of retail premises only where it serves convenience needs, or where the goods or materials sold are of a type and nature consistent with construction and maintenance of buildings.

2 Permitted without consent
   Nil

3 Permitted with consent
   Animal boarding or training establishments; Depots; Drainage; Earthworks; Freight transport facilities; Light industries; Neighbourhood shops; Roads; Take away food and drink premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4
4 Prohibited
Agriculture; Air transport facilities; Biosolid waste applications; Bulky goods premises; Business premises; Caravan parks; Cemeteries; Child care centres; Community facilities; Correctional centres; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Function centres; Health services facilities; Heavy industries; Home-based child care; Home businesses; Home industries; Home occupations; Home occupations (sex services); Information and education facilities; Office premises; Public administration buildings; Recreation facilities (major); Registered clubs; Residential accommodation; Restriction facilities; Retail premises; Tourist and visitor accommodation; Vehicle sales or hire premises; Waste disposal facilities

Zone IN2 Light Industrial

1 Objectives of zone
• To provide a wide range of light industrial, warehouse and related land uses.
• To encourage employment opportunities and to support the viability of centres.
• To minimise any adverse effect of industry on other land uses.
• To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

2 Permitted without consent
Nil

3 Permitted with consent
Depots; Drainage; Earthworks; Food and drink premises; Freight transport facilities; Funeral chapels; Funeral homes; Landscape and garden supplies; Light industries; Mortuaries; Neighbourhood shops; Resource recovery facilities; Roads; Service stations; Timber and building supplies; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Waste or resource transfer stations; Any other development not specified in item 2 or 4

4 Prohibited
Agriculture; Air transport facilities; Airstrips; Biosolid waste applications; Bulky goods premises; Business premises; Caravan parks; Cemeteries; Correctional centres; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Function centres; Heliports; Home-based child care; Home businesses; Home industries; Home occupations; Home occupations (sex services); Hospitals; Industries; Information and education facilities; Office premises; Public administration buildings; Recreation facilities (major); Recreation facilities (outdoor); Residential accommodation; Restriction facilities; Retail premises; Tourist and visitor accommodation; Waste or resource management facilities

Zone SP2 Infrastructure

1 Objectives of zone
• To provide for infrastructure and related uses.
• To prevent development that is not compatible with or that may detract from the provision of infrastructure.
2 Permitted without consent
   Nil

3 Permitted with consent
   The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Drainage; Earthworks; Environmental protection works; Flood mitigation works; Roads; Water recycling facilities; Waterbodies (artificial)

4 Prohibited
   Any development not specified in item 2 or 3

Zone RE2 Private Recreation

1 Objectives of zone
   • To enable land to be used for private open space or recreational purposes.
   • To provide a range of recreational settings and activities and compatible land uses.
   • To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent
   Nil

3 Permitted with consent
   Boat launching ramps; Caravan parks; Community facilities; Drainage; Earthworks; Electricity generating works; Environmental facilities; Environmental protection works; Extensive agriculture; Flood mitigation works; Information and education facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Roads; Signage; Water recycling facilities; Water supply systems; Waterbodies (artificial)

4 Prohibited
   Any development not specified in item 3

Zone E2 Environmental Conservation

1 Objectives of zone
   • To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
   • To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

2 Permitted without consent
   Nil

3 Permitted with consent
   Drainage; Earthworks; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Kiosks; Recreation areas; Roads; Signage; Waterbodies (artificial)
4 Prohibited

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

Part 3

3.1–3.3 (Repealed)

Part 4 Principal development standards

4.1 Minimum subdivision lot size

(1) The objectives of this clause are as follows:
   (a) to ensure orderly and efficient use of land,
   (b) to ensure a minimum lot size sufficient for development,
   (c) to allow for a range of lot sizes that cater for a diversity of land uses and employment activities.

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

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

(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

4.3 Height of buildings

(1) The objectives of this clause are as follows:
   (a) to establish the maximum height of buildings on land within the Riverstone West Precinct,
   (b) to provide for a range of building heights in appropriate locations that provide a high quality urban form,
   (c) to provide appropriate height controls for commercial and industrial development,
   (d) to establish parameters for and promote a high quality built form.

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

(3) In this clause, building height (or height of building) means the vertical distance between ground level (finished) at any point 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.

4.4 Floor space ratio

(1) The objectives of this clause are as follows:
   (a) to control the maximum density of development within Zone B7 Business Park,
   (b) to control the bulk and scale of buildings within Zone B7 Business Park,
(c) to establish maximum floor space ratios for light industrial use to ensure economic and orderly development of Zone B7 Business Park.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

(3) The maximum floor space ratio for any building (or part of a building) within Zone B7 Business Park used for the purpose of light industry is not to exceed 0.7:1.

Note. See clause 6.4 for possible additional floor space.

4.5 Calculation of floor space ratio and site area

(1) Objectives
The objectives of this clause are as follows:
(a) to define floor space ratio,
(b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:
   (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
   (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
   (iii) require community land and public places to be dealt with separately.

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

(3) Site area
In determining the site area of proposed development for the purpose of applying a floor space ratio, the site area is taken to be:
(a) if the proposed development is to be carried out on only one lot, the area of that lot, or
(b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

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

(4) Exclusions from site area
The following land must be excluded from the site area:
(a) land on which the proposed development is prohibited, whether under this Precinct Plan or any other law,
(b) community land or a public place (except as provided by subclause (7)).

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

The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

(7) **Certain public land to be separately considered**

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

(8) **Existing buildings**

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

(9) **Covenants to prevent “double dipping”**

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

(10) **Covenants affect consolidated sites**

If:

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

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

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

(11) **Definition**

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

**4.5A Shops—maximum gross floor area**

1. The total gross floor area used for the purpose of shops (including neighbourhood shops) on all land within Zone B7 Business Park must not exceed 3,500 square metres.

2. The total gross floor area used for shops (other than premises for the retail of office supplies) in a particular development for that purpose on land within Zone B7 Business Park must not exceed 500 square metres.

**4.6 Exceptions to development standards**

1. The objectives of this clause are as follows:

   (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

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

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

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

(4) Consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

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

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

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider:

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

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

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

(6) Consent must not be granted under this clause for a subdivision of land within Zone E2 Environmental Conservation if:

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

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

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant’s written request referred to in subclause (3).

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

(a) a development standard for complying development,

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

(c) clause 5.4.
Part 5  Miscellaneous provisions

5.1  Relevant acquisition authority

(1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions).

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

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

<table>
<thead>
<tr>
<th>Type of land shown on Map</th>
<th>Authority of the State</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</table>

This Table is blank on the making of this Precinct Plan.

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

Note. If land, other than land specified in the Table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning is required to take action to enable the designation of the acquiring authority under this Part. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning (see section 21 of the Land Acquisition (Just Terms Compensation) Act 1991).

5.2  Classification and reclassification of public land

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

Note. Under the Local Government Act 1993, “public land” is generally land vested in or under the control of a council (other than roads, 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 this Precinct Plan to discharge trusts on which public reserves are held if the land is reclassified under this Precinct Plan as operational land.

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

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

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

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

(b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
(5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:

(a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
(b) any reservations that except land out of the Crown grant relating to the land, and
(c) reservations of minerals (within the meaning of the Crown 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 4.

5.3 Development near zone boundaries

(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 30 metres between any 2 zones.

(3) This clause does not apply to:

(a) land zoned E2 Environmental Conservation, or
(b) land proposed to be developed for the purpose of sex services or restricted premises.

(4) Despite the provisions of this Precinct Plan relating to the purposes for which development may be carried out, consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:

(a) the development is not inconsistent with the objectives for development in both zones, and
(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

(5) The clause does not prescribe a development standard that may be varied under this Precinct Plan.

5.4 Controls relating to miscellaneous permissible uses

(1) Bed and breakfast accommodation

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

(2) Home businesses

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

(4) **Industrial retail outlets**
If development for the purposes of an industrial retail outlet is permitted under this Precinct Plan, the retail floor area must not exceed:
(a) 40% of the combined gross floor area of the industrial retail outlet and the building or place on which the relevant industry is carried out, or
(b) 400 square metres, whichever is the lesser.

(5) **Farm stay accommodation**
If development for the purposes of farm stay accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

(6) **Kiosks**
If development for the purposes of a kiosk is permitted under this Precinct Plan, the gross floor area must not exceed 30 square metres.

(7) **Neighbourhood shops**
If development for the purposes of a neighbourhood shop is permitted under this Precinct Plan, the retail floor area must not exceed 100 square metres.

(8) **Roadside stalls**
If development for the purposes of a roadside stall is permitted under this Precinct Plan, the gross floor area must not exceed 8 square metres.

(9) **Secondary dwellings**
If development for the purposes of a secondary dwelling is permitted under this Precinct Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:
(a) 110 square metres,
(b) 30% of the total floor area of both the self-contained dwelling and the principal dwelling.

5.6 **Architectural roof features**

(1) The objectives of this clause are:
(a) to ensure that architectural roof features are decorative elements only, and
(b) to ensure that the majority of the roof features are contained within the prescribed building height.

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

(3) Development consent must not be granted to any such development unless the consent authority is satisfied that:
(a) the architectural roof feature:
(i) comprises a decorative element on the uppermost portion of a building, and

(ii) is not an advertising structure, and  
(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and  
(iv) will cause minimal overshadowing, and  

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

5.8 Conversion of fire alarms

(1) This clause applies to a fire alarm system that can be monitored by New South Wales Fire Brigades or by a private service provider.  
(2) The following development may be carried out, but only with consent:  
   (a) converting a fire alarm system from connection with the alarm monitoring system of New South Wales Fire Brigades to connection with the alarm monitoring system of a private service provider,  
   (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,  
   (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.  

(3), (4) (Repealed)  
(5) In this clause:  
   private service provider means a person or body that has entered into an agreement that is in force with New South Wales Fire Brigades to monitor fire alarm systems.

5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.  
(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Director-General.  
   Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.  
(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:  
   (a) development consent, or  
   (b) a permit granted by the Council.  
(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.  
(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.  
(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.  
(7) This clause does not apply to or in respect of:
5.11 **Bush fire hazard reduction**

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

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

5.12 **Infrastructure development and use of existing buildings of the Crown**

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

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

**Part 6 Additional local provisions**

6.1 **Public utility infrastructure**

(1) The consent authority must not grant development consent to development on land to which this Precinct Plan applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

(2) In this clause, *public utility infrastructure* includes infrastructure for any of the following:

(a) the supply of water,

(b) the supply of electricity,

(c) the disposal and management of sewage.

(3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.
6.2 Development in Zone E2 Environmental Conservation

(1) This clause applies to land within Zone E2 Environmental Conservation (other than any such land owned by a public authority).

(2) Despite any other provision of this Precinct Plan, the consent authority must not grant development consent for development on land to which this clause applies unless it has considered a vegetation management plan that relates to all of that land.

(3) The vegetation management plan must address, to the satisfaction of the consent authority, the following matters:
   (a) the environmental values of the land,
   (b) methods to be used to revegetate and rehabilitate the land,
   (c) weed control,
   (d) the monitoring and ongoing management of the land,
   (e) other measures:
      (i) to control threats to the health of any remnant riparian vegetation on the land, and
      (ii) to increase species diversification and riparian vegetation cover on the land, and
      (iii) to improve the land’s resistance to future weed colonisation.

6.3 Subdivision or other development of certain land

(1) The objectives of this clause are as follows:
   (a) to ensure the rehabilitation and revegetation of land within the Riverstone West Precinct that is within Zone E2 Environmental Conservation (other than any such land owned by a public authority),
   (b) to ensure that land within the Riverstone West Precinct is managed and conserved in a holistic and sensitive manner.

(2) This clause applies to all land within the Riverstone West Precinct other than:
   (a) land within Zone SP2 Infrastructure, and
   (b) land within Zone E2 Environmental Conservation that is owned by a public authority.

(3) Despite any other provision of this Precinct Plan, the consent authority must not grant consent for subdivision of land to which this clause applies or any other development on that land unless it is satisfied that:
   (a) appropriate arrangements have been made for the revegetation and rehabilitation of that land that is within the Riverstone West Precinct within Zone E2 Environmental Conservation, and
   (b) those arrangements:
      (i) provide for the ongoing monitoring and management of that land, and
      (ii) will take effect before, or simultaneously with, the proposed subdivision or development concerned, and
      (iii) are appropriate when considered in conjunction with any vegetation management plan prepared in accordance with clause 6.2.

6.4 Development of land within Zone B7 Business Park—additional floor space ratio

(1) This clause applies to land within Zone B7 Business Park.

(2) The objectives of this clause are as follows:
(a) to encourage the rehabilitation and revegetation of land within the Riverstone West Precinct that is within Zone E2 Environmental Conservation,

(b) to ensure that land within the Riverstone West Precinct is managed and conserved in a holistic and sensitive manner,

(c) to encourage community title subdivision.

(3) If all of the land within the Riverstone West Precinct that is within Zone B7 Business Park and Zone E2 Environmental Conservation (other than any such Zone E2 land owned by a public authority):

(a) is the subject of a subdivision undertaken in accordance with the Community Land Development Act 1989 for a neighbourhood scheme, and

(b) all the land within Zone E2 Environmental Conservation (other than any such land owned by a public authority) forms neighbourhood property under that scheme,

then, despite clause 4.4 (2), the maximum floor space ratio for a building on land within Zone B7 Business Park is:

(d) 2.25:1—for land shown with a floor space ratio of 1.75:1 on the Floor Space Ratio Map, or

(e) 3.25:1—for land shown with a floor space ratio of 2.75:1 on the Floor Space Ratio Map.

6.5 Educational establishments, hotels, motels, office premises and registered clubs on certain land within Zone IN1 Light Industrial

(1) This clause applies to the land shown hatched on the Land Zoning Map.

(2) Despite any other provision of this Precinct Plan, the consent authority may grant consent to development for the purposes of educational establishments, hotel or motel accommodation, office premises or registered clubs, but only if the development is associated with or to be carried out in conjunction with development for the purposes of a recreation facility (outdoor).

6.6 Development controls—existing native vegetation

(1) The objective of this clause is to manage existing native vegetation in accordance with the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995.

(2) This clause applies to land within an existing native vegetation area as shown on the Native Vegetation Protection Map.

(3) This clause does not apply to any vegetation declared to be noxious weeds under the Noxious Weeds Act 1993.

(4) The consent authority must not grant development consent for development on land to which this clause applies unless it is satisfied that the proposed development will not result in the clearing of any existing native vegetation (within the meaning of the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995).

6.7 Development controls—native vegetation retention areas

(1) The objective of this clause is to prevent the clearing of certain native vegetation.

(2) This clause applies to land within a native vegetation retention area as shown on the Native Vegetation Protection Map.

(3) This clause does not apply to native vegetation that the Council is satisfied:

(a) is dying or dead and is not required as the habitat of native fauna, or
(b) is a risk to human life or property.

(4) This clause does not apply to any native vegetation:
   (a) within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
   (b) declared to be noxious weeds under the *Noxious Weeds Act 1993*.

(5) A person must not clear native vegetation on land to which this clause applies without:
   (a) approval under Part 3A of the Act, or
   (b) development consent.

(6) Development consent under this clause is not to be granted unless the consent authority is satisfied of the following in relation to the disturbance of native vegetation:
   (a) that there is no reasonable alternative available to the disturbance of the native vegetation,
   (b) that as little native vegetation as possible will be disturbed,
   (c) that the disturbance of the native vegetation will not increase salinity,
   (d) that native vegetation disturbed for the purposes of construction will be reinstated where possible on completion of construction,
   (e) that the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid any net loss of remnant native vegetation,
   (f) that no more than 0.5 hectares of native vegetation will be cleared unless the clearing is essential for a previously permitted use of the land.

(7) The consent authority must, when determining a development application in respect of the clearing of native vegetation on land within a zone under this Precinct Plan, have regard to the objectives for development in that zone.

(8) This clause does not apply to or in respect of action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993*, the *Surveying Act 2002* or the *Sydney Water Act 1994*.

**Schedule 1  Additional permitted uses**

(Clause 2.5)

1 **Certain land adjoining Zone B7 Business Park**
   
   (1) This clause applies to that part of Lot 10, DP 736235 that is within Zone SP2 Infrastructure.

   (2) Development that is permitted with consent on land within Zone B7 Business Park is permitted with consent on land to which this clause applies.

**Schedule 4  Classification and reclassification of public land**

(Clause 5.2)

This schedule is blank on the making of this Precinct Plan.
### Part 1  Land classified, or reclassified, as operational land—no interests changed

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Locality</td>
<td>Description</td>
</tr>
</tbody>
</table>

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

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<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Locality</td>
<td>Description</td>
<td>Any trusts etc not discharged</td>
</tr>
</tbody>
</table>

### Part 3  Land classified, or reclassified, as community land

<table>
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<th>Column 1</th>
<th>Column 2</th>
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</thead>
<tbody>
<tr>
<td>Locality</td>
<td>Description</td>
</tr>
</tbody>
</table>
Appendix 4  Alex Avenue and Riverstone Precinct Plan 2010

Part 1  Preliminary

Note. The Standard Instrument (Local Environmental Plans) Order 2006 sets out matters to be included in standard local environmental plans. While this Precinct Plan is not a standard local environmental plan, it is generally consistent with standard plans. A number of clauses from the Standard Instrument (Local Environmental Plans) Order 2006 have been included in this Precinct Plan and the clause numbering from that order has been retained. This means that the numbering in this Precinct Plan may contain some gaps. Additional provisions have been inserted and are numbered accordingly.

1.1 Name of Precinct Plan

This Precinct Plan is the Alex Avenue and Riverstone Precinct Plan 2010.

1.2 Aims of Precinct Plan

The particular aims of this Precinct Plan are as follows:

(a) to make development controls for land in the Alex Avenue and Riverstone Precincts within the North West Growth Centre that will ensure the creation of quality environments and good design outcomes,

(b) to protect and enhance the environmentally sensitive and natural areas and the cultural heritage of those Precincts,

(c) to provide for recreational opportunities within those Precincts,

(d) to provide for multifunctional and innovative development in those Precincts that encourages employment and economic growth,

(e) to promote housing choice and affordability in those Precincts,

(f) to provide for the sustainable development of those Precincts,

(g) to promote pedestrian and vehicle connectivity with adjoining Precincts and localities and within the Alex Avenue and Riverstone Precincts,

(h) to provide transport infrastructure to meet the needs of the community,

(i) to provide for the orderly development of the Riverstone Scheduled Lands.

1.3 Land to which Precinct Plan applies

This Precinct Plan applies to land within the Alex Avenue and Riverstone Precincts as shown on the Land Application Map.

Note. The Land Application Map differs from the Precinct Boundary Map and, as such, this Precinct Plan does not apply to all the land within the Alex Avenue and Riverstone Precincts (as shown on the Precinct Boundary Map).

1.4 Definitions

In this Precinct Plan, Council means the Blacktown City Council.

Note. The Dictionary at the end of this State Environmental Planning Policy defines words and expressions for the purposes of this Precinct Plan, including the relevant maps.

1.6 Consent authority

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

1.8 Repeal of other local planning instruments applying to land

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

(3) This clause does not affect the operation of other provisions of this State Environmental Planning Policy.

1.8A Savings provision relating to pending development applications

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

1.9 Application of SEPPs

(1) This Precinct Plan is subject to the provisions of any State environmental planning policy that prevails over this Precinct Plan as provided by section 36 of the Act.

Note. Section 36 of the Act generally provides that SEPPs prevail over LEPs. However, an environmental planning instrument may (by an additional provision included in the instrument) displace or amend a SEPP or LEP to deal specifically with the relationship between the instrument and the SEPP or LEP.

(2) State Environmental Planning Policy No 1—Development Standards does not apply to the land to which this Precinct Plan applies.

(3) Subject to section 74 (1) of the Act, in the event of an inconsistency between this Precinct Plan and any other provision of this State Environmental Planning Policy or any other environmental planning instrument whether made before or after the commencement of this Precinct Plan, this Precinct Plan prevails to the extent of the inconsistency.

Note. The other provisions of this State Environmental Planning Policy also contain provisions applying development controls to the North West Growth Centre, including the Alex Avenue and Riverstone Precincts.

1.9A Suspension of covenants, agreements and instruments

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

(2) This clause does not apply:

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

(b) to any prescribed instrument within the meaning of section 183A of the Crown Lands Act 1989, or

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

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

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

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

(g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.
(3) This clause does not affect the rights or interests of any public authority under any registered instrument.

(4) Pursuant to section 28 of the Act, before the making of this clause, the Governor approved of subclauses (1)–(3).

**Part 2  Permitted or prohibited development**

2.1 Land use zones

The land use zones under this Precinct Plan are as follows:

- **Residential Zones**
  - R2 Low Density Residential
  - R3 Medium Density Residential

- **Business Zones**
  - B1 Neighbourhood Centre
  - B2 Local Centre
  - B4 Mixed Use

- **Industrial Zones**
  - IN2 Light Industrial

- **Special Purpose Zones**
  - SP2 Infrastructure

- **Recreation Zones**
  - RE1 Public Recreation

- **Environment Protection Zones**
  - E2 Environmental Conservation

**Note.** At the commencement of this Precinct Plan, land within the Alex Avenue Precinct was within the R2 Low Density Residential Zone, the R3 Medium Density Residential Zone, the B2 Local Centre Zone, the B4 Mixed Use Zone, the SP2 Infrastructure Zone, and the RE1 Public Recreation Zone.

Land within the Riverstone Precinct was within the R2 Low Density Residential Zone, the R3 Medium Density Residential Zone, the B1 Neighbourhood Centre Zone, the IN2 Light Industrial Zone, the RE1 Public Recreation Zone and the E2 Environmental Conservation Zone.

2.2 Zoning of land to which Precinct Plan applies

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

2.3 Zone objectives and land use table

(1) The Table at the end of this Part specifies for each zone:
   
   (a) the objectives for development, and
   
   (b) development that may be carried out without consent, and
   
   (c) development that may be carried out only with consent, and
   
   (d) development that is prohibited.

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

(3) In the Table at the end of this Part:
(a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and

(b) a reference to a type of building or other thing does not include (despite any definition in this Precinct Plan) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.

(4) This clause is subject to the other provisions of this Precinct Plan.

Notes.
1 Schedule 1 sets out additional permitted uses for particular land.
2 Clause 2.6 requires consent for subdivision of land.
3 Part 5 contains other provisions that require consent for particular development.
4 Part 6 sets out additional permitted uses for particular land.

2.4 Unzoned land

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

(2) Before granting consent, the consent authority:

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

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

2.5 Additional permitted uses for particular land

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

(a) with consent, or

(b) if the Schedule so provides—without consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.

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

2.6 Subdivision—consent requirements

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

Note. State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies certain subdivision development as exempt development.

(2) (Repealed)

2.6A Demolition requires consent

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

Note. The demolition of certain buildings and works is identified in Schedules 1 and 2 to this Policy and State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as exempt or complying development.

2.6B Temporary use of land

(1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land or on adjoining land or development.
(2) Despite any other provision of this Precinct Plan, development consent may be granted for development on land in any zone for a temporary purpose for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.

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

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

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

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

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

(4) This clause does not prescribe a development standard that may be varied under this Precinct Plan.

Land Use Table

Note. Part 6 of this Precinct Plan sets out local provisions which include additional permissible land uses and heads of consideration for assessment.

Zone R2 Low Density Residential

1 Objectives of zone

• To provide for the housing needs of the community within a low density residential environment.

• To enable other land uses that provide facilities or services to meet the day to day needs of residents.

• To allow people to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours.

• To support the well being of the community, by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.

2 Permitted without consent

Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Business identification signs; Child care centres; Community facilities; Drainage; Dual occupancies; Dwelling houses; Earthworks; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Neighbourhood shops; Places of public worship; Roads; Secondary dwellings; Semi-detached dwellings; Shop top housing; Veterinary hospitals

4 Prohibited

Any other development not specified in item 2 or 3
Zone R3 Medium Density Residential

1 Objectives of zone
   • To provide for the housing needs of the community within a medium density residential environment.
   • To provide a variety of housing types within a medium density residential environment.
   • To enable other land uses that provide facilities or services to meet the day to day needs of residents.
   • To support the well being of the community, by enabling educational, recreational, community, and other activities where compatible with the amenity of a medium density residential environment.

2 Permitted without consent
   Home occupations

3 Permitted with consent
   Attached dwellings; Bed and breakfast accommodation; Boarding houses; Child care centres; Community facilities; Group homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Roads; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited
   Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat repair facilities; Boat sheds; Business premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Dual occupancies; Dwelling houses; Electricity generating works; Entertainment facilities; Extractive industries; Freight transport facilities; Function centres; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Information and education facilities; Marinas; Mortuaries; Office premises; Passenger transport facilities; Port facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Restriction facilities; Retail premises; Rural supplies; Rural workers’ dwellings; Semi-detached dwellings; Service stations; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Waste management facilities; Waste or resource management facilities; Wholesale supplies

Zone B1 Neighbourhood Centre

1 Objectives of zone
   • To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
   • To ensure the scale and type of business development is compatible with the scale of the surrounding area.
   • To ensure residential development does not preclude the provision of active retail, business and community uses at street level.
   • To allow for residential development that does not detract from the primary function of the zone which is to provide retail, business and community uses to serve the community.
• To promote a sense of place and focal points for the local community.

2 Permitted without consent
   Home occupations

3 Permitted with consent
   Business premises; Car parks; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Food and drink premises; Function centres; Information and education facilities; Markets; Neighbourhood shops; Recreation facilities (indoors); Retail premises; Roads; Service stations; Shop top housing; Vehicle repair stations; Any other development not specified in item 2 or 4

4 Prohibited
   Agriculture; Air transport facilities; Airstrips; Biosolids treatment facilities; Boat repair facilities; Boat sheds; Bulky goods premises; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Electricity generating works; Exhibition villages; Extractive industries; Farm buildings; Freight transport facilities; Funeral chapels; Funeral homes; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Landscape and garden supplies; Mortuaries; Office premises; Passenger transport facilities; Port facilities; Registered clubs; Residential accommodation; Restriction facilities; Rural supplies; Sex services premises; Storage premises; Timber and building supplies; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste management facilities; Waste or resource management facilities

Zone B2 Local Centre

1 Objectives of zone
   • To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
   • To encourage employment opportunities in accessible locations.
   • To maximise public transport patronage and encourage walking and cycling.
   • To provide for residential development that contributes to the vitality of the local centre.
   • To ensure that residential development within the centre does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.
   • To facilitate active retail, commercial, entertainment and community facility uses at ground level of mixed use developments.
   • To encourage development which will contribute to the economic growth of, and creation of employment opportunities within, the City of Blacktown.

2 Permitted without consent
   Home occupations

3 Permitted with consent
   Business premises; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoors); Registered clubs; Retail premises; Roads; Service stations; Shop
top housing; Tourist and visitor accommodation; Vehicle repair stations; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Biosolids treatment facilities; Boat repair facilities; Boat sheds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Electricity generating works; Exhibition villages; Extractive industries; Farm buildings; Freight transport facilities; Funeral chapels; Funeral homes; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Mortuaries; Port facilities; Residential accommodation; Restricted premises; Restriction facilities; Roadside stalls; Rural industries; Rural supplies; Rural workers’ dwellings; Sex services premises; Storage premises; Transport depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste management facilities; Waste or resource management facilities

Zone B4 Mixed Use

1 Objectives of zone

• To provide a mixture of compatible land uses.
• To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
• To facilitate active retail, commercial, entertainment and community uses at ground level of mixed use developments.
• To provide for residential development that contributes to the vitality of the local centre.
• To ensure that residential development adjacent to the local centre does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.

2 Permitted without consent

Home occupations

3 Permitted with consent

Boarding houses; Business premises; Car parks; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Retail premises; Roads; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Biosolids treatment facilities; Boat repair facilities; Boat sheds; Bulky goods premises; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Exhibition villages; Extractive industries; Farm buildings; Freight transport facilities; Funeral chapels; Funeral homes; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Mortuaries; Port facilities; Public administration buildings; Recreation facilities (major); Residential accommodation; Restricted premises; Rural industries; Rural supplies; Rural workers’ dwellings; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops;
Vehicle repair stations; Warehouse or distribution centres; Waste management facilities; Waste or resource management facilities; Wholesale supplies

Zone IN2 Light Industrial

1 Objectives of zone

• To provide a wide range of light industrial, warehouse and related uses.
• To encourage employment opportunities.
• To minimise any adverse effect of industry on other land uses.
• To enable other land uses that provide facilities that meet the day to day needs of workers in the area.

2 Permitted without consent

Nil

3 Permitted with consent

Depots; Drainage; Earthworks; Food and drink premises; Freight transport facilities; Funeral chapels; Funeral homes; Landscape and garden supplies; Light industries; Mortuaries; Neighbourhood shops; Resource recovery facilities; Roads; Service stations; Timber and building supplies; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Waste or resource transfer stations; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Bulky goods premises; Business premises; Caravan parks; Cemeteries; Correctional centres; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Function centres; Helipads; Home-based child care; Home businesses; Home industries; Home occupations; Home occupations (sex services); Hospitals; Industries; Information and education facilities; Office premises; Public administration buildings; Recreation facilities (major); Recreation facilities (outdoor); Residential accommodation; Restriction facilities; Retail premises; Tourist and visitor accommodation; Waste or resource management facilities

Zone SP2 Infrastructure

1 Objectives of zone

• To provide for infrastructure and related uses.
• To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent

Nil

3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Drainage; Earthworks; Environmental protection works; Flood mitigation works; Roads; Water recycling facilities; Waterbodies (artificial)
4 Prohibited
Any other development not specified in item 2 or 3

Zone RE1 Public Recreation

1 Objectives of zone
• To enable land to be used for public open space or recreational purposes.
• To provide a range of recreational settings and activities and compatible land uses.
• To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent
Nil

3 Permitted with consent
Building identification signs; Business identification signs; Community facilities; Drainage; Earthworks; Environmental facilities; Environmental protection works; Flood mitigation works; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads; Water recycling facilities; Waterbodies (artificial)

4 Prohibited
Any development not specified in item 2 or 3

Zone E2 Environmental Conservation

1 Objectives of zone
• To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
• To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

2 Permitted without consent
Nil

3 Permitted with consent
Drainage; Earthworks; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Kiosks; Recreation areas; Roads; Signage; Waterbodies (artificial)

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

Part 3
3.1–3.3 (Repealed)
Part 4 Principal development standards

4.1A Minimum allotment sizes for residential development

(1) The objectives of this clause are as follows:
   (a) to establish minimum allotment sizes for residential development,
   (b) to ensure that residential development in the Alex Avenue and Riverstone Precincts results in the efficient use of land and contributes to the supply of new housing in the North West Growth Centre,
   (c) to ensure that residential development has adequate usable areas for buildings and open space,
   (d) to ensure that residential development is compatible with the character of the Alex Avenue and Riverstone Precincts and with surrounding residential areas,
   (e) to facilitate and encourage the provision of a range of dwelling types.

(2) The minimum allotment size for certain residential development is set out in the table below.

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Minimum allotment size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling houses</td>
<td>250m²</td>
</tr>
<tr>
<td>Semi-detached dwellings</td>
<td>400m²</td>
</tr>
<tr>
<td>Dual occupancy</td>
<td>500m²</td>
</tr>
<tr>
<td>Secondary dwellings</td>
<td>450m²</td>
</tr>
<tr>
<td>Attached dwellings</td>
<td>375m²</td>
</tr>
<tr>
<td>Multi dwelling housing</td>
<td>1500m²</td>
</tr>
<tr>
<td>Residential flat buildings</td>
<td>2000m²</td>
</tr>
</tbody>
</table>

(3) Where residential development of a kind referred to in the table to subclause (2) is proposed on land with a split zoning that includes land in Zone R2 Low Density Residential or Zone R3 Medium Density, the area of so much of the land as is within that zone must be no less than the minimum lot size set out in that table.

(4) This clause applies to the residential development of any land shown on the Residential Density Map, and that is carried out after the commencement of this Precinct Plan.

4.1B Residential density

(1) The objectives of this clause are:
   (a) to establish minimum density requirements for residential development within the Alex Avenue and Riverstone Precincts, and
   (b) to ensure that residential development makes efficient use of land and infrastructure, and contributes to the availability of new housing, and
   (c) to ensure that the scale of residential development is compatible with the character of the precinct and adjoining land.

(2) This clause applies to residential development of the kind referred to in clause 4.1A (2) that:
(a) is carried out on land to which this Precinct Plan applies that is shown on the Residential Density Map, and
(b) requires development consent, and
(c) is carried out after the commencement of this Precinct Plan.

(3) The density of any residential development to which this clause applies is not to be less than the density shown on the Residential Density Map in relation to that land.

(4) In this clause:

- *density* means the net developable area in hectares of the land on which the development is situated divided by the number of dwellings proposed to be located on that land.
- *net developable area* means the land occupied by the development, including internal streets plus half the width of any adjoining access roads that provide vehicular access, but excluding land that is not zoned for residential purposes.

### 4.1C Dwellings on Riverstone Scheduled Lands

(1) This clause applies to Riverstone Scheduled Lands.

(2) A dwelling must not be erected on land to which this clause applies on any lot with a depth that exceeds 35 metres.

(3) Subclause (2) does not apply to a lot that has direct frontage to Loftus Street, Bandon Road or Windsor Road.

### 4.3 Height of buildings

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

- to establish the maximum height of buildings for development on land within the Alex Avenue and Riverstone Precincts,
- to protect the amenity of adjoining development and land in terms of solar access to buildings and open space,
- to facilitate higher density development in and around the local centre, the neighbourhood centres and major transport routes while minimising impacts on adjacent residential, commercial and open space areas,
- to provide for a range of building heights in appropriate locations that provide a high quality urban form.

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

### 4.4 Floor space ratio

(1) The objective of this clause is to control the bulk and scale of buildings within the Alex Avenue and Riverstone Precincts by setting maximum floor space ratios for development in Zone R3 Medium Density Residential, Zone B1 Neighbourhood Centre, Zone B2 Local Centre, Zone B4 Mixed Use and Zone IN2 Light Industrial.

(2) The maximum floor space ratio for a building on any land is not to exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map.

### 4.5 Calculation of floor space ratio and site area

(1) **Objectives**

The objectives of this clause are as follows:

- to define *floor space ratio*,
(b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:

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

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

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

(2) Definition of “floor space ratio”

The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) Site area

In determining the site area of proposed development for the purpose of applying a floor space ratio, the site area is taken to be:

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

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

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

(4) Exclusions from site area

The following land must be excluded from the site area:

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

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

(5) Strata subdivisions

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

(6) Only significant development to be included

The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

(7) Certain public land to be separately considered

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

(8) Existing buildings

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

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

(10) **Covenants affect consolidated sites**

If:

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

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

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

(11) **Definition**

In this clause, public place has the same meaning as it has in the Local Government Act 1993.

### 4.6 Exceptions to development standards

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

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

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

(2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this Policy or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

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

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

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

(4) Consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

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

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

(b) the concurrence of the Director-General has been obtained.
(5) In deciding whether to grant concurrence, the Director-General must consider:
   (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
   (b) the public benefit of maintaining the development standard, and
   (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

(6) Consent must not be granted under this clause for a subdivision of land in Zone E2 if:
   (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
   (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant’s written request referred to in subclause (3).

(8) This clause does not allow consent to be granted for development that would contravene any of the following:
   (a) a development standard for complying development,
   (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
   (c) clause 5.4.
   (d), (e) (Repealed)

Part 5  Miscellaneous provisions

5.1 Relevant acquisition authority

(1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions).

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

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

<table>
<thead>
<tr>
<th>Type of land shown on Map</th>
<th>Authority of the State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone RE1 Public Recreation and marked “Local Open Space”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Local Drainage”</td>
<td>Council</td>
</tr>
</tbody>
</table>
(3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

Note. If land, other than land specified in the Table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning is required to take action to enable the designation of the acquiring authority under this Part. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning (see section 21 of the Land Acquisition (Just Terms Compensation) Act 1991).

5.2 Classification and reclassification of public land

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

Note. Under the Local Government Act 1993, “public land” is generally land vested in or under the control of a council (other than roads, 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 this Precinct Plan to discharge trusts on which public reserves are held if the land is reclassified under this Precinct Plan as operational land.

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

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

(4) The public land described in Part 1 of Schedule 4 to this Precinct Plan:
   (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
   (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.

(5) The public land described in Part 2 of Schedule 4 to this Precinct Plan, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests,
dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
(a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4 to this Precinct Plan, 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 4 to this Precinct Plan.

5.3 Development near zone boundaries

(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is:
(a) 10 metres between Zone RE1 and any other zone, and
(b) 10 metres between Zone E2 and any other zone, and
(c) 30 metres between any two zones excluding Zones RE1 and E2.

(3) This clause does not apply to land proposed to be developed for the purpose of sex services or restricted premises.

(4) Despite the provisions of this Precinct Plan relating to the purposes for which development may be carried out, consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:
(a) the development is not inconsistent with the objectives for development in both zones, and
(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

(5) The clause does not prescribe a development standard that may be varied under this Precinct Plan.

5.4 Controls relating to miscellaneous permissible uses

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

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

(3) Home industries
If development for the purposes of a home industry is permitted under this Precinct Plan, the carrying on of the home industry must not involve the use of more than 30 square metres of floor area.
(4) **Industrial retail outlets**
If development for the purposes of an industrial retail outlet is permitted under this Precinct Plan, the retail floor area must not exceed:
(a) 40% of the combined gross floor area of the industrial retail outlet and the building or place on which the relevant industry is carried out, or
(b) 400 square metres,
whichever is the lesser.

(5) **Farm stay accommodation**
If development for the purposes of farm stay accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

(6) **Kiosks**
If development for the purposes of a kiosk is permitted under this Precinct Plan, the gross floor area must not exceed 30 square metres.

(7) **Neighbourhood shops**
If development for the purposes of a neighbourhood shop is permitted under this Precinct Plan, the retail floor area must not exceed 100 square metres.

(8) **Roadside stalls**
If development for the purposes of a roadside stall is permitted under this Precinct Plan, the gross floor area must not exceed 8 square metres.

(9) **Secondary dwellings**
If development for the purposes of a secondary dwelling is permitted under this Precinct Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:
(a) 110 square metres,
(b) 30% of the total floor area of both the self-contained dwelling and the principal dwelling.

### 5.6 Architectural roof features

(1) The objectives of this clause are as follows:
(a) to ensure that architectural roof features are decorative elements only,
(b) to ensure that the majority of the roof features are contained within the prescribed building height set out in clause 4.3.

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

(3) Development consent must not be granted to any such development unless the consent authority is satisfied that:
(a) the architectural roof feature:
   (i) comprises a decorative element on the uppermost portion of a building, and
   (ii) is not an advertising structure, and
   (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
   (iv) will cause minimal overshadowing, and
5.8 Conversion of fire alarms

(1) This clause applies to a fire alarm system that can be monitored by New South Wales Fire Brigades or by a private service provider.

(2) The following development may be carried out, but only with consent:
   (a) converting a fire alarm system from connection with the alarm monitoring system of New South Wales Fire Brigades to connection with the alarm monitoring system of a private service provider,
   (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
   (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.

(3), (4) (Repealed)

(5) In this clause:
   private service provider means a person or body that has entered into an agreement that is in force with New South Wales Fire Brigades to monitor fire alarm systems.

5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Director-General.

Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:
   (a) development consent, or
   (b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:
   (a) that is or forms part of a heritage item, or
   (b) that is within a heritage conservation area.
Note. As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

(8) This clause does not apply to or in respect of:
(a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003* or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or
(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
(d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying Act 2002*, or
(e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*, or
(f) native vegetation to which clause 6.4 of this Precinct Plan applies, or
(g) existing native vegetation to which clause 6.5 of this Precinct Plan applies.

### 5.10 Heritage conservation

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

**Objective**

The objectives of this clause are:
(a) to conserve the environmental heritage of the Alex Avenue and Riverstone Precincts, and
(b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and
(c) to conserve archaeological sites, and
(d) to conserve places of Aboriginal heritage significance.

**Requirement for consent**

Development consent is required for any of the following:
(a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area,
(b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior,
(c) altering a heritage item that is a building by making structural changes to its interior,
(d) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
(e) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance,
(f) erecting a building on land on which a heritage item is located or that is within a heritage conservation area,
(g) subdividing land on which a heritage item is located or that is within a heritage conservation area.
(3) **When consent not required**

However, consent under this clause is not required if:

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

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

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

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

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

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

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

(d) the development is exempt development.

(4) **Effect on heritage significance**

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

(5) **Heritage impact assessment**

The consent authority may, before granting consent to any development on land:

(a) on which a heritage item is situated, or

(b) within a heritage conservation area, or

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

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

(6) **Heritage conservation management plans**

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

(7) **Archaeological sites**

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

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

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
(8) **Places of Aboriginal heritage significance**

The consent authority must, before granting consent under this clause to the carrying out of development in a place of Aboriginal heritage significance:

(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and

(b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.

(9) **Demolition of item of State significance**

The consent authority must, before granting consent for the demolition of a heritage item identified in Schedule 5 to this Precinct Plan as being of State significance (other than an item listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

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

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

(10) **Conservation incentives**

The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this Precinct Plan, if the consent authority is satisfied that:

(a) the conservation of the heritage item is facilitated by the granting of consent, and

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

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

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

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

5.11 **Bush fire hazard reduction**

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

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

5.12 **Infrastructure development and use of existing buildings of the Crown**

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

(2) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.
Part 6 Additional local provisions

6.1 Public utility infrastructure

(1) The consent authority must not grant development consent to development on land to which this Precinct Plan applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

(2) In this clause, public utility infrastructure includes infrastructure for any of the following:
   (a) the supply of water,
   (b) the supply of electricity,
   (c) the disposal and management of sewage.

(3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.

6.2 Attached dwellings in Zone R2 Low Density Residential

(1) The objectives of this clause are:
   (a) to permit, with development consent, attached dwellings within Zone R2 Low Density Residential in limited circumstances, and
   (b) to provide location and development criteria that must be satisfied before development consent can be granted.

(2) Development for the purposes of attached dwellings is permissible with development consent only on land within Zone R2 Low Density Residential that is:
   (a) adjoining land within Zone RE1 Public Recreation or land that is separated from land within Zone RE1 Public Recreation only by a public road, or
   (b) adjoining land within Zone E2 Environmental Conservation or land that is separated from land within Zone E2 Environmental Conservation only by a public road, or
   (c) adjoining land within Zone SP2 Infrastructure and shown on the Land Reservation Acquisition Map as Local Drainage, or that is separated from such land only by a public road.

(3) Before granting development consent under this clause the Council must be satisfied that:
   (a) the attached dwellings will not adversely impact on the amenity of adjoining residential properties, and
   (b) the attached dwellings will be designed and oriented to provide active frontages to and surveillance of the public recreation or drainage land, and
   (c) the attached dwellings will not adversely impact upon or limit solar access to adjoining residential or public open space land.

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

6.3 Information and educational facilities in Zone R2 Low Density Residential

(1) The objectives of this clause are as follows:
   (a) to permit, with development consent, information and educational facilities within Zone R2 Low Density Residential in limited circumstances,
(b) to provide criteria for the location and development of information and educational facilities within Zone R2 Low Density Residential in the Alex Avenue and Riverstone Precincts,

c) to ensure that development for the purposes of information and educational facilities does not detract from the character and amenity of the low density residential area.

(2) Development for the purpose of information and educational facilities is permissible with development consent on land within Zone R2 Low Density Residential located:

(a) on land adjoining land within Zone RE1 Public Recreation or Zone E2 Environmental Conservation, or separated from land within Zone RE1 Public Recreation or Zone E2 Environmental Conservation only by a public road, or

(b) within 90 metres of a public transport stop, or

(c) adjoining an educational establishment or a community facility or separated from an educational establishment or a community facility only by a public road.

(3) Development consent must not be granted to an information and educational facility located within 800 metres of another information and educational facility within Zone R2 Low Density Residential.

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

6.4 Development controls—native vegetation retention areas

(1) The objective of this clause is to prevent the clearing of certain native vegetation.

(2) This clause applies to land within a native vegetation retention area as shown on the Native Vegetation Protection Map.

(3) This clause does not apply to native vegetation that the Council is satisfied:

(a) is dying or dead and is not required as the habitat of native fauna, or

(b) is a risk to human life or property.

(4) This clause does not apply to any native vegetation:

(a) within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or

(b) declared to be noxious weeds under the Noxious Weeds Act 1993.

(5) A person must not clear native vegetation on land to which this clause applies without:

(a) approval under Part 3A of the Act, or

(b) development consent.

(6) Development consent under this clause is not to be granted unless the consent authority is satisfied of the following in relation to the disturbance of native vegetation:

(a) that there is no reasonable alternative available to the disturbance of the native vegetation,

(b) that as little native vegetation as possible will be disturbed,

(c) that the disturbance of the native vegetation will not increase salinity,

(d) that native vegetation disturbed for the purposes of construction will be reinstated where possible on completion of construction,
(c) that the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid any net loss of remnant native vegetation,

(f) that no more than 0.5 hectares of native vegetation will be cleared unless the clearing is essential for a previously permitted use of the land.

(7) The consent authority must, when determining a development application in respect of the clearing of native vegetation on land within a zone under this Precinct Plan, have regard to the objectives for development in that zone.

(8) This clause does not apply to or in respect of action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993, the Sydney Water Act 1994 or the Surveying Act 2002.

Note. A consent of the relevant consent authority required under this clause for the clearing of native vegetation is in addition to any development consent required or granted by the Minister for Climate Change and the Environment under the Native Vegetation Act 2003 in respect of that clearing.

6.5 Development controls—existing native vegetation

(1) The objective of this clause is to manage existing native vegetation in accordance with the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995.

(2) This clause applies to land within an existing native vegetation area as shown on the Native Vegetation Protection Map.

(3) This clause does not apply to any vegetation declared to be noxious weeds under the Noxious Weeds Act 1993.

(4) The consent authority must not grant development consent for development on land to which this clause applies unless it is satisfied that the proposed development will not result in the clearing of any existing native vegetation (within the meaning of the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995).

6.6 Ground floor development in Zone B4 Mixed Use

(1) The objective of this clause is to ensure active uses are provided at the street level for certain buildings to encourage the presence and movement of people on certain land within Zone B4 Mixed Use.

(2) This clause applies to land that is within Zone B4 Mixed Use and is adjacent to land within Zone RE1 Public Recreation or separated from land within Zone RE1 Public Recreation only by a road.

(3) The ground floor of any building on land to which this clause applies:
   (a) must not be used for the purposes of residential accommodation, and
   (b) must have the primary building entrance and any ground floor tenancy or strata unit entrances facing land zoned RE1 Public Recreation.

6.7 Development in Zone B1 Neighbourhood Centre

(1) The objective of this clause is to ensure active uses are provided at the street level to encourage the presence and movement of people.

(2) This clause applies to land that is within Zone B1 Neighbourhood Centre.

(3) The ground floor of any building on land to which this clause applies must not be used for the purposes of residential accommodation.
6.8 Development on Riverstone Scheduled Lands

(1) The objectives of this clause are as follows:
   (a) to provide co-ordinated subdivision of Riverstone Scheduled Lands so that
       lots created have adequate infrastructure and access,
   (b) to facilitate residential development on Riverstone Scheduled Lands.

(2) Consent must not be granted for the subdivision of any Riverstone Scheduled Lands
    unless every lot created by the subdivision has a frontage directly onto a public road
    and a maximum depth of 35 metres.

(3) Subclause (2) does not apply to the subdivision of land that has a frontage directly
    onto Loftus Street, Bandon Road or Windsor Road.

6.9 Development on certain land identified as Green and Golden Bell Frog habitat

(1) The clause applies to land within the Riverstone Precinct that is shown as “Green
    and Golden Bell Frog habitat” on the Land Zoning Map.

(2) The objectives of this clause are as follows:
   (a) to ensure that suitable habitat for the Green and Golden Bell Frog species is
       created on certain land to which this clause applies,
   (b) to ensure that the biodiversity values of that habitat are protected and
       preserved,
   (c) to ensure that appropriate measures are in place to minimise or prevent any
       adverse impacts of development on the species or its habitat by protecting land
       surrounding that habitat.

(3) Consent must not be granted for any development on the land to which this clause
    applies that is within Zone SP2 Infrastructure and marked “Drainage” unless the
    consent authority is satisfied that the development is consistent with any recovery
    plan (within the meaning of the Threatened Species Conservation Act 1995) for the
    Green and Golden Bell Frog or, if no such plan has been prepared and approved
    under that Act, the draft recovery plan for that frog prepared by the Department of

(4) Consent must not be granted for development on land to which this clause applies
    unless the consent authority is satisfied that the development will not adversely affect
    the quality and condition of any habitat of the Green and Golden Bell Frog on the
    land to which this clause applies that is within Zone SP2 Infrastructure and marked
    “Drainage”.

Schedule 1 Additional permitted uses

1 Multi dwelling housing in the Riverstone Precinct

   On land shown on the Land Zoning Map as “Low density residential (Multi dwelling
   housing)”—multi dwelling housing.

Schedule 4 Classification and reclassification of public land

This schedule is blank on the making of this Precinct Plan.
Part 1  Land classified, or reclassified, as operational land—no interests changed

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
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<tbody>
<tr>
<td>Locality</td>
<td>Description</td>
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</tbody>
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Part 2  Land classified, or reclassified, as operational land—interests changed

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<th>Column 3</th>
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Part 3  Land classified, or reclassified, as community land

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Schedule 5  Environmental heritage

(Clause 5.10 and the definition of “heritage item” in Dictionary)

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<tr>
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<td>Railway Terrace</td>
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<td>Store</td>
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<td>Riverstone</td>
<td>Riverstone High School</td>
<td>Regent Street</td>
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<td></td>
<td>Slab Building</td>
<td>Riverstone</td>
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</table>
Appendix 5 Marsden Park Industrial Precinct Plan

Part 1 Preliminary

Note. The Standard Instrument (Local Environmental Plans) Order 2006 sets out matters to be included in standard local environmental plans. While this Precinct Plan is not a standard local environmental plan, it is generally consistent with standard plans. A number of clauses from the Standard Instrument (Local Environmental Plans) Order 2006 have been included in this Precinct Plan and the clause numbering from that Order has been retained. This means that the numbering in this Precinct Plan may contain some gaps. Additional provisions have been inserted and are numbered accordingly.

1.1 Name of Precinct Plan

This Precinct Plan is the Marsden Park Industrial Precinct Plan 2010.

1.2 Aims of Precinct Plan

The aims of this Precinct Plan are as follows:

(a) to make development controls for land in the Marsden Park Industrial Precinct within the North West Growth Centre that will ensure the creation of quality environments and good design outcomes,

(b) to protect and enhance the environmentally sensitive natural areas in, and the cultural heritage of, the Precinct,

(c) to provide for recreational opportunities within the Precinct,

(d) to provide for multifunctional and innovative development in the Precinct that encourages employment and economic growth,

(e) to promote housing choice and affordability in the Precinct,

(f) to provide for the sustainable development of the Precinct,

(g) to promote pedestrian and vehicle connectivity with adjoining Precincts and localities and within the Precinct.

1.3 Land to which Precinct Plan applies

This Precinct Plan applies to land within the Marsden Park Industrial Precinct as shown on the Land Application Map.

1.4 Definition

In this Precinct Plan, Council means Blacktown City Council.

Note. The Dictionary at the end of this State Environmental Planning Policy defines words and expressions for the purposes of this Precinct Plan, including the relevant maps.

1.6 Consent authority

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

1.8 Repeal of other local planning instruments applying to land

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

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

(3) This clause does not affect the operation of other provisions of this State Environmental Planning Policy.
1.8A Savings provision relating to pending development applications
If a development application has been made before the commencement of this Precinct Plan in relation to land to which this Precinct Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Precinct Plan had not commenced.

1.9 Application of SEPPs
(1) This Precinct Plan is subject to the provisions of any State environmental planning policy that prevails over this Precinct Plan as provided by section 36 of the Act.

Note. Section 36 of the Act generally provides that SEPPs prevail over LEPs and other instruments. However, an environmental planning instrument may (by an additional provision included in the instrument) displace or amend a SEPP or LEP to deal specifically with the relationship between the instrument and the SEPP or LEP.

(2) State Environmental Planning Policy No 1—Development Standards does not apply to the land to which this Precinct Plan applies.

(3) Subject to section 74 (1) of the Act, in the event of an inconsistency between this Precinct Plan and any other provision of this or any other environmental planning instrument whether made before or after the commencement of this Precinct Plan, this Precinct Plan prevails to the extent of the inconsistency.

Note. The other provisions of this State Environmental Planning Policy also contain provisions applying development controls to the North West Growth Centre, including the Marsden Park Industrial Precinct.

1.9A Suspension of covenants, agreements and instruments
(1) For the purpose of enabling development on land within any zone to be carried out in accordance with this Precinct Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.

(2) This clause does not apply:
(a) to a covenant imposed by the Council or that the Council requires to be imposed, or
(b) to any prescribed instrument within the meaning of section 183A of the Crown Lands Act 1989, or
(c) to any conservation agreement within the meaning of the National Parks and Wildlife Act 1974, or
(d) to any Trust agreement within the meaning of the Nature Conservation Trust Act 2001, or
(e) to any property vegetation plan within the meaning of the Native Vegetation Act 2003, or
(f) to any biobanking agreement within the meaning of Part 7A of the Threatened Species Conservation Act 1995, or
(g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.

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

(4) Pursuant to section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).
Part 2  Permitted or prohibited development

2.1  Land use zones

The land use zones under this Precinct Plan are as follows:

Residential Zones
- R2 Low Density Residential
- R3 Medium Density Residential

Business Zones
- B5 Business Development
- B7 Business Park

Industrial Zones
- IN1 General Industrial
- IN2 Light Industrial

Special Purpose Zones
- SP2 Infrastructure

Recreation Zones
- RE1 Public Recreation

Environment Protection Zones
- E2 Environmental Conservation

2.2  Zoning of land to which Precinct Plan applies

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

2.3  Zone objectives and Land Use Table

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

(a)  the objectives for development, and
(b)  development that may be carried out without consent, and
(c)  development that may be carried out only with consent, and
(d)  development that is prohibited.

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

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

(a)  a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
(b)  a reference to a type of building or other thing does not include (despite any definition in this Policy) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.

(4)  This clause is subject to the other provisions of this Precinct Plan.

Notes.

1  Schedule 1 sets out additional permitted uses for particular land.
2  Clause 2.6 requires consent for subdivision of land.
3  Part 5 contains other provisions that require consent for particular development.
4  Part 6 sets out additional permitted uses for particular land.
2.4 Unzoned land

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

(2) Before granting consent, the consent authority:

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

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

2.5 Additional permitted uses for particular land

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

   (a) with consent, or

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

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

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

2.6 Subdivision—consent requirements

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

   Note. State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies certain subdivision development as exempt development.

(2) (Repealed)

2.6A Demolition

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

   Note. The demolition of certain buildings and works is identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as exempt development.

2.6BB Temporary use of land

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

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

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

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

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

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

   (d) at the end of the temporary use period, the site will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
(4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.

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

(6) This clause does not prescribe a development standard that may be varied under this Precinct Plan.

Land Use Table

Note. Part 6 of this Precinct Plan sets out local provisions which include additional permissible land uses and heads of consideration for assessment.

Zone R2 Low Density Residential

1 Objectives of zone
   • To provide for the housing needs of the community within a low density residential environment.
   • To enable other land uses that provide facilities or services to meet the day to day needs of residents.
   • To allow people to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours.
   • To support the well-being of the community, by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.

2 Permitted without consent
   Home occupations

3 Permitted with consent
   Bed and breakfast accommodation; Business identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Earthworks; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Neighbourhood shops; Places of public worship; Roads; Secondary dwellings; Semi-detached dwellings; Shop top housing; Swimming pools; Veterinary hospitals

4 Prohibited
   Any development not specified in item 2 or 3

Zone R3 Medium Density Residential

1 Objectives of zone
   • To provide for the housing needs of the community within a medium density residential environment.
   • To provide a variety of housing types within a medium density residential environment.
   • To enable other land uses that provide facilities or services to meet the day to day needs of residents.
• To support the well-being of the community, by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.

2 Permitted without consent
Home occupations

3 Permitted with consent
Attached dwellings; Bed and breakfast accommodation; Boarding houses; Child care centres; Community facilities; Dual occupancies; Group homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Roads; Semi-detached dwellings; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited
Agriculture; Air transport facilities; Airstrips; Amusement centres; Biosolid waste applications; Boat repair facilities; Boat sheds; Business premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Dwelling houses; Entertainment facilities; Freight transport facilities; Function centres; Helipads; Highway service centres; Home occupations (sex services); Industries; Information and education facilities; Marinas; Mortuaries; Moveable dwellings; Office premises; Passenger transport facilities; Port facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Restriction facilities; Retail premises; Rural supplies; Rural workers’ dwellings; Service stations; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Waste or resource management facilities; Wholesale supplies

Zone B5 Business Development

1 Objectives of zone
• To enable a mix of business and warehouse uses in locations that are close to, and that support the viability of, centres.
• To allow development that is compatible with the scale, form and character of existing buildings and the surrounding area.

2 Permitted without consent
Nil

3 Permitted with consent
Bulky goods premises; Business premises; Car parks; Child care centres; Community facilities; Earthworks; Educational establishments; Entertainment facilities; Function centres; Garden centres; Hardware and building supplies; Landscaping material supplies; Passenger transport facilities; Places of public worship; Pubs; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Roads; Service stations; Signage; Storage premises; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres

4 Prohibited
Any development not specified in item 2 or 3
Zone B7 Business Park

1 Objectives of zone
   • To provide a range of office and light industrial uses.
   • To encourage employment opportunities.
   • To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

2 Permitted without consent
   Nil

3 Permitted with consent
   Child care centres; Hotel or motel accommodation; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Roads; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited
   Agriculture; Air transport facilities; Biosolid waste applications; Bulky goods premises; Caravan parks; Cemeteries; Correctional centres; Exhibition homes; Exhibition villages; Farm buildings; Helipads; Home-based child care; Home businesses; Home industries; Home occupations; Home occupations (sex services); Industries; Information and education facilities; Moveable dwellings; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Restriction facilities; Tourist and visitor accommodation; Waste disposal facilities

Zone IN1 General Industrial

1 Objectives of zone
   • To provide a wide range of industrial and warehouse land uses.
   • To encourage employment opportunities.
   • To minimise any adverse effect of industry on other land uses.
   • To enable development for the purpose of retail premises only where it serves convenience needs, or where the goods or materials sold are of a type and nature consistent with construction and maintenance of buildings.

2 Permitted without consent
   Nil

3 Permitted with consent
   Animal boarding or training establishments; Depots; Drainage; Earthworks; Freight transport facilities; Light industries; Neighbourhood shops; Recreation facilities (major); Registered clubs; Roads; Take away food and drink premises; Warehouse or distribution centres; Waste or resource management facilities; Any other development not specified in item 2 or 4

4 Prohibited
   Agriculture; Air transport facilities; Biosolid waste applications; Bulky goods premises; Business premises; Caravan parks; Cemeteries; Child care centres; Community facilities; Correctional centres; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Function centres; Health services facilities; Heavy
industries; Home-based child care; Home businesses; Home industries; Home occupations; Home occupations (sex services); Information and education facilities; Office premises; Public administration buildings; Residential accommodation; Restriction facilities; Retail premises; Tourist and visitor accommodation; Vehicle sales or hire premises; Waste disposal facilities

Zone IN2 Light Industrial

1 Objectives of zone
   • To provide a wide range of light industrial, warehouse and related land uses.
   • To encourage employment opportunities and to support the viability of centres.
   • To minimise any adverse effect of industry on other land uses.
   • To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

2 Permitted without consent
   Nil

3 Permitted with consent
   Depots; Earthworks; Food and drink premises; Freight transport facilities; Garden centres; Hardware and building supplies; Landscaping material supplies; Light industries; Neighbourhood shops; Roads; Service stations; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited
   Agriculture; Air transport facilities; Airstrips; Biosolid waste applications; Bulky goods premises; Business premises; Caravan parks; Cemeteries; Correctional centres; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Function centres; Hazardous storage establishments; Helipads; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Hospitals; Industries; Information and education facilities; Moveable dwellings; Offensive storage establishments; Office premises; Public administration buildings; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Restriction facilities; Retail premises; Tourist and visitor accommodation; Waste or resource management facilities

Zone SP2 Infrastructure

1 Objectives of zone
   • To provide for infrastructure and related uses.
   • To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent
   Nil

3 Permitted with consent
   The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Earthworks; Environmental protection works; Flood mitigation works; Recreation areas;
Recreation facilities (outdoor); Roads; Water recycling facilities; Waterbodies (artificial)

4 **Prohibited**

Any development not specified in item 2 or 3

**Zone RE1 Public Recreation**

1 **Objectives of zone**

• To enable land to be used for public open space or recreational purposes.
• To provide a range of recreational settings and activities and compatible land uses.
• To protect and enhance the natural environment for recreational purposes.

2 **Permitted without consent**

Nil

3 **Permitted with consent**

Building identification signs; Business identification signs; Community facilities; Earthworks; Environmental facilities; Environmental protection works; Flood mitigation works; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads; Water recycling facilities; Waterbodies (artificial)

4 **Prohibited**

Any development not specified in item 2 or 3

**Zone E2 Environmental Conservation**

1 **Objectives of zone**

• To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
• To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

2 **Permitted without consent**

Nil

3 **Permitted with consent**

Earthworks; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Kiosks; Recreation areas; Roads; Signage; Waterbodies (artificial)

4 **Prohibited**

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

**Part 3**

3.1–3.3 **(Repealed)**
Part 4 Principal development standards

4.1 Minimum subdivision lot size

(1) The objectives of this clause are as follows:
   (a) to ensure orderly and efficient use of land,
   (b) to ensure a minimum lot size sufficient for development,
   (c) to allow for a range of lot sizes that cater for a diversity of land uses and employment activities.

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

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

(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

4.3 Height of buildings

(1) The objectives of this clause are as follows:
   (a) to establish the maximum height of buildings on land within the Marsden Park Industrial Precinct,
   (b) to provide for a range of building heights in appropriate locations that provide a high quality urban form,
   (c) to provide appropriate height controls for commercial, industrial and residential development,
   (d) to establish parameters for and promote a high quality built form,
   (e) to protect the amenity of adjoining development and land in terms of solar access to buildings and open space.

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

4.4 Floor space ratio

(1) The objective of this clause is to control the bulk and scale of buildings within the Marsden Park Industrial Precinct by setting maximum floor space ratios for development within Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone B5 Business Development, Zone B7 Business Park and Zone IN2 Light Industrial.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

4.5 Calculation of floor space ratio and site area

(1) Objectives

The objectives of this clause are as follows:
   (a) to define floor space ratio,
   (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:
(i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
(ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
(iii) require community land and public places to be dealt with separately.

(2) **Definition of “floor space ratio”**

The *floor space ratio* of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) **Site area**

In determining the site area of proposed development for the purpose of applying a floor space ratio, the *site area* is taken to be:

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

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

(4) **Exclusions from site area**

The following land must be excluded from the site area:

(a) land on which the proposed development is prohibited, whether under this Precinct Plan or any other law,
(b) community land or a public place (except as provided by subclause (7)).

(5) **Strata subdivisions**

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

(6) **Only significant development to be included**

The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

(7) **Certain public land to be separately considered**

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

(8) **Existing buildings**

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

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

(10) **Covenants affect consolidated sites**

If:

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

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

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

(11) **Definition**

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

### 4.5A Shops—total gross floor area

(1) The total gross floor area used for the purpose of shops (including neighbourhood shops) on all land within Zone B7 Business Park must not exceed 3,500 square metres.

(2) The total gross floor area used for the purpose of shops in a particular development for that purpose on land within Zone B7 Business Park must not exceed 500 square metres.

### 4.6 Exceptions to development standards

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

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

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

(2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

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

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

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

(4) Consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:
(i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and
(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider:
(a) whether contravention of the development standard raises any matter of significance for State environmental planning, and
(b) the public benefit of maintaining the development standard, and
(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

(6) Consent must not be granted under this clause for a subdivision of land within Zone E2 Environmental Conservation if:
(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant’s written request referred to in subclause (3).

(8) This clause does not allow consent to be granted for development that would contravene any of the following:
(a) a development standard for complying development,
(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
(c) clause 4.1,
(d) clause 5.4.

Part 5 Miscellaneous provisions

5.1 Relevant acquisition authority

(1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions).

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

(2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).
(3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

Note. If land, other than land specified in the Table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning is required to take action to enable the designation of the acquiring authority under this Part. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning (see section 21 of the Land Acquisition (Just Terms Compensation) Act 1991).

5.2 Classification and reclassification of public land

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

Note. Under the Local Government Act 1993, “public land” is generally land vested in or under the control of a council (other than roads, 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 this Precinct Plan to discharge trusts on which public reserves are held if the land is reclassified under this Precinct Plan as operational land.

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

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

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

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

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

(5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
(a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
(b) any reservations that except land out of the Crown grant relating to the land, and
(c) reservations of minerals (within the meaning of the Crown 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 4 to this Appendix.

5.3 Development near zone boundaries

(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is as follows:
(a) in the case of a boundary between Zone SP2 Infrastructure and any other zone—100 metres,
(b) in any other case—30 metres.

(3) This clause does not apply to:
(a) land zoned E2 Environmental Conservation, or
(b) land proposed to be developed for the purpose of sex services or restricted premises.

(4) Despite the provisions of this Precinct Plan relating to the purposes for which development may be carried out, consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:
(a) the development is not inconsistent with the objectives for development in both zones, and
(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

(5) The clause does not prescribe a development standard that may be varied under this Precinct Plan.

5.4 Controls relating to miscellaneous permissible uses

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

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

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

If development for the purposes of an industrial retail outlet is permitted under this Precinct Plan, the retail gross floor area must not exceed:

(a) 40% of the combined gross floor area of the industrial retail outlet and the building or place on which the relevant industry is carried out, or

(b) 400 square metres,

whichever is the lesser.

(5) **Farm stay accommodation**

If development for the purposes of farm stay accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

(6) **Kiosks**

If development for the purposes of a kiosk is permitted under this Precinct Plan, the gross floor area must not exceed 30 square metres.

(7) **Neighbourhood shops**

If development for the purposes of a neighbourhood shop is permitted under this Precinct Plan, the retail gross floor area must not exceed 1,000 square metres.

(8) **Roadside stalls**

If development for the purposes of a roadside stall is permitted under this Precinct Plan, the gross floor area must not exceed 8 square metres.

(9) **Secondary dwellings**

If development for the purposes of a secondary dwelling is permitted under this Precinct Plan, the total gross floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

(a) 110 square metres,

(b) 30% of the total gross floor area of both the self-contained dwelling and the principal dwelling.

### 5.6 Architectural roof features

(1) The objectives of this clause are:

(a) to ensure that architectural roof features are decorative elements only, and

(b) to ensure that the majority of the roof features are contained within the prescribed building height.

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

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

(a) the architectural roof feature:

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

   (ii) is not an advertising structure, and

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

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

5.8 Conversion of fire alarms

(1) This clause applies to a fire alarm system that can be monitored by New South Wales Fire Brigades or by a private service provider.

(2) The following development may be carried out, but only with consent:
   (a) converting a fire alarm system from connection with the alarm monitoring system of New South Wales Fire Brigades to connection with the alarm monitoring system of a private service provider,
   (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
   (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.

(3), (4) (Repealed)

(5) In this clause:
   *private service provider* means a person or body that has entered into an agreement that is in force with New South Wales Fire Brigades to monitor fire alarm systems.

5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Director-General.

   Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:
   (a) development consent, or
   (b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) This clause does not apply to or in respect of:
   (a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003* or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or

(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or

(d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or

(e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*, or

(f) native vegetation retention areas to which clause 6.4 of this Precinct Plan applies, or

(g) existing native vegetation to which clause 6.5 of this Precinct Plan applies.

5.11 Bush fire hazard reduction

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

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

5.12 Infrastructure development and use of existing buildings of the Crown

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

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

Part 6 Additional local provisions

6.1 Public utility infrastructure

(1) The consent authority must not grant development consent to development on land to which this Precinct Plan applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

(2) In this clause, *public utility infrastructure* includes infrastructure for any of the following:

(a) the supply of water,

(b) the supply of electricity,

(c) the disposal and management of sewage.

(3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.

6.2 Attached dwellings in Zone R2 Low Density Residential

(1) The objectives of this clause are:

(a) to permit, with development consent, attached dwellings within Zone R2 Low Density Residential in limited circumstances, and
(b) to provide location and development criteria that must be satisfied before
development consent can be granted.

(2) Development for the purposes of attached dwellings is permissible with development
consent only on land within Zone R2 Low Density Residential that adjoins, or is only
separated by a public road from:

(a) land within the Public Recreation—Regional Zone (as referred to in Part 3 of
this Policy), or
(b) land within Zone E2 Environmental Conservation, or
(c) land within Zone SP2 Infrastructure and shown on the Land Reservation
Acquisition Map as Local Drainage.

(3) Development consent must not be granted under this clause unless the consent
authority is satisfied that:

(a) the attached dwellings will not adversely impact on the amenity of any
adjoining residential properties, and
(b) the attached dwellings will be designed and oriented to provide active
frontages to and surveillance of the public recreation or drainage land, and
(c) the attached dwellings will not adversely impact on or limit solar access to any
adjoining residential properties or public open space land.

6.3 Information and educational facilities in Zone R2 Low Density Residential

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

(a) to permit, with development consent, information and education facilities
within Zone R2 Low Density Residential in limited circumstances,
(b) to provide criteria for the location and development of information and
education facilities within Zone R2 Low Density Residential in the Marsden
Park Industrial Precinct,
(c) to ensure that development for the purposes of information and education
facilities does not detract from the character and amenity of land within Zone
R2 Low Density Residential.

(2) Development for the purpose of information and education facilities is permissible
with development consent only on land within Zone R2 Low Density Residential
that:

(a) adjoins land within the Public Recreation—Regional Zone (as referred to in
Part 3 of this Policy) or Zone E2 Environmental Conservation, or that is
separated from land within the Public Recreation—Regional Zone or Zone E2
Environmental Conservation only by a public road, or
(b) is within 90 metres of a public transport stop, or
(c) adjoins an educational establishment or a community facility or that is
separated from an educational establishment or a community facility only by
a public road.

(3) Development consent must not be granted for an information and education facility
if it would be located within 800 metres of another information and educational
facility within Zone R2 Low Density Residential.

6.4 Development controls—native vegetation retention areas and riparian protection
areas

(1) The objective of this clause is to prevent the clearing of certain native vegetation.

(2) This clause applies to land:
(a) within a native vegetation retention area as shown on the Native Vegetation Protection Map, or
(b) within a riparian protection area as shown on the Riparian Protection Area Map.

(3) This clause does not apply to native vegetation that the Council is satisfied:
(a) is dying or dead and is not required as the habitat of native fauna, or
(b) is a risk to human life or property.

(4) This clause does not apply to any native vegetation:
(a) within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or
(b) declared to be noxious weeds under the Noxious Weeds Act 1993.

(5) A person must not clear native vegetation on land to which this clause applies without:
(a) approval under Part 3A of the Act, or
(b) development consent.

(6) Development consent under this clause is not to be granted unless the consent authority is satisfied of the following in relation to the disturbance of native vegetation:
(a) that there is no reasonable alternative available to the disturbance of the native vegetation,
(b) that as little native vegetation as possible will be disturbed,
(c) that the disturbance of the native vegetation will not increase salinity,
(d) that native vegetation disturbed for the purposes of construction will be reinstated where possible on completion of construction,
(e) that the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid any net loss of remnant native vegetation,
(f) that no more than 0.5 hectares of native vegetation will be cleared unless the clearing is essential for a previously permitted use of the land.

(7) The consent authority must, when determining a development application in respect of the clearing of native vegetation on land within a zone under this Precinct Plan, have regard to the objectives for development in that zone.

(8) This clause does not apply to or in respect of action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993, the Surveying and Spatial Information Act 2002 or the Sydney Water Act 1994.

### 6.5 Development controls—existing native vegetation

(1) The objective of this clause is to manage existing native vegetation in accordance with the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995.

(2) This clause applies to land within an existing native vegetation area as shown on the Native Vegetation Protection Map.

(3) This clause does not apply to any vegetation declared to be noxious weeds under the Noxious Weeds Act 1993.

(4) The consent authority must not grant development consent for development on land to which this clause applies unless it is satisfied that the proposed development will
not result in the clearing of any existing native vegetation (within the meaning of the relevant biodiversity measures under Part 7 of Schedule 7 to the *Threatened Species Conservation Act 1995*).

**Schedule 1  Additional permitted uses**

(Clause 2.5)

1. **Take away food and drink premises within Zone B5 Business Development**

   Land shown hatched on the Land Zoning Map—development for the purpose of take away food and drink premises.

**Schedule 4  Classification and reclassification of public land**

(Clause 5.2)

This Schedule is blank on the making of this Precinct Plan

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

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Locality</td>
<td>Description</td>
</tr>
</tbody>
</table>

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

<table>
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<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Locality</td>
<td>Description</td>
<td>Any trusts etc not discharged</td>
</tr>
</tbody>
</table>

**Part 3  Land classified, or reclassified, as community land**

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Locality</td>
<td>Description</td>
</tr>
</tbody>
</table>
Appendix 6  Area 20 Precinct Plan

Part 1  Preliminary

Note. The Standard Instrument (Local Environmental Plans) Order 2006 sets out matters to be included in standard local environmental plans. While this Precinct Plan is not a standard local environmental plan, it is generally consistent with standard plans. A number of clauses from the Standard Instrument (Local Environmental Plans) Order 2006 have been included in this Precinct Plan and the clause numbering from that Order has been retained. This means that the numbering in this Precinct Plan may contain some gaps. Additional provisions have been inserted and are numbered accordingly.

1.1 Name of Precinct Plan

This Precinct Plan is the Area 20 Precinct Plan 2011.

1.2 Aims of Precinct Plan

The aims of this Precinct Plan are as follows:

(a) to make development controls for land in the Area 20 Precinct within the North West Growth Centre that will ensure the creation of quality environments and good design outcomes,

(b) to protect and enhance the environmentally sensitive natural areas in, and the cultural heritage of, the Precinct,

(c) to provide for recreational opportunities within the Precinct,

(d) to provide for multifunctional and innovative development in the Precinct that encourages employment and economic growth,

(e) to promote housing choice and affordability in the Precinct,

(f) to provide for the sustainable development of the Precinct,

(g) to promote pedestrian and vehicle connectivity with adjoining Precincts and localities and within the Precinct.

1.3 Land to which Precinct Plan applies

This Precinct Plan applies to land within the Area 20 Precinct as shown on the Land Application Map.

Note. The Land Application Map differs from the Precinct Boundary Map and, as such, this Precinct Plan does not apply to all the land within the Area 20 Precinct (as shown on the Precinct Boundary Map).

1.4 Definition

In this Precinct Plan, Council means Blacktown City Council.

Note. The Dictionary at the end of this State environmental planning policy defines words and expressions for the purposes of this Precinct Plan, including the relevant maps.

1.6 Consent authority

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

1.8 Repeal of other local planning instruments applying to land

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

(2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Precinct Plan applies and to other land cease to apply to the land to which this Precinct Plan applies.
(3) This clause does not affect the operation of other provisions of this State environmental planning policy.

1.8A Savings provision relating to pending development applications

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

1.9 Application of SEPPs

(1) This Precinct Plan is subject to the provisions of any State environmental planning policy that prevails over this Precinct Plan as provided by section 36 of the Act.

Note. Section 36 of the Act generally provides that SEPPs prevail over LEPs and other instruments. However, an environmental planning instrument may (by an additional provision included in the instrument) displace or amend a SEPP or LEP to deal specifically with the relationship between the instrument and the SEPP or LEP.

(2) State Environmental Planning Policy No 1—Development Standards does not apply to the land to which this Precinct Plan applies.

(3) Subject to section 74 (1) of the Act, in the event of an inconsistency between this Precinct Plan and any other provision of this or any other environmental planning instrument, whether made before or after the commencement of this Precinct Plan, this Precinct Plan prevails to the extent of the inconsistency.

Note. The other provisions of this State environmental planning policy also contain provisions applying development controls to the North West Growth Centre, including the Area 20 Precinct.

1.9A Suspension of covenants, agreements and instruments

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

(2) This clause does not apply:

(a) to a covenant imposed by the Council or that the Council requires to be imposed, or
(b) to any prescribed instrument within the meaning of section 183A of the Crown Lands Act 1989, or
(c) to any conservation agreement within the meaning of the National Parks and Wildlife Act 1974, or
(d) to any Trust agreement within the meaning of the Nature Conservation Trust Act 2001, or
(e) to any property vegetation plan within the meaning of the Native Vegetation Act 2003, or
(f) to any biobanking agreement within the meaning of Part 7A of the Threatened Species Conservation Act 1995, or
(g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.

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

(4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).
Part 2  Permitted or prohibited development

2.1 Land use zones

The land use zones under this Precinct Plan are as follows:

Residential Zones
R2 Low Density Residential
R3 Medium Density Residential

Business Zones
B2 Local Centre
B4 Mixed Use

Industrial Zones
IN2 Light Industrial

Special Purpose Zones
SP2 Infrastructure

Recreation Zones
RE1 Public Recreation

Environment Protection Zones
E2 Environmental Conservation

2.2 Zoning of land to which Precinct Plan applies

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

2.3 Zone objectives and Land Use Table

(1) The Land Use Table at the end of this Part specifies for each zone:
   (a) the objectives for development, and
   (b) development that may be carried out without consent, and
   (c) development that may be carried out only with consent, and
   (d) development that is prohibited.

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

(3) In the Land Use Table at the end of this Part:
   (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
   (b) a reference to a type of building or other thing does not include (despite any definition in this Policy) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.

(4) This clause is subject to the other provisions of this Precinct Plan.

Notes.
1 Schedule 1 sets out additional permitted uses for particular land.
2 Clause 2.6 requires consent for subdivision of land.
3 Part 5 contains other provisions that require consent for particular development.
4 Part 6 sets out additional permitted uses for particular land.

2.4 Unzoned land

(1) Development may be carried out on unzoned land only with consent.
(2) Before granting consent, the consent authority:
   (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
   (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

2.5 Additional permitted uses for particular land

(1) Development on particular land that is described or referred to in Schedule 1 to this Appendix may be carried out:
   (a) with consent, or
   (b) if the Schedule so provides—without consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.

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

2.6 Subdivision—consent requirements

Land to which this Precinct Plan applies may be subdivided, but only with consent.

Note. State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies certain subdivision development as exempt development.

2.7 Demolition

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

Note. The demolition of certain buildings and works is identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as exempt development.

2.8 Temporary use of land

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

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

(3) Development consent must not be granted unless the consent authority is satisfied that:
   (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Precinct Plan and this or any other applicable environmental planning instrument, and
   (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
   (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
   (d) at the end of the temporary use period, the site will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

(4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
(5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

(6) This clause does not prescribe a development standard that may be varied under this Precinct Plan.

**Land Use Table**

*Note.* Part 6 of this Precinct Plan sets out local provisions which include additional permissible land uses and heads of consideration for assessment.

**Zone R2 Low Density Residential**

1 **Objectives of zone**
   - To provide for the housing needs of the community within a low density residential environment.
   - To enable other land uses that provide facilities or services to meet the day to day needs of residents.
   - To allow people to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours.
   - To support the well-being of the community, by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.

2 **Permitted without consent**
   - Home occupations

3 **Permitted with consent**
   - Bed and breakfast accommodation; Business identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Drainage; Earthworks; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Information and education facilities; Neighbourhood shops; Places of public worship; Roads; Secondary dwellings; Semi-detached dwellings; Shop top housing; Swimming pools; Veterinary hospitals

4 **Prohibited**
   - Any development not specified in item 2 or 3

**Zone R3 Medium Density Residential**

1 **Objectives of zone**
   - To provide for the housing needs of the community within a medium density residential environment.
   - To provide a variety of housing types within a medium density residential environment.
   - To enable other land uses that provide facilities or services to meet the day to day needs of residents.
   - To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.
2 Permitted without consent
   Home occupations

3 Permitted with consent
   Attached dwellings; Bed and breakfast accommodation; Boarding houses; Child care centres; Community facilities; Dual occupancies; Group homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Roads; Semi-detached dwellings; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited
   Agriculture; Air transport facilities; Airstrips; Amusement centres; Biosolid waste applications; Boat repair facilities; Boat sheds; Business premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Dwelling houses; Entertainment facilities; Freight transport facilities; Function centres; Helipads; Highway service centres; Home occupations (sex services); Industries; Marinas; Mortuaries; Moveable dwellings; Office premises; Passenger transport facilities; Port facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Restriction facilities; Retail premises; Rural supplies; Rural workers’ dwellings; Service stations; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Waste or resource management facilities; Wholesale supplies

Zone B2 Local Centre

1 Objectives of zone
   • To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
   • To encourage employment opportunities in accessible locations.
   • To maximise public transport patronage and encourage walking and cycling.
   • To provide for residential development that contributes to the vitality of the local centre.
   • To ensure that residential development within the centre does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.
   • To facilitate active retail, commercial, entertainment and community facility uses at ground level of mixed use developments.
   • To encourage development which will contribute to the economic growth of, and creation of employment opportunities within, the City of Blacktown.

2 Permitted without consent
   Home occupations

3 Permitted with consent
   Business premises; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation; Vehicle repair stations; Any other development not specified in item 2 or 4
4 Prohibited

Agriculture; Air transport facilities; Airstrips; Biosolids treatment facilities; Boat repair facilities; Boat sheds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Electricity generating works; Exhibition villages; Extractive industries; Farm buildings; Freight transport facilities; Funeral chapels; Funeral homes; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Mortuaries; Port facilities; Residential accommodation; Restricted premises; Restriction facilities; Roadside stalls; Rural industries; Rural supplies; Rural workers’ dwellings; Sex services premises; Storage premises; Transport depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste management facilities; Waste or resource management facilities

Zone B4 Mixed Use

1 Objectives of zone

   • To provide a mixture of compatible land uses.
   • To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
   • To facilitate active retail, commercial, entertainment and community uses at ground level of mixed use developments.
   • To provide for residential development that contributes to the vitality of the local centre.
   • To ensure that residential development adjacent to the local centre does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.

2 Permitted without consent

   Home occupations

3 Permitted with consent

   Boarding houses; Business premises; Car parks; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Retail premises; Roads; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Biosolids treatment facilities; Boat repair facilities; Boat sheds; Bulky goods premises; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Exhibition villages; Extractive industries; Farm buildings; Freight transport facilities; Funeral chapels; Funeral homes; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Mortuaries; Port facilities; Public administration buildings; Recreation facilities (major); Residential accommodation; Restricted premises; Rural industries; Rural supplies; Rural workers’ dwellings; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste management facilities; Waste or resource management facilities; Wholesale supplies
Zone IN2 Light Industrial

1 Objectives of zone

• To provide a wide range of light industrial, warehouse and related land uses.
• To encourage employment opportunities and to support the viability of centres.
• To minimise any adverse effect of industry on other land uses.
• To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

2 Permitted without consent
Nil

3 Permitted with consent
Depots; Earthworks; Food and drink premises; Freight transport facilities; Landscape and garden supplies; Light industries; Neighbourhood shops; Roads; Service stations; Timber and building supplies; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited
Agriculture; Air transport facilities; Airstrips; Biosolid waste applications; Bulky goods premises; Business premises; Caravan parks; Cemeteries; Correctional centres; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Function centres; Hazardous storage establishments; Heliports; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Hospitals; Industries; Information and education facilities; Moveable dwellings; Offensive storage establishments; Office premises; Public administration buildings; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Restriction facilities; Retail premises; Tourist and visitor accommodation; Waste or resource management facilities

Zone SP2 Infrastructure

1 Objectives of zone

• To provide for infrastructure and related uses.
• To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent
Nil

3 Permitted with consent
The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Drainage; Earthworks; Environmental protection works; Flood mitigation works; Roads; Water recycling facilities; Waterbodies (artificial)

4 Prohibited
Any development not specified in item 2 or 3
Zone RE1 Public Recreation

1 Objectives of zone
   • To enable land to be used for public open space or recreational purposes.
   • To provide a range of recreational settings and activities and compatible land uses.
   • To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent
   Nil

3 Permitted with consent
   Building identification signs; Business identification signs; Community facilities; Earthworks; Environmental facilities; Environmental protection works; Flood mitigation works; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads; Water recycling facilities; Waterbodies (artificial)

4 Prohibited
   Any development not specified in item 2 or 3

Zone E2 Environmental Conservation

1 Objectives of zone
   • To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
   • To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

2 Permitted without consent
   Nil

3 Permitted with consent
   Earthworks; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Kiosks; Recreation areas; Roads; Signage; Waterbodies (artificial)

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

Part 3
3.1–3.3 (Repealed)

Part 4 Principal development standards

4.1 Minimum subdivision lot size
   (1) The objectives of this clause are as follows:
(a) to ensure orderly and efficient use of land,
(b) to ensure a minimum lot size sufficient for development,
(c) to allow for a range of lot sizes that cater for a diversity of land uses and employment activities.

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

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

(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

4.1A Minimum lot sizes for residential development

(1) The objectives of this clause are as follows:
   (a) to establish minimum lot sizes for residential development,
   (b) to ensure that residential development in the Area 20 Precinct results in the efficient use of land and contributes to the supply of new housing in the North West Growth Centre,
   (c) to ensure that residential development has adequate usable areas for buildings and open space,
   (d) to ensure that residential development is compatible with the character of the Area 20 Precinct and with surrounding residential areas,
   (e) to facilitate and encourage the provision of a range of dwelling types.

(2) The minimum lot size for certain residential development is set out in the table below.

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Minimum lot size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling houses</td>
<td>250 square metres</td>
</tr>
<tr>
<td>Semi-detached dwellings</td>
<td>400 square metres</td>
</tr>
<tr>
<td>Dual occupancy</td>
<td>500 square metres</td>
</tr>
<tr>
<td>Secondary dwellings</td>
<td>450 square metres</td>
</tr>
<tr>
<td>Attached dwellings</td>
<td>375 square metres</td>
</tr>
<tr>
<td>Multi dwelling housing</td>
<td>1500 square metres</td>
</tr>
<tr>
<td>Residential flat buildings</td>
<td>2000 square metres</td>
</tr>
</tbody>
</table>

(3) Where residential development of a kind referred to in the table to subclause (2) is proposed on land with a split zoning that includes land in Zone R2 Low Density Residential or Zone R3 Medium Density, the area of so much of the land as is within that zone must be no less than the minimum lot size set out in that table.

(4) This clause applies to the development of any land shown on the Residential Density Map that is carried out after the commencement of this Precinct Plan.

4.1B Residential density

(1) The objectives of this clause are:
(a) to establish minimum density requirements for residential development within the Area 20 Precinct, and
(b) to ensure that residential development makes efficient use of land and infrastructure, and contributes to the availability of new housing, and
(c) to ensure that the scale of residential development is compatible with the character of the precinct and adjoining land.

(2) This clause applies to residential development of the kind referred to in clause 4.1A (2) that:
(a) is carried out on land to which this Precinct Plan applies that is shown on the Residential Density Map, and
(b) requires development consent, and
(c) is carried out after the commencement of this Precinct Plan.

(3) The density of any residential development to which this clause applies is not to be less than the density shown on the Residential Density Map in relation to that land.

(4) In this clause:
  
  \textit{density} means the net developable area in hectares of the land on which the development is situated divided by the number of dwellings proposed to be located on that land.

  \textit{net developable area} means the land occupied by the development, including internal streets plus half the width of any adjoining access roads that provide vehicular access, but excluding land that is not zoned for residential purposes.

### 4.3 Height of buildings

(1) The objectives of this clause are as follows:
(a) to establish the maximum height of buildings on land within the Area 20 Precinct,
(b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,
(c) to facilitate higher density development in and around commercial centres and major transport routes.

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

### 4.4 Floor space ratio

(1) The objective of this clause is to control the bulk and scale of buildings within the Area 20 Precinct by setting maximum floor space ratios for development.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

### 4.5 Calculation of floor space ratio and site area

(1) **Objectives**

The objectives of this clause are as follows:
(a) to define \textit{floor space ratio},
(b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:
   (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
(ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
(iii) require community land and public places to be dealt with separately.

(2) **Definition of “floor space ratio”**

The *floor space ratio* of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) **Site area**

In determining the site area of proposed development for the purpose of applying a floor space ratio, the *site area* is taken to be:

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

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

(4) **Exclusions from site area**

The following land must be excluded from the site area:

(a) land on which the proposed development is prohibited, whether under this Precinct Plan or any other law,
(b) community land or a public place (except as provided by subclause (7)).

(5) **Strata subdivisions**

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

(6) **Only significant development to be included**

The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

(7) **Certain public land to be separately considered**

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

(8) **Existing buildings**

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

(9) **Covenants to prevent “double dipping”**

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

(10) **Covenants affect consolidated sites**

If:

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

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

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

(11) **Definition**

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

### 4.6 Exceptions to development standards

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

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

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

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

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

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

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

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

(a) the consent authority is satisfied that:

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

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

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider:

(a) whether contravention of the development standard raises any matter of significance for State environmental planning,
(b) the public benefit of maintaining the development standard, and
(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:
(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note. When this Precinct Plan was made it did not include any of these zones other than Zone E2 Environmental Conservation.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant’s written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:
(a) a development standard for complying development,
(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
(c) clause 5.4.

Part 5 Miscellaneous provisions

5.1 Relevant acquisition authority

(1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions).

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

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

<table>
<thead>
<tr>
<th>Type of land shown on Map</th>
<th>Authority of the State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone RE1 Public Recreation and marked “Local Open Space”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Classified Road”</td>
<td>Roads and Traffic Authority</td>
</tr>
</tbody>
</table>
(3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

Note. If land, other than land specified in the Table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning and Infrastructure is required to take action to enable the designation of the acquiring authority under this Part. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning and Infrastructure (see section 21 of the Land Acquisition (Just Terms Compensation) Act 1991).

5.2 Classification and reclassification of public land

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

Note. Under the Local Government Act 1993, “public land” is generally land vested in or under the control of a council (other than roads, 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 this Precinct Plan to discharge trusts on which public reserves are held if the land is reclassified under this Precinct Plan as operational land.

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

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

(4) The public land described in Part 1 of Schedule 4:
   (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
   (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.

(5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
   (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
   (b) any reservations that except land out of the Crown grant relating to the land, and
   (c) reservations of minerals (within the meaning of the Crown 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 4 to this Appendix.

5.3 Development near zone boundaries

(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is as follows:

(a) in the case of a boundary between land zoned SP2 Infrastructure (Railway) and land zoned B2 Local Centre, B4 Mixed Use or IN2 Light Industrial—100 metres,

(b) in the case of a boundary between land zoned B2 Local Centre and land zoned B4 Mixed Use—100 metres,

(c) in any other case—30 metres.

(3) A reference in subclause (2) to land zoned SP2 Infrastructure (Railway) is a reference to land zoned SP2 Infrastructure that is marked “Railway” on the Land Zoning Map.

(4) This clause does not apply to:

(a) land in Zone E2 Environmental Conservation, or

(b) land proposed to be developed for the purpose of sex services or restricted premises.

(5) Despite the provisions of this Precinct Plan relating to the purposes for which development may be carried out, consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:

(a) the development is not inconsistent with the objectives for development in both zones, and

(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

(6) The clause does not prescribe a development standard that may be varied under this Precinct Plan.

5.4 Controls relating to miscellaneous permissible uses

(1) Bed and breakfast accommodation

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

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

(2) Home businesses

If development for the purposes of a home business is permitted under this Precinct Plan, the carrying on of the business must not involve the use of more than 30 square metres of gross floor area.

(3) Home industries

If development for the purposes of a home industry is permitted under this Precinct Plan, the carrying on of the home industry must not involve the use of more than 30 square metres of gross floor area.
(4) **Industrial retail outlets**

If development for the purposes of an industrial retail outlet is permitted under this Precinct Plan, the retail gross floor area must not exceed:

(a) 40% of the combined gross floor area of the industrial retail outlet and the building or place on which the relevant industry is carried out, or

(b) 400 square metres,

whichever is the lesser.

(5) **Farm stay accommodation**

If development for the purposes of farm stay accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

(6) **Kiosks**

If development for the purposes of a kiosk is permitted under this Precinct Plan, the gross floor area must not exceed 30 square metres.

(7) **Neighbourhood shops**

If development for the purposes of a neighbourhood shop is permitted under this Precinct Plan, the retail gross floor area must not exceed 100 square metres.

(8) **Roadside stalls**

If development for the purposes of a roadside stall is permitted under this Precinct Plan, the gross floor area must not exceed 8 square metres.

(9) **Secondary dwellings**

If development for the purposes of a secondary dwelling is permitted under this Precinct Plan, the total gross floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

(a) 110 square metres,

(b) 30% of the total gross floor area of both the self-contained dwelling and the principal dwelling.

5.6 **Architectural roof features**

(1) The objectives of this clause are:

(a) to ensure that architectural roof features are decorative elements only, and

(b) to ensure that the majority of the roof features are contained within the prescribed building height.

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

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

(a) the architectural roof feature:

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

   (ii) is not an advertising structure, and

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

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

5.8 Conversion of fire alarms

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

(2) The following development may be carried out, but only with development consent:
   (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
   (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
   (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.

(3), (4) (Repealed)

(5) In this clause:
   **private service provider** means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Director-General.

   **Note.** A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:
   (a) development consent, or
   (b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) This clause does not apply to or in respect of:
   (a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the **Native Vegetation Act 2003** or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
5.11 Bush fire hazard reduction

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

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

5.12 Infrastructure development and use of existing buildings of the Crown

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

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

Part 6 Additional local provisions

6.1 Public utility infrastructure

(1) The consent authority must not grant development consent to development on land to which this Precinct Plan applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

(2) In this clause, public utility infrastructure includes infrastructure for any of the following:

(a) the supply of water,

(b) the supply of electricity,

(c) the disposal and management of sewage.

(3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.

6.2 Attached dwellings in Zone R2 Low Density Residential

(1) The objectives of this clause are:

(a) to permit, with development consent, attached dwellings within Zone R2 Low Density Residential in limited circumstances, and
(b) to provide location and development criteria that must be satisfied before development consent can be granted.

(2) Development for the purposes of attached dwellings is permissible with development consent only on land within Zone R2 Low Density Residential that adjoins, or is only separated by a public road from:
   (a) land within the Public Recreation—Regional Zone (as referred to in Part 3 of this Policy), or
   (b) land within Zone RE1 Public Recreation, or
   (c) land within Zone SP2 Infrastructure and shown on the Land Reservation Acquisition Map as Local Drainage.

(3) Development consent must not be granted under this clause unless the consent authority is satisfied that:
   (a) the attached dwellings will not adversely impact on the amenity of any adjoining residential properties, and
   (b) the attached dwellings will be designed and oriented to provide active frontages to and surveillance of the public recreation or drainage land, and
   (c) the attached dwellings will not adversely impact on or limit solar access to any adjoining residential properties or public open space land.

6.3 Development controls—native vegetation retention areas

(1) The objective of this clause is to prevent the clearing of certain native vegetation.

(2) This clause applies to land within a native vegetation retention area as shown on the Native Vegetation Protection Map.

(3) This clause does not apply to native vegetation that the Council is satisfied:
   (a) is dying or dead and is not required as the habitat of native fauna, or
   (b) is a risk to human life or property.

(4) This clause does not apply to any native vegetation:
   (a) within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or
   (b) declared to be noxious weeds under the Noxious Weeds Act 1993.

(5) A person must not clear native vegetation on land to which this clause applies without:
   (a) approval under Part 3A of the Act, or
   (b) development consent.

(6) Development consent under this clause is not to be granted unless the consent authority is satisfied of the following in relation to the disturbance of native vegetation:
   (a) that there is no reasonable alternative available to the disturbance of the native vegetation,
   (b) that as little native vegetation as possible will be disturbed,
   (c) that the disturbance of the native vegetation will not increase salinity,
   (d) that native vegetation disturbed for the purposes of construction will be reinstated where possible on completion of construction,
   (e) that the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid any net loss of remnant native vegetation,
(f) that no more than 0.5 hectares of native vegetation will be cleared unless the clearing is essential for a previously permitted use of the land.

(7) The consent authority must, when determining a development application in respect of the clearing of native vegetation on land within a zone under this Precinct Plan, have regard to the objectives for development in that zone.

(8) This clause does not apply to or in respect of action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993, the Surveying and Spatial Information Act 2002 or the Sydney Water Act 1994.

6.4 Development controls—existing native vegetation

(1) The objective of this clause is to manage existing native vegetation in accordance with the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995.

(2) This clause applies to land within an existing native vegetation area as shown on the Native Vegetation Protection Map.

(3) This clause does not apply to any vegetation declared to be noxious weeds under the Noxious Weeds Act 1993.

(4) The consent authority must not grant development consent for development on land to which this clause applies unless it is satisfied that the proposed development will not result in the clearing of any existing native vegetation (within the meaning of the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995).

6.5 Development in special area—Cudgegong Station Area

(1) This clause applies to land shown as “Cudgegong Station Area” on the Special Areas Map.

(2) The consent authority must not grant development consent for development on land to which this clause applies unless a development control plan that provides for detailed development controls has been prepared for the land.

(3) Without limiting subclause (2), the development control plan is to provide for the following:
   (a) an indicative layout for the area, including open space, and major circulation routes,
   (b) the preferred locations of any new railway station and associated commuter car parks,
   (c) direct, well defined and activated pedestrian connections between:
      (i) any proposed railway station, and
      (ii) any commuter car park associated with that railway station, and
      (iii) land adjoining that railway station or car park, and
   (d) the preferred distribution of commercial activities, including the core location of those activities,
   (e) detailed landscaping requirements for the public and private domains,
   (f) stormwater and water quality management controls,
   (g) detailed urban design and built form controls.

(4) Subclause (2) does not apply to the following development:
   (a) the subdivision of land:
      (i) that does not further fragment the land, or
(ii) for the purpose only of defining the boundary of a special area, or
(iii) that is not for the purpose of enabling the construction of structures,
(b) the demolition of existing structures,
(c) development that the consent authority is satisfied is minor or will not affect future development outcomes, including the remediation of land, for special areas.

(5) The total gross floor area used for the purposes of commercial premises on all land to which this clause applies must not exceed 12,500 square metres.

(6) In this clause:
commercial premises means any of the following:
(a) business premises,
(b) office premises,
(c) retail premises.
remediation of land includes environmental protection works and the remediation of contaminated land.

Schedule 1 Additional permitted uses

(Clause 2.5)

This Schedule is blank on the making of this Precinct Plan.

Schedule 4 Classification and reclassification of public land

(Clause 5.2)

This Schedule is blank on the making of this Precinct Plan.

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

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Locality</td>
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Part 2 Land classified, or reclassified, as operational land—interests changed

<table>
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<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
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<td>Description</td>
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### Part 3  Land classified, or reclassified, as community land

<table>
<thead>
<tr>
<th>Column 1</th>
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<tbody>
<tr>
<td>Locality</td>
<td>Description</td>
</tr>
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<td>Nil</td>
</tr>
</tbody>
</table>
Appendix 7 Schofields Precinct Plan

Part 1 Preliminary

Note. The Standard Instrument (Local Environmental Plans) Order 2006 sets out matters to be included in standard local environmental plans. While this Precinct Plan is not a standard local environmental plan, it is generally consistent with standard plans. A number of clauses from the Standard Instrument (Local Environmental Plans) Order 2006 have been included in this Precinct Plan and the clause numbering from that Order has been retained. This means that the numbering in this Precinct Plan may contain some gaps. Additional provisions have been inserted and are numbered accordingly.

1.1 Name of Precinct Plan
This Precinct Plan is the Schofields Precinct Plan 2012.

1.2 Aims of Precinct Plan
The aims of this Precinct Plan are as follows:
(a) to rezone land to allow for development to occur in the manner envisaged by the growth centre structure plan, and the indicative layout, for the Schofields Precinct,
(b) to deliver housing choice and affordability by accommodating a wide range of residential dwelling types that cater for housing diversity,
(c) to guide the bulk and scale of future development within the Precinct,
(d) to protect and enhance riparian corridors and areas of significant native vegetation by establishing development controls that prevent the clearing of existing native vegetation within the Precinct,
(e) to protect and enhance areas of local heritage significance by establishing development controls in order to maintain and respect the relationships between heritage sites and uses of adjacent sites.

1.3 Land to which Precinct Plan applies
This Precinct Plan applies to land within the Schofields Precinct as shown on the Land Application Map.

1.4 Definition
In this Precinct Plan, Council means Blacktown City Council.
Note. The Dictionary at the end of this State environmental planning policy defines words and expressions for the purposes of this Precinct Plan, including the relevant maps.

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

1.8 Repeal of other local planning instruments applying to land
(1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Precinct Plan applies are repealed.
(2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Precinct Plan applies and to other land cease to apply to the land to which this Precinct Plan applies.
(3) This clause does not affect the operation of other provisions of this State environmental planning policy.
1.8A Savings provision relating to pending development applications

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

1.9 Application of SEPPs

(1) This Precinct Plan is subject to the provisions of any State environmental planning policy that prevails over this Precinct Plan as provided by section 36 of the Act.

Note. Section 36 of the Act generally provides that SEPPs prevail over LEPs and other instruments. However, an environmental planning instrument may (by an additional provision included in the instrument) displace or amend a SEPP or LEP to deal specifically with the relationship between the instrument and the SEPP or LEP.

(2) State Environmental Planning Policy No 1—Development Standards does not apply to the land to which this Precinct Plan applies.

(3) Subject to section 74 (1) of the Act, in the event of an inconsistency between this Precinct Plan and any other provision of this or any other environmental planning instrument, whether made before or after the commencement of this Precinct Plan, this Precinct Plan prevails to the extent of the inconsistency.

Note. The other provisions of this State environmental planning policy also contain provisions applying development controls to the North West Growth Centre, including the Schofields Precinct.

1.9A Suspension of covenants, agreements and instruments

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

(2) This clause does not apply:

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

(b) to any prescribed instrument within the meaning of section 183A of the Crown Lands Act 1989, or

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

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

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

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

(g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.

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

(4) Pursuant to section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).
Part 2  Permitted or prohibited development

2.1 Land use zones

The land use zones under this Precinct Plan are as follows:

**Residential Zones**
- R2 Low Density Residential
- R3 Medium Density Residential

**Business Zones**
- B1 Neighbourhood Centre
- B2 Local Centre

**Special Purpose Zones**
- SP2 Infrastructure

**Recreation Zones**
- RE1 Public Recreation
- RE2 Private Recreation

**Environment Protection Zones**
- E2 Environmental Conservation
- E4 Environmental Living

2.2 Zoning of land to which Precinct Plan applies

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

2.3 Zone objectives and Land Use Table

1. The Land Use Table at the end of this Part specifies for each zone:
   a. the objectives for development, and
   b. development that may be carried out without consent, and
   c. development that may be carried out only with consent, and
   d. development that is prohibited.

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

3. In the Land Use Table at the end of this Part:
   a. a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
   b. a reference to a type of building or other thing does not include (despite any definition in this Policy) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.

4. This clause is subject to the other provisions of this Precinct Plan.

Notes.
1. Schedule 1 sets out additional permitted uses for particular land.
2. Clause 2.6 requires consent for subdivision of land.
3. Part 5 contains other provisions that require consent for particular development.
4. Part 6 sets out additional permitted uses for particular land.

2.4 Unzoned land

1. Development may be carried out on unzoned land only with consent.
(2) Before granting consent, the consent authority:
   (a) must consider whether the development will impact on adjoining zoned land
       and, if so, consider the objectives for development in the zones of the
       adjoining land, and
   (b) must be satisfied that the development is appropriate and is compatible with
       permissible land uses in any such adjoining land.

2.5 Additional permitted uses for particular land

(1) Development on particular land that is described or referred to in Schedule 1 to this
    Appendix may be carried out:
    (a) with consent, or
    (b) if the Schedule so provides—without consent,
        in accordance with the conditions (if any) specified in that Schedule in relation to that
devolution.

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

2.6 Subdivision—consent requirements

Land to which this Precinct Plan applies may be subdivided, but only with consent.

Note. State Environmental Planning Policy (Exempt and Complying Development Codes)
2008 specifies certain subdivision development as exempt development.

2.7 Demolition

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

Note. The demolition of certain buildings and works is identified in State Environmental
Planning Policy (Exempt and Complying Development Codes) 2008 as exempt development.

2.8 Temporary use of land

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

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

(3) Development consent must not be granted unless the consent authority is satisfied
    that:
    (a) the temporary use will not prejudice the subsequent carrying out of
        development on the land in accordance with this Precinct Plan and this or any
        other applicable environmental planning instrument, and
    (b) the temporary use will not adversely impact on any adjoining land or the
        amenity of the neighbourhood, and
    (c) the temporary use and location of any structures related to the use will not
        adversely impact on environmental attributes or features of the land, or
        increase the risk of natural hazards that may affect the land, and
    (d) at the end of the temporary use period, the site will, as far as is practicable, be
        restored to the condition in which it was before the commencement of the use.

(4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new
    release area or a new housing estate may exceed the maximum number of days
    specified in that subclause.
(5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

Land Use Table

Note. Part 6 of this Precinct Plan sets out local provisions which include additional permissible land uses and heads of consideration for assessment.

Zone R2 Low Density Residential

1 Objectives of zone
   • To provide for the housing needs of the community within a low density residential environment.
   • To enable other land uses that provide facilities or services to meet the day to day needs of residents.
   • To allow people to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours.
   • To support the well-being of the community, by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.

2 Permitted without consent
   Home occupations

3 Permitted with consent
   Bed and breakfast accommodation; Business identification signs; Child care centres; Community facilities; Drainage; Dual occupancies; Dwelling houses; Earthworks; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Neighbourhood shops; Places of public worship; Roads; Secondary dwellings; Semi-detached dwellings; Shop top housing; Veterinary hospitals

4 Prohibited
   Any development not specified in item 2 or 3

Zone R3 Medium Density Residential

1 Objectives of zone
   • To provide for the housing needs of the community within a medium density residential environment.
   • To provide a variety of housing types within a medium density residential environment.
   • To enable other land uses that provide facilities or services to meet the day to day needs of residents.
   • To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.

2 Permitted without consent
   Home occupations
3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Child care centres; Community facilities; Group homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Roads; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airports; Amusement centres; Boat repair facilities; Boat sheds; Business premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Dual occupancies; Dwelling houses; Entertainment facilities; Extractive industries; Freight transport facilities; Function centres; Helipads; Highway service centres; Home occupations; Industrial retail outlets; Industries; Information and education facilities; Marinas; Mortuaries; Office premises; Passenger transport facilities; Public administration buildings; Recreation facilities; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Restriction facilities; Retail premises; Rural supplies; Rural workers’ dwellings; Semi-detached dwellings; Service stations; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Waste management facilities; Waste or resource management facilities; Wholesale supplies

Zone B1 Neighbourhood Centre

1 Objectives of zone

• To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
• To ensure the scale and type of business development is compatible with the scale of the surrounding area.
• To ensure residential development does not preclude the provision of active retail, business and community uses at street level.
• To allow for residential development that does not detract from the primary function of the zone which is to provide retail, business and community uses to serve to community.
• To promote a sense of place and focal points for the local community.

2 Permitted without consent

Home occupations

3 Permitted with consent

Business premises; Car parks; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Markets; Neighbourhood shops; Recreation facilities; Retail premises; Roads; Service stations; Shop top housing; Vehicle repair stations; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airports; Biosolids treatment facilities; Boat repair facilities; Boat sheds; Bulk goods premises; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Exhibition villages; Extractive industries; Farm buildings; Freight transport facilities; Funeral chapels; Funeral homes; Helipads; Highway service centres; Home occupations (sex services); Industrial
retail outlets; Industries; Landscape and garden supplies; Mortuaries; Office premises; Passenger transport facilities; Registered clubs; Residential accommodation; Restriction facilities; Rural supplies; Sex services premises; Storage premises; Timber and building supplies; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste management facilities; Waste or resource management facilities

Zone B2 Local Centre

1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To provide for residential development that contributes to the vitality of the local centre.
- To ensure that residential development within the centre does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.
- To facilitate active retail, commercial, entertainment and community facility uses at ground level of mixed use developments.
- To encourage development which will contribute to the economic growth of, and creation of employment opportunities within, the City of Blacktown.

2 Permitted without consent

Home occupations

3 Permitted with consent

Business premises; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation; Vehicle repair stations; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Biosolids treatment facilities; Boat repair facilities; Boat sheds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Electricity generating works; Exhibition villages; Extractive industries; Farm buildings; Freight transport facilities; Funeral chapels; Funeral homes; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Mortuaries; Residential accommodation; Restricted premises; Restriction facilities; Roadside stalls; Rural industries; Rural supplies; Rural workers’ dwellings; Sex services premises; Storage premises; Transport depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste management facilities; Waste or resource management facilities

Zone SP2 Infrastructure

1 Objectives of zone

- To provide for infrastructure and related uses.
• To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent
   Nil

3 Permitted with consent
   The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Drainage; Earthworks; Environmental protection works; Flood mitigation works; Roads; Water recycling facilities; Waterbodies (artificial)

4 Prohibited
   Any development not specified in item 2 or 3

Zone RE1 Public Recreation

1 Objectives of zone
   • To enable land to be used for public open space or recreational purposes.
   • To provide a range of recreational settings and activities and compatible land uses.
   • To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent
   Nil

3 Permitted with consent
   Building identification signs; Business identification signs; Community facilities; Drainage; Earthworks; Environmental facilities; Environmental protection works; Flood mitigation works; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads; Water recycling facilities; Waterbodies (artificial)

4 Prohibited
   Any development not specified in item 2 or 3

Zone RE2 Private Recreation

1 Objectives of zone
   • To enable land to be used for private open space or recreational purposes.
   • To provide a range of recreational settings and activities and compatible land uses.
   • To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent
   Nil

3 Permitted with consent
   Caravan parks; Charter and tourism boating facilities; Community facilities; Drainage; Electricity generating works; Environmental facilities; Environmental protection works; Extensive agriculture; Flood mitigation works; Information and
education facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Restaurants; Roads; Signage; Water recycling facilities; Water supply systems; Waterbodies (artificial)

4 **Prohibited**
Any development not specified in item 2 or 3

**Zone E2 Environmental Conservation**

1 **Objectives of zone**
   - To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
   - To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

2 **Permitted without consent**
   Nil

3 **Permitted with consent**
   Drainage; Earthworks; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Kiosks; Recreation areas; Roads; Signage; Waterbodies (artificial)

4 **Prohibited**
   Any development not specified in item 2 or 3

**Zone E4 Environmental Living**

1 **Objectives of zone**
   - To provide for low-impact residential development in areas with special ecological, scientific or aesthetic value.
   - To ensure that residential development does not have an adverse effect on those values.

2 **Permitted without consent**
   Home-based child care; Home occupations

3 **Permitted with consent**
   Agriculture; Bed and breakfast accommodation; Community facilities; Drainage; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Recreation areas; Roads; Secondary dwellings; Waterbodies (artificial)

4 **Prohibited**
   Any development not specified in item 2 or 3

**Part 3**

3.1–3.3 **(Repealed)**
Part 4  Principal development standards

4.1  Minimum subdivision lot size

The size of any lot resulting from any subdivision of land in Zone E4 Environmental Living is not to be less than 12,000 square metres.

4.1A  Minimum lot sizes for residential development

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

(a) to establish minimum lot sizes for residential development,

(b) to ensure that residential development in the Schofields Precinct results in the efficient use of land and contributes to the supply of new housing in the North West Growth Centre,

(c) to ensure that residential development has adequate usable areas for buildings and open space,

(d) to ensure that residential development is compatible with the character of the Schofields Precinct and with surrounding residential areas,

(e) to facilitate and encourage the provision of a range of dwelling types.

(2) The minimum lot size for certain residential development is set out in the table below.

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Minimum lot size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling houses</td>
<td>250 square metres</td>
</tr>
<tr>
<td>Attached dwellings</td>
<td>375 square metres</td>
</tr>
<tr>
<td>Semi-detached dwellings</td>
<td>400 square metres</td>
</tr>
<tr>
<td>Secondary dwellings</td>
<td>450 square metres</td>
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<td>Dual occupancy</td>
<td>500 square metres</td>
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<tr>
<td>Multi dwelling housing</td>
<td>1,500 square metres</td>
</tr>
<tr>
<td>Residential flat buildings</td>
<td>2,000 square metres</td>
</tr>
</tbody>
</table>

(3) Where residential development of a kind referred to in the table to subclause (2) is proposed on land with a split zoning that includes land in Zone R2 Low Density Residential or Zone R3 Medium Density, the area of so much of the land as is within that zone must be no less than the minimum lot size set out in that table.

(4) This clause applies to the development of any land shown on the Residential Density Map that is carried out after the commencement of this Precinct Plan.

4.1B  Residential density

(1) The objectives of this clause are:

(a) to establish minimum density requirements for residential development within the Schofields Precinct, and

(b) to ensure that residential development makes efficient use of land and infrastructure, and contributes to the availability of new housing, and

(c) to ensure that the scale of residential development is compatible with the character of the precinct and adjoining land.

(2) This clause applies to residential development of the kind referred to in clause 4.1A (2) that:
(a) is carried out on land to which this Precinct Plan applies that is shown on the Residential Density Map, and
(b) requires development consent, and
(c) is carried out after the commencement of this Precinct Plan.

(3) The density of any residential development to which this clause applies is not to be less than the density shown on the Residential Density Map in relation to that land.

(4) In this clause:
\textit{density} means the net developable area in hectares of the land on which the development is situated divided by the number of dwellings proposed to be located on that land.
\textit{net developable area} means the land occupied by the development, including internal streets plus half the width of any adjoining access roads that provide vehicular access, but excluding land that is not zoned for residential purposes.

4.3 Height of buildings

(1) The objectives of this clause are as follows:
(a) to establish the maximum height of buildings on land within the Schofields Precinct,
(b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,
(c) to facilitate higher density development in and around commercial centres and major transport routes.

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

4.4 Floor space ratio

(1) The objective of this clause is to control the bulk and scale of buildings within the Schofields Precinct by setting maximum floor space ratios for development.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

4.5 Calculation of floor space ratio and site area

(1) Objectives
The objectives of this clause are as follows:
(a) to define floor space ratio,
(b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:
(i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
(ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
(iii) require community land and public places to be dealt with separately.

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

In determining the site area of proposed development for the purpose of applying a floor space ratio, the *site area* is taken to be:

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

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

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

(4) **Exclusions from site area**

The following land must be excluded from the site area:

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

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

(5) **Strata subdivisions**

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

(6) **Only significant development to be included**

The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

(7) **Certain public land to be separately considered**

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

(8) **Existing buildings**

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

(9) **Covenants to prevent “double dipping”**

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

(10) **Covenants affect consolidated sites**

If:

(a) a covenant of the kind referred to in subclause (9) applies to any land *(affected land)*, and
(b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

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

(11) Definition

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

### 4.6 Exceptions to development standards

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

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

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

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

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

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

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

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

(a) the consent authority is satisfied that:

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

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

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider:

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

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

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone E2 Environmental Conservation or Zone E4 Environmental Living if:

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant’s written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:
   (a) a development standard for complying development,
   (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
   (c) clause 5.4.

Part 5  Miscellaneous provisions

5.1 Relevant acquisition authority

(1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions).

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

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

<table>
<thead>
<tr>
<th>Type of land shown on Map</th>
<th>Authority of the State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone RE1 Public Recreation and marked “Local open space”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Local drainage”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Local road” or “Local road widening”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Classified road” or “Classified road widening”</td>
<td>Roads and Maritime Services</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Railway”</td>
<td>Transport for NSW</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “School”</td>
<td>Minister administering the Education Act 1990</td>
</tr>
</tbody>
</table>
(3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

5.2 Classification and reclassification of public land

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

Note. Under the Local Government Act 1993, “public land” is generally land vested in or under the control of a council (other than roads, 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 this Precinct Plan to discharge trusts on which public reserves are held if the land is reclassified under this Precinct Plan as operational land.

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

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

(4) The public land described in Part 1 of Schedule 4 to this Appendix:
   (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
   (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.

(5) The public land described in Part 2 of Schedule 4 to this Appendix, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
   (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4 to this Policy, 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 4 to this Policy.

5.3 Development near zone boundaries

(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 30 metres.

(3) This clause does not apply to:
   (a) land in Zone RE1 Public Recreation or Zone E2 Environmental Conservation, or
   (b) land within a coastal area, or
(c) land proposed to be developed for the purpose of sex services or restricted premises.

(4) Despite the provisions of this Precinct Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:

(a) the development is not inconsistent with the objectives for development in both zones, and

(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

(5) This clause does not prescribe a development standard that may be varied under this Precinct Plan.

5.4 Controls relating to miscellaneous permissible uses

(1) **Bed and breakfast accommodation**

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

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

(2) **Home businesses**

If development for the purposes of a home business is permitted under this Precinct Plan, the carrying on of the business must not involve the use of more than 30 square metres of floor area.

(3) **Home industries**

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

(4) **Industrial retail outlets**

If development for the purposes of an industrial retail outlet is permitted under this Precinct Plan, the retail floor area must not exceed:

(a) 40% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or

(b) 400 square metres, whichever is the lesser.

(5) **Farm stay accommodation**

If development for the purposes of farm stay accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

(6) **Kiosks**

If development for the purposes of a kiosk is permitted under this Precinct Plan, the gross floor area must not exceed 30 square metres.

(7) **Neighbourhood shops**

If development for the purposes of a neighbourhood shop is permitted under this Precinct Plan, the retail floor area must not exceed 100 square metres.
(8) **Roadside stalls**

If development for the purposes of a roadside stall is permitted under this Precinct Plan, the gross floor area must not exceed 8 square metres.

(9) **Secondary dwellings**

If development for the purposes of a secondary dwelling is permitted under this Precinct Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

(a) 110 square metres,

(b) 30% of the total floor area of the principal dwelling.

### 5.6 Architectural roof features

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

(a) to ensure that architectural roof features are decorative elements only, and

(b) to ensure that the majority of the roof features are contained within the prescribed building height.

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

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

(a) the architectural roof feature:

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

   (ii) is not an advertising structure, and

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

   (iv) will cause minimal overshadowing, and

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

### 5.8 Conversion of fire alarms

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

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

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

(b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,

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

(3), (4) (Repealed)

(5) In this clause:
5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Director-General.

Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

(a) development consent, or

(b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) This clause does not apply to or in respect of:

(a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003 or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or

(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause, or

(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or

(d) action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993 or the Surveying and Spatial Information Act 2002, or

(e) plants declared to be noxious weeds under the Noxious Weeds Act 1993, or

(f) native vegetation retention areas to which clause 6.4 of this Precinct Plan applies, or

(g) existing native vegetation to which clause 6.5 of this Precinct Plan applies.

5.10 Heritage conservation

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

(1) Objectives

The objectives of this clause are as follows:

(a) to conserve the environmental heritage of the Schofields Precinct,
(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
(c) to conserve archaeological sites,
(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) **Requirement for consent**

Development consent is required for any of the following:

(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
   (i) a heritage item,
   (ii) an Aboriginal object,
   (iii) a building, work, relic or tree within a heritage conservation area,
(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 to this Policy in relation to the item,
(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
(d) disturbing or excavating an Aboriginal place of heritage significance,
(e) erecting a building on land:
   (i) on which a heritage item is located or that is within a heritage conservation area, or
   (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
(f) subdividing land:
   (i) on which a heritage item is located or that is within a heritage conservation area, or
   (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) **When consent not required**

However, development consent under this clause is not required if:

(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
   (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
   (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
(b) the development is in a cemetery or burial ground and the proposed development:
   (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or

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

(d) the development is exempt development.

(4) **Effect of proposed development on heritage significance**

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

(5) **Heritage assessment**

The consent authority may, before granting consent to any development:

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

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

(c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) **Heritage conservation management plans**

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

(7) **Archaeological sites**

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

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

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

(8) **Aboriginal places of heritage significance**

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

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

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

(9) **Demolition of nominated State heritage items**

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:
(a) notify the Heritage Council about the application, and
(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Precinct Plan, if the consent authority is satisfied that:

(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

5.11 Bush fire hazard reduction

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

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

5.12 Infrastructure development and use of existing buildings of the Crown

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

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

Part 6 Additional local provisions

6.1 Public utility infrastructure

(1) Development consent must not be granted for development on land to which this Precinct Plan applies unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.

(3) In this clause, public utility infrastructure includes infrastructure for any of the following:
(a) the supply of water,
(b) the supply of electricity,
(c) the disposal and management of sewage.

6.2 Attached dwellings in Zone R2 Low Density Residential

(1) The objectives of this clause are:
   (a) to permit, with development consent, attached dwellings within Zone R2 Low Density Residential in limited circumstances, and
   (b) to provide location and development criteria that must be satisfied before development consent can be granted.

(2) Development for the purposes of attached dwellings is permissible with development consent only on land within Zone R2 Low Density Residential that adjoins, or is only separated by a public road from:
   (a) land within the Public Recreation—Regional Zone (as referred to in Part 3 of this Policy), or
   (b) land within Zone RE1 Public Recreation, or
   (c) land within Zone SP2 Infrastructure and shown on the Land Reservation Acquisition Map as Local Drainage.

(3) Development consent must not be granted under this clause unless the consent authority is satisfied that:
   (a) the attached dwellings will not adversely impact on the amenity of any adjoining residential properties, and
   (b) the attached dwellings will be designed and oriented to provide active frontages to and surveillance of the public recreation or drainage land, and
   (c) the attached dwellings will not adversely impact on or limit solar access to any adjoining residential properties or public open space land.

6.3 Information and educational facilities in Zone R2 Low Density Residential

(1) The objectives of this clause are as follows:
   (a) to permit, with development consent, information and education facilities within Zone R2 Low Density Residential in limited circumstances,
   (b) to provide criteria for the location and development of information and education facilities within Zone R2 Low Density Residential in the Schofields Precinct,
   (c) to ensure that development for the purposes of information and education facilities does not detract from the character and amenity of land within Zone R2 Low Density Residential.

(2) Development for the purpose of information and education facilities is permissible with development consent only on land within Zone R2 Low Density Residential that:
   (a) adjoins land within Zone E2 Environmental Conservation, or that is separated from land within the Zone E2 Environmental Conservation only by a public road, or
   (b) is within 90 metres of a public transport stop, or
   (c) adjoins an educational establishment or a community facility or that is separated from an educational establishment or a community facility only by a public road.
(3) Development consent must not be granted for an information and education facility if it would be located within 800 metres of another information and educational facility within Zone R2 Low Density Residential.

6.4 Development controls—native vegetation retention areas

(1) The objective of this clause is to prevent the clearing of certain native vegetation.

(2) This clause applies to land within a native vegetation retention area as shown on the Native Vegetation Protection Map.

(3) This clause does not apply to native vegetation that the Council is satisfied:
   (a) is dying or dead and is not required as the habitat of native fauna, or
   (b) is a risk to human life or property.

(4) This clause does not apply to any native vegetation:
   (a) within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
   (b) declared to be noxious weeds under the *Noxious Weeds Act 1993*.

(5) A person must not clear native vegetation on land to which this clause applies without:
   (a) approval under Division 4.1 of Part 4 of the Act, or
   (b) development consent.

(6) Development consent under this clause is not to be granted unless the consent authority is satisfied of the following in relation to the disturbance of native vegetation:
   (a) that there is no reasonable alternative available to the disturbance of the native vegetation,
   (b) that as little native vegetation as possible will be disturbed,
   (c) that the disturbance of the native vegetation will not increase salinity,
   (d) that native vegetation disturbed for the purposes of construction will be reinstated where possible on completion of construction,
   (e) that the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid any net loss of remnant native vegetation,
   (f) that no more than 0.5 hectares of native vegetation will be cleared unless the clearing is essential for a previously permitted use of the land.

(7) The consent authority must, when determining a development application in respect of the clearing of native vegetation on land within a zone under this Precinct Plan, have regard to the objectives for development in that zone.

(8) This clause does not apply to or in respect of action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993*, the *Surveying and Spatial Information Act 2002* or the *Sydney Water Act 1994*.

6.5 Development controls—existing native vegetation

(1) The objective of this clause is to manage existing native vegetation in accordance with the relevant biodiversity measures under Part 7 of Schedule 7 to the *Threatened Species Conservation Act 1995*.

(2) This clause applies to land within an existing native vegetation area as shown on the Native Vegetation Protection Map.
(3) This clause does not apply to any vegetation declared to be noxious weeds under the *Noxious Weeds Act 1993*.

(4) The consent authority must not grant development consent for development on land to which this clause applies unless it is satisfied that the proposed development will not result in the clearing of any existing native vegetation (within the meaning of the relevant biodiversity measures under Part 7 of Schedule 7 to the *Threatened Species Conservation Act 1995*).

6.6 Development in Zone E2 Environmental Conservation

(1) This clause applies to land within Zone E2 Environmental Conservation (other than any such land owned by a public authority).

(2) Despite any other provision of this Precinct Plan, the consent authority must not grant development consent for development on land to which this clause applies unless it has considered a vegetation management plan that relates to all of that land.

(3) The vegetation management plan must address, to the satisfaction of the consent authority, the following matters:
   (a) the environmental values of the land,
   (b) methods to be used to revegetate and rehabilitate the land,
   (c) weed control,
   (d) the monitoring and ongoing management of the land,
   (e) other measures:
      (i) to control threats to the health of any remnant riparian vegetation on the land, and
      (ii) to increase species diversification and riparian vegetation cover on the land, and
      (iii) to improve the land’s resistance to future weed colonisation.

6.7 Subdivision of land adjoining Zone E2 Environmental Conservation

(1) The objectives of this clause are as follows:
   (a) to ensure the rehabilitation and revegetation of land within the Schofields Precinct that is within Zone E2 Environmental Conservation (other than any such land owned by a public authority),
   (b) to ensure that land within that Zone is managed and conserved in a holistic and sensitive manner.

(2) This clause applies to land that adjoins, or is only separated by a road from, land within Zone E2 Environmental Conservation.

(3) Despite any other provision of this Precinct Plan, the consent authority must not grant consent for subdivision of land to which this clause applies or any other development on that land unless it is satisfied that:
   (a) appropriate arrangements have been made for the revegetation and rehabilitation of that land that is within the Schofields Precinct within Zone E2 Environmental Conservation, and
   (b) those arrangements:
      (i) provide for the ongoing monitoring and management of that land, and
      (ii) will take effect before, or simultaneously with, the proposed subdivision or development concerned, and
      (iii) are appropriate when considered in conjunction with any vegetation management plan prepared in accordance with clause 6.6.
6.8 Active street frontages

(1) The objective of this clause is to promote uses that attract pedestrian traffic along ground floor street frontages in Zone B2 Local Centre.

(2) Development consent must not be granted to the erection of a building or a change of use of a building on land in Zone B2 Local Centre unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.

(3) Despite subclause (2), an active street frontage is not required for any part of a building that is used for any of the following:
   (a) entrances and lobbies (including as part of mixed use development),
   (b) access for fire services,
   (c) vehicle access.

(4) In this clause, a building has an active street frontage if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.

6.9 Development in special area—Schofields Station Area

(1) This clause applies to land shown as “Schofields Station Area” on the Special Areas Map.

(2) The consent authority must not grant development consent for development on land to which this clause applies unless a development control plan that provides for detailed development controls has been prepared for the land.

(3) Without limiting subclause (2), the development control plan is to provide for the following:
   (a) the preferred location of any public transport corridor linking Cudgegong Road Railway Station with Schofields Railway Station and Marsden Park,
   (b) an indicative layout of the public transport corridor, including the interchange with Schofields Station,
   (c) the preferred locations of any associated land uses,
   (d) direct, well defined and activated pedestrian connections between:
      (i) any proposed public transport interchange, and
      (ii) any commuter car park associated with that interchange, and
      (iii) land adjoining the interchange or car park,
   (e) detailed requirements for landscaping and public domain treatment for the public transport corridor,
   (f) stormwater and water quality management controls,
   (g) detailed urban design and built form controls for the public transport corridor and associated infrastructure,
   (h) detailed consideration of the environmental impacts associated with the public transport corridor including noise, vibration and visual impacts.

(4) Subclause (2) does not apply to the following development:
   (a) the subdivision of land:
      (i) that does not further fragment the land, or
      (ii) for the purpose only of defining the boundary of a special area, or
      (iii) that is not for the purpose of enabling the construction of structures,
(b) development that the consent authority is satisfied is minor or will not affect future development outcomes in relation to the planned public transport corridor.

6.10 Development or land within or adjacent to public transport corridor

(1) Consent must not be granted to development in the area marked “Zone H” on the Land Zoning Map without the concurrence of Transport for NSW.

(2) In determining whether to provide concurrence, Transport for NSW is to take into account the likely effect of the development on:

(a) the practicability and cost of carrying out public transport projects on the land in the future, and

(b) without limiting paragraph (a), the structural integrity or safety of, or ability to operate, public transport projects on the land in the future, and

(c) without limiting paragraph (a), the land acquisition costs and the costs of construction, operation or maintenance of public transport projects on the land in the future.

Schedule 1 Additional permitted uses

(Clause 2.5)

1 Multi dwelling housing in the Schofields Precinct

On land shown on the Land Zoning Map as “Low Density Residential (multi dwelling housing)”—multi dwelling housing.

Schedule 4 Classification and reclassification of public land

(Clause 5.2)

This Schedule is blank on the making of this Precinct Plan.

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

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
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<tr>
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Part 2 Land classified, or reclassified, as operational land—interests changed

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
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<tbody>
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<td>Description</td>
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## Part 3  Land classified, or reclassified, as community land

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## Schedule 5  Environmental heritage

(Clause 5.10)

<table>
<thead>
<tr>
<th>Precinct</th>
<th>Item name</th>
<th>Property description</th>
<th>Significance</th>
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<tbody>
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<td>Hebe Farm</td>
<td>Lot 1, DP 527115</td>
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<td>Schofields</td>
<td>Runway remnant</td>
<td>Lot 4, DP 853847</td>
<td>Local</td>
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</table>
Appendix 8 Liverpool Growth Centres Precinct Plan

Part 1 Preliminary

Note. The Standard Instrument (Local Environmental Plans) Order 2006 sets out matters to be included in standard local environmental plans. While this Precinct Plan is not a standard local environmental plan, it is generally consistent with standard plans. A number of clauses from the Standard Instrument (Local Environmental Plans) Order 2006 have been included in this Precinct Plan and the clause numbering from that Order has been retained. This means that the numbering in this Precinct Plan may contain some gaps. Additional provisions have been inserted and are numbered accordingly.

1.1 Name of Precinct Plan

This Precinct Plan is the Liverpool Growth Centres Precinct Plan 2013.

1.2 Aims of Precinct Plan

The aims of this Precinct Plan are as follows:
(a) to make development controls that will ensure the creation of quality environments and good design outcomes,
(b) to protect and enhance environmentally sensitive natural areas and cultural heritage,
(c) to provide for recreational opportunities,
(d) to provide for multifunctional and innovative development that encourages employment and economic growth,
(e) to promote housing choice and affordability,
(f) to provide for sustainable development,
(g) to promote pedestrian and vehicle connectivity.

1.3 Land to which Precinct Plan applies

This Precinct Plan applies to land within the Austral Precinct and Leppington North Precinct as shown on the Land Application Map.

Note. The Land Application Map differs from the Precinct Boundary Map and, as such, this Precinct Plan does not apply to all the land within the Leppington North Precinct (as shown on the Precinct Boundary Map).

1.4 Definition

In this Precinct Plan, Council means Liverpool City Council.

Note. The Dictionary at the end of this State environmental planning policy defines words and expressions for the purposes of this Precinct Plan, including the relevant maps.

1.5 Notes

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

1.6 Consent authority

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

1.8 Repeal of other local planning instruments applying to land

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

Note. Liverpool Local Environmental Plan 2008 ceases to apply to the land to which this Precinct Plan applies.

(3) This clause does not affect the operation of other provisions of this State environmental planning policy.

1.8A Savings provision relating to pending development applications

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

1.9 Application of SEPPs

(1) This Precinct Plan is subject to the provisions of any State environmental planning policy that prevails over this Precinct Plan as provided by section 36 of the Act.

(2) State Environmental Planning Policy No 1—Development Standards does not apply to the land to which this Precinct Plan applies.

1.9A Suspension of covenants, agreements and instruments

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

(2) This clause does not apply:

(a) to a covenant imposed by the Council or that the Council requires to be imposed, or
(b) to any prescribed instrument within the meaning of section 183A of the Crown Lands Act 1989, or
(c) to any conservation agreement within the meaning of the National Parks and Wildlife Act 1974, or
(d) to any Trust agreement within the meaning of the Nature Conservation Trust Act 2001, or
(e) to any property vegetation plan within the meaning of the Native Vegetation Act 2003, or
(f) to any biobanking agreement within the meaning of Part 7A of the Threatened Species Conservation Act 1995, or
(g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.

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

(4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

Part 2 Permitted or prohibited development

2.1 Land use zones

The land use zones under this Precinct Plan are as follows:
Rural Zones
RU6 Transition

Residential Zones
R2 Low Density Residential
R3 Medium Density Residential

Business Zones
B1 Neighbourhood Centre
B2 Local Centre
B5 Business Development

Industrial Zones
IN2 Light Industrial

Special Purpose Zones
SP2 Infrastructure

Recreation Zones
RE1 Public Recreation

Environment Protection Zones
E2 Environmental Conservation
E4 Environmental Living

2.2 Zoning of land to which Precinct Plan applies
For the purposes of this Precinct Plan, land is within the zones shown on the Land Zoning Map.

2.3 Zone objectives and Land Use Table
(1) The Land Use Table at the end of this Part specifies for each zone:
(a) the objectives for development, and
(b) development that may be carried out without consent, and
(c) development that may be carried out only with consent, and
(d) development that is prohibited.

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

(3) In the Land Use Table at the end of this Part:
(a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
(b) a reference to a type of building or other thing does not include (despite any definition in this Policy) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.

(4) This clause is subject to the other provisions of this Precinct Plan.

Notes.
1 Schedule 1 sets out additional permitted uses for particular land.
2 Clause 2.6 requires consent for subdivision of land.
3 Part 5 contains other provisions that require consent for particular development.
4 Part 6 sets out additional permitted uses for particular land.
2.4 **Unzoned land**

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

(2) Before granting development consent, the consent authority:

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

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

2.5 **Additional permitted uses for particular land**

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

   (a) with consent, or

   (b) if the Schedule so provides—without development consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.

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

2.6 **Subdivision—consent requirements**

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

**Note.** *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies certain subdivision development as exempt development.

2.7 **Demolition**

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

**Note.** The demolition of certain buildings and works is identified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* as exempt development.

2.8 **Temporary use of land**

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

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

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

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

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

   (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
(d) at the end of the temporary use period, the site will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

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

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

(6) This clause does not prescribe a development standard that may be varied under this Precinct Plan.

Land Use Table

Zone RU6 Transition

1 Objectives of zone
   • To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.
   • To minimise conflict between land uses within this zone and land uses within adjoining zones.

2 Permitted without consent
   Extensive agriculture; Home occupations; Roads

3 Permitted with consent
   Agriculture; Dual occupancies; Dwelling houses; Environmental protection works; Home-based child care; Home businesses; Home industries; Horticulture; Secondary dwellings; Any other development not specified in item 2 or 4

4 Prohibited
   Air transport facilities; Amusement centres; Biosolids treatment facilities; Boat repair facilities; Boat sheds; Bulky goods premises; Business premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Community facilities; Correctional centres; Crematoria; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Freight transport facilities; Function centres; Hazardous storage establishments; Highway service centres; Home occupations (sex services); Industries; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Marinas; Moorings; Mortuaries; Office premises; Passenger transport facilities; Places of public worship; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Residential accommodation; Restricted premises; Retail premises; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Timber and building supplies; Tourist and visitor accommodation; Transport depots; Truck depots

Zone R2 Low Density Residential

1 Objectives of zone
   • To provide for the housing needs of the community within a low density residential environment.
   • To enable other land uses that provide facilities or services to meet the day to day needs of residents.
• To allow people to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours.
• To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.

2 Permitted without consent
Home-based child care; Home occupations

3 Permitted with consent
Attached dwellings; Bed and breakfast accommodation; Boarding houses; Business identification signs; Child care centres; Community facilities; Drainage; Dual occupancies; Dwelling houses; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home businesses; Home industries; Multi dwelling housing; Neighbourhood shops; Places of public worship; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing

4 Prohibited
Any development not specified in item 2 or 3

Zone R3 Medium Density Residential

1 Objectives of zone
• To provide for the housing needs of the community within a medium density residential environment.
• To provide a variety of housing types within a medium density residential environment.
• To enable other land uses that provide facilities or services to meet the day to day needs of residents.
• To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.

2 Permitted without consent
Home-based child care; Home occupations

3 Permitted with consent
Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Child care centres; Community facilities; Group homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Roads; Seniors housing; Any other development not specified in item 2 or 4

4 Prohibited
Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat repair facilities; Boat sheds; Business premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Extractive industries; Freight transport facilities; Function centres; Helipads; Highway service centres; Home occupations (sex services); Industries; Information and education facilities; Marinas; Moorings;
Mortuaries; Office premises; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Retail premises; Rural supplies; Service stations; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wholesale supplies

Zone B1 Neighbourhood Centre

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

2 Permitted without consent
   Home-based child care; Home occupations

3 Permitted with consent
   Amusement centres; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Business premises; Child care centres; Community facilities; Drainage; Educational establishments; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Kiosks; Medical centres; Neighbourhood shops; Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Roads; Service stations; Serviced apartments; Shops; Shop top housing; Veterinary hospitals

4 Prohibited
   Any development not specified in item 2 or 3

Zone B2 Local Centre

1 Objectives of zone
   - To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
   - To encourage employment opportunities in accessible locations.
   - To maximise public transport patronage and encourage walking and cycling.
   - To provide for residential development that contributes to the vitality of the local centre.
   - To ensure that residential development within the centre does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.
   - To facilitate active retail, commercial, entertainment and community facility uses at ground level of mixed use developments.
   - To encourage development that will contribute to economic growth and the creation of employment opportunities.

2 Permitted without consent
   Home-based child care; Home businesses; Home occupations
3 Permitted with consent

Boarding houses; Business premises; Car parks; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Air strips; Boat repair facilities; Boat sheds; Bulky goods premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Home occupations (sex services); Industries; Marinas; Moorings; Mortuaries; Recreation facilities (major); Research stations; Residential accommodation; Restricted premises; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wholesale supplies

Zone B5 Business Development

1 Objectives of zone

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

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Bulky goods premises; Business identification signs; Car parks; Child care centres; Community facilities; Drainage; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Hotel or motel accommodation; Landscaping material supplies; Liquid fuel depots; Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Pubs; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Restaurants; Roads; Self-storage units; Service stations; Timber and building supplies; Vehicle sales or hire premises; Warehouse or distribution centres

4 Prohibited

Any development not specified in item 2 or 3

Zone IN2 Light Industrial

1 Objectives of zone

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
2 Permitted without consent
   Nil

3 Permitted with consent
   Agricultural produce industries; Building identification signs; Business identification signs; Depots; Food and drink premises; Heliports; Hotel or motel accommodation; Landscaping material supplies; Light industries; Neighbourhood shops; Roads; Any other development not specified in item 2 or 4

4 Prohibited
   Agriculture; Air transport facilities; Amusement centres; Boat sheds; Bulky goods premises; Business premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Health services facilities; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industries; Marinas; Moorings; Office premises; Public administration buildings; Recreation facilities (major); Research stations; Residential accommodation; Restricted premises; Retail premises; Rural industries; Signage; Tourist and visitor accommodation; Water recreation structures

Zone SP2 Infrastructure

1 Objectives of zone
   • To provide for infrastructure and related uses.
   • To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent
   Roads

3 Permitted with consent
   The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited
   Any development not specified in item 2 or 3

Zone RE1 Public Recreation

1 Objectives of zone
   • To enable land to be used for public open space or recreational purposes.
   • To provide a range of recreational settings and activities and compatible land uses.
   • To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent
   Environmental protection works
3 Permitted with consent

Building identification signs; Business identification signs; Child care centres; Community facilities; Drainage; Environmental facilities; Flood mitigation works; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Restaurants; Roads; Take away food and drink premises; Water recreation structures; Waterbodies (artificial)

4 Prohibited

Any development not specified in item 2 or 3

Zone E2 Environmental Conservation

1 Objectives of zone

• To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
• To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

2 Permitted without consent

Nil

3 Permitted with consent

Drainage; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Kiosks; Recreation areas; Research stations; Roads; Signage; Waterbodies (artificial)

4 Prohibited

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

Zone E4 Environmental Living

1 Objectives of zone

• To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
• To ensure that residential development does not have an adverse effect on those values.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Child care centres; Community facilities; Drainage; Dual occupancies; Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Extensive agriculture; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Horticulture; Places of public worship; Recreation areas; Roads; Secondary dwellings; Waterbodies (artificial)
4 **Prohibited**

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

**Part 3**

3.1–3.3 **(Repealed)**

**Part 4  Principal development standards**

4.1 **Minimum subdivision lot size**

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

(a) to ensure orderly and efficient use of land,

(b) to ensure a minimum lot size sufficient for development,

(c) to allow for a range of lot sizes that cater for a diversity of land uses and employment activities.

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

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

(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

4.1A **Minimum lot sizes for residential development**

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

(a) to establish minimum lot sizes for residential development,

(b) to ensure that residential development results in the efficient use of land and contributes to the supply of new housing in the South West Growth Centre,

(c) to ensure that residential development has adequate usable areas for buildings and open space,

(d) to ensure that residential development is compatible with the character of the locality and with surrounding residential areas,

(e) to facilitate and encourage the provision of a range of dwelling types.

(2) This clause applies to development on land for which no minimum lot size is shown on the Lot Size Map.

(3) The minimum lot size for certain residential development is set out in the table below.

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Minimum lot size</th>
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<tr>
<td>Dwelling houses (detached)</td>
<td>200 square metres</td>
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<tr>
<td>Semi-detached dwellings</td>
<td>200 square metres</td>
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<tr>
<td>Dual occupancies</td>
<td>500 square metres</td>
</tr>
<tr>
<td>Secondary dwellings</td>
<td>450 square metres</td>
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</tbody>
</table>
4.1B Residential density

(1) The objectives of this clause are:

   (a) to establish minimum density requirements for residential development, and
   (b) to ensure that residential development makes efficient use of land and infrastructure, and contributes to the availability of new housing, and
   (c) to ensure that the scale of residential development is compatible with the character of the precinct and adjoining land.

(2) This clause applies to residential development of the kind referred to in clause 4.1A (3) that:

   (a) is carried out on land to which this Precinct Plan applies that is shown on the Residential Density Map, and
   (b) requires development consent, and
   (c) is carried out after the commencement of this Precinct Plan.

(3) The density of any residential development to which this clause applies is not to be less than the density shown on the Residential Density Map in relation to that land.

(4) In this clause:

   density means the net developable area in hectares of the land on which the development is situated divided by the number of dwellings proposed to be located on that land.

   net developable area means the land occupied by the development, including internal streets, but excluding land that is not zoned for residential purposes.

4.2 Rural subdivision

(1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.

(2) Land in Zone RU6 Transition may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.

(3) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.

(4) A dwelling cannot be erected on such a lot.

   Note. A dwelling includes a rural worker’s dwelling (see definition of that term in the Dictionary).

4.3 Height of buildings

(1) The objectives of this clause are as follows:
(a) to establish the maximum height of buildings,
(b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,
(c) to facilitate higher density development in and around commercial centres and major transport routes.

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

4.4 Floor space ratio

(1) The objective of this clause is to control the bulk and scale of buildings by setting maximum floor space ratios for development.

(2) The floor space ratio for a building on any land is not to exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map.

4.5 Calculation of floor space ratio and site area

(1) Objectives

The objectives of this clause are as follows:

(a) to define floor space ratio,
(b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:
   (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
   (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
   (iii) require community land and public places to be dealt with separately.

(2) Definition of “floor space ratio"

The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) Site area

In determining the site area of proposed development for the purpose of applying a floor space ratio, the site area is taken to be:

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

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

(4) Exclusions from site area

The following land must be excluded from the site area:

(a) land on which the proposed development is prohibited, whether under this Precinct Plan or any other law,
(b) community land or a public place (except as provided by subclause (7)).
(5) **Strata subdivisions**
The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

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

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

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

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

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

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

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

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

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

### 4.6 Exceptions to development standards

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

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

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

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

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

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

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

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

(a) the consent authority is satisfied that:

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

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

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider:

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

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

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

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

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

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

Note. When this Precinct Plan was made it did not include any of these zones other than Zone RU6 Transition, Zone E2 Environmental Conservation and Zone E4 Environmental Living.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant’s written request referred to in subclause (3).

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

(a) a development standard for complying development,

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

(c) clause 5.4.
Part 5  Miscellaneous provisions

5.1  Relevant acquisition authority

(1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions).

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

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

<table>
<thead>
<tr>
<th>Type of land shown on Map</th>
<th>Authority of the State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone RE1 Public Recreation and marked “Local open space”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Classified road”</td>
<td>Roads and Maritime Services</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Local drainage”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Railway”</td>
<td>The corporation constituted under</td>
</tr>
<tr>
<td></td>
<td>section 8 of the Act</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Local road”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Educational establishment”</td>
<td>NSW Department of Education and</td>
</tr>
<tr>
<td></td>
<td>Communities</td>
</tr>
<tr>
<td>Zone B1 Neighbourhood Centre and marked “Community facility”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone B2 Local Centre and marked “Community facility”</td>
<td>Council</td>
</tr>
</tbody>
</table>

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

Note. If land, other than land specified in the Table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning and Infrastructure is required to take action to enable the designation of the acquiring authority under this Part. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning and Infrastructure (see section 21 of the Land Acquisition (Just Terms Compensation) Act 1991).

5.2  Classification and reclassification of public land

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

Note. Under the Local Government Act 1993, “public land” is generally land vested in or under the control of a council (other than roads, 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 \textit{Local Government Act 1993}. Section 30 of that Act enables this Precinct Plan to discharge trusts on which public reserves are held if the land is reclassified under this Precinct Plan as operational land.

(2) The public land described in Part 1 or Part 2 of Schedule 4 to this Appendix is classified, or reclassified, as operational land for the purposes of the \textit{Local Government Act 1993}.

(3) The public land described in Part 3 of Schedule 4 to this Appendix is classified, or reclassified, as community land for the purposes of the \textit{Local Government Act 1993}.

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

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

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

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

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

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

(c) reservations of minerals (within the meaning of the \textit{Crown Lands Act 1989}).

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

\section*{5.3 Development near zone boundaries}

(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is as follows:

(a) 10 metres between Zone RE1 Public Recreation and any other zone,

(b) 10 metres between Zone E2 Environmental Conservation and any other zone,

(c) 30 metres between any two zones excluding Zone RE1 Public Recreation and Zone E2 Environmental Conservation.

(3) This clause does not apply to land proposed to be developed for the purpose of sex services premises or restricted premises.

(4) Despite the provisions of this Precinct Plan relating to the purposes for which development may be carried out, consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:

(a) the development is not inconsistent with the objectives for development in both zones, and
(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

(5) This clause does not prescribe a development standard that may be varied under this Precinct Plan.

5.4 Controls relating to miscellaneous permissible uses

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

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

(2) Home businesses
If development for the purposes of a home business is permitted under this Precinct Plan, the carrying on of the business must not involve the use of more than 50 square metres of gross floor area.

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

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

(a) 40% of the combined gross floor area of the industrial retail outlet and the building or place on which the relevant industry is carried out, or

(b) 400 square metres, whichever is the lesser.

(5) Farm stay accommodation
If development for the purposes of farm stay accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

(6) Kiosks
If development for the purposes of a kiosk is permitted under this Precinct Plan, the gross floor area must not exceed 30 square metres.

(7) Neighbourhood shops
If development for the purposes of a neighbourhood shop is permitted under this Precinct Plan, the retail gross floor area must not exceed 100 square metres.

(8) Roadside stalls
If development for the purposes of a roadside stall is permitted under this Precinct Plan, the gross floor area must not exceed 8 square metres.

(9) Secondary dwellings
If development for the purposes of a secondary dwelling is permitted under this Precinct Plan, the total gross floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:
(a) 75 square metres,
(b) 30% of the total gross floor area of both the self-contained dwelling and the principal dwelling.

5.6 Architectural roof features

(1) The objectives of this clause are:
   (a) to ensure that architectural roof features are decorative elements only, and
   (b) to ensure that the majority of the roof features are contained within the prescribed building height.

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

(3) Development consent must not be granted to any such development unless the consent authority is satisfied that:
   (a) the architectural roof feature:
       (i) comprises a decorative element on the uppermost portion of a building, and
       (ii) is not an advertising structure, and
       (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
       (iv) will cause minimal overshadowing, and
   (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

5.8 Conversion of fire alarms

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

(2) The following development may be carried out, but only with development consent:
   (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
   (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
   (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.

(3), (4) (Repealed)

(5) In this clause:
    *private service provider* means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.
(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Director-General.

Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

(a) development consent, or

(b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) This clause does not apply to or in respect of:

(a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003 or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or

(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause, or

(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or

(d) action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993 or the Surveying and Spatial Information Act 2002, or

(e) plants declared to be noxious weeds under the Noxious Weeds Act 1993, or

(f) native vegetation retention areas to which clause 6.2 of this Precinct Plan applies, or

(g) existing native vegetation areas to which clause 6.3 of this Precinct Plan applies.

5.10 Heritage conservation

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

(1) Objectives

The objectives of this clause are as follows:

(a) to conserve environmental heritage,

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

(c) to conserve archaeological sites,

(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.
(2) **Requirement for consent**

Development consent is required for any of the following:

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

   (i) a heritage item,
   (ii) an Aboriginal object,
   (iii) a building, work, relic or tree within a heritage conservation area,

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

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

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

(e) erecting a building on land:

   (i) on which a heritage item is located or that is within a heritage conservation area, or
   (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,

(f) subdividing land:

   (i) on which a heritage item is located or that is within a heritage conservation area, or
   (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) **When consent not required**

However, development consent under this clause is not required if:

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

   (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
   (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or

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

   (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
   (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or

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

(d) the development is exempt development.
(4) **Effect of proposed development on heritage significance**

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

(5) **Heritage assessment**

The consent authority may, before granting consent to any development:

(a) on land on which a heritage item is located, or
(b) on land that is within a heritage conservation area, or
(c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) **Heritage conservation management plans**

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

(7) **Archaeological sites**

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

(a) notify the Heritage Council of its intention to grant consent, and
(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) **Aboriginal places of heritage significance**

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) **Demolition of nominated State heritage items**

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:

(a) notify the Heritage Council about the application, and
(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) **Conservation incentives**

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or
for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Precinct Plan, if the consent authority is satisfied that:

(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

5.11 Bush fire hazard reduction

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

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

5.12 Infrastructure development and use of existing buildings of the Crown

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

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

Part 6 Additional local provisions

6.1 Public utility infrastructure

(1) The consent authority must not grant development consent to development on land to which this Precinct Plan applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

(2) In this clause, public utility infrastructure includes infrastructure for any of the following:

(a) the supply of water,
(b) the supply of electricity,
(c) the disposal and management of sewage.

(3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.

6.2 Development controls—native vegetation retention areas

(1) The objective of this clause is to prevent the clearing of certain native vegetation.
(2) This clause applies to land within a native vegetation retention area as shown on the Native Vegetation Protection Map.

(3) This clause does not apply to native vegetation that the Council is satisfied:
   (a) is dying or dead and is not required as the habitat of native fauna, or
   (b) is a risk to human life or property.

(4) This clause does not apply to any native vegetation:
   (a) within a State forest, or within land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or
   (b) declared to be noxious weeds under the Noxious Weeds Act 1993.

(5) A person must not clear native vegetation on land to which this clause applies without:
   (a) approval under Part 3A of the Act, or
   (b) development consent.

(6) Development consent under this clause is not to be granted unless the consent authority is satisfied of the following in relation to the disturbance of native vegetation:
   (a) that there is no reasonable alternative available to the disturbance of the native vegetation,
   (b) that as little native vegetation as possible will be disturbed,
   (c) that the disturbance of the native vegetation will not increase salinity,
   (d) that native vegetation disturbed for the purposes of construction will be reinstated where possible on completion of construction,
   (e) that the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid any net loss of remnant native vegetation,
   (f) that no more than 0.5 hectare of native vegetation will be cleared unless the clearing is essential for a previously permitted use of the land.

(7) The consent authority must, when determining a development application in respect of the clearing of native vegetation on land within a zone under this Precinct Plan, have regard to the objectives for development in that zone.

(8) This clause does not apply to or in respect of action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993, the Surveying and Spatial Information Act 2002 or the Sydney Water Act 1994.

6.3 Development controls—existing native vegetation

(1) The objective of this clause is to manage existing native vegetation in accordance with the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995.

(2) This clause applies to land within an existing native vegetation area as shown on the Native Vegetation Protection Map.

(3) This clause does not apply to any vegetation declared to be noxious weeds under the Noxious Weeds Act 1993.

(4) The consent authority must not grant development consent for development on land to which this clause applies unless it is satisfied that the proposed development will not result in the clearing of any existing native vegetation (within the meaning of the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995).
### Schedule 1  Additional permitted uses

(Clause 2.5)

When this Precinct Plan was made this Schedule was blank.

### Schedule 4  Classification and reclassification of public land

(Clause 5.2)

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

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
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<tbody>
<tr>
<td>Locality</td>
<td>Description</td>
</tr>
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#### Part 2  Land classified, or reclassified, as operational land—interests changed

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<thead>
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<td>Locality</td>
<td>Description</td>
<td>Any trusts etc not discharged</td>
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#### Part 3  Land classified, or reclassified, as community land

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
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<tbody>
<tr>
<td>Locality</td>
<td>Description</td>
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<tr>
<td>Nil</td>
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</tr>
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</table>

### Schedule 5  Environmental heritage

(Clause 5.10)

#### Part 1  Heritage items

<table>
<thead>
<tr>
<th>Precinct</th>
<th>Item name</th>
<th>Address</th>
<th>Property description</th>
<th>Significance</th>
<th>Item no</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austral</td>
<td>Hellenic monument</td>
<td>Part of Lot 10, DP 771080</td>
<td>Local 8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Austral</td>
<td>Ian’s Hardware and House</td>
<td>Lot E, DP 385534</td>
<td>Local 7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Austral</td>
<td>H J Starr Progress Hall</td>
<td>Lot A, DP 340916</td>
<td>Local 3</td>
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### Part 2  Heritage conservation areas

<table>
<thead>
<tr>
<th>Precinct</th>
<th>Item name</th>
<th>Address</th>
<th>Property description</th>
<th>Significance</th>
<th>Item no</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austral</td>
<td>Brick house and garden</td>
<td>275 Edmondson Avenue</td>
<td>Lot 2, DP 258224</td>
<td>Local</td>
<td>5</td>
</tr>
<tr>
<td>Leppington North</td>
<td>Bringelly Road—cultural landscape</td>
<td>Between Camden Valley Way and Kemps Creek</td>
<td>Lot 2, DP 596351</td>
<td>Local</td>
<td>17</td>
</tr>
<tr>
<td>Leppington North</td>
<td>Upper Nepean Scheme—Upper Canal</td>
<td>Between Camden Valley Way and Bringelly Road</td>
<td>Lot 1, DP 725231; Lot 2, DP 596351</td>
<td>Local</td>
<td>16</td>
</tr>
<tr>
<td>Leppington North</td>
<td>The Brown Memorial and water trough</td>
<td>145 Bringelly Road</td>
<td>Lot 1, DP 725231</td>
<td>Local</td>
<td>11</td>
</tr>
<tr>
<td>Leppington North</td>
<td>Row of 3 Bunya pines</td>
<td>145 Bringelly Road</td>
<td>Lot 1, DP 725231 and adjacent road reserve</td>
<td>State</td>
<td>14</td>
</tr>
<tr>
<td>Leppington North</td>
<td>W V Scott War Memorial and park</td>
<td>380 Bringelly Road</td>
<td>Lot 1173, DP 2475; Lot 1174, DP 1066228; Lot 1138, DP 2475</td>
<td>Local</td>
<td>6</td>
</tr>
<tr>
<td>Leppington North</td>
<td>Cement-rendere d house</td>
<td>40 Browns Road (60 Fifth Avenue)</td>
<td>Part of Lot 4, DP 126820</td>
<td>Local</td>
<td>1</td>
</tr>
<tr>
<td>Leppington North</td>
<td>House and garden</td>
<td>170 Edmondson Avenue (125 Eighth Avenue)</td>
<td>Lot 926, DP 2475</td>
<td>Local</td>
<td>10</td>
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<tr>
<td>Leppington North</td>
<td>Cowpasture Road—cultural landscape</td>
<td>Old Cowpasture Road (between Cowpasture and Bringelly Roads)</td>
<td>Disused road reserve (south of Bringelly Road)</td>
<td>Local</td>
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</table>

### Name of heritage conservation area

- **Austral Town Centre Conservation Area**: Shown by green hatching and labelled “C1”
- **Significance**: Local
## Part 3 Archaeological sites

<table>
<thead>
<tr>
<th>Precinct</th>
<th>Item name</th>
<th>Address</th>
<th>Property description</th>
<th>Significance</th>
<th>Item no</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austral</td>
<td>Former blacksmith’s workshop site</td>
<td>240 Fifteenth Avenue</td>
<td>Part of Lot 433, DP 2475</td>
<td>Local</td>
<td>13</td>
</tr>
<tr>
<td>Austral</td>
<td>Weatherboard house site</td>
<td>305 Fifteenth Avenue</td>
<td>Lots 354 and 355, DP 2475</td>
<td>Local</td>
<td>4</td>
</tr>
<tr>
<td>Leppington North</td>
<td>Forest home site</td>
<td>1720–1726 Camden Valley Way</td>
<td>Lot 6, DP 205472</td>
<td>Local</td>
<td>12</td>
</tr>
</tbody>
</table>
Appendix 9  Camden Growth Centres Precinct Plan

Part 1  Preliminary

Note. The Standard Instrument (Local Environmental Plans) Order 2006 sets out matters to be included in standard local environmental plans. While this Precinct Plan is not a standard local environmental plan, it is generally consistent with standard plans. A number of clauses from the Standard Instrument (Local Environmental Plans) Order 2006 have been included in this Precinct Plan and the clause numbering from that Order has been retained. This means that the numbering in this Precinct Plan may contain some gaps. Additional provisions have been inserted and are numbered accordingly.

1.1 Name of Precinct Plan

This Precinct Plan is the Camden Growth Centres Precinct Plan 2013.

1.2 Aims of Precinct Plan

The aims of this Precinct Plan are as follows:

(a) to make development controls that will ensure the creation of quality environments and good design outcomes,

(b) to protect and enhance environmentally sensitive natural areas and cultural heritage,

(c) to provide for recreational opportunities,

(d) to provide for multifunctional and innovative development that encourages employment and economic growth,

(e) to promote housing choice and affordability,

(f) to provide for sustainable development,

(g) to promote pedestrian and vehicle connectivity.

1.3 Land to which Precinct Plan applies

This Precinct Plan applies to land within the Catherine Fields Precinct, East Leppington Precinct and Leppington North Precinct as shown on the Land Application Map.

Note. The Land Application Map differs from the Precinct Boundary Map and, as such, this Precinct Plan does not apply to all the land within the Catherine Fields Precinct, East Leppington Precinct or Leppington North Precinct (as shown on the Precinct Boundary Map).

1.4 Definition

In this Precinct Plan, Council means Camden Council.

Note. The Dictionary at the end of this State environmental planning policy defines words and expressions for the purposes of this Precinct Plan, including the relevant maps.

1.5 Notes

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

1.6 Consent authority

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

1.8 Repeal of other local planning instruments applying to land

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

**Note.** Camden Local Environmental Plan 2010 ceases to apply to the land to which this Precinct Plan applies.

(3) This clause does not affect the operation of other provisions of this State environmental planning policy.

### 1.8A Savings provision relating to pending development applications

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

### 1.9 Application of SEPPs

(1) This Precinct Plan is subject to the provisions of any State environmental planning policy that prevails over this Precinct Plan as provided by section 36 of the Act.

(2) *State Environmental Planning Policy No 1—Development Standards* does not apply to the land to which this Precinct Plan applies.

### 1.9A Suspension of covenants, agreements and instruments

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

(2) This clause does not apply:

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

(b) to any prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, or

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

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

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

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

(g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.

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

(4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

### Part 2 Permitted or prohibited development

#### 2.1 Land use zones

The land use zones under this Precinct Plan are as follows:
Rural Zones
RU6 Transition

Residential Zones
R2 Low Density Residential
R3 Medium Density Residential

Business Zones
B1 Neighbourhood Centre
B2 Local Centre
B3 Commercial Core
B4 Mixed Use
B5 Business Development
B7 Business Park

Industrial Zones
IN2 Light Industrial

Special Purpose Zones
SP2 Infrastructure

Recreation Zones
RE1 Public Recreation
RE2 Private Recreation

Environment Protection Zones
E2 Environmental Conservation
E4 Environmental Living

2.2 Zoning of land to which Precinct Plan applies

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

2.3 Zone objectives and Land Use Table

(1) The Land Use Table at the end of this Part specifies for each zone:
   (a) the objectives for development, and
   (b) development that may be carried out without consent, and
   (c) development that may be carried out only with consent, and
   (d) development that is prohibited.

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

(3) In the Land Use Table at the end of this Part:
   (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
   (b) a reference to a type of building or other thing does not include (despite any definition in this Policy) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.

(4) This clause is subject to the other provisions of this Precinct Plan.

Notes.
1 Schedule 1 sets out additional permitted uses for particular land.
2.4 Unzoned land

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

(2) Before granting development consent, the consent authority:

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

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

2.5 Additional permitted uses for particular land

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

(a) with consent, or

(b) if the Schedule so provides—without development consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.

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

2.6 Subdivision—consent requirements

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

Note. State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies certain subdivision development as exempt development.

2.7 Demolition

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

Note. The demolition of certain buildings and works is identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as exempt development.

2.8 Temporary use of land

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

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

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

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

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

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

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

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

(6) This clause does not prescribe a development standard that may be varied under this Precinct Plan.

Land Use Table

Zone RU6 Transition

1 Objectives of zone
   • To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.
   • To minimise conflict between land uses within this zone and land uses within adjoining zones.

2 Permitted without consent
   Extensive agriculture; Home occupations; Roads

3 Permitted with consent
   Agriculture; Dual occupancies; Dwelling houses; Environmental protection works; Home-based child care; Home businesses; Home industries; Horticulture; Secondary dwellings; Any other development not specified in item 2 or 4

4 Prohibited
   Air transport facilities; Amusement centres; Biosolids treatment facilities; Boat repair facilities; Boat sheds; Bulky goods premises; Business premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Community facilities; Correctional centres; Crematoria; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Freight transport facilities; Function centres; Hazardous storage establishments; Highway service centres; Home occupations (sex services); Industries; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Marinas; Moorings; Mortuaries; Office premises; Passenger transport facilities; Places of public worship; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Residential accommodation; Restricted premises; Retail premises; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Timber and building supplies; Tourist and visitor accommodation; Transport depots; Truck depots

Zone R2 Low Density Residential

1 Objectives of zone
   • To provide for the housing needs of the community within a low density residential environment.
• To enable other land uses that provide facilities or services to meet the day to day needs of residents.
• To allow people to carry out a reasonable range of activities from their homes where such activities are not likely to adversely affect the living environment of neighbours.
• To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.
• To provide a diverse range of housing types to meet community housing needs within a low density residential environment.

2 Permitted without consent
   Home-based child care; Home occupations

3 Permitted with consent
   Attached dwellings; Bed and breakfast accommodation; Boarding houses; Business identification signs; Child care centres; Community facilities; Drainage; Dual occupancies; Dwelling houses; Earthworks; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home businesses; Home industries; Multi dwelling housing; Neighbourhood shops; Places of public worship; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Veterinary hospitals

4 Prohibited
   Any development not specified in item 2 or 3

Zone R3 Medium Density Residential

1 Objectives of zone
   • To provide for the housing needs of the community within a medium density residential environment.
   • To provide a variety of housing types within a medium density residential environment.
   • To enable other land uses that provide facilities or services to meet the day to day needs of residents.
   • To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.

2 Permitted without consent
   Home-based child care; Home occupations

3 Permitted with consent
   Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Group homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Roads; Seniors housing; Any other development not specified in item 2 or 4
4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat repair facilities; Boat sheds; Business premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Extractive industries; Freight transport facilities; Function centres; Helipads; Highway service centres; Home occupations (sex services); Industries; Information and education facilities; Marinas; Moorings; Mortuaries; Office premises; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Retail premises; Rural supplies; Service stations; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wholesale supplies

Zone B1 Neighbourhood Centre

1 Objectives of zone

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

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Amusement centres; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Business premises; Child care centres; Community facilities; Drainage; Earthworks; Educational establishments; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Hostels; Hotel or motel accommodation; Kiosks; Medical centres; Neighbourhood shops; Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Respite day care centres; Roads; Service stations; Serviced apartments; Shop top housing; Shops; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

Zone B2 Local Centre

1 Objectives of zone

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

• To encourage employment opportunities in accessible locations.

• To maximise public transport patronage and encourage walking and cycling.

• To provide for residential development that contributes to the vitality of the local centre.

• To ensure that residential development within the centre does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.
• To facilitate active retail, commercial, entertainment and community facility uses at the ground level of mixed use development.
• To encourage development that will contribute to economic growth and the creation of employment opportunities.

2 Permitted without consent
Home-based child care; Home businesses; Home occupations

3 Permitted with consent
Boarding houses; Business premises; Car parks; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

4 Prohibited
Agriculture; Air transport facilities; Airstrips; Boat repair facilities; Boat sheds; Bulky goods premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Home occupations (sex services); Industries; Marinas; Moorings; Mortuaries; Recreation facilities (major); Research stations; Residential accommodation; Restricted premises; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wholesale supplies

Zone B3 Commercial Core

1 Objectives of zone
• To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
• To encourage appropriate employment opportunities in accessible locations.
• To maximise public transport patronage and encourage walking and cycling.

2 Permitted without consent
Nil

3 Permitted with consent
Amusement centres; Building identification signs; Business identification signs; Business premises; Child care centres; Community facilities; Drainage; Educational establishments; Emergency services facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Group homes; Helipads; Heliports; Hotel or motel accommodation; Information and education facilities; Medical centres; Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Restricted premises; Retail premises; Roads; Shop top housing; Veterinary hospitals; Water recreation structures; Water recycling facilities; Waterbodies (artificial)
4 Prohibited

Any development not specified in item 2 or 3

Zone B4 Mixed Use

1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To facilitate active retail, commercial, entertainment and community uses at ground level of mixed use developments.
- To provide for residential development that contributes to the vitality of the local centre.
- To ensure that residential development adjacent to the centre does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Backpackers’ accommodation; Boarding houses; Business premises; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Exhibition homes; Function centres; Health services facilities; Hostels; Hotel or motel accommodation; Information and education facilities; Multi dwelling housing; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Retail premises; Roads; Seniors housing; Serviced apartments; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Boat repair facilities; Boat sheds; Bulky goods premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Extractive industries; Forestry; Freight transport facilities; Home occupations (sex services); Industries; Mortuaries; Recreation areas; Recreation facilities (major); Research stations; Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Waste or resource management facilities; Water recreation structures; Wholesale supplies

Zone B5 Business Development

1 Objectives of zone

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

2 Permitted without consent

Nil
3 Permitted with consent

Building identification signs; Bulky goods premises; Business identification signs; Car parks; Child care centres; Community facilities; Drainage; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Hotel or motel accommodation; Landscaping material supplies; Liquid fuel depots; Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Pubs; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Restaurants; Roads; Self-storage units; Service stations; Timber and building supplies; Vehicle sales or hire premises; Warehouse or distribution centres

4 Prohibited

Any development not specified in item 2 or 3

Zone B7 Business Park

1 Objectives of zone

• To provide a range of office and light industrial uses.
• To encourage employment opportunities.
• To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Child care centres; Food and drink premises; Helipads; Heliports; Hotel or motel accommodation; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Roads; Serviced apartments; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat repair facilities; Boat sheds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Industries; Landscaping material supplies; Liquid fuel depots; Marinas; Moorings; Mortuaries; Port facilities; Recreation facilities (major); Residential accommodation; Restricted premises; Retail premises; Rural industries; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Timber and building supplies; Transport depots; Truck depots; Waste or resource management facilities; Water recreation structures

Zone IN2 Light Industrial

1 Objectives of zone

• To provide a wide range of light industrial, warehouse and related land uses.
• To encourage employment opportunities and to support the viability of centres.
• To minimise any adverse effect of industry on other land uses.
• To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

2 Permitted without consent
   Nil

3 Permitted with consent
   Agricultural produce industries; Building identification signs; Business identification signs; Depots; Food and drink premises; Heliports; Hotel or motel accommodation; Industrial training facilities; Landscaping material supplies; Light industries; Neighbourhood shops; Roads; Any other development not specified in item 2 or 4

4 Prohibited
   Agriculture; Air transport facilities; Amusement centres; Boat sheds; Bulky goods premises; Business premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Health services facilities; Heavy industrial storage establishments; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industries; Marinas; Moorings; Office premises; Public administration buildings; Recreation facilities (major); Research stations; Residential accommodation; Restricted premises; Retail premises; Rural industries; Sex services premises; Signage; Tourist and visitor accommodation; Water recreation structures

Zone SP2 Infrastructure

1 Objectives of zone
   • To provide for infrastructure and related uses.
   • To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent
   Roads

3 Permitted with consent
   The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited
   Any development not specified in item 2 or 3

Zone RE1 Public Recreation

1 Objectives of zone
   • To enable land to be used for public open space or recreational purposes.
   • To provide a range of recreational settings and activities and compatible land uses.
   • To protect and enhance the natural environment for recreational purposes.
2 Permitted without consent

Environmental protection works

3 Permitted with consent

Building identification signs; Business identification signs; Child care centres; Community facilities; Drainage; Environmental facilities; Flood mitigation works; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Restaurants; Roads; Take away food and drink premises; Water recreation structures; Waterbodies (artificial)

4 Prohibited

Any development not specified in item 2 or 3

**Zone RE2 Private Recreation**

1 Objectives of zone

• To enable land to be used for private open space or recreational purposes.
• To provide a range of recreational settings and activities and compatible land uses.
• To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Nil

3 Permitted with consent

Caravan parks; Community facilities; Drainage; Electricity generating works; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Restaurants; Roads; Signage; Water recycling facilities; Waterbodies (artificial)

4 Prohibited

Any development not specified in item 2 or 3

**Zone E2 Environmental Conservation**

1 Objectives of zone

• To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
• To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

2 Permitted without consent

Nil

3 Permitted with consent

Drainage; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Kiosks; Recreation areas; Research stations; Roads; Signage; Waterbodies (artificial)
4 **Prohibited**

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

**Zone E4 Environmental Living**

1 **Objectives of zone**

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.

2 **Permitted without consent**

Home-based child care; Home occupations

3 **Permitted with consent**

Bed and breakfast accommodation; Child care centres; Community facilities; Drainage; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Extensive agriculture; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Waterbodies (artificial)

4 **Prohibited**

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

**Part 3**

3.1–3.3 (Repealed)

**Part 4  Principal development standards**

4.1 **Minimum subdivision lot size**

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

(a) to ensure orderly and efficient use of land,

(b) to ensure a minimum lot size sufficient for development,

(c) to allow for a range of lot sizes that cater for a diversity of land uses and employment activities.

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

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

(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.
4.1A Minimum lot sizes for residential development

(1) The objectives of this clause are as follows:
   (a) to establish minimum lot sizes for residential development,
   (b) to ensure that residential development results in the efficient use of land and contributes to the supply of new housing in the South West Growth Centre,
   (c) to ensure that residential development has adequate usable areas for buildings and open space,
   (d) to ensure that residential development is compatible with the character of the locality and with surrounding residential areas,
   (e) to facilitate and encourage the provision of a range of dwelling types.

(2) This clause applies to development on land for which no minimum lot size is shown on the Lot Size Map.

(3) The minimum lot size for certain residential development on land in the Catherine Fields Precinct or the Leppington North Precinct is set out in the table below.

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Minimum lot size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling houses (detached)</td>
<td>200 square metres</td>
</tr>
<tr>
<td>Semi-detached dwellings</td>
<td>200 square metres</td>
</tr>
<tr>
<td>Dual occupancies</td>
<td>500 square metres</td>
</tr>
<tr>
<td>Secondary dwellings</td>
<td>450 square metres</td>
</tr>
<tr>
<td>Attached dwellings</td>
<td>375 square metres</td>
</tr>
<tr>
<td>Multi dwelling housing</td>
<td>1,000 square metres</td>
</tr>
<tr>
<td>Residential flat buildings</td>
<td>1,000 square metres</td>
</tr>
</tbody>
</table>

(3A) The minimum lot size for certain residential development on land in the East Leppington Precinct is set out in the table below.

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Minimum lot size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling houses (detached)</td>
<td>250 square metres</td>
</tr>
<tr>
<td>Semi-detached dwellings</td>
<td>400 square metres</td>
</tr>
<tr>
<td>Dual occupancies</td>
<td>500 square metres</td>
</tr>
<tr>
<td>Secondary dwellings</td>
<td>450 square metres</td>
</tr>
<tr>
<td>Attached dwellings</td>
<td>375 square metres</td>
</tr>
<tr>
<td>Multi dwelling housing</td>
<td>1,500 square metres</td>
</tr>
<tr>
<td>Residential flat buildings</td>
<td>2,000 square metres</td>
</tr>
</tbody>
</table>

(4) Where residential development of a kind referred to in the table to subclause (3) or (3A) is proposed on land with a split zoning that includes land in Zone R3 Medium Density Residential, the area of so much of the land as is within that zone must be no less than the minimum lot size set out in that table.

4.1B Residential density

(1) The objectives of this clause are:
(a) to establish minimum density requirements for residential development, and
(b) to ensure that residential development makes efficient use of land and infrastructure, and contributes to the availability of new housing, and
(c) to ensure that the scale of residential development is compatible with the character of the precinct and adjoining land.

(2) This clause applies to residential development of the kind referred to in clause 4.1A (3) and (3A) that:
(a) is carried out on land to which this Precinct Plan applies that is shown on the Residential Density Map, and
(b) requires development consent, and
(c) is carried out after the commencement of this Precinct Plan.

(3) The density of any residential development to which this clause applies is not to be less than the density shown on the Residential Density Map in relation to that land.

(4) In this clause:
\[\text{density}\] means the net developable area in hectares of the land on which the development is situated divided by the number of dwellings proposed to be located on that land.
\[\text{net developable area}\] means the land occupied by the development, including internal streets, but excluding land that is not zoned for residential purposes.

4.1C Erection of dwelling houses on land in Zone R3

(1) Development consent must not be granted to the erection of a dwelling house on a lot that is wholly within both the East Leppington Precinct and Zone R3 Medium Density Residential unless the lot has an area of 350 square metres or less.

(2) (Repealed)

4.2 Rural subdivision

(1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.

(2) Land in Zone RU6 Transition may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.

(3) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.

(4) A dwelling cannot be erected on such a lot.
\[\text{Note.}\] A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).

4.3 Height of buildings

(1) The objectives of this clause are as follows:
(a) to establish the maximum height of buildings,
(b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,
(c) to facilitate higher density development in and around commercial centres and major transport routes.
(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

4.4 Floor space ratio

(1) The objective of this clause is to control the bulk and scale of buildings by setting maximum floor space ratios for development.

(2) The floor space ratio for a building on any land is not to exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map.

4.5 Calculation of floor space ratio and site area

(1) Objectives

The objectives of this clause are as follows:

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

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

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

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

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

(2) Definition of “floor space ratio”

The **floor space ratio** of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) Site area

In determining the site area of proposed development for the purpose of applying a floor space ratio, the site area is taken to be:

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

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

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

(4) Exclusions from site area

The following land must be excluded from the site area:

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

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

(5) Strata subdivisions

The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.
(6) Only significant development to be included
The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

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

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

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

(10) Covenants affect consolidated sites
If:
   (a) a covenant of the kind referred to in subclause (9) applies to any land (affected land), and
   (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development, the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Precinct Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

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

4.5A Shops—total gross floor area
(1) The total gross floor area used for the purpose of shops (including neighbourhood shops) on all land within Zone B7 Business Park must not exceed 3,500 square metres.

(2) The total gross floor area used for the purpose of shops in a particular development on land within Zone B7 Business Park must not exceed 500 square metres.

4.6 Exceptions to development standards
(1) The objectives of this clause are as follows:
   (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
   (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
   (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
   (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:
   (a) the consent authority is satisfied that:
      (i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and
      (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
   (b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider:
   (a) whether contravention of the development standard raises any matter of significance for State environmental planning, and
   (b) the public benefit of maintaining the development standard, and
   (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:
   (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
   (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note. When this Precinct Plan was made it did not include any of these zones other than Zone RU6 Transition and Zone E2 Environmental Conservation.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant’s written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:
   (a) a development standard for complying development,
   (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to
which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,

(c) clause 5.4.

### Part 5  Miscellaneous provisions

#### 5.1 Relevant acquisition authority

(1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991* (the *owner-initiated acquisition provisions*).

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

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

<table>
<thead>
<tr>
<th>Type of land shown on Map</th>
<th>Authority of the State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone RE1 Public Recreation and marked “Local open space”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Classified road”</td>
<td>Roads and Maritime Services</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Local drainage”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Railway”</td>
<td>The corporation constituted under section 8 of the Act</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Local road”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone B4 Mixed Use and marked “Educational establishment”</td>
<td>NSW Department of Education and Communities</td>
</tr>
<tr>
<td>Zone B4 Mixed Use and marked “Community facility”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone B4 Mixed Use and marked “Health services facility”</td>
<td>NSW Department of Health</td>
</tr>
</tbody>
</table>

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

**Note.** If land, other than land specified in the Table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning and Infrastructure is required to take action to enable the designation of the acquiring authority under this Part. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning and Infrastructure (see section 21 of the *Land Acquisition (Just Terms Compensation) Act 1991*).
5.2 Classification and reclassification of public land

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

Note. Under the Local Government Act 1993, “public land” is generally land vested in or under the control of a council (other than roads, 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 this Precinct Plan to discharge trusts on which public reserves are held if the land is reclassified under this Precinct Plan as operational land.

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

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

(4) The public land described in Part 1 of Schedule 4:
   (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
   (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.

(5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
   (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
   (b) any reservations that except land out of the Crown grant relating to the land, and
   (c) reservations of minerals (within the meaning of the Crown 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 4 to this Appendix.

5.3 Development near zone boundaries

(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is as follows:
   (a) 10 metres between Zone RE1 Public Recreation and any other zone,
   (b) 10 metres between Zone E2 Environmental Conservation and any other zone,
   (c) 30 metres between any two zones excluding Zone RE1 Public Recreation and Zone E2 Environmental Conservation,
   (d) despite paragraphs (a)–(c), 50 metres if any part of the land is within the East Leppington Precinct.

(3) This clause does not apply to land proposed to be developed for the purpose of sex services premises or restricted premises.
(4) Despite the provisions of this Precinct Plan relating to the purposes for which development may be carried out, consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:

(a) the development is not inconsistent with the objectives for development in both zones, and

(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land, and

(c) if any part of the land is in Zone RE1 Public Recreation and within the East Leppington Precinct, the relevant acquisition authority for any land marked “Local open space” on the Land Reservation Acquisition Map consents to the development being on that land.

(5) This clause does not prescribe a development standard that may be varied under this Precinct Plan.

5.4 Controls relating to miscellaneous permissible uses

(1) Bed and breakfast accommodation

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

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

(2) Home businesses

If development for the purposes of a home business is permitted under this Precinct Plan, the carrying on of the business must not involve the use of more than 50 square metres of gross floor area.

(3) Home industries

If development for the purposes of a home industry is permitted under this Precinct Plan, the carrying on of the home industry must not involve the use of more than 30 square metres of gross floor area.

(4) Industrial retail outlets

If development for the purposes of an industrial retail outlet is permitted under this Precinct Plan, the retail gross floor area must not exceed:

(a) 40% of the combined gross floor area of the industrial retail outlet and the building or place on which the relevant industry is carried out, or

(b) 400 square metres, whichever is the lesser.

(5) Farm stay accommodation

If development for the purposes of farm stay accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

(6) Kiosks

If development for the purposes of a kiosk is permitted under this Precinct Plan, the gross floor area must not exceed 30 square metres.
(7) **Neighbourhood shops**
If development for the purposes of a neighbourhood shop is permitted under this Precinct Plan, the retail gross floor area must not exceed 100 square metres.

(8) **Roadside stalls**
If development for the purposes of a roadside stall is permitted under this Precinct Plan, the gross floor area must not exceed 8 square metres.

(9) **Secondary dwellings**
If development for the purposes of a secondary dwelling is permitted under this Precinct Plan, the total gross floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

(a) 75 square metres,
(b) 30% of the total gross floor area of both the self-contained dwelling and the principal dwelling.

### 5.6 Architectural roof features

1. The objectives of this clause are:
   (a) to ensure that architectural roof features are decorative elements only, and
   (b) to ensure that the majority of the roof features are contained within the prescribed building height.

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

3. Development consent must not be granted to any such development unless the consent authority is satisfied that:
   (a) the architectural roof feature:
      (i) comprises a decorative element on the uppermost portion of a building, and
      (ii) is not an advertising structure, and
      (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
      (iv) will cause minimal overshadowing, and
   (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

### 5.8 Conversion of fire alarms

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

2. The following development may be carried out, but only with development consent:
   (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
   (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
(c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.

(3), (4) (Repealed)

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

5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Director-General.

Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:
   (a) development consent, or
   (b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) This clause does not apply to or in respect of:
   (a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003 or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
   (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause, or
   (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or
   (d) action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993 or the Surveying and Spatial Information Act 2002, or
   (e) plants declared to be noxious weeds under the Noxious Weeds Act 1993, or
   (f) native vegetation retention areas to which clause 6.2 of this Precinct Plan applies, or
   (g) existing native vegetation areas to which clause 6.3 of this Precinct Plan applies.
5.10 Heritage conservation

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

(1) Objectives

The objectives of this clause are as follows:

(a) to conserve environmental heritage,
(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
(c) to conserve archaeological sites,
(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) Requirement for consent

Development consent is required for any of the following:

(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
   (i) a heritage item,
   (ii) an Aboriginal object,
   (iii) a building, work, relic or tree within a heritage conservation area,

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

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

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

(e) erecting a building on land:
   (i) on which a heritage item is located or that is within a heritage conservation area, or
   (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,

(f) subdividing land:
   (i) on which a heritage item is located or that is within a heritage conservation area, or
   (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) When consent not required

However, development consent under this clause is not required if:

(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
   (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or

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

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

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

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

(d) the development is exempt development.

(4) **Effect of proposed development on heritage significance**

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

(5) **Heritage assessment**

The consent authority may, before granting consent to any development:

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

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

(c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) **Heritage conservation management plans**

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

(7) **Archaeological sites**

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

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

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

(8) **Aboriginal places of heritage significance**

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment
(which may involve consideration of a heritage impact statement), and
(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) Demolition of nominated State heritage items
The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:
(a) notify the Heritage Council about the application, and
(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) Conservation incentives
The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Precinct Plan, if the consent authority is satisfied that:
(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

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

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

5.12 Infrastructure development and use of existing buildings of the Crown

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

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

Part 6 Additional local provisions

6.1 Public utility infrastructure

(1) The consent authority must not grant development consent to development on land to which this Precinct Plan applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that
adequate arrangements have been made to make that infrastructure available when required.

(2) In this clause, public utility infrastructure includes infrastructure for any of the following:
   (a) the supply of water,
   (b) the supply of electricity,
   (c) the disposal and management of sewage.

(3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.

6.2 Development controls—native vegetation retention areas

(1) The objective of this clause is to prevent the clearing of certain native vegetation.

(2) This clause applies to land within a native vegetation retention area as shown on the Native Vegetation Protection Map.

(3) This clause does not apply to native vegetation that the Council is satisfied:
   (a) is dying or dead and is not required as the habitat of native fauna, or
   (b) is a risk to human life or property.

(4) This clause does not apply to any native vegetation:
   (a) within a State forest, or within land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or
   (b) declared to be noxious weeds under the Noxious Weeds Act 1993.

(5) A person must not clear native vegetation on land to which this clause applies without:
   (a) approval under Part 3A of the Act, or
   (b) development consent.

(6) Development consent under this clause is not to be granted unless the consent authority is satisfied of the following in relation to the disturbance of native vegetation:
   (a) that there is no reasonable alternative available to the disturbance of the native vegetation,
   (b) that as little native vegetation as possible will be disturbed,
   (c) that the disturbance of the native vegetation will not increase salinity,
   (d) that native vegetation disturbed for the purposes of construction will be reinstated where possible on completion of construction,
   (e) that the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid any net loss of remnant native vegetation,
   (f) that no more than 0.5 hectares of native vegetation will be cleared unless the clearing is essential for a previously permitted use of the land.

(7) The consent authority must, when determining a development application in respect of the clearing of native vegetation on land within a zone under this Precinct Plan, have regard to the objectives for development in that zone.
6.3 Development controls—existing native vegetation

(1) The objective of this clause is to manage existing native vegetation in accordance with the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995.

(2) This clause applies to land within an existing native vegetation area as shown on the Native Vegetation Protection Map.

(3) This clause does not apply to any vegetation declared to be noxious weeds under the Noxious Weeds Act 1993.

(4) The consent authority must not grant development consent for development on land to which this clause applies unless it is satisfied that the proposed development will not result in the clearing of any existing native vegetation (within the meaning of the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995).

6.5 Restricted premises

(1) Development consent must not be granted to development for the purposes of restricted premises if the premises will be located on land that abuts, or is separated only by a road from land:

(a) in Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or

(b) used for the purposes of a community facility, school or place of public worship.

(2) In deciding whether to grant consent to development for the purposes of restricted premises, the consent authority must consider:

(a) the impact of the proposed development on places of high pedestrian activity, and

(b) the impact of the proposed development on land frequented by children for care, recreational or cultural purposes, and

(c) whether the appearance of the restricted premises is sufficiently discreet.

6.6 Maximum gross floor area for retail premises in Zone B2

Despite any other provision of this Precinct Plan, the gross floor area of all development for the purpose of retail premises on land that is within both the East Leppington Precinct and Zone B2 Local Centre must not exceed 16,500 square metres.

Schedule 1 Additional permitted uses

(Clause 2.5)

1 Use of land in Zone B2

(1) This clause applies to land that is within both the East Leppington Precinct and Zone B2 Local Centre.

(2) Development for the purpose of attached dwellings is permitted with development consent but only as part of a mixed use development that includes retail premises.
2 Use of land in Zone SP2

(1) This clause applies to land that is within both the East Leppington Precinct and Zone SP2 Infrastructure and marked “Community facility” on the Land Reservation Acquisition Map.

(2) Development for the purpose of an information and education facility is permitted with development consent.

Schedule 4 Classification and reclassification of public land

(Clause 5.2)

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

<table>
<thead>
<tr>
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Part 2 Land classified, or reclassified, as operational land—interests changed

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Part 3 Land classified, or reclassified, as community land

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Schedule 5 Environmental heritage

(Clause 5.10)
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<th>Precinct</th>
<th>Item name</th>
<th>Address</th>
<th>Property description</th>
<th>Significance</th>
<th>Item no</th>
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<tr>
<td>Catherine Fields</td>
<td>Oran Park, including homestead, gardens, outbuildings, old cottage, silo, stable building, carriage house, drive and circular carriage drive</td>
<td>931 Cobbitty Road Lot 27, DP 213330</td>
<td>Local 18</td>
<td>Local</td>
<td>18</td>
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<tr>
<td>Leppington North</td>
<td>Bringelly Road—cultural landscape</td>
<td>Between Cowpasture Road and Kemps Creek</td>
<td>Road reserve</td>
<td>Local</td>
<td>17</td>
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<tr>
<td>Leppington North</td>
<td>Leppington Public School</td>
<td>1442–1448 Rickard Road Lots 38E and 39C, DP 8979</td>
<td>Local 9</td>
<td>Local</td>
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</tbody>
</table>
Appendix 10  Campbelltown Growth Centres Precinct Plan

Part 1  Preliminary

Note. The Standard Instrument (Local Environmental Plans) Order 2006 sets out matters to be included in standard local environmental plans. While this Precinct Plan is not a standard local environmental plan, it is generally consistent with standard plans. A number of clauses from the Standard Instrument (Local Environmental Plans) Order 2006 have been included in this Precinct Plan and the clause numbering from that Order has been retained. This means that the numbering in this Precinct Plan may contain some gaps. Additional provisions have been inserted and are numbered accordingly.

1.1 Name of Precinct Plan

This Precinct Plan is the Campbelltown Growth Centres Precinct Plan 2013.

1.2 Aims of Precinct Plan

The aims of this Precinct Plan are as follows:

(a) to make development controls for land that will ensure the creation of quality environments and good design outcomes,
(b) to protect and enhance environmentally sensitive natural areas and cultural heritage,
(c) to provide for recreational opportunities,
(d) to provide for multifunctional and innovative development that encourages employment and economic growth,
(e) to promote housing choice and affordability,
(f) to provide for sustainable development,
(g) to promote pedestrian and vehicle connectivity.

1.3 Land to which Precinct Plan applies

This Precinct Plan applies to land within the East Leppington Precinct as shown on the Land Application Map.

Note. The Land Application Map differs from the Precinct Boundary Map and, as such, this Precinct Plan does not apply to all the land within the East Leppington Precinct (as shown on the Precinct Boundary Map).

1.4 Definition

In this Precinct Plan, Council means Campbelltown City Council.

Note. The Dictionary at the end of this State environmental planning policy defines words and expressions for the purposes of this Precinct Plan, including the relevant maps.

1.5 Notes

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

1.6 Consent authority

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

1.8 Repeal of other local planning instruments applying to land

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

Note. Campbelltown Local Environmental Plan—District 8 (Central Hills Lands) ceases to apply to the land to which this Precinct Plan applies.

(3) This clause does not affect the operation of other provisions of this State environmental planning policy.

1.8A Savings provision relating to pending development applications

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

1.9 Application of SEPPs

(1) This Precinct Plan is subject to the provisions of any State environmental planning policy that prevails over this Precinct Plan as provided by section 36 of the Act.

(2) State Environmental Planning Policy No 1—Development Standards does not apply to the land to which this Precinct Plan applies.

1.9A Suspension of covenants, agreements and instruments

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

(2) This clause does not apply:

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

(b) to any prescribed instrument within the meaning of section 183A of the Crown Lands Act 1989, or

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

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

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

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

(g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.

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

(4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

Part 2 Permitted or prohibited development

2.1 Land use zones

The land use zones under this Precinct Plan are as follows:
Residential Zones
R2 Low Density Residential
R3 Medium Density Residential

Business Zones
B2 Local Centre
B4 Mixed Use

Special Purpose Zones
SP2 Infrastructure

Recreation Zones
RE1 Public Recreation

Environment Protection Zones
E2 Environmental Conservation
E3 Environmental Management

2.2 Zoning of land to which Precinct Plan applies
For the purposes of this Precinct Plan, land is within the zones shown on the Land Zoning Map.

2.3 Zone objectives and Land Use Table
(1) The Land Use Table at the end of this Part specifies for each zone:
   (a) the objectives for development, and
   (b) development that may be carried out without consent, and
   (c) development that may be carried out only with consent, and
   (d) development that is prohibited.

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

(3) In the Land Use Table at the end of this Part:
   (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
   (b) a reference to a type of building or other thing does not include (despite any definition in this Policy) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.

(4) This clause is subject to the other provisions of this Precinct Plan.

Notes.
1 Schedule 1 sets out additional permitted uses for particular land.
2 Clause 2.6 requires consent for subdivision of land.
3 Part 5 contains other provisions that require consent for particular development.
4 Part 6 sets out additional permitted uses for particular land.

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

(2) Before granting consent, the consent authority:
   (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
(b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

2.5 **Additional permitted uses for particular land**

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

(a) with consent, or

(b) if the Schedule so provides—without consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.

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

2.6 **Subdivision—consent requirements**

Land to which this Precinct Plan applies may be subdivided, but only with consent.

Note. *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies certain subdivision development as exempt development.

2.7 **Demolition**

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

Note. The demolition of certain buildings and works is identified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* as exempt development.

2.8 **Temporary use of land**

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

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

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

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

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

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

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

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

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

(6) This clause does not prescribe a development standard that may be varied under this Precinct Plan.
Land Use Table

Note. Part 6 of this Precinct Plan sets out local provisions which include additional permissible land uses and heads of consideration for assessment.

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To allow people to carry out a reasonable range of activities from their homes where such activities are not likely to adversely affect the living environment of neighbours.
- To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.
- To provide a diverse range of housing types to meet community housing needs within a low density residential environment.

2 Permitted without consent

   Home-based child care; Home occupations

3 Permitted with consent

   Attached dwellings; Bed and breakfast accommodation; Boarding houses; Business identification signs; Child care centres; Community facilities; Drainage; Dual occupancies; Dwelling houses; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home businesses; Home industries; Multi dwelling housing; Neighbourhood shops; Places of public worship; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Veterinary hospitals

4 Prohibited

   Any development not specified in item 2 or 3

Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.
- To provide for a variety of housing types, including residential flat buildings, within a medium density residential environment.
2 Permitted without consent
   Home-based child care; Home occupations

3 Permitted with consent
   Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dwelling houses; Group homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Roads; Seniors housing; Any other development not specified in item 2 or 4

4 Prohibited
   Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat repair facilities; Boat sheds; Business premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Extractive industries; Freight transport facilities; Function centres; Helipads; Highway service centres; Home occupations (sex services); Industries; Information and education facilities; Marinas; Moorings; Mortuaries; Office premises; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Retail premises; Rural supplies; Service stations; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wholesale supplies

Zone B2 Local Centre

1 Objectives of zone
   • To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
   • To encourage employment opportunities in accessible locations.
   • To maximise public transport patronage and encourage walking and cycling.
   • To provide for residential development that contributes to the vitality of the local centre.
   • To ensure that residential development within the centre does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.
   • To facilitate active retail, commercial, entertainment and community facility uses at ground level of mixed use developments.
   • To encourage development that will contribute to economic growth and the creation of employment opportunities within the City of Campbelltown.

2 Permitted without consent
   Home-based child care; Home businesses; Home occupations

3 Permitted with consent
   Boarding houses; Business premises; Car parks; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Service
stations; Shop top housing; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

4 Prohibited
Agriculture; Air transport facilities; Airstrips; Boat repair facilities; Boat sheds; Bulky goods premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Home occupations (sex services); Industries; Marinas; Moorings; Mortuaries; Recreation facilities (major); Research stations; Residential accommodation; Restricted premises; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wholesale supplies

Zone B4 Mixed Use

1 Objectives of zone
• To provide a mixture of compatible land uses.
• To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
• To provide for residential development that contributes to the vitality of the local centre.
• To ensure that residential development adjacent to the local centre does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.
• To facilitate active retail, commercial, entertainment and community uses at ground level of mixed use developments.

2 Permitted without consent
Home-based child care; Home occupations

3 Permitted with consent
Backpackers’ accommodation; Boarding houses; Business premises; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Health services facilities; Hostels; Hotel or motel accommodation; Information and education facilities; Multi dwelling housing; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Retail premises; Roads; Seniors housing; Serviced apartments; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited
Agriculture; Air transport facilities; Boat repair facilities; Boat sheds; Bulky goods premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Exhibition homes; Extractive industries; Forestry; Freight transport facilities; Home occupations (sex services); Industries; Mortuaries; Recreation areas; Recreation facilities (major); Research stations; Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Waste or resource management facilities; Water recreation structures; Wholesale supplies
Zone SP2 Infrastructure

1 Objectives of zone
   • To provide for infrastructure and related uses.
   • To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent
   Nil

3 Permitted with consent
   Building identification signs; Bush fire hazard reduction works; Car parks; Community facilities; Drainage; Earthworks; Emergency services facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Water recycling facilities; Waterbodies (artificial); Water supply systems

4 Prohibited
   Any development not specified in item 2 or 3

Zone RE1 Public Recreation

1 Objectives of zone
   • To enable land to be used for public open space or recreational purposes.
   • To provide a range of recreational settings and activities and compatible land uses.
   • To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent
   Environmental protection works

3 Permitted with consent
   Building identification signs; Business identification signs; Child care centres; Community facilities; Drainage; Environmental facilities; Flood mitigation works; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Restaurants; Roads; Take away food and drink premises; Water recreation structures; Waterbodies (artificial)

4 Prohibited
   Any development not specified in item 2 or 3

Zone E2 Environmental Conservation

1 Objectives of zone
   • To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
   • To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Drainage; Environmental facilities; Environmental protection works; Information and education facilities; Kiosks

4 Prohibited

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

Zone E3 Environmental Management

1 Objectives of zone

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To set aside certain land as protected scenic environment.
- To ensure that such land will remain a rural environment providing visual contrast to the urban areas of Campbelltown.
- To ensure that the residents of Campbelltown will continue to have views of, and access to, a rural environment.
- To preserve existing farming and agricultural research activities.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Agriculture; Dwelling houses; Environmental facilities; Environmental protection works; Flood mitigation works; Home businesses; Home industries; Recreation areas; Roads

4 Prohibited

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Part 3

3.1–3.3 (Repealed)

Part 4 Principal development standards

4.1 Minimum subdivision lot size

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

(a) to ensure orderly and efficient use of land,
(b) to ensure a minimum lot size sufficient for development,
(c) to allow for a range of lot sizes that cater for a diversity of land uses and employment activities.

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

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

(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

4.1A Minimum lot sizes for residential development

(1) The objectives of this clause are as follows:
   (a) to establish minimum lot sizes for residential development,
   (b) to ensure that residential development results in the efficient use of land and contributes to the supply of new housing,
   (c) to ensure that residential development has adequate usable areas for buildings and open space,
   (d) to ensure that residential development is compatible with the character of the locality and with surrounding residential areas,
   (e) to facilitate and encourage the provision of a range of dwelling types.

(2) This clause applies to development on land for which no minimum lot size is shown on the Lot Size Map.

(3) The minimum lot size for certain residential development is set out in the table below.

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<thead>
<tr>
<th>Dwelling type</th>
<th>Minimum lot size</th>
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<td>Dwelling houses (detached)</td>
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<td>Semi-detached dwellings</td>
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<td>Dual occupancies</td>
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<td>Residential flat buildings</td>
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</tbody>
</table>

(4) Where residential development of a kind referred to in the table to subclause (3) is proposed on land with a split zoning that includes land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential, the area of so much of the land as is within that zone must be no less than the minimum lot size set out in that table.

4.1B Residential density

(1) The objectives of this clause are:
   (a) to establish minimum density requirements for residential development, and
   (b) to ensure that residential development makes efficient use of land and infrastructure, and contributes to the availability of new housing, and
(c) to ensure that the scale of residential development is compatible with the character of the growth centre precinct and adjoining land.

(2) This clause applies to residential development of the kind referred to in clause 4.1A (3) that:
(a) is carried out on land to which this Precinct Plan applies that is shown on the Residential Density Map, and
(b) requires development consent, and
(c) is carried out after the commencement of this Precinct Plan.

(3) The density of any residential development to which this clause applies is not to be less than the density shown on the Residential Density Map in relation to that land.

(4) In this clause:
\begin{itemize}
\item \textit{density} means the net developable area in hectares of the land on which the development is situated divided by the number of dwellings proposed to be located on that land.
\item \textit{net developable area} means the land occupied by the development, including internal streets, but excluding land that is not zoned for residential purposes.
\end{itemize}

4.1C Erection of dwelling houses on land in Zone R3 and Zone E3

(1) Development consent must not be granted to the erection of a dwelling house on a lot in Zone R3 Medium Density Residential unless the lot has an area of 350 square metres or less.

(2) Development consent must not be granted to the erection of a dwelling house on a lot in Zone E3 Environmental Management unless the size of the lot is at least the minimum size shown for the land on the Lot Size Map.

4.3 Height of buildings

(1) The objectives of this clause are as follows:
\begin{itemize}
\item to establish the maximum height of buildings,
\item to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,
\item to facilitate higher density development in and around commercial centres and major transport routes.
\end{itemize}

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

4.6 Exceptions to development standards

(1) The objectives of this clause are as follows:
\begin{itemize}
\item to provide an appropriate degree of flexibility in applying certain development standards to particular development,
\item to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
\end{itemize}

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

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

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

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

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

(a) the consent authority is satisfied that:

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

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

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider:

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

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

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

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

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

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

Note. When this Precinct Plan was made it did not include any of these zones other than Zone E2 Environmental Conservation and Zone E3 Environmental Management.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant’s written request referred to in subclause (3).

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

(a) a development standard for complying development,

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

(c) clause 5.4.
Part 5  Miscellaneous provisions

5.1  Relevant acquisition authority

(1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991* (the owner-initiated acquisition provisions).

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

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

<table>
<thead>
<tr>
<th>Type of land shown on Map</th>
<th>Authority of the State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone RE1 Public Recreation and marked “Local open space”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Local drainage”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Local road”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Community facility”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Classified road”</td>
<td>Roads and Maritime NSW</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Educational establishment”</td>
<td>NSW Department of Education and Communities</td>
</tr>
</tbody>
</table>

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

Note. If land, other than land specified in the Table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning and Infrastructure is required to take action to enable the designation of the acquiring authority under this Part. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning and Infrastructure (see section 21 of the *Land Acquisition (Just Terms Compensation) Act 1991*).

5.2  Classification and reclassification of public land

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

Note. Under the *Local Government Act 1993*, “public land” is generally land vested in or under the control of a council (other than roads, 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 this Precinct Plan to discharge trusts on which public reserves are held if the land is reclassified under this Precinct Plan as operational land.
(2) The public land described in Part 1 or Part 2 of Schedule 4 to this Appendix is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.

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

(4) The public land described in Part 1 of Schedule 4 to this Appendix:
   (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
   (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.

(5) The public land described in Part 2 of Schedule 4 to this Appendix, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
   (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
   (b) any reservations that except land out of the Crown grant relating to the land, and
   (c) reservations of minerals (within the meaning of the *Crown 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 4 to this Appendix.

5.3 Development near zone boundaries

(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 50 metres.

(3) This clause does not apply to land proposed to be developed for the purpose of sex services premises or restricted premises.

(4) Despite the provisions of this Precinct Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:
   (a) the development is not inconsistent with the objectives for development in both zones, and
   (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land, and
   (c) if the land is in Zone RE1 Public Recreation, the relevant acquisition authority for any land marked “Local open space” on the Land Reservation Acquisition Map consents to the development being on that land.

(5) This clause does not prescribe a development standard that may be varied under this Precinct Plan.
5.4 Controls relating to miscellaneous permissible uses

(1) **Bed and breakfast accommodation**
   If development for the purposes of bed and breakfast accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.
   **Note.** Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.

(2) **Home businesses**
   If development for the purposes of a home business is permitted under this Precinct Plan, the carrying on of the business must not involve the use of more than 50 square metres of gross floor area.

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

(4) **Industrial retail outlets**
   If development for the purposes of an industrial retail outlet is permitted under this Precinct Plan, the retail gross floor area must not exceed:
   (a) 40% of the combined gross floor area of the industrial retail outlet and the building or place on which the relevant industry is carried out, or
   (b) 400 square metres, whichever is the lesser.

(5) **Farm stay accommodation**
   If development for the purposes of farm stay accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

(6) **Kiosks**
   If development for the purposes of a kiosk is permitted under this Precinct Plan, the gross floor area must not exceed 30 square metres.

(7) **Neighbourhood shops**
   If development for the purposes of a neighbourhood shop is permitted under this Precinct Plan, the retail gross floor area must not exceed 100 square metres.

(8) **Roadside stalls**
   If development for the purposes of a roadside stall is permitted under this Precinct Plan, the gross floor area must not exceed 8 square metres.

(9) **Secondary dwellings**
   If development for the purposes of a secondary dwelling is permitted under this Precinct Plan, the total gross floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:
   (a) 110 square metres,
   (b) 30% of the total gross floor area of both the self-contained dwelling and the principal dwelling.

5.6 Architectural roof features

(1) The objectives of this clause are:
(a) to ensure that architectural roof features are decorative elements only, and
(b) to ensure that the majority of the roof features are contained within the
prescribed building height.

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

(3) Development consent must not be granted to any such development unless the
consent authority is satisfied that:
(a) the architectural roof feature:
   (i) comprises a decorative element on the uppermost portion of a building,
   and
   (ii) is not an advertising structure, and
   (iii) does not include floor space area and is not reasonably capable of
        modification to include floor space area, and
   (iv) will cause minimal overshadowing, and
(b) any building identification signage or equipment for servicing the building
    (such as plant, lift motor rooms, fire stairs and the like) contained in or
    supported by the roof feature is fully integrated into the design of the roof
    feature.

5.8 Conversion of fire alarms

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

(2) The following development may be carried out, but only with development consent:
(a) converting a fire alarm system from connection with the alarm monitoring
    system of Fire and Rescue NSW to connection with the alarm monitoring
    system of a private service provider,
(b) converting a fire alarm system from connection with the alarm monitoring
    system of a private service provider to connection with the alarm monitoring
    system of another private service provider,
(c) converting a fire alarm system from connection with the alarm monitoring
    system of a private service provider to connection with a different alarm
    monitoring system of the same private service provider.

(3), (4) (Repealed)

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

5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area through the
preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed
for the purposes of this clause by a development control plan made by the
Director-General.

    Note. A development control plan may prescribe the trees or other vegetation to which this
    clause applies by reference to species, size, location or other manner.
(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:
(a) development consent, or
(b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) This clause does not apply to or in respect of:
(a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003 or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause, or
(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or
(d) action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993 or the Surveying and Spatial Information Act 2002, or
(e) plants declared to be noxious weeds under the Noxious Weeds Act 1993, or
(f) native vegetation retention areas to which clause 6.2 of this Precinct Plan applies, or
(g) existing native vegetation to which clause 6.3 of this Precinct Plan applies.

5.10 Heritage conservation

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

(1) Objectives
The objectives of this clause are as follows:
(a) to conserve environmental heritage,
(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
(c) to conserve archaeological sites,
(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) Requirement for consent
Development consent is required for any of the following:
(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
   (i) a heritage item,
(ii) an Aboriginal object,
(iii) a building, work, relic or tree within a heritage conservation area,
(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 to this Policy in relation to the item,
(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
(d) disturbing or excavating an Aboriginal place of heritage significance,
(e) erecting a building on land:
   (i) on which a heritage item is located or that is within a heritage conservation area, or
   (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
(f) subdividing land:
   (i) on which a heritage item is located or that is within a heritage conservation area, or
   (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) **When consent not required**

However, development consent under this clause is not required if:

(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
   (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
   (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or

(b) the development is in a cemetery or burial ground and the proposed development:
   (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
   (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or

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

(d) the development is exempt development.

(4) **Effect of proposed development on heritage significance**

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

(5) **Heritage assessment**

The consent authority may, before granting consent to any development:

(a) on land on which a heritage item is located, or
(b) on land that is within a heritage conservation area, or
(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
require a heritage management document to be prepared that assesses the extent to
which the carrying out of the proposed development would affect the heritage
significance of the heritage item or heritage conservation area concerned.

(6) **Heritage conservation management plans**

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

(7) **Archaeological sites**

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

(a) notify the Heritage Council of its intention to grant consent, and
(b) take into consideration any response received from the Heritage Council
within 28 days after the notice is sent.

(8) **Aboriginal places of heritage significance**

The consent authority must, before granting consent under this clause to the carrying
out of development in an Aboriginal place of heritage significance:

(a) consider the effect of the proposed development on the heritage significance
of the place and any Aboriginal object known or reasonably likely to be
located at the place by means of an adequate investigation and assessment
(which may involve consideration of a heritage impact statement), and
(b) notify the local Aboriginal communities, in writing or in such other manner as
may be appropriate, about the application and take into consideration any
response received within 28 days after the notice is sent.

(9) **Demolition of nominated State heritage items**

The consent authority must, before granting consent under this clause for the
demolition of a nominated State heritage item:

(a) notify the Heritage Council about the application, and
(b) take into consideration any response received from the Heritage Council
within 28 days after the notice is sent.

(10) **Conservation incentives**

The consent authority may grant consent to development for any purpose of a
building that is a heritage item or of the land on which such a building is erected, or
for any purpose on an Aboriginal place of heritage significance, even though
development for that purpose would otherwise not be allowed by this Precinct Plan,
if the consent authority is satisfied that:

(a) the conservation of the heritage item or Aboriginal place of heritage
significance is facilitated by the granting of consent, and
(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and

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

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

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

5.11 Bush fire hazard reduction

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

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

5.12 Infrastructure development and use of existing buildings of the Crown

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

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

Part 6 Additional local provisions

6.1 Public utility infrastructure

(1) The consent authority must not grant development consent to development on land to which this Precinct Plan applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

(2) In this clause, public utility infrastructure includes infrastructure for any of the following:

(a) the supply of water,

(b) the supply of electricity,

(c) the disposal and management of sewage.

(3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.

6.2 Development controls—native vegetation retention areas

(1) The objective of this clause is to prevent the clearing of certain native vegetation.

(2) This clause applies to land within a native vegetation retention area as shown on the Native Vegetation Protection Map.

(3) This clause does not apply to native vegetation that the Council is satisfied:

(a) is dying or dead and is not required as the habitat of native fauna, or

(b) is a risk to human life or property.
(4) This clause does not apply to any native vegetation:
   (a) within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or
   (b) declared to be noxious weeds under the Noxious Weeds Act 1993.
(5) A person must not clear native vegetation on land to which this clause applies without:
   (a) approval under Part 3A of the Act, or
   (b) development consent.
(6) Development consent under this clause is not to be granted unless the consent authority is satisfied of the following in relation to the disturbance of native vegetation:
   (a) that there is no reasonable alternative available to the disturbance of the native vegetation,
   (b) that as little native vegetation as possible will be disturbed,
   (c) that the disturbance of the native vegetation will not increase salinity,
   (d) that native vegetation disturbed for the purposes of construction will be reinstated where possible on completion of construction,
   (e) that the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid any net loss of remnant native vegetation,
   (f) that no more than 0.5 hectares of native vegetation will be cleared unless the clearing is essential for a previously permitted use of the land.
(7) The consent authority must, when determining a development application in respect of the clearing of native vegetation on land within a zone under this Precinct Plan, have regard to the objectives for development in that zone.
(8) This clause does not apply to or in respect of action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993, the Surveying and Spatial Information Act 2002 or the Sydney Water Act 1994.

6.3 Development controls—existing native vegetation
(1) The objective of this clause is to manage existing native vegetation in accordance with the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995.
(2) This clause applies to land within an existing native vegetation area as shown on the Native Vegetation Protection Map.
(3) This clause does not apply to any vegetation declared to be noxious weeds under the Noxious Weeds Act 1993.
(4) The consent authority must not grant development consent for development on land to which this clause applies unless it is satisfied that the proposed development will not result in the clearing of any existing native vegetation (within the meaning of the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995).

6.4 Development controls—flood planning
(1) The objectives of this clause are as follows:
   (a) to minimise the flood risk to life and property associated with the use of land,
(b) to allow development on land that is compatible with the land’s flood hazard, taking into account projected changes as a result of climate change,
(c) to avoid significant adverse impacts on flood behaviour and the environment.

(2) This clause applies to land identified as “Flood prone and major creeks land” on the South West Growth Centre Development Control Map.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
(a) is compatible with the flood hazard of the land, and
(b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
(c) incorporates appropriate measures to manage risk to life from flood, and
(d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

(4) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.

6.5 Sex services premises

(1) The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.

(2) Development consent must not be granted to development for the purposes of sex services premises if the premises will be located on land that adjoins, is directly opposite or is separated only by a local road from land:
(a) in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or
(b) used for the purposes of a child care centre, a community facility, a school or a place of public worship.

(3) In deciding whether to grant consent to development for the purposes of sex services premises, the consent authority must consider the impact the proposed development would have on any place likely to be regularly frequented by children.

6.6 Restricted premises

(1) Development consent must not be granted to development for the purposes of restricted premises if the premises will be located on land that abuts, or is separated only by a road from land:
(a) in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or
(b) used for the purposes of a community facility, school or place of public worship.

(2) In deciding whether to grant consent to development for the purposes of restricted premises, the consent authority must consider:
(a) the impact of the proposed development on places of high pedestrian activity, and
(b) the impact of the proposed development on land frequented by children for care, recreational or cultural purposes, and
(c) whether the appearance of the restricted premises is sufficiently discreet.

6.7 Maximum gross floor area for retail premises in Zone B2

Despite any other provision of this Precinct Plan, the gross floor area of all development for the purpose of retail premises on land in Zone B2 Local Centre must not exceed 16,500 square metres.

Schedule 1 Additional permitted uses

(Clause 2.5)

1 Use of land in Zone B2

(1) This clause applies to land in Zone B2 Local Centre.

(2) Development for the purpose of attached dwellings is permitted with development consent but only as part of a mixed use development that includes retail premises.

2 Use of land in Zone SP2

(1) This clause applies to land in Zone SP2 Infrastructure and marked “Community facility”.

(2) Development for the purpose of an information and education facility is permitted with development consent.

Schedule 4 Classification and reclassification of public land

(Clause 5.2)

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

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
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<tbody>
<tr>
<td>Locality</td>
<td>Description</td>
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Part 2 Land classified, or reclassified, as operational land—interests changed

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<th>Column 3</th>
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<tbody>
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<td>Description</td>
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### Part 3  Land classified, or reclassified, as community land

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</thead>
<tbody>
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<td>Description</td>
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### Schedule 5  Environmental heritage

-(Clause 5.10)-

### Part 1  Heritage items

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<th>Precinct</th>
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<th>Address</th>
<th>Property description</th>
<th>Significance</th>
<th>Item no</th>
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</thead>
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<tr>
<td>East Leppington</td>
<td>Upper Nepean Scheme—Upper Canal</td>
<td>Between the south eastern boundary and Denham Court Road</td>
<td>Lot 1, DP 610145</td>
<td>State</td>
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### Part 3  Archaeological sites

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<th>Address</th>
<th>Property description</th>
<th>Significance</th>
<th>Item no</th>
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<tr>
<td>East Leppington</td>
<td>Former Leppington Farm House</td>
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<td>Lot 41, DP 1174145</td>
<td>Potential State</td>
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Appendix 11 The Hills Growth Centre Precincts Plan

Part 1 Preliminary

Note. The Standard Instrument (Local Environmental Plans) Order 2006 sets out matters to be included in standard local environmental plans. While this Precinct Plan is not a standard local environmental plan, it is generally consistent with standard plans. A number of clauses from the Standard Instrument (Local Environmental Plans) Order 2006 have been included in this Precinct Plan and the clause numbering from that Order has been retained. This means that the numbering in this Precinct Plan may contain some gaps. Additional provisions have been inserted and are numbered accordingly.

1.1 Name of Precinct Plan

This Precinct Plan is the The Hills Growth Centre Precincts Plan 2013.

1.2 Aims of Precinct Plan

The aims of this Precinct Plan are as follows:

(a) to rezone land to allow for development to occur in the manner envisaged by the growth centre structure plan for the Box Hill and Box Hill Industrial Precincts,
(b) to deliver housing choice and affordability by accommodating a wide range of residential dwelling types that cater for housing diversity,
(c) to guide the bulk and scale of future development within the Precincts,
(d) to protect and enhance riparian corridors and areas of significant native vegetation by establishing development controls that prevent the clearing of existing native vegetation within the Precincts,
(e) to protect and enhance areas of local heritage significance by establishing development controls in order to maintain and respect the relationships between heritage sites and uses of adjacent sites,
(f) to identify land within the Precincts that is proposed to be brought into public ownership for the purposes of roads, parks, drainage and schools.

1.3 Land to which Precinct Plan applies

This Precinct Plan applies to land within the Box Hill Precinct or Box Hill Industrial Precinct as shown on the Land Application Map.

1.4 Definition

In this Precinct Plan, Council means The Hills Shire Council.

Note. The Dictionary at the end of this State environmental planning policy defines words and expressions for the purposes of this Precinct Plan, including the relevant maps.

1.5 Notes

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

1.6 Consent authority

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

1.8 Repeal of other local planning instruments applying to land

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

(3) This clause does not affect the operation of other provisions of this State environmental planning policy.

1.8A Savings provision relating to pending development applications

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

1.9 Application of SEPPs

(1) This Precinct Plan is subject to the provisions of any State environmental planning policy that prevails over this Precinct Plan as provided by section 36 of the Act.

Note. Section 36 of the Act generally provides that SEPPs prevail over LEPs and other instruments. However, an environmental planning instrument may (by an additional provision included in the instrument) displace or amend a SEPP or LEP to deal specifically with the relationship between the instrument and the SEPP or LEP.

(2) *State Environmental Planning Policy No 1—Development Standards* does not apply to the land to which this Precinct Plan applies.

(3) Subject to section 74 (1) of the Act, in the event of an inconsistency between this Precinct Plan and any other provision of this or any other environmental planning instrument, whether made before or after the commencement of this Precinct Plan, this Precinct Plan prevails to the extent of the inconsistency.

Note. The other provisions of this State environmental planning policy also contain provisions applying development controls to the North West Growth Centre, including the Box Hill and Box Hill Industrial Precincts.

1.9A Suspension of covenants, agreements and instruments

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

(2) This clause does not apply:

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

(b) to any prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, or

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

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

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

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

(g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.

(3) This clause does not affect the rights or interests of any public authority under any registered instrument.
(4) Pursuant to section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

Part 2 Permitted or prohibited development

2.1 Land use zones

The land use zones under this Precinct Plan are as follows:

Residential Zones
R2 Low Density Residential
R3 Medium Density Residential
R4 High Density Residential

Business Zones
B2 Local Centre
B6 Enterprise Corridor
B7 Business Park

Industrial Zones
IN2 Light Industrial

Special Purpose Zones
SP2 Infrastructure

Recreation Zones
RE1 Public Recreation
RE2 Private Recreation

Environment Protection Zones
E2 Environmental Conservation

2.2 Zoning of land to which Precinct Plan applies

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

2.3 Zone objectives and Land Use Table

(1) The Land Use Table at the end of this Part specifies for each zone:
(a) the objectives for development, and
(b) development that may be carried out without consent, and
(c) development that may be carried out only with consent, and
(d) development that is prohibited.

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

(3) In the Land Use Table at the end of this Part:
(a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
(b) a reference to a type of building or other thing does not include (despite any definition in this Policy) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.

(4) This clause is subject to the other provisions of this Precinct Plan.
Notes.
1. Schedule 1 sets out additional permitted uses for particular land.
2. Clause 2.6 requires consent for subdivision of land.
3. Part 5 contains other provisions that require consent for particular development.
4. Part 6 sets out additional permitted uses for particular land.

### 2.4 Unzoned land

1. Development may be carried out on unzoned land only with development consent.
2. Before granting development consent, the consent authority:
   a. must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
   b. must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

### 2.5 Additional permitted uses for particular land

1. Development on particular land that is described or referred to in Schedule 1 to this Precinct Plan may be carried out:
   a. with development consent, or
   b. if the Schedule so provides—without development consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.
2. This clause has effect despite anything to the contrary in the Land Use Table at the end of this Part or other provision of this Precinct Plan.

### 2.6 Subdivision—consent requirements

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

**Note.** *State Environmental Planning Policy (Exempt and Complying Development Codes)* 2008 specifies certain subdivision development as exempt development.

### 2.7 Demolition

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

**Note.** The demolition of certain buildings and works is identified in *State Environmental Planning Policy (Exempt and Complying Development Codes)* 2008 as exempt development.

### 2.8 Temporary use of land

1. The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
2. Despite any other provision of this Precinct Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.
3. Development consent must not be granted unless the consent authority is satisfied that:
   a. the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Precinct Plan and this or any other applicable environmental planning instrument, and
(b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
(c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
(d) at the end of the temporary use period, the site will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

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

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

Land Use Table

Note. Part 6 of this Precinct Plan sets out local provisions which include additional permissible land uses and heads of consideration for assessment.

Zone R2 Low Density Residential

1 Objectives of zone
   • To provide for the housing needs of the community within a low density residential environment.
   • To enable other land uses that provide facilities or services to meet the day to day needs of residents.
   • To allow people to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours.
   • To support the well-being of the community, by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.

2 Permitted without consent
   Home businesses; Home occupations

3 Permitted with consent
   Bed and breakfast accommodation; Boarding houses; Business identification signs; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Home industries; Neighbourhood shops; Places of public worship; Roads; Secondary dwellings; Semi-detached dwellings; Shop top housing

4 Prohibited
   Any development not specified in item 2 or 3

Zone R3 Medium Density Residential

1 Objectives of zone
   • To provide for the housing needs of the community within a medium density residential environment.
• To provide a variety of housing types within a medium density residential environment.
• To enable other land uses that provide facilities or services to meet the day to day needs of residents.
• To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.

2 Permitted without consent
Home businesses; Home occupations

3 Permitted with consent
Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dwelling houses; Group homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Respite day care centres; Roads; Seniors housing; Any other development not specified in item 2 or 4

4 Prohibited
Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat repair facilities; Boat sheds; Business premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Environmental facilities; Extractive industries; Farm buildings; Freight transport facilities; Function centres; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Information and education facilities; Marinas; Moorings; Mortuaries; Office premises; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential flat buildings; Restricted premises; Retail premises; Rural industries; Rural supplies; Service stations; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wholesale supplies

Zone R4 High Density Residential

1 Objectives of zone
• To provide for the housing needs of the community within a high density residential environment.
• To provide a variety of housing types within a high density residential environment.
• To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent
Home businesses; Home occupations

3 Permitted with consent
Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings;
Respite day care centres; Roads; Shop top housing; Any other development not specified in item 2 or 4

4 **Prohibited**

Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat repair facilities; Boat sheds; Business premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Environmental facilities; Extractive industries; Forestry; Freight transport facilities; Function centres; Helipads; Highway service centres; Home occupations (sex services); Industries; Information and education facilities; Marinas; Moorings; Mortuaries; Office premises; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Retail premises; Rural supplies; Service stations; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wholesale supplies

**Zone B2 Local Centre**

1 **Objectives of zone**

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To provide for residential development that contributes to the vitality of the local centre.
- To ensure that residential development within the centre does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.
- To facilitate active retail, commercial, entertainment and community facility uses at ground level of mixed use developments.
- To encourage development which will contribute to the economic growth of, and creation of employment opportunities within, The Hills Shire.

2 **Permitted without consent**

Home businesses; Home occupations

3 **Permitted with consent**

Boarding houses; Building identification signs; Business identification signs; Business premises; Car parks; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Medical centres; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Retail premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

4 **Prohibited**

Agriculture; Air transport facilities; Airstrips; Boat repair facilities; Boat sheds; Bulky goods premises; Caravan parks; Cemeteries; Charter and tourism boating
facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Home occupations (sex services); Industrial retail outlets; Industries; Marinas; Moorings; Mortuaries; Open cut mining; Recreation facilities (major); Research stations; Residential accommodation; Rural industries; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wholesale supplies

Zone B6 Enterprise Corridor

1 Objectives of zone

• To promote businesses along main roads and to encourage a mix of compatible uses.
• To provide a range of employment uses (including business, office, retail and light industrial uses).
• To maintain the economic strength of centres by limiting retailing activity.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Business premises; Community facilities; Food and drink premises; Home businesses; Home occupations; Hotel or motel accommodation; Light industries; Medical centres; Neighbourhood shops; Passenger transport facilities; Roads; Self-storage units; Serviced apartments; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat repair facilities; Boat sheds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Helipads; Highway service centres; Home-based child care; Home occupations (sex services); Industries; Marinas; Moorings; Mortuaries; Open cut mining; Recreation facilities (major); Research stations; Residential accommodation; Restricted premises; Retail premises; Rural industries; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures

Zone B7 Business Park

1 Objectives of zone

• To provide a range of office and light industrial uses.
• To encourage employment opportunities.
• To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
2 Permitted without consent
Nil

3 Permitted with consent
Building identification signs; Business identification signs; Business premises; Child care centres; Food and drink premises; Heliports; Highway service centres; Hotel or motel accommodation; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Respite day care centres; Roads; Self-storage units; Serviced apartments; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited
Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat repair facilities; Boat sheds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Helipads; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industries; Marinas; Moorings; Open cut mining; Recreation facilities (major); Research stations; Residential accommodation; Restricted premises; Retail premises; Rural industries; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Waste or resource management facilities; Water recreation structures

Zone IN2 Light Industrial

1 Objectives of zone
• To provide a wide range of light industrial, warehouse and related land uses.
• To encourage employment opportunities and to support the viability of centres.
• To minimise any adverse effect of industry on other land uses.
• To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
• To support and protect industrial land for industrial uses.

2 Permitted without consent
Nil

3 Permitted with consent
Building identification signs; Business identification signs; Depots; Food and drink premises; Hardware and building supplies; Helipads; Heliports; Hotel or motel accommodation; Industrial training facilities; Light industries; Neighbourhood shops; Roads; Self-storage units; Serviced apartments; Warehouse or distribution centres; Waste disposal facilities; Any other development not specified in item 2 or 4

4 Prohibited
Agriculture; Air transport facilities; Amusement centres; Bulky goods premises; Business premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Health services facilities; Home-based child care; Home
businesses; Home occupations; Home occupations (sex services); Industries; Marinas; Moorings; Office premises; Open cut mining; Public administration buildings; Recreation facilities (major); Research stations; Residential accommodation; Restricted premises; Retail premises; Rural industries; Rural supplies; Signage; Storage premises; Tourist and visitor accommodation; Waste or resource management facilities; Water recreation structures

Zone SP2 Infrastructure

1 Objectives of zone
   • To provide for infrastructure and related uses.
   • To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent
   Nil

3 Permitted with consent
   Environmental protection works; Flood mitigation works; Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited
   Any development not specified in item 2 or 3

Zone RE1 Public Recreation

1 Objectives of zone
   • To enable land to be used for public open space or recreational purposes.
   • To provide a range of recreational settings and activities and compatible land uses.
   • To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent
   Environmental protection works

3 Permitted with consent
   Building identification signs; Business identification signs; Child care centres; Community facilities; Emergency services facilities; Environmental facilities; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Take away food and drink premises; Water recreation structures

4 Prohibited
   Any development not specified in item 2 or 3

Zone RE2 Private Recreation

1 Objectives of zone
   • To enable land to be used for private open space or recreational purposes.
• To provide a range of recreational settings and activities and compatible land uses.
• To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent
Nil

3 Permitted with consent
Building identification signs; Business identification signs; Community facilities; Environmental facilities; Environmental protection works; Hotel or motel accommodation; Information and education facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Restaurants or cafes; Roads

4 Prohibited
Any development not specified in item 2 or 3

Zone E2 Environmental Conservation

1 Objectives of zone
• To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
• To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

2 Permitted without consent
Nil

3 Permitted with consent
Building identification signs; Business identification signs; Community facilities; Environmental facilities; Environmental protection works; Information and education facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads

4 Prohibited
Any development not specified in item 2 or 3

Part 3
3.1–3.3 (Repealed)

Part 4 Principal development standards

4.1 Minimum subdivision lot size
(1) The objectives of this clause are as follows:
   (a) to ensure that the minimum size for lots is sufficient for the provision of usable areas for building and open space,
   (b) to facilitate and encourage a range of residential lot types, in particular, small lot housing,
   (c) to encourage the efficient use of land for residential purposes.
(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Precinct Plan.

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

(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan.

4.1A Minimum lot sizes for other development

Development must not be carried out on a lot in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential or Zone B2 Local Centre for any of the following purposes, if the area of the lot is less than the area specified below in relation to those purposes:

(a) secondary dwelling—450 square metres,
(b) dual occupancy—600 square metres,
(c) semi-detached dwelling—600 square metres,
(d) multi dwelling housing—1,800 square metres,
(e) attached dwellings—1,800 square metres,
(f) residential flat building—4,000 square metres.

4.1B Residential density

The objectives of this clause are as follows:

(a) to establish minimum density requirements for residential development within the Box Hill Precinct or Box Hill Industrial Precinct,
(b) to ensure that residential development makes efficient use of land and infrastructure, and contributes to the availability of new housing,
(c) to ensure that the scale of residential development is compatible with the character of the precincts and adjoining land.

(2) This clause applies to development for the purpose of an attached dwelling, a dual occupancy, a dwelling house, multi dwelling housing, a residential flat building, a secondary dwelling or a semi-detached dwelling that:

(a) is carried out on land to which this Precinct Plan applies that is shown on the Residential Density Map, and
(b) requires development consent, and
(c) is carried out after the commencement of this Precinct Plan.

(3) The density of any development to which this clause applies is not to be less than the density shown on the Residential Density Map in relation to that land.

(4) In this clause:

density means the net developable area in hectares of the land on which the development is situated divided by the number of dwellings proposed to be located on that land.

net developable area means the land occupied by the development, including internal streets plus half the width of any adjoining access roads that provide vehicular access, but excluding land that is not zoned for residential purposes.
4.3 Height of buildings
   (1) The objectives of this clause are as follows:
       (a) to establish the maximum height of buildings on land within the Box Hill Precinct or Box Hill Industrial Precinct,
       (b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,
       (c) to facilitate higher density development in and around commercial centres and major transport routes.
   (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

4.4 Floor space ratio
   (1) The objective of this clause is to control the bulk and scale of buildings within the Box Hill Precinct or Box Hill Industrial Precinct by setting maximum floor space ratios for development.
   (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

4.4A Development of certain land within Zone B2 Local Centre or Zone B6 Enterprise Corridor—additional floor space ratio
   (1) Despite clause 4.4 (2), the maximum floor space ratio for a building on land shown hatched red and lettered “A” on the Floor Space Ratio Map is 1:1 if the site area is 3 hectares or more.
   (2) Despite clause 4.4 (2), the maximum floor space ratio for the shop top housing component of a building containing shop top housing:
       (a) on land shown hatched red and lettered “A” on the Floor Space Ratio Map, is 2:1, and
       (b) on land shown hatched red and lettered “B” on the Floor Space Ratio Map, is 0.5:1, and
       (c) on land shown hatched red and lettered “C” on the Floor Space Ratio Map, is 1.25:1.
   (3) Subclause (1) is subject to subclause (2) (a).
   (4) In this clause, site area has the same meaning as it has in clause 4.5 (3).

4.5 Calculation of floor space ratio and site area
   (1) Objectives
       The objectives of this clause are as follows:
       (a) to define floor space ratio,
       (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:
           (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
           (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
           (iii) require community land and public places to be dealt with separately.
(2) **Definition of “floor space ratio”**

The **floor space ratio** of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) **Site area**

In determining the site area of proposed development for the purpose of applying a floor space ratio, the **site area** is taken to be:

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

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

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

(4) **Exclusions from site area**

The following land must be excluded from the site area:

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

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

(5) **Strata subdivisions**

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

(6) **Only significant development to be included**

The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

(7) **Certain public land to be separately considered**

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

(8) **Existing buildings**

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

(9) **Covenants to prevent “double dipping”**

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

If:

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

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

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

(11) **Definition**

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

### 4.6 Exceptions to development standards

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

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

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

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

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

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

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

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

(a) the consent authority is satisfied that:

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

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

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider:

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

(b) the public benefit of maintaining the development standard, and
(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone E2 Environmental Conservation if:
   (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
   (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant’s written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:
   (a) a development standard for complying development,
   (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
   (c) clause 5.4.

Part 5  Miscellaneous provisions

5.1 Relevant acquisition authority

(1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions).

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

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

<table>
<thead>
<tr>
<th>Type of land shown on Map</th>
<th>Authority of the State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone RE1 Public Recreation and marked “Local open space”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Classified road”</td>
<td>Roads and Maritime Services</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Local drainage”, “Local road” or “Local road widening”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Pumping station”</td>
<td>Sydney Water Corporation</td>
</tr>
</tbody>
</table>
(3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

5.2 Classification and reclassification of public land

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

Note. Under the Local Government Act 1993, “public land” is generally land vested in or under the control of a council (other than roads, 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 this Precinct Plan to discharge trusts on which public reserves are held if the land is reclassified under this Precinct Plan as operational land.

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

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

(4) The public land described in Part 1 of Schedule 4 to this Precinct Plan:

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

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

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

(a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4 to this Precinct Plan, 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 4 to this Precinct Plan.

5.3 Development near zone boundaries

(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.
(3) This clause does not apply to:
   (a) land in Zone E2 Environmental Conservation, or
   (b) land within the coastal zone, or
   (c) land proposed to be developed for the purpose of sex services or restricted premises.

(4) Despite the provisions of this Precinct Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:
   (a) the development is not inconsistent with the objectives for development in both zones, and
   (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

(5) This clause does not prescribe a development standard that may be varied under this Precinct Plan.

5.4 Controls relating to miscellaneous permissible uses

(1) Bed and breakfast accommodation
   If development for the purposes of bed and breakfast accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.
   Note. Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the Building Code of Australia.

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

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

(4) Industrial retail outlets
   If development for the purposes of an industrial retail outlet is permitted under this Precinct Plan, the retail floor area must not exceed:
   (a) 40% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
   (b) 400 square metres, whichever is the lesser.

(5) Farm stay accommodation
   If development for the purposes of farm stay accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

(6) Kiosks
   If development for the purposes of a kiosk is permitted under this Precinct Plan, the gross floor area must not exceed 30 square metres.
(7) **Neighbourhood shops**

If development for the purposes of a neighbourhood shop is permitted under this Precinct Plan, the retail floor area must not exceed 100 square metres.

(8) **Roadside stalls**

If development for the purposes of a roadside stall is permitted under this Precinct Plan, the gross floor area must not exceed 8 square metres.

(9) **Secondary dwellings**

If development for the purposes of a secondary dwelling is permitted under this Precinct Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

(a) 110 square metres,
(b) 30% of the total floor area of the principal dwelling.

5.6 **Architectural roof features**

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

(a) to ensure that architectural roof features are decorative elements only,
(b) to ensure that the majority of the roof features are contained within the prescribed building height.

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

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

(a) the architectural roof feature:

(i) comprises a decorative element on the uppermost portion of a building, and
(ii) is not an advertising structure, and
(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
(iv) will cause minimal overshadowing, and

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

5.8 **Conversion of fire alarms**

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

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

(a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
(b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
(c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.

(3), (4) (Repealed)

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

5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Director-General.

Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:
(a) development consent, or
(b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) This clause does not apply to or in respect of:
(a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003 or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause, or
(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or
(d) action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993 or the Surveying and Spatial Information Act 2002, or
(e) plants declared to be noxious weeds under the Noxious Weeds Act 1993, or
(f) native vegetation retention areas to which clause 6.2 of this Precinct Plan applies, or
(g) existing native vegetation to which clause 6.3 of this Precinct Plan applies.
5.10 Heritage conservation

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

(1) Objectives

The objectives of this clause are as follows:

(a) to conserve the environmental heritage of the Box Hill and Box Hill Industrial Precincts,
(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
(c) to conserve archaeological sites,
(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) Requirement for consent

Development consent is required for any of the following:

(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
   (i) a heritage item,
   (ii) an Aboriginal object,
   (iii) a building, work, relic or tree within a heritage conservation area,
(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 to this Precinct Plan in relation to the item,
(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
(d) disturbing or excavating an Aboriginal place of heritage significance,
(e) erecting a building on land:
   (i) on which a heritage item is located or that is within a heritage conservation area, or
   (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
(f) subdividing land:
   (i) on which a heritage item is located or that is within a heritage conservation area, or
   (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) When consent not required

However, development consent under this clause is not required if:

(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
   (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or

(b) the development is in a cemetery or burial ground and the proposed development:
   (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
   (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or

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

(d) the development is exempt development.

(4) **Effect of proposed development on heritage significance**

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

(5) **Heritage assessment**

The consent authority may, before granting consent to any development:

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

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

(c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) **Heritage conservation management plans**

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

(7) **Archaeological sites**

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

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

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

(8) **Aboriginal places of heritage significance**

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

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

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

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

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

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

(10) Conservation incentives
The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Precinct Plan, if the consent authority is satisfied that:

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

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

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

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

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

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

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

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

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

Part 6 Additional local provisions
6.1 Public utility infrastructure
(1) Development consent must not be granted for development on land to which this Precinct Plan applies unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that
adequate arrangements have been made to make that infrastructure available when required.

(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.

(3) In this clause, **public utility infrastructure** includes infrastructure for any of the following:
   (a) the supply of water,
   (b) the supply of electricity,
   (c) the disposal and management of sewage.

### 6.2 Development controls—native vegetation retention areas and riparian protection areas

(1) The objective of this clause is to prevent the clearing of certain native vegetation.

(2) This clause applies to land:
   (a) within a native vegetation retention area as shown on the Native Vegetation Protection Map, or
   (b) within a riparian protection area as shown on the Riparian Protection Area Map.

(3) This clause does not apply to native vegetation that the Council is satisfied:
   (a) is dying or dead and is not required as the habitat of native fauna, or
   (b) is a risk to human life or property.

(4) This clause does not apply to any native vegetation:
   (a) within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
   (b) declared to be noxious weeds under the *Noxious Weeds Act 1993*.

(5) A person must not clear native vegetation on land to which this clause applies without:
   (a) approval under Division 4.1 of Part 4 of the Act, or
   (b) development consent.

(6) Development consent under this clause is not to be granted unless the consent authority is satisfied of the following in relation to the disturbance of native vegetation:
   (a) that there is no reasonable alternative available to the disturbance of the native vegetation,
   (b) that as little native vegetation as possible will be disturbed,
   (c) that the disturbance of the native vegetation will not increase salinity,
   (d) that native vegetation disturbed for the purposes of construction will be reinstated where possible on completion of construction,
   (e) that the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid any net loss of remnant native vegetation,
   (f) that no more than 0.5 hectares of native vegetation will be cleared unless the clearing is essential for a previously permitted use of the land.
(7) The consent authority must, when determining a development application in respect of the clearing of native vegetation on land within a zone under this Precinct Plan, have regard to the objectives for development in that zone.

(8) This clause does not apply to or in respect of action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993, the Surveying and Spatial Information Act 2002 or the Sydney Water Act 1994.

6.3 Development controls—existing native vegetation

(1) The objective of this clause is to manage existing native vegetation in accordance with the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995.

(2) This clause applies to land within an existing native vegetation area as shown on the Native Vegetation Protection Map.

(3) This clause does not apply to any vegetation declared to be noxious weeds under the Noxious Weeds Act 1993.

(4) The consent authority must not grant development consent for development on land to which this clause applies unless it is satisfied that the proposed development will not result in the clearing of any existing native vegetation (within the meaning of the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995).

6.4 Development on lots wholly or partly within Zone E2 Environmental Conservation

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

(a) to ensure the rehabilitation and revegetation of land within Zone E2 Environmental Conservation (other than any such land owned by a public authority),

(b) to ensure that land within that Zone is managed and conserved in a holistic and sensitive manner.

(2) This clause applies to land comprising a lot that is wholly or partly within Zone E2 Environmental Conservation (other than any such land owned by a public authority).

(3) Despite any other provision of this Precinct Plan, the consent authority must not grant development consent for subdivision of land to which this clause applies or any other development on that land unless the consent authority:

(a) has considered a vegetation management plan that relates to the land to which this clause applies that is within Zone E2 Environmental Conservation, and that addresses, to the satisfaction of the consent authority, the following matters:

(i) the environmental values of the land,

(ii) methods to be used to revegetate and rehabilitate the land,

(iii) weed control,

(iv) the monitoring and ongoing management of the land,

(v) other measures:

(A) to control threats to the health of any remnant riparian vegetation on the land, and

(B) to increase species diversification and riparian vegetation cover on the land, and

(C) to improve the land’s resistance to future weed colonisation,

(b) is satisfied that:
(i) appropriate arrangements have been made for the revegetation and rehabilitation of the land to which this clause applies that is within Zone E2 Environmental Conservation, and

(ii) those arrangements:

(A) provide for the ongoing monitoring and management of that land, and

(B) will take effect before, or simultaneously with, the proposed subdivision or development concerned, and

(C) are appropriate when considered in conjunction with any vegetation management plan prepared in accordance with paragraph (a).

6.5 Location of sex services premises

(1) The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.

(2) In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider the following:

(a) whether the premises will be located on land that adjoins, is directly opposite or is separated only by a local road from land:

(i) in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or

(ii) used for the purposes of a child care centre, a community facility, a school or a place of public worship,

(b) the impact of the proposed development and its hours of operation on any place likely to be regularly frequented by children:

(i) that adjoins the proposed development, or

(ii) that can be viewed from the proposed development, or

(iii) from which a person can view the proposed development.

6.6 Active street frontages

(1) The objective of this clause is to promote uses that attract pedestrian traffic along ground floor street frontages in Zone B2 Local Centre.

(2) Development consent must not be granted to the erection of a building or a change of use of a building on land in Zone B2 Local Centre unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.

(3) Despite subclause (2), an active street frontage is not required for any part of a building that is used for any of the following:

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

(b) access for fire services,

(c) vehicle access.

(4) In this clause, a building has an active street frontage if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.

Schedule 1 Additional permitted uses

(Clause 2.5)
This Schedule is blank on the making of this Precinct Plan.

**Schedule 4  Classification and reclassification of public land**  
(Clauses 5.2)

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

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Locality</td>
<td>Description</td>
</tr>
<tr>
<td>Nil</td>
<td>Nil</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Locality</td>
<td>Description</td>
<td>Any trusts etc not discharged</td>
</tr>
<tr>
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<td>Nil</td>
<td>Nil</td>
</tr>
</tbody>
</table>

**Part 3  Land classified, or reclassified, as community land**

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Locality</td>
<td>Description</td>
</tr>
<tr>
<td>Nil</td>
<td>Nil</td>
</tr>
</tbody>
</table>

**Schedule 5  Environmental heritage**  
(Clauses 5.10)

<table>
<thead>
<tr>
<th>Precinct</th>
<th>Item name</th>
<th>Address</th>
<th>Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Box Hill Industrial Precinct</td>
<td>“Marklye”</td>
<td>18 Nelson Road, Box Hill</td>
<td>Local</td>
</tr>
<tr>
<td>Box Hill Industrial Precinct</td>
<td>The Hunting Lodge</td>
<td>58 The Water Lane, Rouse Hill</td>
<td>State</td>
</tr>
<tr>
<td>Box Hill Precinct</td>
<td>Box Hill House</td>
<td>10 Terry Road, Box Hill</td>
<td>State</td>
</tr>
<tr>
<td>Box Hill Precinct</td>
<td>Box Hill Inn</td>
<td>751 Windsor Road, Box Hill</td>
<td>State</td>
</tr>
</tbody>
</table>
Appendix 12   Blacktown Growth Centres Precinct Plan

Part 1   Preliminary

Note. The Standard Instrument (Local Environmental Plans) Order 2006 sets out matters to be included in standard local environmental plans. While this Precinct Plan is not a standard local environmental plan, it is generally consistent with standard plans. A number of clauses from the Standard Instrument (Local Environmental Plans) Order 2006 have been included in this Precinct Plan and the clause numbering from that Order has been retained. This means that the numbering in this Precinct Plan may contain some gaps. Additional provisions have been inserted and are numbered accordingly.

1.1 Name of Precinct Plan
This Precinct Plan is the Blacktown Growth Centres Precinct Plan 2013.

1.2 Aims of Precinct Plan
The aims of this Precinct Plan are as follows:
(a) to rezone land to allow for development to occur in the manner envisaged by the growth centre structure plan and the indicative layout for the land to which this Precinct Plan applies,
(b) to deliver housing choice and affordability by accommodating a wide range of residential dwelling types that cater for housing diversity,
(c) to guide the bulk and scale of future development within the Precinct,
(d) to protect and enhance riparian corridors and areas of significant native vegetation by establishing development controls that prevent the clearing of existing native vegetation within the Marsden Park Precinct,
(e) to protect and enhance areas of local heritage significance by establishing development controls in order to maintain and respect the relationships between heritage sites and uses of adjacent sites,
(f) to rezone land to allow for retail and commercial uses to meet the needs of future residents of the Marsden Park Precinct and surrounding areas,
(g) to identify a transport corridor within the Marsden Park Precinct.

1.3 Land to which Precinct Plan applies
This Precinct Plan applies to land within the Marsden Park Precinct as shown on the Land Application Map.

Note. The Land Application Map differs from the Precinct Boundary Map and, as such, this Precinct Plan does not apply to all the land within the Marsden Park Precinct (as shown on the Precinct Boundary Map).

1.4 Definition
In this Precinct Plan, Council means Blacktown City Council.

Note. The Dictionary at the end of this State environmental planning policy defines words and expressions for the purposes of this Precinct Plan, including the relevant maps.

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

1.6 Consent authority
The consent authority for the purposes of this Precinct Plan is (subject to the Act) the Council.
1.8 Repeal of other local planning instruments applying to land

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

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

(3) This clause does not affect the operation of other provisions of this State environmental planning policy.

1.8A Savings provision relating to pending development applications

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

1.9 Application of SEPPs

(1) This Precinct Plan is subject to the provisions of any State environmental planning policy that prevails over this Precinct Plan as provided by section 36 of the Act.

Note. Section 36 of the Act generally provides that SEPPs prevail over LEPs and other instruments. However, an environmental planning instrument may (by an additional provision included in the instrument) displace or amend a SEPP or LEP to deal specifically with the relationship between the instrument and the SEPP or LEP.

(2) State Environmental Planning Policy No 1—Development Standards does not apply to the land to which this Precinct Plan applies.

(3) Subject to section 74 (1) of the Act, in the event of an inconsistency between this Precinct Plan and any other provision of this or any other environmental planning instrument, whether made before or after the commencement of this Precinct Plan, this Precinct Plan prevails to the extent of the inconsistency.

Note. The other provisions of this State environmental planning policy also contain provisions applying development controls to the North West Growth Centre, including the Marsden Park Precinct.

1.9A Suspension of covenants, agreements and instruments

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

(2) This clause does not apply:

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

(b) to any prescribed instrument within the meaning of section 183A of the Crown Lands Act 1989, or

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

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

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

(f) to any biobanking agreement within the meaning of Part 7A of the Threatened Species Conservation Act 1995, or
(g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.

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

(4) Pursuant to section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

Part 2 Permitted or prohibited development

2.1 Land use zones

The land use zones under this Precinct Plan are as follows:

- **Rural Zones**
  - RU6 Transition

- **Residential Zones**
  - R2 Low Density Residential
  - R3 Medium Density Residential

- **Business Zones**
  - B2 Local Centre
  - B4 Mixed Use

- **Special Purpose Zones**
  - SP2 Infrastructure

- **Recreation Zones**
  - RE1 Public Recreation
  - RE2 Private Recreation

- **Environment Protection Zones**
  - E2 Environmental Conservation
  - E3 Environmental Management

2.2 Zoning of land to which Precinct Plan applies

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

2.3 Zone objectives and Land Use Table

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

(a) the objectives for development, and

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

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

(d) development that is prohibited.

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

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

(a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
(b) a reference to a type of building or other thing does not include (despite any
definition in this Policy) a reference to a type of building or other thing
referred to separately in the Table in relation to the same zone.

(4) This clause is subject to the other provisions of this Precinct Plan.

Notes.
1 Schedule 1 sets out additional permitted uses for particular land.
2 Clause 2.6 requires consent for subdivision of land.
3 Part 5 contains other provisions that require consent for particular development.
4 Part 6 sets out additional permitted uses for particular land.

2.4 Unzoned land
(1) Development may be carried out on unzoned land only with consent.
(2) Before granting consent, the consent authority:
   (a) must consider whether the development will impact on adjoining zoned land
   and, if so, consider the objectives for development in the zones of the
   adjoining land, and
   (b) must be satisfied that the development is appropriate and is compatible with
     permissible land uses in any such adjoining land.

2.5 Additional permitted uses for particular land
(1) Development on particular land that is described or referred to in Schedule 1 to this
Appendix may be carried out:
   (a) with consent, or
   (b) if the Schedule so provides—without consent,
     in accordance with the conditions (if any) specified in that Schedule in relation to that
     development.
(2) This clause has effect despite anything to the contrary in the Land Use Table at the
end of this Part or other provision of this Precinct Plan.

2.6 Subdivision—consent requirements
Land to which this Precinct Plan applies may be subdivided, but only with
development consent.
Note. State Environmental Planning Policy (Exempt and Complying Development Codes)
2008 specifies certain subdivision development as exempt development.

2.7 Demolition
The demolition of a building or work may be carried out only with development
consent.
Note. The demolition of certain buildings and works is identified in State Environmental
Planning Policy (Exempt and Complying Development Codes) 2008 as exempt development.

2.8 Temporary use of land
(1) The objective of this clause is to provide for the temporary use of land if the use does
not compromise future development of the land, or have detrimental economic,
social, amenity or environmental effects on the land.
(2) Despite any other provision of this Precinct Plan, development consent may be
granted for development on land in any zone for a temporary use for a maximum
period of 52 days (whether or not consecutive days) in any period of 12 months.
(3) Development consent must not be granted unless the consent authority is satisfied that:
   (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Precinct Plan and this or any other applicable environmental planning instrument, and
   (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
   (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
   (d) at the end of the temporary use period, the site will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

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

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

**Land Use Table**

**Note.** Part 6 of this Precinct Plan sets out local provisions which include additional permissible land uses and heads of consideration for assessment.

**Zone RU6 Transition**

1 **Objectives of zone**
   - To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.
   - To minimise conflict between land uses within this zone and land uses within adjoining zones.

2 **Permitted without consent**
   - Home occupations; Roads

3 **Permitted with consent**
   Agricultural produce industries; Dual occupancies (attached); Eco-tourist facilities; Extensive agriculture; Farm buildings; Farm stay accommodation; Flood mitigation works; Home businesses; Recreation areas; Recreation facilities (outdoor); Registered clubs; Water recreation structures

4 **Prohibited**
   Any development not specified in item 2 or 3

**Zone R2 Low Density Residential**

1 **Objectives of zone**
   - To provide for the housing needs of the community within a low density residential environment.
• To enable other land uses that provide facilities or services to meet the day to day needs of residents.
• To allow residents to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours.
• To support the well-being of the community, by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.

2 Permitted without consent
   Home occupations

3 Permitted with consent
   Attached dwellings; Bed and breakfast accommodation; Boarding houses; Business identification signs; Child care centres; Community facilities; Drainage; Dual occupancies; Dwelling houses; Earthworks; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Information and education facilities; Neighbourhood shops; Places of public worship; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Veterinary hospitals

4 Prohibited
   Any development not specified in item 2 or 3

Zone R3 Medium Density Residential

1 Objectives of zone
   • To provide for the housing needs of the community within a medium density residential environment.
   • To provide a variety of housing types within a medium density residential environment.
   • To enable other land uses that provide facilities or services to meet the day to day needs of residents.
   • To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.

2 Permitted without consent
   Home occupations

3 Permitted with consent
   Attached dwellings; Bed and breakfast accommodation; Boarding houses; Business identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Group homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Respite day care centres; Semi-detached dwellings; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited
   Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat repair facilities; Boat sheds; Business premises; Caravan parks; Cemeteries; Charter and
tourism boating facilities; Correctional centres; Crematoria; Depots; Entertainment facilities; Extractive industries; Freight transport facilities; Function centres; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Information and education facilities; Marinas; Mortuaries; Office premises; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Restriction facilities; Retail premises; Rural industries; Rural supplies; Rural workers’ dwellings; Service stations; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Waste or resource management facilities; Wholesale supplies

Zone B2 Local Centre

1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.

2 Permitted without consent

  - Home occupations

3 Permitted with consent

  - Boarding houses; Business premises; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Medical centres; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Retail premises; Service stations; Sewerage systems; Shop top housing; Tourist and visitor accommodation; Vehicle repair stations; Any other development not specified in item 2 or 4

4 Prohibited

  - Agriculture; Air transport facilities; Air strips; Biosolids treatment facilities; Boat repair facilities; Boat sheds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Electricity generating works; Exhibition villages; Extractive industries; Farm buildings; Freight transport facilities; Funeral chapels; Funeral homes; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Mortuaries; Residential accommodation; Restricted premises; Roadside stalls; Rural industries; Rural supplies; Rural workers’ dwellings; Sex services premises; Storage premises; Transport depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities

Zone B4 Mixed Use

1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To provide for residential development that contributes to the vitality of the local centre.
• To ensure that residential development adjacent to the local centre does not detract from the primary function of the centre, being to provide for retail, business, entertainment and community uses.

• To facilitate active retail, commercial, entertainment and community facility uses at ground level of mixed use developments.

• To provide for residential development that contributes to the vitality of the local centre.

• To ensure that residential development within the local centre does not detract from the primary function of the centre, being to provide for retail, business, entertainment and community uses.

• To encourage development that will contribute to the economic growth of, and creation of employment opportunities within, the City of Blacktown.

2 Permitted without consent

Home occupations

3 Permitted with consent

Boarding houses; Business premises; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Highway service centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Retail premises; Seniors housing; Sewerage systems; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Biosolids treatment facilities; Boat repair facilities; Boat sheds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Freight transport facilities; Funeral homes; Helipads; Home occupations (sex services); Industrial retail outlets; Industries; Mortuaries; Residential accommodation; Restricted premises; Roadside stalls; Rural industries; Rural supplies; Rural workers’ dwellings; Sex services premises; Storage premises; Transport depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities

Zone SP2 Infrastructure

1 Objectives of zone

• To provide for infrastructure and related uses.

• To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent

Nil

3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Drainage; Earthworks; Environmental protection works; Flood mitigation works; Roads; Sewerage systems; Water recycling facilities; Waterbodies (artificial)
4 Prohibited
Any development not specified in item 2 or 3

Zone RE1 Public Recreation

1 Objectives of zone
- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent
Nil

3 Permitted with consent
Building identification signs; Business identification signs; Community facilities; Drainage; Earthworks; Environmental facilities; Environmental protection works; Flood mitigation works; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads; Sewerage systems; Waterbodies (artificial)

4 Prohibited
Any development not specified in item 2 or 3

Zone RE2 Private Recreation

1 Objectives of zone
- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent
Nil

3 Permitted with consent
Caravan parks; Charter and tourism boating facilities; Community facilities; Drainage; Electricity generating works; Environmental facilities; Environmental protection works; Extensive agriculture; Flood mitigation works; Hotel or motel accommodation; Information and education facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Restaurants; Roads; Sewerage systems; Signage; Water supply systems; Waterbodies (artificial)

4 Prohibited
Any development not specified in item 2 or 3

Zone E2 Environmental Conservation

1 Objectives of zone
- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
• To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

2 Permitted without consent
   Nil

3 Permitted with consent
   Drainage; Earthworks; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Kiosks; Recreation areas; Roads; Signage; Waterbodies (artificial)

4 Prohibited
   Any development not specified in item 2 or 3

Zone E3 Environmental Management

1 Objectives of zone
   • To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
   • To provide for a limited range of development that does not have an adverse effect on those values.

2 Permitted without consent
   Nil

3 Permitted with consent
   Bed and breakfast accommodation; Community facilities; Drainage; Dwelling houses; Environmental facilities; Environmental protection works; Flood mitigation works; Home businesses; Home industries; Intensive plant agriculture; Places of public worship; Recreation areas; Recreation facilities (outdoor); Roads; Sewerage systems; Waterbodies (artificial)

4 Prohibited
   Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Part 3
3.1–3.3 (Repealed)

Part 4 Principal development standards

4.1 Minimum subdivision lot size
   (1) The objectives of this clause are as follows:
      (a) to ensure that the minimum size for lots is sufficient for the provision of usable areas for building and open space,
      (b) to facilitate and encourage a range of residential lot types, in particular, small lot housing,
      (c) to encourage the efficient use of land for residential purposes.
(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Precinct Plan.

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

(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan.

4.1A Minimum lot sizes for residential development

(1) The objectives of this clause are as follows:
   (a) to establish minimum lot sizes for residential development,
   (b) to ensure that residential development results in the efficient use of land and contributes to the supply of new housing in the North West Growth Centre,
   (c) to ensure that residential development has adequate usable areas for buildings and open space,
   (d) to ensure that residential development is compatible with the character of the locality and with surrounding residential areas,
   (e) to facilitate and encourage the provision of a range of dwelling types.

(2) This clause applies to development on land for which no minimum lot size is shown on the Lot Size Map.

(3) The minimum lot size for certain residential development on land in the Blacktown Growth Centres Precinct is set out in the table below.

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Minimum lot size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling houses (detached)</td>
<td>225 square metres</td>
</tr>
<tr>
<td>Attached dwellings</td>
<td>375 square metres</td>
</tr>
<tr>
<td>Semi-detached dwellings</td>
<td>400 square metres</td>
</tr>
<tr>
<td>Secondary dwellings</td>
<td>450 square metres</td>
</tr>
<tr>
<td>Dual occupancies</td>
<td>500 square metres</td>
</tr>
<tr>
<td>Multi dwelling housing</td>
<td>1,500 square metres</td>
</tr>
<tr>
<td>Residential flat buildings</td>
<td>2,500 square metres</td>
</tr>
</tbody>
</table>

(4) Where residential development of a kind referred to in the table to subclause (3) is carried out on land with a split zoning that includes land in Zone R2 Low Density Residential, the area of so much of the land as is within that zone must be no less than the minimum lot size set out in the table.

4.1B Residential density

(1) The objectives of this clause are:
   (a) to establish minimum density requirements for residential development, and
   (b) to ensure that residential development makes efficient use of land and infrastructure and contributes to the availability of new housing, and
   (c) to ensure that the scale of residential development is compatible with the character of the precinct and adjoining land.
(2) This clause applies to residential development of the kind referred to in clause 4.1A
(3) that:
   (a) is carried out on land to which this Precinct Plan applies that is shown on the Residential Density Map, and
   (b) requires development consent, and
   (c) is carried out after the commencement of this Precinct Plan.
(3) The density of any residential development to which this clause applies is not to be less than the density shown on the Residential Density Map in relation to that land.
(4) Despite subclause (3), the residential density in the area marked “L” and coloured yellow on the Residential Density Map must not exceed 11 dwellings per hectare.
(5) In this clause:
   density means the net developable area in hectares of the land on which the development is situated divided by the number of dwellings proposed to be located on that land.
   net developable area means the land occupied by the development, including internal streets plus half the width of any adjoining access roads that provide vehicular access, but excluding land that is not zoned for residential purposes.

4.3 Height of buildings
(1) The objectives of this clause are as follows:
   (a) to establish the maximum height of buildings,
   (b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,
   (c) to facilitate higher density development in and around commercial centres and major transport routes.
(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

4.4 Floor space ratio
(1) The objective of this clause is to control the bulk and scale of buildings by setting maximum floor space ratios for development.
(2) The floor space ratio for a building on any land is not to exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map.

4.5 Calculation of floor space ratio and site area
(1) Objectives
   The objectives of this clause are as follows:
   (a) to define floor space ratio,
   (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:
      (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
      (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
      (iii) require community land and public places to be dealt with separately.
(2) **Definition of “floor space ratio”**

The *floor space ratio* of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) **Site area**

In determining the site area of proposed development for the purpose of applying a floor space ratio, the *site area* is taken to be:

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

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

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

(4) **Exclusions from site area**

The following land must be excluded from the site area:

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

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

(5) **Strata subdivisions**

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

(6) **Only significant development to be included**

The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

(7) **Certain public land to be separately considered**

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

(8) **Existing buildings**

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

(9) **Covenants to prevent “double dipping”**

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

If:

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

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

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

(11) **Definition**

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

### 4.6 Exceptions to development standards

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

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

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

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

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

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

   (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

   (a) the consent authority is satisfied that:

      (i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and

      (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

   (b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider:

   (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

   (b) the public benefit of maintaining the development standard, and
(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone E2 Environmental Conservation, Zone RU6 Transition or Zone E3 Environmental Management if:

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant’s written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(c) clause 5.4.

Part 5  Miscellaneous provisions

5.1 Relevant acquisition authority

(1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions).

Note. If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the Land Acquisition (Just Terms Compensation) Act 1991 requires the authority to acquire the land.

(2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

<table>
<thead>
<tr>
<th>Type of land shown on Map</th>
<th>Authority of the State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone RE1 Public Recreation and marked “Local open space”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Local drainage”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Local road”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Local road widening”</td>
<td>Council</td>
</tr>
</tbody>
</table>
(3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

Note. If land, other than land specified in the table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning and Infrastructure is required to take action to enable the designation of the acquiring authority under this Part. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning and Infrastructure (see section 21 of the Land Acquisition (Just Terms Compensation) Act 1991).

5.2 Classification and reclassification of public land

(1) The objective of this clause is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the Local Government Act 1993.

Note. Under the Local Government Act 1993, “public land” is generally land vested in or under the control of a council (other than roads, 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 this Precinct Plan to discharge trusts on which public reserves are held if the land is reclassified under this Precinct Plan as operational land.

(2) The public land described in Part 1 or Part 2 of Schedule 4 to this Appendix is classified, or reclassified, as operational land for the purposes of the Local Government Act 1993.

(3) The public land described in Part 3 of Schedule 4 to this Appendix is classified, or reclassified, as community land for the purposes of the Local Government Act 1993.

(4) The public land described in Part 1 of Schedule 4 to this Appendix:

(a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and

(b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.

(5) The public land described in Part 2 of Schedule 4 to this Appendix, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:

(a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4 to this Appendix, 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 4 to this Appendix.
5.3 Development near zone boundaries

(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

(2) This clause applies to so much of any land:
   (a) that is within 50 metres of a boundary between Zone RE1 Public Recreation and any other zone, or
   (b) that is within 100 metres of a boundary between any 2 other zones.

(3) This clause does not apply to:
   (a) land in Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone RU6 Transition, or
   (b) land within a coastal area, or
   (c) land proposed to be developed for the purpose of sex services or restricted premises.

(4) Despite the provisions of this Precinct Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:
   (a) the development is not inconsistent with the objectives for development in both zones, and
   (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land, and
   (c) the total area of Zone RE1 Public Recreation land will not be reduced.

(5) This clause does not prescribe a development standard that may be varied under this Precinct Plan.

5.4 Controls relating to miscellaneous permissible uses

(1) Bed and breakfast accommodation
   If development for the purposes of bed and breakfast accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.
   Note. Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the Building Code of Australia.

(2) Home businesses
   If development for the purposes of a home business is permitted under this Precinct Plan, the carrying on of the business must not involve the use of more than 30 square metres of floor area.

(3) Home industries
   If development for the purposes of a home industry is permitted under this Precinct Plan, the carrying on of the home industry must not involve the use of more than 30 square metres of floor area.

(4) Industrial retail outlets
   If development for the purposes of an industrial retail outlet is permitted under this Precinct Plan, the retail floor area must not exceed:
(a) 40% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
(b) 400 square metres, whichever is the lesser.

(5) **Farm stay accommodation**
If development for the purposes of farm stay accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

(6) **Kiosks**
If development for the purposes of a kiosk is permitted under this Precinct Plan, the gross floor area must not exceed 30 square metres.

(7) **Neighbourhood shops**
If development for the purposes of a neighbourhood shop is permitted under this Precinct Plan, the retail floor area must not exceed 100 square metres.

(8) **Roadside stalls**
If development for the purposes of a roadside stall is permitted under this Precinct Plan, the gross floor area must not exceed 8 square metres.

(9) **Secondary dwellings**
If development for the purposes of a secondary dwelling is permitted under this Precinct Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:
(a) 110 square metres,
(b) 30% of the total floor area of the principal dwelling.

5.6 **Architectural roof features**

(1) The objectives of this clause are as follows:
(a) to ensure that architectural roof features are decorative elements only, and
(b) to ensure that the majority of the roof features are contained within the prescribed building height.

(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.

(3) Development consent must not be granted to any such development unless the consent authority is satisfied that:
(a) the architectural roof feature:
   (i) comprises a decorative element on the uppermost portion of a building, and
   (ii) is not an advertising structure, and
   (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
   (iv) will cause minimal overshadowing, and
(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.
5.8 Conversion of fire alarms

(1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.

(2) The following development may be carried out, but only with development consent:

(a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,

(b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,

(c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.

(3), (4) (Repealed)

(5) In this clause:

private service provider means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Director-General.

Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

(a) development consent, or

(b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) This clause does not apply to or in respect of:

(a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003 or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or

(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause, or
(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
(d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or
(e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*, or
(f) native vegetation retention areas to which clause 6.3 of this Precinct Plan applies, or
(g) existing native vegetation to which clause 6.4 of this Precinct Plan applies.

### 5.10 Heritage conservation

**Note.** Heritage items (if any) are listed and described in Schedule 5 to this Precinct Plan. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

1. **Objectives**
   
   The objectives of this clause are as follows:
   
   (a) to conserve the environmental heritage of the Blacktown Growth Centres Precinct,
   
   (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
   
   (c) to conserve archaeological sites,
   
   (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

2. **Requirement for consent**

   Development consent is required for any of the following:
   
   (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
       
       (i) a heritage item,
       
       (ii) an Aboriginal object,
       
       (iii) a building, work, relic or tree within a heritage conservation area,
   
   (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 to this Policy in relation to the item,
   
   (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
   
   (d) disturbing or excavating an Aboriginal place of heritage significance,
   
   (e) erecting a building on land:
       
       (i) on which a heritage item is located or that is within a heritage conservation area, or
       
       (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
   
   (f) subdividing land:
       
       (i) on which a heritage item is located or that is within a heritage conservation area, or
       
       (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.
(3) **When consent not required**

However, development consent under this clause is not required if:

(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:

(i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and

(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or

(b) the development is in a cemetery or burial ground and the proposed development:

(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and

(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or

(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or

(d) the development is exempt development.

(4) **Effect of proposed development on heritage significance**

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) **Heritage assessment**

The consent authority may, before granting consent to any development:

(a) on land on which a heritage item is located, or

(b) on land that is within a heritage conservation area, or

(c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) **Heritage conservation management plans**

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) **Archaeological sites**

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):
(a) notify the Heritage Council of its intention to grant consent, and
(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) **Aboriginal places of heritage significance**

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:
(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) **Demolition of nominated State heritage items**

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:
(a) notify the Heritage Council about the application, and
(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) **Conservation incentives**

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Precinct Plan, if the consent authority is satisfied that:
(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

5.11 **Bush fire hazard reduction**

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without development consent.

**Note.** The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

5.12 **Infrastructure development and use of existing buildings of the Crown**

(1) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under *State Environmental Planning Policy (Infrastructure) 2007*. 

Historical version for 22.2.2014 to 16.4.2014 (generated on 13.08.2014 at 12:42)
This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

5.13 Eco-tourist facilities

(1) The objectives of this clause are as follows:

- to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,
- to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.

(2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Precinct Plan.

(3) The consent authority must not grant consent under this Precinct Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that:

- there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and
- the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and
- the development will enhance an appreciation of the environmental and cultural values of the site or area, and
- the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and indigenous flora and fauna will be minimal, and
- the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and
- waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and
- the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours materials and landscaping with local indigenous flora, and
- any infrastructure services to the site will be provided without significant modification to the environment, and
- any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and
- the development will not adversely affect the agricultural productivity of adjoining land, and
- the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment:
  - measures to remove any threat of serious or irreversible environmental damage,
  - the maintenance (or regeneration where necessary) of habitats,
  - efficient and minimal energy and water use and waste output,
  - mechanisms for monitoring and reviewing the effect of the development on the natural environment,
(v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.

Part 6 Additional local provisions

6.1 Public utility infrastructure

(1) Development consent must not be granted for development on land to which this Precinct Plan applies unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.

(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.

(3) In this clause, public utility infrastructure includes infrastructure for any of the following:
   (a) the supply of water,
   (b) the supply of electricity,
   (c) the disposal and management of sewage.

6.2 Information and education facilities in Zone R2 Low Density Residential

(1) The objectives of this clause are as follows:
   (a) to permit, with development consent, information and education facilities within Zone R2 Low Density Residential in limited circumstances,
   (b) to provide criteria for the location and development of information and education facilities within Zone R2 Low Density Residential in the Blacktown Growth Centres Precinct,
   (c) to ensure that development for the purposes of information and education facilities does not detract from the character and amenity of land within Zone R2 Low Density Residential.

(2) Development for the purpose of information and education facilities is permissible with development consent only on land within Zone R2 Low Density Residential that:
   (a) adjoins land within Zone E2 Environmental Conservation, or that is separated from land within Zone E2 Environmental Conservation only by a public road, or
   (b) is within 90 metres of a public transport stop, or
   (c) adjoins an educational establishment or a community facility or that is separated from an educational establishment or a community facility only by a public road.

(3) Development consent must not be granted for an information and education facility if it would be located within 800 metres of another information and educational facility within Zone R2 Low Density Residential.

6.3 Development controls—native vegetation retention areas

(1) The objective of this clause is to prevent the clearing of certain native vegetation.

(2) This clause applies to land:
(a) within a native vegetation retention area as shown on the Native Vegetation Protection Map, or
(b) within a riparian protection area as shown on the Riparian Protection Area Map.

(3) This clause does not apply to native vegetation that the Council is satisfied:
(a) is dying or dead and is not required as the habitat of native fauna, or
(b) is a risk to human life or property.

(4) This clause does not apply to any native vegetation:
(a) within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or
(b) declared to be noxious weeds under the Noxious Weeds Act 1993.

(5) A person must not clear native vegetation on land to which this clause applies without:
(a) approval under Division 4.1 of Part 4 of the Act, or
(b) development consent.

(6) Development consent under this clause is not to be granted unless the consent authority is satisfied of the following in relation to the disturbance of native vegetation:
(a) that there is no reasonable alternative available to the disturbance of the native vegetation,
(b) that as little native vegetation as possible will be disturbed,
(c) that the disturbance of the native vegetation will not increase salinity,
(d) that native vegetation disturbed for the purposes of construction will be reinstated where possible on completion of construction,
(e) that the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid any net loss of remnant native vegetation,
(f) that no more than 0.5 hectares of native vegetation will be cleared unless the clearing is essential for a previously permitted use of the land.

(7) The consent authority must, when determining a development application in respect of the clearing of native vegetation on land within a zone under this Precinct Plan, have regard to the objectives for development in that zone.

(8) This clause does not apply to or in respect of action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993, the Surveying and Spatial Information Act 2002 or the Sydney Water Act 1994.

6.4 Development controls—existing native vegetation

(1) The objective of this clause is to manage existing native vegetation in accordance with the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995.

(2) This clause applies to land within an existing native vegetation area as shown on the Native Vegetation Protection Map.

(3) This clause does not apply to any vegetation declared to be noxious weeds under the Noxious Weeds Act 1993.

(4) The consent authority must not grant development consent for development on land to which this clause applies unless it is satisfied that the proposed development will
not result in the clearing of any existing native vegetation (within the meaning of the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995).

6.5 Development in Zone E2 Environmental Conservation

(1) This clause applies to land within Zone E2 Environmental Conservation (other than any such land owned by a public authority).

(2) Despite any other provision of this Precinct Plan, the consent authority must not grant development consent for development on land to which this clause applies unless it has considered a vegetation management plan that relates to all of that land.

(3) The vegetation management plan must address, to the satisfaction of the consent authority, the following matters:
   (a) the environmental values of the land,
   (b) methods to be used to revegetate and rehabilitate the land,
   (c) weed control,
   (d) the monitoring and ongoing management of the land,
   (e) other measures:
      (i) to control threats to the health of any remnant riparian vegetation on the land, and
      (ii) to increase species diversification and riparian vegetation cover on the land, and
      (iii) to improve the land’s resistance to future weed colonisation.

6.6 Subdivision of land adjoining Zone E2 Environmental Conservation

(1) The objectives of this clause are as follows:
   (a) to ensure the rehabilitation and revegetation of land that is within Zone E2 Environmental Conservation (other than any such land owned by a public authority),
   (b) to ensure that land within that Zone is managed and conserved in a holistic and sensitive manner.

(2) This clause applies to any lot that includes land within Zone E2 Environmental Conservation and land within another zone.

(3) Despite any other provision of this Precinct Plan, the consent authority must not grant consent for subdivision of land to which this clause applies or any other development on that land unless it is satisfied that:
   (a) appropriate arrangements have been made for the revegetation and rehabilitation of that land within Zone E2 Environmental Conservation, and
   (b) those arrangements:
      (i) provide for the ongoing monitoring and management of that land, and
      (ii) will take effect before, or simultaneously with, the proposed subdivision or development concerned, and
      (iii) are appropriate when considered in conjunction with any vegetation management plan prepared in accordance with clause 6.5.

6.7 Sex services premises

(1) The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.
(2) Development consent must not be granted to development for the purposes of sex services premises if the premises will be located on land that adjoins, is directly opposite or is separated only by a local road from land:
   (a) in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or
   (b) used for the purposes of a child care centre, a community facility, a school or a place of public worship.

(3) In deciding whether to grant consent to development for the purposes of sex services premises, the consent authority must consider the impact the proposed development would have on any place likely to be regularly frequented by children.

6.8 Restricted premises

(1) Development consent must not be granted to development for the purposes of restricted premises if the premises will be located on land that abuts, or is separated only by a road from land:
   (a) in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or
   (b) used for the purposes of a community facility, school or place of public worship.

(2) In deciding whether to grant consent to development for the purposes of restricted premises, the consent authority must consider:
   (a) the impact of the proposed development on places of high pedestrian activity, and
   (b) the impact of the proposed development on land frequented by children for care, recreational or cultural purposes, and
   (c) whether the appearance of the restricted premises is sufficiently discreet.

6.9 Active street frontages

(1) The objective of this clause is to promote uses that attract pedestrian traffic along ground floor street frontages in Zone B2 Local Centre.

(2) Development consent must not be granted to the erection of a building or a change of use of a building on land in Zone B2 Local Centre unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.

(3) Despite subclause (2), an active street frontage is not required for any part of a building that is used for any of the following:
   (a) entrances and lobbies (including as part of mixed use development),
   (b) access for fire services,
   (c) vehicle access.

(4) In this clause, a building has an active street frontage if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.

6.10 Development of land within or adjacent to public transport corridor

(1) Consent must not be granted to development in the area marked “I” on the Land Zoning Map without the concurrence of Transport for NSW.

(2) In determining whether to provide concurrence, Transport for NSW is to take into account the likely effect of the development on:
(a) the practicability and cost of carrying out public transport projects on the land in the future, and
(b) without limiting paragraph (a), the structural integrity or safety of, or ability to operate, public transport projects on the land in the future, and
(c) without limiting paragraph (a), the land acquisition costs and the costs of construction, operation or maintenance of public transport projects on the land in the future.

Schedule 1 Additional permitted uses

(Clause 2.5)

1 Food and drink premises within Clydesdale Estate
   On land within Zone RE2 Private Recreation that is within the Clydesdale Estate State Heritage Curtilage (SHR 674)—development for the purposes of food and drink premises.

2 Landfill works
   On land being Lot 32, DP 1090993 within Zone RE1 Public Recreation—development for the purposes of landfill rehabilitation works, landfill post closure management and monitoring works, including any works required to comply with Licence 5273 issued under the Protection of the Environment Operations Act 1997 or works in accordance with the surrender of that licence.

3 Gas processing system and associated plant and equipment
   On land being Lot 31, DP 1090993 within Zone RE1 Public Recreation—development for the purposes of the operation of a gas processing system and associated plant and equipment for either landfill gas extraction, processing and flaring or generation of electricity from landfill gas, under development consent 03-5430 issued by Blacktown City Council on 29 July 2004.

Schedule 4 Classification and reclassification of public land

(Clause 5.2)

Part 1 Land classified, or reclassified, as operational land—no interests changed

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
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<tbody>
<tr>
<td>Locality</td>
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Part 2 Land classified, or reclassified, as operational land—interests changed

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<th>Column 3</th>
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<tbody>
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## Part 3  Land classified, or reclassified, as community land

<table>
<thead>
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## Schedule 5  Environmental heritage

(Clauses 5.10)

### Part 1  Heritage items

<table>
<thead>
<tr>
<th>Precinct</th>
<th>Item name</th>
<th>Address</th>
<th>Property description</th>
<th>Significance</th>
<th>Item no</th>
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<tr>
<td>Marsden Park</td>
<td>Cottage</td>
<td>95 Fermoy Road</td>
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<td>Local</td>
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</tr>
<tr>
<td>Marsden Park</td>
<td>St Andrews Presbyterian Church</td>
<td>Corner of Grange Avenue and Richmond Road</td>
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<td>Local</td>
<td></td>
</tr>
<tr>
<td>Marsden Park</td>
<td>Clydesdale House—farmers cottages and barn</td>
<td>Richmond Road Lot 2, DP 260476</td>
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<td>State</td>
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</tbody>
</table>

## Schedules 1–3 (Repealed)
Dictionary

(Clause 3)

Aboriginal object means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

Aboriginal place of heritage significance means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the Heritage Map, that is:

(a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or

(b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

acid sulfate soils means naturally occurring sediments and soils containing iron sulfides (principally pyrite) or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulfuric acid (for example, by drainage or excavation).

Acid Sulfate Soils Manual means the manual by that name published by the Acid Sulfate Soils Management Advisory Committee and made publicly available.

advertisement has the same meaning as in the Act.

Note. The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

advertising structure has the same meaning as in the Act.

Note. The term is defined as a structure used or to be used principally for the display of an advertisement.

affordable housing has the same meaning as in the Act.

Note. The term is defined as housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

agricultural produce industry means an industry involving the handling, treating, processing or packing of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.

agriculture means any of the following:

(a) animal boarding or training establishments,

(b) aquaculture,

(c) extensive agriculture,

(d) farm forestry,

(e) intensive livestock agriculture,

(f) intensive plant agriculture.

air transport facility means an airport or a heliport that is not part of an airport, and includes associated communication and air traffic control facilities or structures.

airport means a place used for the landing, taking off, parking, maintenance or repair of aeroplanes (including associated buildings, installations, facilities and movement areas and any heliport that is part of the airport).
airstrip means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad.

**Alex Avenue Precinct** means the land shown within the Alex Avenue Precinct on the State Environmental Planning Policy (Sydney Region Growth Centres) 2006—North West Growth Centre Precinct Boundary Map.

amusement centre means a building or place (not being part of a pub or registered club) used principally for playing:
(a) billiards, pool or other like games, or
(b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.

animal boarding or training establishment means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

aquaculture has the same meaning as in the *Fisheries Management Act 1994*.

Note. The term is defined as follows:
aquaculture means:
(a) cultivating fish or marine vegetation for the purposes of harvesting the fish or marine vegetation or their progeny with a view to sale, or
(b) keeping fish or marine vegetation in a confined area for a commercial purpose (such as a fish-out pond),
but does not include:
(c) keeping anything in a pet shop for sale or in an aquarium for exhibition (including an aquarium operated commercially), or
(d) anything done for the purposes of maintaining a collection of fish or marine vegetation otherwise than for a commercial purpose, or
(e) any other thing prescribed by the regulations (made under the *Fisheries Management Act 1994*).

This Dictionary also contains definitions of natural water-based aquaculture, pond-based aquaculture and tank-based aquaculture.

archaeological site means an area of land:
(a) shown on the Heritage Map as an archaeological site, and
(b) the location and nature of which is described in a schedule to a Precinct Plan, and
(c) that contains one or more relics.

Area 20 Precinct means the land shown within the Area 20 Precinct on the North West Growth Centre Precinct Boundary Map.

attached dwelling means a building containing 3 or more dwellings, where:
(a) each dwelling is attached to another dwelling by a common wall, and
(b) each of the dwellings is on its own lot of land (not being an individual lot in a strata plan or community title scheme), and
(c) none of the dwellings is located above any part of another dwelling.

attic means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

Austral Precinct means the land shown within the Austral Precinct on the South West Growth Centre Precinct Boundary Map.

backpackers’ accommodation means tourist and visitor accommodation:
(a) that has shared facilities, such as a communal bathroom, kitchen or laundry, and
(b) that will generally provide accommodation on a bed basis (rather than by room).
basement means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

bed and breakfast accommodation means tourist and visitor accommodation comprising a dwelling (and any ancillary buildings and parking) where the accommodation is provided by the permanent residents of the dwelling and:

(a) meals are provided for guests only, and
(b) cooking facilities for the preparation of meals are not provided within guests’ rooms, and
(c) dormitory-style accommodation is not provided.

Note. For controls relating to the number of bedrooms, see the following:

(a) clause 5.4 of Appendix 1 in respect of Oran Park and Turner Road Precincts,
(b) clause 5.4 of Appendix 2 in respect of North Kellyville Precinct,
(c) clause 5.4 of Appendix 3 in respect of Riverstone West Precinct,
(d) clause 5.4 of Appendix 4 in respect of Alex Avenue and Riverstone Precincts,
(e) clause 5.4 of Appendix 5 in respect of Marsden Park Industrial Precinct,
(f) clause 5.4 of Appendix 6 in respect of Area 20 Precinct,
(g) clause 5.4 of Appendix 7 in respect of Schofields Precinct,
(h) clause 5.4 of Appendix 8 in respect of land to which the Liverpool Growth Centres Precinct Plan applies,
(i) clause 5.4 of Appendix 9 in respect of land to which the Camden Growth Centres Precinct Plan applies,
(j) clause 5.4 of Appendix 10 in respect of land to which the Campbelltown Growth Centres Precinct Plan applies,
(k) clause 5.4 of Appendix 11 in respect of the Box Hill and Box Hill Industrial Precincts,
(l) clause 5.4 of Appendix 12 in respect of land to which the Blacktown Growth Centres Precinct Plan applies.

biodiversity means biological diversity.

biodiversity has the same meaning as in the Threatened Species Conservation Act 1995.

Note. The term is defined as follows:

biological diversity means the diversity of life and is made up of the following 3 components:

(a) genetic diversity—the variety of genes (or units of heredity) in any population,
(b) species diversity—the variety of species,
(c) ecosystem diversity—the variety of communities or ecosystems.

biosolid waste application means the application of sludge or other semi-solid products of human sewage treatment plants to land for the purpose of improving land productivity, that is undertaken in accordance with the NSW Environment Protection Authority’s guidelines titled Environmental Guidelines: Use and Disposal of Biosolids Products (EPA 1997) and Addendum to Environmental Guidelines: Use and Disposal of Biosolids Products (EPA 2000a).

biosolids treatment facility means a building or place used as a facility for the treatment of biosolids from a sewage treatment plant or from a water recycling facility.

boarding house means a building:

(a) that is wholly or partly let in lodgings, and
(b) that provides lodgers with a principal place of residence for 3 months or more, and
(c) that may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
(d) that has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

but does not include backpackers’ accommodation, a group home, a serviced apartment, seniors housing or hotel or motel accommodation.
**boat launching ramp** means a structure designed primarily for the launching of trailer borne recreational vessels, and includes associated car parking facilities.

**boat repair facility** means any facility (including a building or other structure) used primarily for the construction, maintenance or repair of boats, whether or not including the storage, sale or hire of boats, but does not include a marina or boat shed.

**boat shed** means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.

**Box Hill Industrial Precinct** means the land shown within the Box Hill Industrial Precinct on the North West Growth Centre Precinct Boundary Map.

**Box Hill Precinct** means the land shown within the Box Hill Precinct on the North West Growth Centre Precinct Boundary Map.

**brothel** has the same meaning as in the Act.

**building** has the same meaning as in the Act.

**Note.** The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure).

**building height** (or **height of building**), means the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

**building identification sign** means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol, but that does not include general advertising of products, goods or services.

**building line** or **setback** means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

(a) a building wall, or

(b) the outside face of any balcony, deck or the like, or

(c) the supporting posts of a carport or verandah roof,

whichever distance is the shortest.

**bulky goods premises** means a building or place used primarily for the sale by retail, wholesale or auction of (or for the hire or display of) bulky goods, being goods that are of such size or weight as to require:

(a) a large area for handling, display or storage, or

(b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

**bush fire hazard reduction work** has the same meaning as in the **Rural Fires Act 1997**.

**Note.** The term is defined as follows:

**bush fire hazard reduction work** means:

(a) the establishment or maintenance of fire breaks on land, and

(b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,

but does not include construction of a track, trail or road.

**bush fire prone land** has the same meaning as in the Act.

**Note.** The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 146 (2) of the Act.
**bush fire risk management plan** means a plan prepared under Division 4 of Part 3 of the *Rural Fires Act 1997* for the purpose referred to in section 54 of that Act.

**business identification sign** means a sign:

(a) that indicates:

(i) the name of the person or business, and

(ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and

(b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not include any advertising relating to a person who does not carry on business at the premises or place.

**business premises** means a building or place at or on which:

(a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or

(b) a service is provided directly to members of the public on a regular basis,

and may include, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, medical centres, betting agencies and the like, but does not include sex services premises.

**canal estate development** means development that incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are constructed by or with the authority of a person or body responsible for those functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and that either:

(a) includes the construction of dwellings (which may include tourist and visitor accommodation) of a kind other than, or in addition to:

(i) dwellings that are permitted on rural land, and

(ii) dwellings that are used for caretaker or staff purposes, or

(b) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

**car park** means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

**caravan park** means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

**catchment action plan** has the same meaning as in the *Catchment Management Authorities Act 2003*.

**Catherine Fields Precinct** means the land shown within the Catherine Fields Precinct on the South West Growth Centre Precinct Boundary Map.

**cellar door premises** means retail premises that sell wine by retail and that are situated on land on which there is a commercial vineyard, where all of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

**cemetery** means a building or place for the interment of deceased persons or their ashes.

**charter and tourism boating facility** means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but does not include a marina.
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 building or place used for home-based child care, or
(d) an out-of-home care service provided by an agency or organisation accredited by 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:
   (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
   (ii) 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.

classified road has the same meaning as in the Roads Act 1993.
Note. The term is defined as follows:
classified road means any of the following:
(a) a main road,
(b) a highway,
(c) a freeway,
(d) a controlled access road,
(e) a secondary road,
(f) a tourist road,
(g) a tollway,
(h) a transitway,
(i) a State work.
(see Roads Act 1993 for meanings of these terms).
clearing native vegetation has the same meaning as in the Native Vegetation Act 2003.
Note. The term is defined as follows:
clearing native vegetation means any one or more of the following:
(a) cutting down, felling, thinning, logging or removing native vegetation,
(b) killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation.
(See Division 3 of Part 3 of the Native Vegetation Act 2003 for the exclusion of routine agricultural management and other farming activities from constituting the clearing of native vegetation if the landholder can establish that any clearing was carried out for the purpose of those activities.)
coastal foreshore means land with frontage to a beach, estuary, coastal lake, headland, cliff or rock platform.
coastal lake means a body of water specified in Schedule 1 to the State Environmental Planning Policy No 71—Coastal Protection.

coastal waters of the State—see section 58 of the Interpretation Act 1987.

coastal zone has the same meaning as in the Coastal Protection Act 1979.

Note. The term is defined as follows:

coastal zone means:

(a) the area within the coastal waters of the State as defined in Part 10 of the Interpretation Act 1987 (including any land within those waters), and

(b) the area of land and the waters that lie between the western boundary of the coastal zone (as shown on the maps outlining the coastal zone) and the landward boundary of the coastal waters of the State, and

(c) the seabed (if any) and the subsoil beneath, and the airspace above, the areas referred to in paragraphs (a) and (b).

The coastal zone consists of the area between the western boundary of the coastal zone shown on the maps outlining the coastal zone and the outermost boundary of the coastal waters of the State. The coastal waters of the State extend, generally, to 3 nautical miles from the coastline of the State.

commercial port facility means a facility (including any building or other structure) used in connection with the carrying of goods or persons by water from one port to another for business or commercial purposes, being a facility having a direct structural connection between the foreshore and the waterway.

community facility means a building or place:

(a) owned or controlled by a public authority or non-profit community organisation, and

(b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

community land has the same meaning as in the Local Government Act 1993.

correctional centre means:

(a) any premises declared to be a correctional centre by a proclamation in force under section 225 of the Crimes (Administration of Sentences) Act 1999, including any juvenile correctional centre or periodic detention centre, and

(b) any premises declared to be a detention centre by an order in force under section 5 (1) of the Children (Detention Centres) Act 1987,

but does not include any police station or court cell complex in which a person is held in custody in accordance with any Act.

Council, in relation to land to which this Policy applies, means the Council for the local government area in which the land is situated.

crematorium means a building in which deceased persons or pets are cremated, and includes a funeral chapel.

Crown reserve means:

(a) a reserve within the meaning of Part 5 of the Crown Lands Act 1989, or

(b) a common within the meaning of the Commons Management Act 1989, or

(c) lands within the meaning of the Trustees of Schools of Arts Enabling Act 1902,

but does not include land that forms any part of a reserve under Part 5 of the Crown Lands Act 1989 provided for accommodation.

curtilage, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance.
dairy (pasture-based) means a dairy where the only restriction facilities present are the milking sheds and holding yards and where cattle are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

demolish, in relation to a heritage item, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item or the building, work, relic or tree.

depot means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use.

drainage means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

dual occupancy means 2 dwellings (whether attached or detached) on one lot of land (not being an individual lot in a strata plan or community title scheme), but does not include a secondary dwelling.

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

dwelling house means a building containing only one dwelling.

earthworks means excavation or filling.

East Leppington Precinct means the land shown within the East Leppington Precinct on the South West Growth Centre Precinct Boundary Map.

ecologically sustainable development has the same meaning as in the Act.

educational establishment means a building or place used for education (including teaching), being:

(a) a school, or

(b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

electricity generating works means a building or place used for the purpose of making or generating electricity.

emergency services facility means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

emergency services organisation means any of the following:

(a) the Ambulance Service of New South Wales,

(b) New South Wales Fire Brigades,

(c) the NSW Rural Fire Service,

(d) the NSW Police Force,

(e) the State Emergency Service,

(f) the New South Wales Volunteer Rescue Association Incorporated,

(g) the New South Wales Mines Rescue Brigade established under the Coal Industry Act 2001,

(h) an accredited rescue unit within the meaning of the State Emergency and Rescue Management Act 1989.

entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

environmental facility means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

environmental protection works means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush
regeneration works, wetland protection works, erosion protection works, dune restoration works
and the like.

**estuary** has the same meaning as in the *Water Management Act 2000*.

**Note.** The term is defined as follows:

**estuary** means:

(a) any part of a river whose level is periodically or intermittently affected by coastal tides, or
(b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea,
or
(c) anything declared by the regulations (under the *Water Management Act 2000*) to be an estuary,

but does not include anything declared by the regulations (under the *Water Management Act 2000*) not to be an estuary.

**excavation** means the removal of soil or rock, whether moved to another part of the same site or
to another site, but does not include garden landscaping that does not significantly alter the shape,
natural form or drainage of the land.

**exhibition home** means a dwelling built for the purposes of the public exhibition and marketing
of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for
those purposes is completed, and includes any associated sales or home finance office or place
used for displays.

**exhibition village** means 2 or more exhibition homes and associated buildings and places used for
house and land sales, site offices, advisory services, car parking, food and drink sales and other
associated purposes.

**extensive agriculture** means:

(a) the production of crops or fodder (including irrigated pasture and fodder crops), or
(b) the grazing of livestock, or
(c) bee keeping,

for commercial purposes, but does not include any of the following:

(d) animal boarding or training establishments,
(e) aquaculture,
(f) farm forestry,
(g) intensive livestock agriculture,
(h) intensive plant agriculture.

**extractive industry** means the winning or removal of extractive materials (otherwise than from a
mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing,
stockpiling or processing of extractive materials by methods such as recycling, washing, crushing,
sawing or separating, but does not include turf farming.

**extractive material** means sand, soil, gravel, rock or similar substances that are not minerals
within the meaning of the *Mining Act 1992*.

**farm building** means a structure the use of which is ancillary to an agricultural use of the
landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed,
shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

**farm stay accommodation** means tourist and visitor accommodation provided to paying guests on
a working farm as a secondary business to primary production.

**Note.** For controls relating to the number of bedrooms, see the following:

(a) clause 5.4 of Appendix 1 in respect of Oran Park and Turner Road Precincts,
(b) clause 5.4 of Appendix 2 in respect of North Kellyville Precinct,
(c) clause 5.4 of Appendix 3 in respect of Riverstone West Precinct,
(d) clause 5.4 of Appendix 4 in respect of Alex Avenue and Riverstone Precincts,
(e) clause 5.4 of Appendix 5 in respect of Marsden Park Industrial Precinct,
(f) clause 5.4 of Appendix 6 in respect of Area 20 Precinct,
(g) clause 5.4 of Appendix 7 in respect of Schofields Precinct,
(h) clause 5.4 of Appendix 8 in respect of land to which the Liverpool Growth Centres Precinct Plan applies,
(i) clause 5.4 of Appendix 9 in respect of land to which the Camden Growth Centres Precinct Plan applies,
(j) clause 5.4 of Appendix 10 in respect of land to which the Campbelltown Growth Centres Precinct Plan applies,
(k) clause 5.4 of Appendix 11 in respect of the Box Hill and Box Hill Industrial Precincts,
(l) clause 5.4 of Appendix 12 in respect of land to which the Blacktown Growth Centres Precinct Plan applies.

feedlot means a confined or restricted area used to rear and fatten cattle, sheep or other animals for the purpose of meat production, fed (wholly or substantially) on prepared and manufactured feed, but does not include a poultry farm, dairy or piggery.

fill means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include:
(a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or
(b) the use of land as a waste disposal facility.

filming means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means), but does not include:
(a) still photography, or
(b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or
(c) recording images as a visitor or tourist for non-commercial purposes, or
(d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

fish has the same meaning as in the Fisheries Management Act 1994.

Note. The term is defined as follows:

Definition of “fish”
(1) Fish means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).

(2) Fish includes:
(a) oysters and other aquatic molluscs, and
(b) crustaceans, and
(c) echinoderms, and
(d) beachworms and other aquatic polychaetes.

(3) Fish also includes any part of a fish.

(4) However, fish does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the Fisheries Management Act 1994.

flood mitigation work means work designed and constructed for the express purpose of mitigating flood impacts. It involves changing the characteristics of flood behaviour to alter the level, location, volume, speed or timing of flood waters to mitigate flood impacts. Types of works may include excavation, construction or enlargement of any fill, wall, or levee that will alter riverine flood behaviour, local overland flooding, or tidal action so as to mitigate flood impacts.

flood prone and major creeks land means the land in a growth centre precinct shown as flood prone and major creeks land and coloured blue on the North West Growth Centre Development Control Map or on the South West Growth Centre Development Control Map.

Note. The maps are based on information provided by relevant local councils and State agencies. The extent of flooding on the land shown as flood prone and major creeks is an estimate only. Inquiries should be made
with relevant local councils to determine the extent of flood affectation. The extent of flooding is subject to review in the precinct planning process relating to the land concerned.

*floor space ratio*—see clause 4.5 of Appendix 2.

**Floor Space Ratio Map** means the following:

(a) in relation to a precinct in the North West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 North West Growth Centre Floor Space Ratio Map,

(b) in relation to a precinct in the South West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 South West Growth Centre Floor Space Ratio Map.

*food and drink premises* means retail premises used for the preparation and retail sale of food or drink for immediate consumption on or off the premises, and includes restaurants, cafes, take away food and drink premises, milk bars and pubs.

*forestry* has the same meaning as *forestry operations* in the *Forestry and National Park Estate Act 1998*.

**Note.** The term is defined as follows:

*forestry operations* means:

(a) logging operations, namely, the cutting and removal of timber from land for the purpose of timber production, or

(b) forest products operations, namely, the harvesting of products of trees, shrubs and other vegetation (other than timber) that are of economic value, or

(c) on-going forest management operations, namely, activities relating to the management of land for timber production such as thinning, bush fire hazard reduction, bee-keeping, grazing and other silvicultural activities, or

(d) ancillary road construction, namely, the provision of roads and fire trails, and the maintenance of existing railways, to enable or assist in the above operations.

**freight transport facility** means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.

*function centre* means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

*funeral chapel* means premises used to arrange, conduct and cater for funerals and memorial services, and includes facilities for the short-term storage, dressing and viewing of bodies of deceased persons, but does not include premises with mortuary facilities.

*funeral home* means premises used to arrange and conduct funerals and memorial services, and includes facilities for the short-term storage, dressing and viewing of bodies of deceased persons and premises with mortuary facilities.

*garden centre* means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may, if ancillary to the principal purpose for which the building or place is used, include a restaurant or cafe and the sale of any of the following:

(a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,

(b) pets and pet supplies,

(c) fresh produce.

**gross floor area** means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

(a) the area of a mezzanine, and
(b) habitable rooms in a basement or an attic, and
(c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes:
(d) any area for common vertical circulation, such as lifts and stairs, and
(e) any basement:
   (i) storage, and
   (ii) vehicular access, loading areas, garbage and services, and
(f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
(g) car parking to meet any requirements of the consent authority (including access to that car parking), and
(h) any space used for the loading or unloading of goods (including access to it), and
(i) terraces and balconies with outer walls less than 1.4 metres high, and
(j) voids above a floor at the level of a storey or storey above.

**ground level (existing)** means the existing level of a site at any point.

**ground level (finished)** means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

**ground level (mean)** means, for any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building.

**group home** means a dwelling that is a permanent group home or a transitional group home.

**group home (permanent) or permanent group home** means a dwelling:
(a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
(b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies.

**group home (transitional) or transitional group home** means a dwelling:
(a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
(b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

but does not include development to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies.

**growth centre**—see clause 3 of this Policy.

**growth centre precinct**—see clause 3 of this Policy.

**growth centre structure plan**—see clause 3 of this Policy.

**hardware and building supplies** means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.
**hazardous industry** means development for the purpose of an industry that, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), would pose a significant risk in the locality:

(a) to human health, life or property, or
(b) to the biophysical environment.

**hazardous storage establishment** means any establishment where goods, materials or products are stored that, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), would pose a significant risk in the locality:

(a) to human health, life or property, or
(b) to the biophysical environment.

**headland** includes a promontory extending from the general line of the coastline into a large body of water, such as a sea, coastal lake or bay.

**health care professional** means any person registered under an Act for the purpose of providing health care.

**health consulting rooms** means a medical centre that comprises one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals who practise in partnership (if there is more than one such professional) who provide professional health care services to members of the public.

**health services facility** means a building or place used as a facility to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes the following:

(a) day surgeries and medical centres,
(b) community health service facilities,
(c) health consulting rooms,
(d) facilities for the transport of patients, including helipads and ambulance facilities,
(e) hospitals.

**heavy industry** means an industry that requires separation from other land uses because of the nature of the processes involved, or the materials used, stored or produced. It may consist of or include a hazardous or offensive industry or involve the use of a hazardous or offensive storage establishment.

**Height of Buildings Map** means the following:

(a) in relation to a precinct in the North West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 North West Growth Centre Height of Buildings Map,
(b) in relation to a precinct in the South West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 South West Growth Centre Height of Buildings Map.

**helipad** means a place not open to the public used for the taking off and landing of helicopters.

**heliport** means a place open to the public used for the taking off and landing of helicopters, whether or not it includes:

(a) a terminal building, or
(b) facilities for the parking, storage or repair of helicopters.

**heritage conservation area** means an area of land:
(a) shown on the Heritage Map as a heritage conservation area or as a place of Aboriginal heritage significance, and

(b) the location and nature of which is described in a schedule to a Precinct Plan, and includes any heritage items situated on or within that area.

**heritage conservation management plan** means a document prepared in accordance with guidelines prepared by the Department of Planning that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

**heritage impact statement** means a document consisting of:

(a) a statement demonstrating the heritage significance of a heritage item, archaeological site, place of Aboriginal heritage significance or other heritage conservation area, and

(b) an assessment of the impact that proposed development will have on that significance, and

(c) proposals for measures to minimise that impact.

**heritage item** means a building, work, archaeological site, tree, place or Aboriginal object:

(a) shown on the Heritage Map as a heritage item, and

(b) the location and nature of which is described in a schedule to a Precinct Plan, and

(c) specified in an inventory of heritage items that is available at the office of the Council.

**Heritage Map** means the following:

(a) in relation to a precinct in the North West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 North West Growth Centre Heritage Map,

(b) in relation to a precinct in the South West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 South West Growth Centre Heritage Map.

**heritage significance** means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

**highway service centre** means a building or place used as a facility to provide refreshments and vehicle services to highway users, and which may include any one or more of the following:

(a) restaurants or take away food and drink premises,

(b) service stations and facilities for emergency vehicle towing and repairs,

(c) parking for vehicles,

(d) rest areas and public amenities.

**home-based child care** means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and that satisfies the following conditions:

(a) the service is licensed within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*,

(b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

**home business** means a business carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

(a) the employment of more than 2 persons other than those residents, or

(b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or

(c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
(d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the business carried on in the dwelling), or

(c) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

Note. For controls relating to the floor area used to carry on the business, see the following:

(a) clause 5.4 of Appendix 1 in respect of Oran Park and Turner Road Precincts,
(b) clause 5.4 of Appendix 2 in respect of North Kellyville Precinct,
(c) clause 5.4 of Appendix 3 in respect of Riverstone West Precinct,
(d) clause 5.4 of Appendix 4 in respect of Alex Avenue and Riverstone Precincts,
(e) clause 5.4 of Appendix 5 in respect of Marsden Park Industrial Precinct,
(f) clause 5.4 of Appendix 6 in respect of Area 20 Precinct,
(g) clause 5.4 of Appendix 7 in respect of Schofields Precinct,
(h) clause 5.4 of Appendix 8 in respect of land to which the Liverpool Growth Centres Precinct Plan applies,
(i) clause 5.4 of Appendix 9 in respect of land to which the Camden Growth Centres Precinct Plan applies,
(j) clause 5.4 of Appendix 10 in respect of land to which the Campbelltown Growth Centres Precinct Plan applies,
(k) clause 5.4 of Appendix 11 in respect of the Box Hill and Box Hill Industrial Precincts,
(l) clause 5.4 of Appendix 12 in respect of land to which the Blacktown Growth Centres Precinct Plan applies.

**home industry** means a light industry carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

(a) the employment of more than 2 persons other than those residents, or

(b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or

(c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or

(d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the light industry carried on in the dwelling), or

(c) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation or sex services premises.

Note. For controls relating to the floor area used to carry on the home industry, see the following:

(a) clause 5.4 of Appendix 1 in respect of Oran Park and Turner Road Precincts,
(b) clause 5.4 of Appendix 2 in respect of North Kellyville Precinct,
(c) clause 5.4 of Appendix 3 in respect of Riverstone West Precinct,
(d) clause 5.4 of Appendix 4 in respect of Alex Avenue and Riverstone Precincts,
(e) clause 5.4 of Appendix 5 in respect of Marsden Park Industrial Precinct,
(f) clause 5.4 of Appendix 6 in respect of Area 20 Precinct,
(g) clause 5.4 of Appendix 7 in respect of Schofields Precinct,
(h) clause 5.4 of Appendix 8 in respect of land to which the Liverpool Growth Centres Precinct Plan applies,
(i) clause 5.4 of Appendix 9 in respect of land to which the Camden Growth Centres Precinct Plan applies,
(j) clause 5.4 of Appendix 10 in respect of land to which the Campbelltown Growth Centres Precinct Plan applies,

(k) clause 5.4 of Appendix 11 in respect of the Box Hill and Box Hill Industrial Precincts,

(l) clause 5.4 of Appendix 12 in respect of land to which the Blacktown Growth Centres Precinct Plan applies.

**home occupation** means an occupation carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

(a) the employment of persons other than those residents, or

(b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or

(c) the display of goods, whether in a window or otherwise, or

(d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the occupation carried on in the dwelling), or

(e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include bed and breakfast accommodation, a brothel or home occupation (sex services).

**home occupation (sex services)** means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve:

(a) the employment of persons other than those residents, or

(b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or

(c) the exhibition of any notice, advertisement or sign, or

(d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include a home business or sex services premises.

**horticulture** means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include retail sales or viticulture.

**hospital** means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:

(a) day surgery, day procedures or health consulting rooms,

(b) accommodation for nurses or other health care workers,

(c) accommodation for persons receiving health care or for their visitors,

(d) shops or refreshment rooms,

(e) transport of patients, including helipads, ambulance facilities and car parking,

(f) educational purposes or any other health-related use,

(g) research purposes (whether or not it is carried out by hospital staff or health care workers or for commercial purposes),

(h) chapels,

(i) hospices,

(j) mortuaries.
**hostel** means premises that are generally staffed by social workers or support providers and at which:
(a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
(b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

**hotel or motel accommodation** means tourist and visitor accommodation (whether or not licensed premises under the Liquor Act 2007):
(a) comprising rooms or self-contained suites, and
(b) that may provide meals to guests or the general public and facilities for the parking of guests’ vehicles,
but does not include backpackers’ accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

**industrial retail outlet** means a building or place that:
(a) is used in conjunction with an industry (including a light industry) but not in conjunction with a warehouse or distribution centre, and
(b) is situated on the land on which the industry is carried out, and
(c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry is carried out.

**industry** means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing or adapting, or the research and development of any goods, chemical substances, food, agricultural or beverage products, or articles for commercial purposes, but does not include extractive industry or a mine.

**information and education facility** means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

**intensive livestock agriculture** means the keeping or breeding, for commercial purposes, of cattle, poultry, goats, horses or other livestock, that are fed wholly or substantially on externally-sourced feed, and includes the operation of feed lots, piggeries, poultry farms or restricted dairies, but does not include the operation of facilities for drought or similar emergency relief or extensive agriculture or aquaculture.

**intensive plant agriculture** means any of the following carried out for commercial purposes:
(a) the cultivation of irrigated crops (other than irrigated pasture or fodder crops),
(b) horticulture,
(c) turf farming,
(d) viticulture.

**jetty** means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

**kiosk** means retail premises used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

**Note.** For controls relating to the gross floor area, see the following:

(a) clause 5.4 of Appendix 1 in respect of Oran Park and Turner Road Precincts,
(b) clause 5.4 of Appendix 2 in respect of North Kellyville Precinct,
(c) clause 5.4 of Appendix 3 in respect of Riverstone West Precinct,
(d) clause 5.4 of Appendix 4 in respect of Alex Avenue and Riverstone Precincts,
(e) clause 5.4 of Appendix 5 in respect of Marsden Park Industrial Precinct,
(f) clause 5.4 of Appendix 6 in respect of Area 20 Precinct,
(g) clause 5.4 of Appendix 7 in respect of Schofields Precinct,
(h) clause 5.4 of Appendix 8 in respect of land to which the Liverpool Growth Centres Precinct Plan applies,
(i) clause 5.4 of Appendix 9 in respect of land to which the Camden Growth Centres Precinct Plan applies,
(j) clause 5.4 of Appendix 10 in respect of land to which the Campbelltown Growth Centres Precinct Plan applies,
(k) clause 5.4 of Appendix 11 in respect of the Box Hill and Box Hill Industrial Precincts,
(l) clause 5.4 of Appendix 12 in respect of land to which the Blacktown Growth Centres Precinct Plan applies.

**Land Application Map** means the following:

(a) in relation to a precinct in the North West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 North West Growth Centre Land Application Map,
(b) in relation to a precinct in the South West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 South West Growth Centre Land Application Map.

**Land Reservation Acquisition Map** means the following:

(a) in relation to a precinct in the North West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 North West Growth Centre Land Reservation Acquisition Map,
(b) in relation to a precinct in the South West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 South West Growth Centre Land Reservation Acquisition Map.

**Land Zoning Map** means the following:

(a) in relation to a precinct in the North West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 North West Growth Centre Land Zoning Map,
(b) in relation to a precinct in the South West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 South West Growth Centre Land Zoning Map.

**landscape and garden supplies** means a building or place where trees, shrubs, plants, bulbs, seeds and propagating material are offered for sale (whether by retail or wholesale), and may include the sale of landscape supplies (including earth products or other landscape and horticulture products) and the carrying out of horticulture.
**landscaped area** means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

**landscaping material supplies** means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

**Leppington North Precinct** means the land shown within the Leppington North Precinct on the South West Growth Centre Precinct Boundary Map.

**light industry** means an industry, not being a hazardous or offensive industry or involving use of a hazardous or offensive storage establishment, 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 or oil, or otherwise.

**liquid fuel depot** means storage premises that are used for the bulk storage for wholesale distribution of petrol, oil, petroleum or other inflammable liquid and at which no retail trade is conducted.

**livestock processing industry** means an industry that involves the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals, derived principally from surrounding districts, and includes such activities as abattoirs, knackeries, tanneries, woolscours and rendering plants.

**Lot Size Map** means the following:

(a) in relation to a precinct in the North West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 North West Growth Centre Lot Size Map,

(b) in relation to a precinct in the South West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 South West Growth Centre Lot Size Map.

**maintenance**, in relation to a heritage item or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care. It does not include the removal or disturbance of existing fabric, alterations, such as carrying out extensions or additions, or the introduction of new materials or technology.

**marina** means a permanent boat storage facility (whether located wholly on land, wholly on the waterway or partly on land and partly on the waterway) together with any associated facilities, including:

(a) any facility for the construction, repair, maintenance, storage, sale or hire of boats, and

(b) any facility for providing fuelling, sewage pump-out or other services for boats, and

(c) any facility for launching or landing boats, such as slipways or hoists, and

(d) any associated car parking, commercial, tourist or recreational or club facility that is ancillary to a boat storage facility, and

(e) any associated single mooring.

**market** means retail premises comprising an open-air area or an existing building used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

**Marsden Park Industrial Precinct** means the land shown within the Marsden Park Industrial Precinct on the North West Growth Centre Precinct Boundary Map.

**Marsden Park Precinct** means the land shown within the Marsden Park Precinct on the North West Growth Centre Precinct Boundary Map.

**materials recycling or recovery centre** means a building or place used for the recycling or recovery of resource materials (excluding sludge-like material) from waste materials, and that involves separating and sorting, processing (such as baling, crushing, shredding and composting), transferring and the sale of recycled or recovered material, but that does not involve the re-manufacture, chemical manufacture or incineration of the material.
**mean high water mark** means the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

**medical centre** means business premises used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals, and may include the ancillary provision of other health services.

**mezzanine** means an intermediate floor within a room.

**mine** means any place (including any excavation) where an operation is carried on for mining of any mineral by any method and any place on which any mining related work is carried out, but does not include a place used only for extractive industry.

**mine subsidence district** means a mine subsidence district proclaimed under section 15 of the *Mine Subsidence Compensation Act 1961*.

**mining** means mining carried out under the *Mining Act 1992* or the recovery of minerals under the *Offshore Minerals Act 1999*, and includes:

(a) the construction, operation and decommissioning of associated works, and

(b) the rehabilitation of land affected by mining.

**mixed use development** means a building or place comprising 2 or more different land uses.

**mooring** means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel.

**mortuary** means premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation.

**moveable dwelling** has the same meaning as in the *Local Government Act 1993*.

**multi dwelling housing** means 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.

**native fauna** means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans.

**native flora** means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the *Fisheries Management Act 1994*.

**native vegetation** has the same meaning as in the *Native Vegetation Act 2003*.

**Meaning of “native vegetation”**

(1) **Native vegetation** means any of the following types of indigenous vegetation:

(a) trees (including any sapling or shrub, or any scrub),

(b) understorey plants,

(c) groundcover (being any type of herbaceous vegetation),

(d) plants occurring in a wetland.

(2) Vegetation is *indigenous* if it is of a species of vegetation, or if it comprises species of vegetation, that existed in the State before European settlement.

(3) **Native vegetation** does not include any mangroves, seagrasses or any other type of marine vegetation to which section 205 of the *Fisheries Management Act 1994* applies.
Native Vegetation Protection Map means the following:

(a) in relation to a precinct in the North West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 North West Growth Centre Native Vegetation Protection Map,

(b) in relation to a precinct in the South West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 South West Growth Centre Native Vegetation Protection Map.

natural water-based aquaculture means aquaculture undertaken in natural waterbodies (including any part of the aquaculture undertaken in tanks, ponds or other facilities such as during hatchery or depuration phases).

Note. Typical natural water-based aquaculture is fin fish culture in cages and oyster, mussel or scallop culture on or in racks, lines or cages.

navigable waterway means any waterway that is from time to time capable of navigation and is open to or used by the public for navigation, but does not include flood waters that have temporarily flowed over the established bank of a watercourse.

neighbourhood shop means retail premises used for the purposes of selling small daily convenience goods such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.

Note. For controls relating to the retail floor area, see the following:

(a) clause 5.4 of Appendix 1 in respect of Oran Park and Turner Road Precincts,
(b) clause 5.4 of Appendix 2 in respect of North Kellyville Precinct,
(c) clause 5.4 of Appendix 3 in respect of Riverstone West Precinct,
(d) clause 5.4 of Appendix 4 in respect of Alex Avenue and Riverstone Precincts,
(e) clause 5.4 of Appendix 5 in respect of Marsden Park Industrial Precinct,
(f) clause 5.4 of Appendix 6 in respect of Area 20 Precinct,
(g) clause 5.4 of Appendix 7 in respect of Schofields Precinct,
(h) clause 5.4 of Appendix 8 in respect of land to which the Liverpool Growth Centres Precinct Plan applies,
(i) clause 5.4 of Appendix 9 in respect of land to which the Camden Growth Centres Precinct Plan applies,
(j) clause 5.4 of Appendix 10 in respect of land to which the Campbelltown Growth Centres Precinct Plan applies,
(k) clause 5.4 of Appendix 11 in respect of the Box Hill and Box Hill Industrial Precincts,
(l) clause 5.4 of Appendix 12 in respect of land to which the Blacktown Growth Centres Precinct Plan applies.

non-potable water means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

North Kellyville Precinct means the land shown within the North Kellyville Precinct on the North West Growth Centre Precinct Boundary Map.

North Kellyville Precinct Development Control Plan means the North Kellyville Development Control Plan as made by the Director-General on 28 November 2008.


North West Growth Centre Development Control Map means the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 North West Growth Centre Development Control Map.

North West Growth Centre Precinct Boundary Map means the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 North West Growth Centre Precinct Boundary Map.
**NSW Coastal Policy** means the publication titled *NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast*, published by the Government.

**offensive industry** means any development for the purpose of an industry that would, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

**offensive storage establishment** means any establishment where goods, materials or products are stored and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

**office premises** means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

**operational land** has the same meaning as in the *Local Government Act 1993*.

**Oran Park Precinct** means the land shown within the Oran Park Precinct on the South West Growth Centre Precinct Boundary Map.

**Oran Park Precinct Development Control Plan** means the *Oran Park Precinct Development Control Plan* made by the Director-General on 4 December 2007.

**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.

**passenger transport facility** means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

**place of Aboriginal heritage significance** means an area of land shown on the Heritage Map that is:

(a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It can (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or

(b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

**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.

**pond-based aquaculture** means aquaculture undertaken in structures that are constructed by excavating and reshaping earth, which may be earthen or lined, and includes any part of the aquaculture undertaken in tanks, such as during the hatchery or pre-market conditioning phases, but does not include natural water-based aquaculture.

**Note.** Typical pond-based aquaculture is the pond culture of prawns, yabbies or silver perch.

**port facilities** means any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the *Ports and Maritime Administration Act 1995*:

(a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
(b) facilities for the loading or unloading of freight onto or from vessels and associated receival, land transport and storage facilities,
(c) wharves for commercial fishing operations,
(d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
(e) sea walls or training walls,
(f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

**potable water** means water that meets the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

**precinct** means a growth centre precinct.

**Precinct Plan** means an Appendix to this Policy.

**private open space** means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

**property vegetation plan** has the same meaning as in the *Native Vegetation Act 2003*.

**Note.** The term is defined as follows:

**property vegetation plan** means a property vegetation plan that has been approved under Part 4 of the *Native Vegetation Act 2003*.

**pub** means licensed premises under the *Liquor Act 2007* the principal purpose of which is the sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

**public administration building** means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

**public authority** has the same meaning as in the Act.

**public entertainment** has the same meaning as in the Act.

**Note.** The term is defined as follows:

**public entertainment** means entertainment to which admission may ordinarily be gained by members of the public on payment of money or other consideration:

(a) whether or not some (but not all) persons are admitted free of charge, and
(b) whether or not the money or other consideration is demanded:
   (i) as a charge for a meal or other refreshment before admission is granted, or
   (ii) as a charge for the entertainment after admission is granted.

**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*.

**public utility undertaking** means any of the following undertakings carried on or permitted 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:

(a) railway, road transport, water transport, air transport, wharf or river undertakings,
(b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,
and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Government Department, corporation, firm or authority carrying on the undertaking.

rainwater tank means a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

recreation area means a place used for outdoor recreation that is normally open to the public, and includes:
(a) a children’s playground, or
(b) an area used for community sporting activities, or
(c) a public park, reserve or garden or the like,
and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

recreation facility (major) means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes sports stadiums, showgrounds, racecourses and motor racing tracks.

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

Reduced Level (RL) means height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

registered club has the same meaning as in the Registered Clubs Act 1976, whether or not entertainment is provided at the club.

relic means any deposit, object or other material evidence of human habitation:
(a) that relates to the settlement of the local government area in which a Precinct is located, not being Aboriginal settlement, and
(b) that is more than 50 years old, and
(c) that is a fixture or is wholly or partly within the ground.

remnant native vegetation has the same meaning as in the Native Vegetation Act 2003.

Note. The term is defined to mean any native vegetation other than regrowth.

research station means a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation.

residential accommodation means a building or place used predominantly as a place of residence, but does not include tourist and visitor accommodation.

residential care facility means accommodation for seniors (people aged 55 years or more) or people with a disability that includes:
(a) meals and cleaning services, and
(b) personal care or nursing care, or both, and
(c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care, not being a dwelling, hospital or psychiatric facility.

**Residential Density Map** means the following:

(a) in relation to a precinct in the North West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 North West Growth Centre Residential Density Map,

(b) in relation to a precinct in the South West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 South West Growth Centre Residential Density Map.

**residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

**resource recovery facility** means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

**respite day care centre** means a building or place that is used for the care of seniors or people who have a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.

**restaurant** means a building or place the principal purpose of which is the provision of food or beverages to people for consumption on the premises, whether or not take away meals and beverages or entertainment are also provided.

**restricted dairy** means a dairy (other than a dairy (pasture-based)) where restriction facilities are present in addition to milking sheds and holding yards, and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during periods of drought or similar emergency relief). A restricted dairy may comprise the whole or part of a restriction facility.

**restricted premises** means business premises or retail premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises but does not include hotel or motel accommodation, a pub, home occupation (sex services) or sex services premises.

**restriction facilities** means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

**retail premises** means a building or place used for the purpose of selling items by retail, or for hiring or displaying items for the purpose of selling them by retail or hiring them out, whether the items are goods or materials (or whether also sold by wholesale).

**Riparian Protection Area Map** means the following:

(a) in relation to a precinct in the North West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 North West Growth Centre Riparian Protection Area Map,

(b) in relation to a precinct in the South West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 South West Growth Centre Riparian Protection Area Map.

**Riverstone Precinct** means the land shown within the Riverstone Precinct on the State Environmental Planning Policy (Sydney Region Growth Centres) 2006—North West Growth Centre Precinct Boundary Map.

**Riverstone Scheduled Lands** means the land within the Riverstone Precinct shown as the Riverstone Scheduled Lands on the Land Zoning Map.
**Riverstone West Precinct** means the land shown within the Riverstone West Precinct on the North West Growth Centre Precinct Boundary Map.

**Riverstone West Precinct Development Control Plan** means the Riverstone West Precinct Development Control Plan approved by the Director-General on or before the commencement of Appendix 3.

**road** means a public road or a private road within the meaning of the *Roads Act 1993*, and includes a classified road.

**roadside stall** means a place or temporary structure used for retail selling of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

**Note.** For controls relating to the gross floor area, see the following:

(a) clause 5.4 of Appendix 1 in respect of Oran Park and Turner Road Precincts,
(b) clause 5.4 of Appendix 2 in respect of North Kellyville Precinct,
(c) clause 5.4 of Appendix 3 in respect of Riverstone West Precinct,
(d) clause 5.4 of Appendix 4 in respect of Alex Avenue and Riverstone Precincts,
(e) clause 5.4 of Appendix 5 in respect of Marsden Park Industrial Precinct,
(f) clause 5.4 of Appendix 6 in respect of Area 20 Precinct,
(g) clause 5.4 of Appendix 7 in respect of Schofields Precinct,
(h) clause 5.4 of Appendix 8 in respect of land to which the Liverpool Growth Centres Precinct Plan applies,
(i) clause 5.4 of Appendix 9 in respect of land to which the Camden Growth Centres Precinct Plan applies,
(j) clause 5.4 of Appendix 10 in respect of land to which the Campbelltown Growth Centres Precinct Plan applies,
(k) clause 5.4 of Appendix 11 in respect of the Box Hill and Box Hill Industrial Precincts,
(l) clause 5.4 of Appendix 12 in respect of land to which the Blacktown Growth Centres Precinct Plan applies.

**rural industry** means an industry that involves the handling, treating, production, processing or packing of animal or plant agricultural products, and includes:

(a) agricultural produce industry, or
(b) livestock processing industry, or
(c) use of composting facilities and works (including to produce mushroom substrate), or
(d) use of sawmill or log processing works, or
(e) use of stock and sale yards, or
(f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise, undertaken for commercial purposes.

**rural supplies** means a building or place used for the display, sale (whether by retail or wholesale) or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

**rural worker’s dwelling** means a dwelling, ancillary to a dwelling house on the same landholding, used as the principal place of residence by persons employed for the purpose of agriculture or a rural industry on that land.

**sawmill or log processing works** means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

**Schofields Precinct** means the land shown as the Schofields Precinct identified on the State Environmental Planning Policy (Sydney Region Growth Centres) 2006—North West Growth Centre Precinct Boundary Map.
school means a government school or non-government school within the meaning of the Education Act 1990.

secondary dwelling means a self-contained dwelling that:
(a) is established in conjunction with another dwelling (the principal dwelling), and
(b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and
(c) is located within, or is attached to, or is separate from, the principal dwelling.

Note. For controls relating to the total floor area, see the following:
(a) clause 5.4 of Appendix 2 in respect of North Kellyville Precinct,
(b) clause 5.4 of Appendix 3 in respect of Riverstone West Precinct,
(c) clause 5.4 of Appendix 4 in respect of Alex Avenue and Riverstone Precincts,
(d) clause 5.4 of Appendix 5 in respect of Marsden Park Industrial Precinct,
(e) clause 5.4 of Appendix 6 in respect of Area 20 Precinct,
(f) clause 5.4 of Appendix 8 in respect of land to which the Liverpool Growth Centres Precinct Plan applies,
(g) clause 5.4 of Appendix 9 in respect of land to which the Camden Growth Centres Precinct Plan applies,
(h) clause 5.4 of Appendix 10 in respect of land to which the Campbelltown Growth Centres Precinct Plan applies,
(i) clause 5.4 of Appendix 11 in respect of the Box Hill and Box Hill Industrial Precincts,
(j) clause 5.4 of Appendix 12 in respect of land to which the Blacktown Growth Centres Precinct Plan applies.

self-storage units means storage premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

semi-detached dwelling means a dwelling that is on its own lot of land (not being an individual lot in a strata plan or community title scheme) and is attached to only one other dwelling.

seniors housing means residential accommodation that consists of:
(a) a residential care facility, or
(b) a hostel, or
(c) a group of self-contained dwellings, or
(d) a combination of these,
and that is, or is intended to be, used permanently for:
(e) seniors or people who have a disability, or
(f) people who live in the same household with seniors or people who have a disability, or
(g) staff employed to assist in the administration of the residential accommodation or in the provision of services to persons living in the accommodation,
but does not include a hospital.

service station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:
(a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
(b) the cleaning of motor vehicles,
(c) installation of accessories,
(d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
(e) the ancillary retail selling or hiring of general merchandise or services or both.
serviced apartment means a building or part of a building providing self-contained tourist and visitor accommodation that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner’s or manager’s agents.

sewage reticulation system means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated:
(a) pipelines and tunnels, and
(b) pumping stations, and
(c) dosing facilities, and
(d) odour control works, and
(e) sewage overflow structures, and
(f) vent stacks.

sewage treatment plant means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

sewerage system means a biosolids treatment facility, sewage reticulation system, sewage treatment plant, water recycling facility, or any combination of these.

sex services means sexual acts or sexual services in exchange for payment.

sex services premises means a brothel, but does not include home occupation (sex services).

shop means retail premises that sell groceries, personal care products, clothing, music, homewares, stationery, electrical goods or other items of general merchandise, and may include a neighbourhood shop, but does not include food and drink premises or restricted premises.

shop top housing means one or more dwellings located above (or otherwise attached to) ground floor retail premises or business premises.

signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes:
(a) building identification signs, and
(b) business identification signs, and
(c) advertisements,
but does not include traffic signs or traffic control facilities.

site area means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

Note. The effect of this definition is varied by clause 4.5 for the purpose of the determination of permitted floor space area for proposed development.

site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:
(a) any basement,
(b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
(c) any eaves,
(d) unenclosed balconies, decks, pergolas and the like.

South West Growth Centre Development Control Map means the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 South West Growth Centre Development Control Map.
**South West Growth Centre Precinct Boundary Map** means the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 South West Growth Centre Precinct Boundary Map.

*spa pool* has the same meaning as in the *Swimming Pools Act 1992*.

**Note.** The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

*special area* means land shown as being in a special area on the Special Areas Map.

**Special Areas Map** means the following:

(a) in relation to a precinct in the North West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 North West Growth Centres Special Areas Map,

(b) in relation to a precinct in the South West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 South West Growth Centres Special Areas Map.

*stock and sale yard* means a building or place used on a commercial basis for the purpose of offering livestock or poultry for sale and may be used for the short-term storage and watering of stock.

*storage premises* means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any business premises or retail premises on the same parcel of land.

*storey* means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

(a) a space that contains only a lift shaft, stairway or meter room, or

(b) a mezzanine, or

(c) an attic.

*swimming pool* has the same meaning as in the *Swimming Pools Act 1992*.

**Note.** The term is defined as follows:

swimming pool means an excavation, structure or vessel:

(a) that is capable of being filled with water to a depth of 300 millimetres or more, and

(b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity, and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the *Swimming Pools Act 1992* not to be a swimming pool for the purposes of that Act.

*take away food and drink premises* means food and drink premises that are predominantly used for the preparation and sale of food or drink (or both) for immediate consumption away from the premises.

*tank-based aquaculture* means aquaculture utilising structures that are constructed from materials such as fibreglass, plastics, concrete, glass or metals, are usually situated either wholly or partly above ground, and may be contained within a purpose built farm or industrial style sheds or plastic covered hothouse to assist in controlling environmental factors.

*telecommunications facility* means:

(a) any part of the infrastructure of a telecommunications network, or

(b) any line, equipment, apparatus, tower, mast, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or to be used, in or in connection with a telecommunications network.

*telecommunications network* means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

*temporary structure* has the same meaning as in the Act.

**Note.** The term is defined as follows:
**temporary structure** includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

**the Act** means the Environmental Planning and Assessment Act 1979.

**timber and building supplies** means a building or place used for the display, sale (whether by retail or wholesale) or hire of goods or materials that are used in the construction and maintenance of buildings.

**tourist and visitor accommodation** means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes hotel or motel accommodation, serviced apartments, bed and breakfast accommodation and backpackers’ accommodation.

**transitional land**—see clause 3 of this Policy.

**transport depot** means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a passenger transport undertaking, business, industry or shop.

**truck depot** means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

**turf farming** means the commercial cultivation of turf for sale and the removal of turf for that purpose.

**Turner Road Precinct** means the land shown within the Turner Road Precinct on the South West Growth Centre Precinct Boundary Map.

**Turner Road Precinct Development Control Plan** means the Turner Road Precinct Development Control Plan made by the Director-General on 4 December 2007.

**utility installation** means a building, work or place used by a public utility undertaking, but does not include a building designed wholly or principally as administrative or business premises or as a showroom.

**vehicle body repair workshop** means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

**vehicle repair station** means a building or place used for the purpose of carrying out repairs or the selling of, and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop.

**vehicle sales or hire premises** means a building or place used for the display, sale (whether by retail or wholesale) or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

**veterinary hospital** means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

**viticulture** means the cultivation of grapes for commercial purposes for use in the production of fresh or dried fruit or wine.

**warehouse or distribution centre** means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

**waste disposal landfill facility** means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

**waste disposal landfill operation** means use of land for the purpose of disposing of industrial, trade or domestic waste on that land.

**waste disposal facility** means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour
control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

**waste management facility** means a facility used for the storage, treatment, purifying or disposal of waste, whether or not it is also used for the sorting, processing, recycling, recovering, use or reuse of material from that waste, and whether or not any such operations are carried out on a commercial basis. It may include but is not limited to:

(a) an extractive industry ancillary to, required for or associated with the preparation or remediation of the site for such storage, treatment, purifying or disposal, and

(b) eco-generating works ancillary to or associated with such storage, treatment, purifying or disposal.

**waste or resource management facility** means a waste or resource transfer station, a resource recovery facility or a waste disposal facility.

**waste or resource transfer station** means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

**water recreation structure** means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

**water recycling facility** means a building or place used for the treatment of sewage effluent, stormwater or waste water for use as an alternative supply to mains water, groundwater or river water (including, in particular, sewer mining works), whether the facility stands alone or is associated with other development, and includes associated:

(a) retention structures, and

(b) treatment works, and

(c) irrigation schemes.

**water reticulation system** means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure, dosing facilities and water supply reservoirs.

**water storage facility** means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

**water supply system** means a water reticulation system, water storage facility, water treatment facility, or any combination of these.

**water treatment facility** means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

**waterbody** means a waterbody (artificial) or waterbody (natural).

**waterbody (artificial) or artificial waterbody** means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

**waterbody (natural) or natural waterbody** means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

**watercourse** means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

**waterway** means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).
**wetland** means:

(a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or

(b) artificial wetland, including marshes, swamps, wet meadows, sedgelands or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

**wholesale supplies** means a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the *A New Tax System (Australian Business Number) Act 1999* of the Commonwealth.
Historical notes

The following abbreviations are used in the Historical notes:

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State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (418). GG No 95 of 28.7.2006, p 5951. Date of commencement, on gazettal. This Policy has been amended as follows:


2008 (155) State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Amendment No 2). GG No 61 of 30.5.2008, p 4073. Date of commencement, on gazettal.


2009 (91) State Environmental Planning Policy (Western Sydney Parklands) 2009. LW 6.3.2009. Date of commencement, on publication on LW.

(364) State Environmental Planning Policy (Affordable Rental Housing) 2009. LW 31.7.2009. Date of commencement of Sch 3.8, on publication on LW, cl 2 (1).

(392) State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (Riverstone West Precinct) 2009. LW 7.8.2009. Date of commencement, on publication on LW, cl 2.

2010 (117) State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (Miscellaneous) 2010. LW 1.4.2010. Date of commencement, on publication on LW, cl 2.

(173) State Environmental Planning Policy Amendment (Capital Investment Value) 2010. LW 7.5.2010. Date of commencement, on publication on LW, cl 2.
(192) State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (Alex Avenue and Riverstone Precincts) 2010. LW 17.5.2010.
Date of commencement, on publication on LW, cl 2.

Date of commencement of Sch 2.89, 9.7.2010, sec 2 (2).

(635) State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (Marsden Park Industrial Precinct) 2010. LW 18.11.2010.
Date of commencement, on publication on LW, cl 2.

Date of commencement, on publication on LW, cl 2.

Date of commencement, on publication on LW, cl 2.

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Date of commencement, on publication on LW, cl 2.

(189) State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (Schofields Precinct) 2012. LW 11.5.2012.
Date of commencement, on publication on LW, cl 2.

Date of commencement of Sch 2.37, 6.7.2012, sec 2 (1).

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2013 (44) Camden Local Environmental Plan Amendment (Sydney Region Growth Centres—Oran Park and Turner Road Precincts) 2013. LW 8.2.2013.
Date of commencement, on publication on LW, cl 2.

(97) State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (Schofields Precinct) 2013. LW 8.3.2013.
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(119) State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (East Leppington Precinct) 2013. LW 15.3.2013.
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(137) State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (The Hills Growth Centre Precincts) 2013. LW 5.4.2013.
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Appendix 9 Ins 2013 (119), Sch 1 [7]. Am 2013 (211), Sch 1 [14]–[17]; 2013 (706), Sch 2.16 [51]–[55].
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