

1993—No. 496

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
SYDNEY REGIONAL ENVIRONMENTAL PLAN No. 24—
HOMEBUSH BAY AREA**

NEW SOUTH WALES



[Published in Gazette No. 104 of 24 September 1993]

I, the Minister for Planning, in pursuance of section 51 of the Environmental Planning and Assessment Act 1979, make the regional environmental plan set out hereunder.

ROBERT WEBSTER
Minister for Planning.

Sydney, 22 September, 1993.

PART 1—PRELIMINARY

Title

1. This plan is called Sydney Regional Environmental Plan No. 24—Homebush Bay Area.

Land to which plan applies

2. (1) This plan applies to the land within the Sydney Region at Homebush Bay which is shown edged heavy black on the Homebush Bay Area Map and which is referred to in this plan as the Homebush Bay Area.

(2) This plan also applies to the following land:

- (a) land on which land/water interface development is or is proposed to be carried out in the Parramatta River, being land adjoining or adjacent to the northern boundary of the Homebush Bay Area; and

- (b) land on which remediation of land is or is proposed to be carried out in Homebush Bay, being land adjoining or adjacent to the eastern boundary of the Homebush Bay Area.

Aims of this plan

3. The aims of this plan are:

- (a) to define objectives for the Homebush Bay Area which encourage co-ordinated and environmentally sensitive development of the Homebush Bay Area; and
- (b) to guide and co-ordinate the development of the Homebush Bay Area; and
- (c) to replace planning instruments previously applying to the Homebush Bay Area with a simplified planning framework; and
- (d) to provide flexible development controls by allowing a wide mix of uses in the Homebush Bay Area; and
- (e) to provide for the preparation of detailed planning controls to complement the flexible controls in this plan; and
- (f) to facilitate development proposed by the Homebush Bay Development Corporation in its structure plan and guidelines for development; and
- (g) to provide for public consultation in the planning and development of the Homebush Bay Area.

Relationship to other planning instruments

4. (1) This plan prevails to the extent of any inconsistency between this plan and any other environmental planning instrument which applies to land to which this plan applies, except State Environmental Planning Policy No. 4—Development Without Consent. It does not matter whether the other instrument was made before, or is made on or after, the day on which this plan takes effect.

(2) This plan repeals or amends the planning instruments listed in Schedule 1 as set out in that Schedule.

Suspension of certain laws

5. (1) Section 33 of the Sydney Harbour Trust Act 1900 and any agreement or covenant do not apply to any development permitted under this plan to the extent necessary to enable the development to be carried out in accordance with this plan.

(2) Before this plan was made, the Governor approved of the making of this clause on the recommendation of the Minister made with the concurrence of the Minister administering the Sydney Harbour Trust Act 1900.

Definitions

6. (1) Certain terms used in this plan are defined in Schedule 2.

(2) References in this plan to maps and documents are to maps and documents deposited at the head office of the Department and copies of which are held at the Department's Sydney Region West office. Copies of the maps are also held at the offices of the Councils of Auburn, Concord and Strathfield.

Adoption of Model Provisions

7. (1) This plan adopts clauses 4 (except for the definition of "map") and 35 of, and Schedule 1 to, the Environmental Planning and Assessment Model Provisions 1980.

(2) For the purposes of that adoption, references in those Provisions to a local environmental plan are taken to be references to this plan.

Transitional, savings etc.

8. This plan does not apply:

- (a) to an activity (within the meaning of Part 5 of the Act) in respect of which an application for approval was made to a determining authority, but was not determined, before the commencement of this plan; or
- (b) to any such activity which was approved by a determining authority before the commencement of this plan and which commences pursuant to that approval not later than 5 years after the commencement of this plan; or
- (c) to a development application which was made to a consent authority, but was not determined, before the commencement of this plan.

PART 2—GENERAL PROVISIONS RELATING TO DEVELOPMENT

General requirement for development consent

9. All development within the Homebush Bay Area requires the consent of the consent authority, except development described in Schedule 3.

Consent authorities

10. (1) The Minister has the function of determining all development applications relating to land in the Homebush Bay Area, except as provided by subclauses (2) and (3).

(2) The Council of the local government area in which the land is situated has the function of determining all development applications relating to land shown on the Homebush Bay Area Map as land for which that Council is the consent authority, except applications for consent to land/water interface development.

(3) The Maritime Services Board has the function of determining all development applications for consent for water-based development.

(4) An application for consent for development of land, shown on the Homebush Bay Area Map as land to which this clause applies, is not to be determined by the granting of consent without the concurrence of the Homebush Bay Development Corporation, except as provided by subclauses (5) and (6).

(5) The concurrence of the Homebush Bay Development Corporation is not required to the granting of consent to a development application if the development is in accordance with a development control plan.

(6) The concurrence of the Homebush Bay Development Corporation ceases to be required to the granting of consent to a development application if

- (a) a copy of the application has been served on the Corporation by the consent authority with a request to advise whether its concurrence is granted or refused; and
- (b) the Corporation has not, within 40 days of service of the request, advised the consent authority whether its concurrence is granted or refused.

(7) In deciding whether to grant concurrence, the Homebush Bay Development Corporation must take into consideration:

- (a) any structure plan prepared for the Homebush Bay Area; and
- (b) any development control plan and guidelines for development prepared for the land to which the application relates; and
- (c) whether the proposed development is likely to adversely affect existing uses or development in accordance with the rest of this plan on other sites in the Homebush Bay Area.

Permissible uses

11. Development of land within the Homebush Bay Area may be carried out for any purpose that the consent authority considers to be consistent with the planning objectives for the Homebush Bay Area.

Planning objectives

12. The planning objectives for the Homebush Bay Area are as follows:

Regional Role and Land Use

- (a) to promote development of major public facilities and other public facilities that will establish the Homebush Bay Area as a centre for hosting regional, State, national and international events;
- (b) to preserve and protect the Homebush Bay Area's regionally significant wetlands and woodlands;
- (c) to promote a variety of types of development and land uses other than those referred to in paragraph (a) (for example, commercial, retail, industrial, residential, recreational, open space, institutional and tourism uses), but only if the type and scale of those uses do not prevent the use or reduce the attractiveness or suitability of the Homebush Bay Area for development referred to in paragraph (a);
- (d) to permit a range of ancillary development and land uses (for example, roads, parking areas, public transport, utility services, remediation of land, flood mitigation, drainage works, land filling, earthworks, clearing, site rehabilitation and dredging works);

Relationship to Surrounding Sites and Areas

- (e) to integrate the Homebush Bay Area with the regional transport network, whether on land or water, including public transport systems, roads, cycleways and walkways;
- (f) to protect the Homebush Bay Area and land surrounding it from adverse effects resulting from the holding of major public events;

Quality and Nature of Urban Form

- (g) to promote co-ordinated, sensitive and high quality development in the Homebush Bay Area through the adoption of overall guidelines for development relating to, for example, urban design, landscaping and signage;
- (h) to promote ecologically sustainable development;

- (i) to take advantage of the proximity of the Homebush Bay Area to the Parramatta River and Homebush Bay by encouraging development that preserves and improves views from and of the waterfront and to enhance access to those waterways and waterfront areas, while protecting flora and fauna habitats;

Environmental and Heritage Protection

- (j) to protect sensitive natural environments, such as wetlands, woodlands and grasslands/wetlands (as shown on the map marked “Homebush Bay Area—Environmental Conservation Areas Map”) by identifying environmental conservation areas and ensuring that the ecological significance of these areas is not reduced;
- (k) to identify and protect heritage items, heritage conservation areas and potential historical archaeological sites and ensure that development is sympathetic to them;
- (l) to enable the habitat of birds protected under international agreements for the protection of migratory birds to be conserved.

Matters for consideration in determining development applications

13. In determining a development application, the consent authority must (in addition to considering the other matters referred to in section 90 of the Act) consider such of the following matters as are of relevance to the development the subject of the application:

- (a) any structure plan prepared for the Homebush Bay Area;
- (b) any development Control plans and guidelines for development prepared for the land to which the application relates;
- (c) the appearance, from the waterway and the foreshores, of the development;
- (d) the effect of the development on drainage patterns, ground water, flood patterns and wetland viability;
- (e) the extent to which the development encompasses the principles of ecologically sustainable development;
- (f) the impact of carrying out the development on environmental conservation areas and the natural environment, including flora and fauna and the habitats of the species identified in international agreements for the protection of migratory birds;

- (g) the impact of carrying out the development on heritage items, heritage conservation areas and potential historical archaeological sites;
- (h) the views of the public and other authorities which have been consulted by the consent authority under this plan.

Consultation with other public bodies

14. (1) Within 14 days of receipt of a development application, the consent authority must seek the views on the proposed development of the following:

- (a) the Homebush Bay Development Corporation;
- (b) the council of the local government area in which it is proposed the development will be carried out (if it is not the consent authority) and the council of each local government area adjoining that area, if in the opinion of the consent authority, the development proposed could have a significant impact on that local government area;
- (c) the Parramatta River Foreshores and Waterways Planning and Development Advisory Committee, if the application is for consent for land/water interface development or for development in Homebush Bay;
- (d) the Director of Planning, if the application is for consent to development that is inconsistent with a development control plan;
- (e) any other public or other authority the consent authority considers appropriate.

(2) The consent authority must not determine the application until:

- (a) the views of the public or other authorities consulted have been received; or
- (b) a period of 28 days has elapsed since those views were sought, whichever occurs first.

PART 3—SPECIAL PROVISIONS RELATING TO DEVELOPMENT

Temporary uses

15. (1) The consent authority may consent to any use of a site which is not consistent with the planning objectives for the Homebush Bay Area for a limited period if the consent authority is satisfied the use will not prejudice the eventual development of the Homebush Bay Area in accordance with the rest of this plan.

(2) The consent authority must, before granting consent to such a use, be satisfied that:

- (a) appropriate arrangements have been made for the reinstatement of the site after its use in accordance with the consent so that it may be used in accordance with the rest of this plan; and
- (b) the use will be limited to such period as the consent authority stipulates; and
- (c) the use will not adversely affect any existing use or permissible development in accordance with this plan on other sites within the Homebush Bay Area; and
- (d) the use will not have any detrimental effects on the natural environment.

Structure plan

16. (1) If the Minister considers it necessary or desirable that more detailed provisions than are contained in this plan be provided, the Minister may cause a structure plan for the Homebush Bay Area to be prepared.

(2) A structure plan must generally conform to the provisions of this plan.

(3) The format and subject-matter of a structure plan are to be as determined by the Minister.

(4) The procedures for the preparation, public exhibition, approval, amendment and repeal of a structure plan are to be in accordance with Part 3 of the Environmental Planning and Assessment Regulation 1980, which is to be construed as if:

- (a) the reference to a development control plan were a reference to a structure plan; and
 - (b) the reference to a local environmental plan were a reference to this plan; and
 - (c) the reference to the council were a reference to the Homebush Bay Development Corporation.
- (5) In the preparation of a structure plan or any amendment of a structure plan, the Homebush Bay Development Corporation must seek the views on the proposed structure plan of each public authority that owns land within the Homebush Bay Area and of such other public authorities it considers appropriate.

(6) The Homebush Bay Development Corporation must not forward a structure plan or any amendment of a structure plan for the Minister's agreement until:

- (a) the views of those public authorities have been received; or
- (b) a period of 28 days has elapsed since those views were sought, whichever occurs first.

(7) A structure plan must not be approved, amended or repealed except with the agreement of the Minister.

(8) In deciding whether to agree, the Minister must take into consideration the planning objectives for the Homebush Bay Area.

Structure plan and development control plans—availability

17. Copies of each structure plan and development control plan relating to land within the Homebush Bay Area, as in force for the time being, must be available for public inspection without charge and during ordinary office hours at:

- (a) the head office and the Sydney Region West office of the Department; and
- (b) the office of the Homebush Bay Development Corporation; and
- (c) the office of each council of a local government area any part of which is within the Homebush Bay Area.

Services

18. Before granting consent, the consent authority must be satisfied that development will not commence until arrangements, which are satisfactory to servicing agencies it considers relevant, have been made for the supply of services such as water, sewerage, gas, electricity and drainage.

Floodprone land

19. Before granting consent to the carrying out of development on land in the vicinity of Haslam's Creek defined as floodprone on the latest of any appropriate plan or report adopted for the time being by the consent authority for the purposes of this clause, the consent authority must consider:

- (a) the findings and recommendations of that report; and
- (b) the impact of the proposed development on flood flows and whether compensatory works should be provided; and

- (c) if landfilling is involved, whether any compensatory flood storage or other flood mitigation works should be provided; and
- (d) the impact of the development on the ecological significance of Haslam's Creek and Homebush Bay and their associated wetlands and any measures proposed to minimise any adverse impact, such as the provision of compensatory wetland habitats.

Contaminated land

20. Before granting consent to the carrying out of development within the Homebush Bay Area, the consent authority must be satisfied that:

- (a) adequate steps have been taken to identify whether the land the subject of the development is contaminated and, if so, whether remedial action needs to be taken; and
- (b) where such action is needed, satisfactory arrangements have been entered into with the Environment Protection Authority to meet any requirements specified by that Authority; and
- (c) where land to be remediated contains or adjoins land which contains remnants of the natural vegetation, consideration has been given to reinstatement on the land of vegetation of the same kind in a way which will enhance the remaining natural vegetation.

Development of major public facilities

21. Before granting consent to development of any land for the purpose of a major public facility, the consent authority:

- (a) must advertise and publicly exhibit the development application in accordance with sections 84, 85, 86 and 87 (1) of the Act; and
- (b) may refuse to grant the application unless a statement of environmental effects has been prepared; and
- (c) must consider any statement of environmental effects which applies to the land; and
- (d) must assess whether the use of the major public facilities will have an adverse impact on adjacent sites in the Homebush Bay Area or on surrounding land.

PART 4—PROTECTION OF THE NATURAL ENVIRONMENT AND HERITAGE ITEMS

Development in environmental conservation areas

22. (1) This clause applies to land within an environmental conservation area.

(2) The consent authority must not consent to the carrying out of development in an environmental conservation area if, in the opinion of the consent authority, that development would reduce significantly the ecological value of that environmental conservation area.

(3) A person must not fill, clear, drain or dredge any land to which this clause applies, construct a levee on any such land, or remove or destroy vegetation on any such land, except with the consent of the consent authority.

(4) If a consent authority receives an application for consent to the carrying out of development on land to which this clause applies, the consent authority must, within 14 days of its receipt, forward a copy of the application to the Director-General of National Parks and Wildlife.

(5) Before granting consent to the carrying out of development on land to which this clause applies, the consent authority:

- (a) must advertise and publicly exhibit the application in accordance with sections 84, 85, 86 and 87 (1) of the Act; and
- (b) may refuse to grant the application unless a statement of environmental effects has been prepared; and
- (c) must consider any statement of environmental effects which applies to the land; and
- (d) must take into account the recommendations of the Homebush Bay Conservation Study and any subsequent ecological plan of management.

Development near an environmental conservation area

23. In considering an application for consent to the carrying out of development within 30 metres (or, in the case of the North Newington woodland area, 200 metres) of an environmental conservation area, the consent authority must take into account:

- (a) the effect of the proposed development on the environmental conservation area; and
- (b) the recommendations of the Homebush Bay Conservation Study; and
- (c) any subsequent ecological plan of management.

Protection of heritage items and heritage conservation areas

24. (1) A person must not carry out development that involves the site of a heritage item, is in a heritage conservation area, or is in the vicinity of a heritage item or a heritage conservation area, except with the consent of the consent authority.

(2) Before granting consent to development which involves the site of a heritage item or is in a heritage conservation area, or in the vicinity of a heritage item or heritage conservation area the consent authority must consider:

- (a) the recommendations of the Homebush Bay Conservation Study and any other heritage studies on the Homebush Bay Area which it considers relevant; and
 - (b) the effect of the proposed development on the heritage significance of the heritage item and any stylistic or horticultural features of its setting or the effect of the proposed development on the heritage significance of the heritage conservation area.
- (3) In this clause, “**development**” includes the following:
- (a) demolishing or altering a building or work;
 - (b) damaging or moving a relic;
 - (c) excavating for the purpose of exposing a relic;
 - (d) damaging or despoiling a place or tree;
 - (e) erecting a building;
 - (f) subdividing land.

Conservation plans

25. Before granting consent to a development application relating to a heritage item, or to development within a heritage conservation area or on a potential historical archaeological site, the consent authority:

- (a) may refuse to grant the application unless a conservation plan has been prepared; and
- (b) must consider any conservation plan which relates to the heritage item, heritage or environmental conservation area, or land identified as a potential historical archaeological site.

Demolition of heritage items or within heritage conservation areas— advertising and notification

26. (1) Before granting consent to a development application involving the demolition of a heritage item or a building, work, tree, relic or place within a heritage Conservation area, the consent authority must advertise and publicly exhibit the application in accordance with sections 84, 85, 86 and 87 (1) of the Act.

(2) Before granting consent to development which includes demolition of a heritage item, the consent authority must:

- (a) give notice to the Heritage Council of New South Wales of its intention to grant consent; and

- (b) take into consideration any submission made by the Heritage Council to the consent authority within 28 days of the day on which the notice was given; and
 - (c) ensure that the item, or the building, work, tree, relic or place, has been adequately recorded and copies of the records have been deposited with the Department of Planning, the Australian Heritage Commission and the State Library of New South Wales.
- (3) This clause does not apply if the development concerned consists only of a partial demolition of a heritage item or a building, work, tree, relic or place within a heritage conservation area and, in the opinion of the consent authority, the partial demolition will be of a minor nature and will not adversely affect the heritage significance of the item or area.

Development of potential historical archaeological site

27. If the land to which a development application relates is a potential historical archaeological site or the consent authority considers that the land has archaeological potential, the consent authority must not grant consent unless:

- (a) any necessary excavation permit under the Heritage Act 1977 had been granted; and
- (b) it has considered any conservation plan that has been lodged with the development application which includes an assessment of how the proposed development would affect the conservation of the relic, site or place; and
- (c) it has considered the impact of the proposed development on the significance of any relic, site or place having heritage significance.

Potential Aboriginal archaeological relics

28. Before granting consent to development on land which the consent authority considers has potential to contain Aboriginal relics, the consent authority must:

- (a) give notice to the Director-General of National Parks and Wildlife of its intention to grant consent; and
 - (b) take into consideration any submission made by the Director-General to the consent authority within 28 days of the day on which the notice was given.
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**SCHEDULE 1—RELATIONSHIP TO OTHER
ENVIRONMENTAL PLANNING INSTRUMENTS**

(Cl. 4)

1. The following environmental planning instruments do not apply to the Homebush Bay Area:

- State Environmental Planning Policy No. 8—Surplus Public Lands
- Auburn Planning Scheme Ordinance
- Concord Planning Scheme Ordinance
- Strathfield Planning Scheme Ordinance

2. The following environmental planning instruments are repealed:

- Sydney Regional Environmental Plan No. 4—Homebush Bay
- Sydney Regional Environmental Plan No. 24—Homebush Bay Development Area (published in the Gazette on 29 June 1990)
- Interim Development Order No. 22—Municipality of Auburn
- Auburn Local Environmental Plan No. 18
- Auburn Local Environmental Plan No. 31
- Auburn Local Environmental Plan No. 32

3. Sydney Regional Environmental Plan No. 22—Parramatta River is amended:

(a) by inserting at the end of clause 3 the following subclause:

(2) This plan does not apply to the following land:

Land within the Homebush Bay Area within the meaning of Sydney Regional Environmental Plan No. 24—Homebush Bay Area.

(b) by inserting after clause 28 the following clause:

Certain development near Homebush Bay Area

28A. (1) A person must not carry out land/water interface development in the Parramatta River on land to which this plan applies adjoining or adjacent to the northern boundary of the Homebush Bay Area, except with the consent of the Minister.

(2) A person must not carry out development involving the remediation of land in Homebush Bay on land to which this plan applies adjoining or adjacent to the eastern boundary of the Homebush Bay Area, except with the consent of the Minister.

(3) The Minister, in determining whether to grant consent to development to which this clause applies must take into consideration the provisions of Sydney Regional Environmental Plan No. 24—Homebush Bay Area.

(4) In this clause, **“Homebush Bay Area”**, **“land/water interface development”** and **“remediation of land”** have the same meanings as in Sydney Regional Environmental Plan No. 24—Homebush Bay Area.

SCHEDULE 2—DEFINITIONS

(Cl. 6)

“Aboriginal relic” means any deposit, object or material evidence (not being a handicraft made for sale) relating to indigenous and non-European habitation of New South Wales, being habitation both prior to and concurrent with the occupation of the State by persons of European extraction, and includes Aboriginal remains;

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

- (a) make structural changes to the outside of the heritage item, building or work; or
- (b) make non-structural changes to the detail, fabric, finish or appearance of the outside of the heritage item, building or work, but not including non-structural changes resulting from maintenance of the existing detail, fabric, finish or appearance of the outside of the heritage item, building or work;

“clear” in relation to land, means the destruction of, or removal in any manner of, trees, saplings, seedlings or shrubs growing on the land, but does not include:

- (a) the control of weeds declared to be noxious by order pursuant to section 7 of the Noxious Weeds Act 1993, by means not likely to be significantly detrimental to the native ecosystem; or
- (b) the incidental destruction or removal of native plants growing adjacent to any such noxious weeds;

“conservation plan” means a document prepared in accordance with any directions of a consent authority which establishes the significance of a heritage item, heritage conservation area or potential historical archaeological site and identifies the policies that are appropriate to enable that significance to be retained in its future use and development;

“contaminated land” means land, which, by reason of its being affected by a chemical or other waste, the consent authority considers is unsafe or unfit for habitation or occupation by persons or animals, or is otherwise environmentally degraded;

- “demolition”**, in relation to a heritage item or to a building, work, tree, relic or place within a heritage conservation area, means the damaging, defacing, destruction, pulling down or removal of the heritage item, building, work, tree, relic or place in whole or in part;
- “ecological plan of management”** means the latest document bearing that title prepared for the Homebush Bay Development Corporation or the Australian Department of Defence for the purpose of managing environmental conservation areas, particularly in relation to natural communities including flora and fauna habitats;
- “ecologically sustainable development”** means development which uses, conserves and enhances the community’s resources so that ecological processes, on which life depends, are maintained and the total quality of life, now and in the future, can be increased;
- “environmental conservation area”** means an area shown edged heavy black on the map marked “Homebush Bay Area—Environmental Conservation Areas Map”;
- “grasslands/wetland”** means open area within an environmental conservation area containing grasses and herbs, whether native or introduced in origin, and includes wet grasslands featuring *Paspalum paspalodes* and other floating vegetation, shown in a distinctive manner as grasslands/wetlands on the map marked “Homebush Bay Area—Environmental Conservation Areas Map”;
- “guidelines for development”** means a document which establishes strategies, guidelines and procedures for the development and conservation of land in the Homebush Bay Area and adopted by the Homebush Bay Development Corporation;
- “heritage conservation area”** means an area described in Schedule 4 and identified as a heritage conservation area in a distinctive manner on the map marked “Homebush Bay Area—Heritage and Conservation Areas Map”;
- “heritage item”** means a building, work, relic (including an underwater relic), tree or place listed in Schedule 5 and identified as a heritage item in a distinctive manner on the map marked “Homebush Bay Area—Heritage and Conservation Areas Map”;
- “Heritage Items Site Identification Manual”** means the document bearing that title prepared by the Department of Planning, as updated from time to time;
- “heritage significance”** means historic, scientific, cultural, social, archaeological (terrestrial and underwater), architectural, natural or aesthetic significance;

- “Homebush Bay Area Map”** means the map bearing that title;
- “Homebush Bay Conservation Study”** means the document bearing that title prepared for the Department of Planning by Fox and Associates in 1986;
- “Homebush Bay Development Corporation”** means the development corporation constituted under Part 2 of the Growth Centres (Development Corporations) Act 1974 in respect of land described in Part 4 of Schedule 1 to that Act and referred to as the Homebush Bay growth centre;
- “international agreements for the protection of migratory birds”** means the agreements, as from time to time in force, between the Australian Government and the Governments of Japan and the People’s Republic of China for the protection of migratory birds in danger of extinction and their environments;
- “land/water interface development”** means development for the purpose of any one or more of the following:
- (a) boardwalks;
 - (b) boating industry facilities;
 - (c) boat launching ramps;
 - (d) marinas;
 - (e) public water transport facilities;
 - (f) water based restaurants and entertainment facilities;
 - (g) water recreational facilities;
- “maintenance”**, in relation to a heritage item, means the protective care of the fabric of the heritage item and its setting;
- “major public facilities”** are facilities which are capable of accommodating, or being used in conjunction with, public events (such as sporting events, entertainment, leisure activities, recreational activities, exhibitions and conferences) that, in the opinion of the consent authority, are likely to attract over 5,000 people at the one time;
- “North Newington woodland area”** means Eucalypt forests and the adjacent Casuarina woodland, shown in a distinctive manner as woodlands on the map marked “Homebush Bay Area—Environmental Conservation Areas Map” ;
- “Parramatta River Foreshores and Waterways Planning and Development Advisory Committee”** means the committee constituted under Sydney Regional Environmental Plan No. 22—Parramatta River

“potential historical archaeological site” means a site listed in Schedule 6 and identified as such in a distinctive manner on the map marked “Homebush Bay Area—Heritage and Conservation Areas Map”;

“public facilities” are facilities which are capable of accommodating, or being used in conjunction with, public events (such as sporting events, entertainment, leisure activities, recreational activities, exhibitions and conferences);

“relic” means any deposit, object or material evidence (terrestrial or underwater) relating to the use or settlement of the Homebush Bay Area which is 50 or more years old;

“remediation of land” means:

- (a) removing the cause of contamination from land; or
- (b) reducing contamination of land; or
- (c) eliminating or reducing any danger arising from the contamination of land; or
- (d) rehabilitating land;

“statement of environmental effects” means a document, prepared in accordance with the directions of the consent authority, addressing such of the issues specified in Part 1 or 2 of Schedule 7 as are relevant to the proposed development to which it relates;

“structure plan” means a structure plan (which may be supported by diagrams and maps) for the time being in force under Part 3 which sets out in general terms the principal land use distribution, transport and other networks for the Homebush Bay Area;

“the Act” means the Environmental Planning and Assessment Act 1979;

“water based development” means development for the purpose of any one or more of the following:

- (a) aids to navigation;
- (b) aviation facilities;
- (c) boat lifts;
- (d) charter or tourism boating facilities;
- (e) commercial port facilities;
- (f) dredging;
- (g) flora or fauna enclosures;
- (h) houseboats;
- (i) maintenance dredging;
- (j) moorings;

- (k) reclamation;
- (l) sea walls;
- (m) shore-related moorings;
- (n) slipways;
- (o) swimming enclosures;
- (p) wharves, jetties or pontoons;

“wetlands” means land within an environmental conservation area which is permanently or intermittently wet with fresh or tidal water which supports wetland vegetation and fauna and which is shown in a distinctive manner as wetlands on the map marked “Homebush Bay Area—Environmental Conservation Areas Map” ;

“wetland vegetation” means vegetation which includes, but is not limited to, mangroves, forests, saltmarshes, rushbeds and cumbungi beds.

SCHEDULE 3—DEVELOPMENT THAT DOES NOT REQUIRE CONSENT

(Cl. 9)

Development which does not require consent because of State Environmental Planning Policy No. 4—Development Without Consent.

Development described in Schedule 1 to the Environmental Planning and Assessment Model Provisions 1980.

The storage of fill by the Homebush Bay Development Corporation on land vested in that Corporation, but not any form of processing of the fill.

Landscaping which is in accordance with guidelines for development, but which is not:

- (a) development for which development consent has been applied; or
- (b) within an environmental conservation area; or
- (c) within 30 metres (or in the case of the North Newington woodland area—200 metres) of an environmental conservation area.

SCHEDULE 4—HERITAGE CONSERVATION AREAS

(Cll. 7, 12, 13, 24, 25, 26, 27 and Sch. 2)

State Abattoirs heritage conservation area (Area No. 1)

The area containing the administration building precinct, the landscaped gardens bounded by King Avenue, Barnes and Marshall Roads and the landscaping of the Abattoir entry.

Newington Armament Depot heritage conservation areas (Areas Nos. 2 and 3)

The area containing the World War II Magazine buildings, namely, heritage items 62, 75, 76, 77, 85 and 86 identified on the map marked “Homebush Bay Area—Heritage and Conservation Areas Map”; and

The area containing the following precincts:

- Wharf Precinct
- Colonial Precinct
- Hill Precinct
- Forest Precinct
- Magazine Precinct

including the tramway system, cuttings and roads in these precincts.

Silverwater Prison Complex heritage conservation area (Area No. 4)

The area identified in the Heritage Items Site Identification Manual containing the heritage items 1 to 8 inclusive.

SCHEDULE 5—HERITAGE ITEMS

(Cl. 12, 13, 24, 25, 26, 27 and Sch. 2)

State Abattoir locality

Items identified in the Heritage Items Site Identification Manual and known as:

- Item 1 All buildings within the administration building precinct, and the landscaped gardens bounded by ing Avenue, Barnes Road and Marshall Road.
- Item 2 Landscaping of Abattoir entry

Newington Armament Depot locality

Items identified on the map marked “Homebush Bay Area—Heritage and Conservation Areas Map” situated within the following precincts and meeting the following descriptions:

Wharf Precinct—

- | | |
|----------|------------------------|
| Item 12 | Wharf Transport Office |
| Item 13 | Explosives Workshop |
| Item 15 | Return Store |
| Item 81 | Wharf |
| Item 190 | Explosives Workroom |

Colonial Precinct—

Item 8	Explosives Store
Item 20	Explosives Store
Item 137	Store
Item 139	Former Commander's Residence
Item 140	Explosives Workshop
Items 142, 144–146	Explosives Workrooms
Item 143	Gatehouse and Explosives Workroom
Item 148	Naval Store room (Former Toilet Block)
Item 150	Electromobile Garage
Item 151	Fitters Workshop

Hill Precinct—

Item 2	Naval Police Mess Room
Item 3	Naval Police Store
Item 7	Explosives Store
Item 9	Toilet Block
Item 21	Explosives Workshop
Item 23	Non-Explosives Store
Item 83	Sailmaker's Shop
Item 105	Training Centre
Item 110	Generator House
Item 118	Office
Item 122	Residence
Item 123	Residence with Garage
Item 126	Office Block with Toilet Annexe
Item 198	Flammable Store

Forest Precinct—

Item 30	Non-Explosives Store (Empty Store)
Item 31	Explosives Store (Isolation)
Item 35	Explosives Store with Office Annexe
Items 36–39	Explosives Stores
Items 42–45	Explosives Stores
Items 127–129	Explosives Stores
Items 130–132	Explosives Workrooms
Item 134	Explosives Workshop Garage
Item 154	Soldering and Packaging Room
Items 155–157, 160	Explosives Workrooms
Item 164	Explosives Workshop "Under Precautions" Building
Item 196	Water Storage Tower

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Magazine Precinct—

Items 46–49	Explosives Stores
Items 56–74	Explosives Stores
Item 75	Firing Range (Former Explosives Store)
Item 76	Explosive Store
Items 77–79	Non-Explosives Store
Item 82	Storeman's Office
Items 85–86	Explosives Store

Southern Precinct—

Items 87–91, 93	Explosives Stores
Items 94, 95, 97, 98	Non-Explosives Stores
Item 101	Flammable Store
Item 102	Non-Explosives Store
Item 103	Storeman's Office
Item 104	Miscellaneous Non-Explosives Store and Office
Item 112	Auxiliary Pumphouse
Item 165	Explosives Workroom
Item 166	Explosives Workshop, Soldering Room
Item 167	Explosives Workshop, Change Room, and Amenities Room
Items 168–170, 177–182	Explosives Workrooms
Item 185	Residence

Wetlands Precinct—

Item 18	Explosives Store
Item 33	Explosives Workshop
Item 34	Explosives Store
Item 200	Tramway System

Silverwater Prison Complex locality

Items identified in the Heritage Items Site Identification Manual and known as:

Item 1	Newington House
Item 2	St. Augustine's Chapel
Item 3	Irwin House

1993—No. 496

Item 4	Margaret Catchpole Building
Item 5	Caroline Chisholm Building
Item 6	Former Superintendent's Residence
Item 7	Former Ward Block
Item 8	Former Engineer's House

Ralph Symonds Building —Lot 10, D.P. 77661 1, corner of Bennelong and Burroway Roads.

**SCHEDULE 6—POTENTIAL HISTORICAL
ARCHAEOEOGICAL SITES**

(Cl. 12, 13, 27, 28 and Sch. 2)

State Abattoirs site (Site No. 1)

The site adjacent to the administration building precinct as identified in the Heritage Items Site Identification Manual.

Silverwater Prison Complex site (Site No. 2)

The area identified in the Heritage Items Site Identification Manual containing the heritage items 1 to 8 inclusive.

**SCHEDULE 7—ISSUES TO BE ADDRESSED IN
STATEMENTS OF ENVIRONMENTAL EFFECTS**

(Sch. 2)

**Part 1—Statements relating to development of major public
facilities**

Each of the following issues and any additional relevant issues arising from the matters referred to in section 90 of the Act:

- The extent to which the proposal is consistent with the latest transport strategy prepared for the Homebush Bay Development Corporation.
- The adequacy of and arrangements for the following:
 - (a) parking provision for the servicing of the facility;
 - (b) access to and egress from the site, on-site parking, loading and manoeuvring of buses and coaches;
 - (c) the regulation of the arrival and dispersal of vehicles, including buses and trucks.

- Measures to be taken to minimise noise impact on surrounding land uses caused by use of the facility.
- Any requirements of the Director-General of the Environment Protection Authority and how these are to be complied with.
- Potential vandalism and arrangements and measures to be taken to minimise it.
- Any plan of management which has been prepared relating to matters raised in the statement of environmental effects to deal with management of the site of a major public facility. (Such a plan of management should address measures to be taken to:
 - (a) control crowd movement;
 - (b) promote the use of public transport;
 - (c) minimise vandalism to adjacent facilities;
 - (d) facilitate traffic flow and avoid road congestion within the Homebush Bay Area and the surrounding land; and
 - (e) minimise noise impact on land adjoining the site.)
- The extent to which the proposal is consistent with any guidelines for development prepared for the Homebush Bay Development Corporation in respect of the Homebush Bay Area.
- The landscaping of the site and its consistency with any such guidelines for development.

Part 2—Statements relating to development within environmental conservation areas

Each of the following issues and any additional relevant issues arising from the matters referred to in section 90 of the Act:

- The environmental effect of the proposed development (the proposal) on environmental conservation areas, including its effect on the following:
 - (a) the growth of native plant communities;
 - (b) the survival of native wildlife populations;
 - (c) the provision and quality of habitats for both indigenous and migratory bird species;
 - (d) the surface and groundwater characteristics of the site of the proposed development and of the surrounding area, including salinity and water quality.
- Whether feasible alternatives to the proposal (either involving the use of other land or other means) exist and, if so, the reasons for choosing the proposal.

- Whether adequate safeguards and rehabilitation measures are needed and, if so, whether they will be taken to avoid or minimise any effect of the proposal on the matters referred to in paragraphs (a) to (d).
- The public benefit (if any) in carrying out the proposal compared with the public benefit in the preservation of the environmental conservation areas.
- The views of the Director-General of National Parks and Wildlife.
- The findings and recommendations of relevant ecological studies prepared for the Homebush Bay Development Corporation or the Australian Department of Defence for the Homebush Bay Area and any ecological plan of management based on these studies.
- Whether new areas of native vegetation and fauna habitats need to be created to compensate for any loss of vegetation within environmental conservation areas.

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