



New South Wales

# **State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Amendment No 1)**

under the

**Environmental Planning and Assessment Act 1979**

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Planning. (S07/00213/PC-1)

FRANK SARTOR, M.P.,  
Minister for Planning

## **State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Amendment No 1)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Policy**

This Policy is *State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Amendment No 1)*.

### **2 Aim of Policy**

The aim of this Policy is to amend the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*:

- (a) to specify development controls for land in the Colebee, Edmonson Park, Oran Park and Turner Road precincts within the North West Growth Centre and the South West Growth Centre, and
- (b) to make public utility undertakings permissible without development consent on all land to which *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* applies, and
- (c) to enable actions undertaken under the *Sydney Water Act 1994* that involve the clearing of native vegetation to be carried out without development consent, and
- (d) to make other minor and consequential amendments.

### **3 Land to which Policy applies**

This Policy applies to the land to which *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* applies.

### **4 Amendment of State Environmental Planning Policy (Sydney Region Growth Centres) 2006**

*State Environmental Planning Policy (Sydney Region Growth Centres) 2006* is amended as set out in Schedule 1.

### **5 Replacement of maps**

The following maps adopted by the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* are declared by this

Policy to be replaced by the maps specified below, as approved by the Minister on the making of this Policy:

- (a) the Sydney Region Growth Centres Precinct Boundaries Map—South West Growth Centre is replaced by the South West Growth Centre Precinct Boundary Map (*Edition 2*),
- (b) the Sydney Region Growth Centres Zoning Map—South West Growth Centre is replaced by the South West Growth Centre Land Zoning Map (*Edition 2*),
- (c) the Sydney Region Growth Centres Development Control Map—South West Growth Centre is replaced by the South West Growth Centre Development Control Map (*Edition 2*).

## Schedule 1 Amendments

(Clause 4)

### [1] Clause 3

Omit the clause. Insert instead:

#### 3 Interpretation

(1) In this Policy:

**growth centre** means the North West Growth Centre with boundaries as shown in red on the Sydney Region Growth Centres Precinct Boundaries Map—North West Growth Centre or the South West Growth Centre with boundaries as shown in red on the South West Growth Centre Precinct Boundary Map (*Edition 2*).

**growth centre precinct** means a precinct shown on the Sydney Region Growth Centres Precinct Boundaries Map—North West Growth Centre or the South West Growth Centre Precinct Boundary Map (*Edition 2*).

**growth centre structure plan** means the plan (including maps and explanatory notes) for the North West Growth Centre, identified by the Minister on the commencement of the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*, or the South West Growth Centre, identified by the Minister on the commencement of the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Amendment No 1)*, as the structure plan for the growth centre.

**Note.** The structure plan for a growth centre identifies:

- (a) the general pattern and strategic direction of development in the growth centre over the next 30 years, and
- (b) the areas of future urban and employment development that are potentially available for release, and
- (c) the areas of future regional open space and of environmentally constrained land, and
- (d) future major infrastructure and transport routes (which are to be part of a more detailed and comprehensive infrastructure plan referred to in clause 276 of the *Environmental Planning and Assessment Regulation 2000*).

**transitional land** means land in a growth centre precinct shown as transitional land and hatched pink on the Sydney Region Growth Centres Development Control Map—North West Growth Centre or on the South West Growth Centre Development Control Map (*Edition 2*).

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- (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 included in this Policy do not form part of this Policy.

**[2] Clause 4 Consent authority**

Omit “The consent”.

Insert instead “Except as provided by a Precinct Policy, the consent”.

**[3] Clause 6 Relationship with other environmental planning instruments**

Omit clause 6 (2).

**[4] Clause 6A**

Insert after clause 6:

**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.
- (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.

**[5] Clause 7 Controls applying to precincts after finalisation of precinct planning process**

Omit “Schedule 1”. Insert instead “Appendix 1”.

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**[6] Clause 7, note**

Omit “included in Schedule 1 or other provisions of this Policy. On the commencement of this Policy, Schedule 1 was blank.”.

Insert instead “specified in Appendix 1.”.

**[7] Clause 7A**

Insert after clause 7:

**7A Development controls for certain precincts**

The following provisions are specified with respect to the development of land within the following precincts:

- (a) The provisions of the *Blacktown Local Environmental Plan 1988* are specified for the Colebee Precinct within the North West Growth Centre.
- (b) The provisions of the *Campbelltown (Urban Area) Local Environmental Plan 2002* and *Liverpool Local Environmental Plan 1997* are specified for the land within Edmondson Park Precinct within the South West Growth Centre to which those Plans apply.

**[8] Clause 8 Application of Part and of other planning instruments**

Insert after clause 8 (2):

- (3) This Part does not apply to land to which a Precinct Policy applies or land referred to in clause 7A.

**[9] Clause 12 Land use table for zones to which Part applies**

Omit “*Noxious Weeds Act 1993*; development for public utility installations” wherever occurring in the land use table to the clause.

Insert instead “*Noxious Weeds Act 1993*.”.

**[10] Clause 13 Additional permitted uses**

Omit “Schedule 2” from clause 13 (1). Insert instead “the Table to this clause”.

**[11] Clause 13 (1) (b)**

Omit “Schedule”. Insert instead “Table”.

**[12] Clause 13, note**

Omit the note.

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**[13] Clause 13, Table**

Insert at the end of the clause:

**Table of additional permitted uses**

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

**[14] Clause 16 Development applications in growth centres—matters for consideration until finalisation of precinct planning for land**

Omit “included in Schedule 1” from clause 16 (1).

Insert instead “specified in Appendix 1 or clause 7A”.

**[15] Clause 16 (1) (d)**

Omit “include provisions in Schedule 1 with respect to the land”.

Insert instead “specify provisions in Appendix 1 or clause 7A”.

**[16] Part 4, note**

Insert after the heading to Part 4:

**Note.** Clauses 16 and 17 do not apply to land to which a Precinct Plan applies or to land referred to in clause 7A.

**[17] Clause 17 Referral to Growth Centres Commission after release of precinct**

Omit “included in Schedule 1” from clause 17 (1).

Insert instead “specified in Appendix 1 or clause 7A”.

**[18] Clause 18 Water recycling and conservation**

Insert after the heading to the clause:

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

**[19] Clause 18 (3)**

Omit “Schedule 3”. Insert instead “the Table to this clause”.

**[20] Clause 18, note**

Omit the note.

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### [21] Clause 18, Table

Insert at the end of the clause:

#### **Table of approved systems**

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

### [22] Clauses 18A and 18B

Insert after clause 18:

#### **18A Public utility undertakings**

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.

#### **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.

### [23] Clause 21 Land to which Part applies

Insert after clause 21 (2):

- (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.

### [24] Clause 23 Consent for clearing native vegetation

Insert “, the *Sydney Water Act 1994*” after “the *Roads Act 1993*” in clause 23 (4).

### [25] Schedules 1–3

Omit the Schedules.



[26] **Appendix 1**

Insert at the end of the Policy:

## **Appendix 1**

### **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 Name of Precinct Plan**

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

#### **2 Aims of Precinct Plan**

The aims of this Precinct Plan are:

- (a) 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
- (b) to protect and enhance the environmentally sensitive areas and natural and cultural heritage of those Precincts, and
- (c) to provide for multifunctional and innovative communities in those Precincts that encourage employment and economic growth, and
- (d) to promote housing choice and affordability in those Precincts, and
- (e) to provide for the sustainable development of those Precincts, and
- (f) to minimise the impact on existing and future communities of the full range of risks posed by natural hazards such as bushfires and flooding.

#### **3 Land to which Precinct Plan applies**

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

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### 4 Definitions

In this Precinct Plan, **Council** means the Council of the City of Camden.

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

### 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.

### 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.

### 9 Application of SEPPs and REPs

- (1) This Precinct Plan is subject to the provisions of any State environmental planning policy and any regional environmental plan that prevail 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 REPs and LEPs and that REPs prevail over LEPs. However, a LEP may (by an additional provision included in the LEP) displace or amend a SEPP or REP to deal specifically with the relationship between this Precinct Plan and the SEPP or REP.

- (2) The following State environmental planning policies and regional environmental plans (or provisions) do not apply to the land to which this Precinct Plan applies:

*State Environmental Planning Policy No 1—Development Standards*

*State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development (clause 6 and Parts 3 and 4)*

*State Environmental Planning Policy No 9—Group Homes*

*State Environmental Planning Policy No 60—Exempt and Complying Development*

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- (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.

#### **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*.
- (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**

### **10 Land use zones**

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

#### **Residential Zones**

- R1 General Residential
- R3 Medium Density Residential

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### **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**

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.

## **11 Zoning of land to which Precinct Plan applies**

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

## **12 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.

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- (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 The Oran Park Precinct Development Control Plan and the Turner Road Precinct Development Control Plan set out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the Land Use Table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act or, if applicable, Part 3A of the Act.
- 3 The Oran Park Precinct Development Control Plan and the Turner Road Precinct Development Control Plan set out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).
- 4 Clause 15 requires consent for subdivision of land.
- 5 Part 5 contains other provisions which require consent for particular development.

**14 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.

**15 Subdivision—consent requirements**

- (1) Land to which this Precinct Plan applies may be subdivided, but only with consent.
- (2) However, consent is not required for a subdivision for the purpose only of any one or more of the following:

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- (a) widening a public road,
- (b) a minor realignment of boundaries that does not create:
  - (i) additional lots or the opportunity for additional dwellings, or
  - (ii) lots that are smaller than the minimum size shown on the Lot Size Map in relation to the land concerned,
- (c) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
- (d) rectifying an encroachment on a lot,
- (e) creating a public reserve,
- (f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public conveniences.

**Note.** If a subdivision is exempt development, the Act enables the subdivision to be carried out without consent.

- (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 *State Environmental Planning Policy No 10—Retention of Low-Cost Rental Accommodation* applies, or
  - (b) where the building has been designed or approved for occupation as a single unit.

## 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.

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- 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; 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; Moveable dwellings; Nightclubs; 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

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### 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; Dairies (pasture-based); Depots; Dual occupancies; Dwelling houses; 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; Moveable dwellings; Nightclubs; 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;



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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

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establishments; Helipads; Heliports; Home occupations (sex services); Industrial retail outlets; Industries; Liquid fuel depots; Materials recycling or recovery centres; Mines; Moveable dwellings; Nightclubs; 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); Industries; Liquid fuel depots; Materials recycling or recovery centres; Mines; Moveable dwellings; 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;

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Hazardous storage establishments; Helipads; Heliports; Home occupations (sex services); Industrial retail outlets; Industries; Liquid fuel depots; Materials recycling or recovery centres; Mines; Moveable dwellings; 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**

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; Liquid fuel depots; Materials recycling or recovery centres; Mines; Moveable dwellings; Multi dwelling housing; Nightclubs; Offensive storage establishments; Office premises; Residential flat

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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; Storage premises; 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; Helipads; Heliports; Home-based child care; Home businesses; Home industries; Home occupations; Home occupations (sex services); Hospitals; Hostels; Information and education facilities; Mines; Moveable dwellings; Multi dwelling housing; Nightclubs;

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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; Vehicle sales or hire premises; 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; Demolition; 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.

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**2 Permitted without consent**

Nil

**3 Permitted with consent**

Community facilities; Demolition; 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; Demolition; 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

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### 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; Demolition; 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 Exempt and complying development

#### 16 Exempt development

- (1) Development of minimal environmental impact listed in the Oran Park Precinct Development Control Plan or the Turner Road Precinct Development Control Plan is *exempt development*, despite any other provision of this Precinct Plan.
- (2) Development is exempt development only if it complies with the development standards and other requirements applied to the development by this Part and by the Oran Park Precinct Development Control Plan or the Turner Road Precinct Development Control Plan.



**17 Complying development**

- (1) Development listed in the Oran Park Precinct Development Control Plan or the Turner Road Precinct Development Control Plan is *complying development* if:
  - (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
  - (b) it is not an existing use, as defined in section 106 of the Act.
- (2) Development is complying development only if it complies with the development standards and other requirements applied to the development by this Part and by the Oran Park Precinct Development Control Plan or the Turner Road Precinct Development Control Plan.
- (3) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in the Oran Park Precinct Development Control Plan or the Turner Road Precinct Development Control Plan.

**18 Environmentally sensitive areas excluded**

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.
- (2) For the purposes of this clause:  
*environmentally sensitive area for exempt or complying development* means any of the following:
  - (a) the coastal waters of the State,
  - (b) a coastal lake,
  - (c) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies,
  - (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
  - (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
  - (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,

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- (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
- (h) land reserved as a state conservation area under the *National Parks and Wildlife Act 1974*,
- (i) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
- (j) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*,
- (k) land within the curtilage of a heritage item:
  - (i) that is subject to an interim heritage order under the *Heritage Act 1977* or that is listed on the State Heritage Register under that Act, or
  - (ii) that is identified as such an item in an environmental planning instrument.

## Part 4 Principal development standards

### 19 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.

### 19A 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

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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—250m<sup>2</sup>,
  - (b) dual occupancy—600m<sup>2</sup>,
  - (c) multi dwelling housing—125m<sup>2</sup>,
  - (d) residential flat building—1,000m<sup>2</sup>.
- (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 1,000m<sup>2</sup>.

**19B 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.

**19C 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.

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### 19D Bulky goods premises

The total area used for the purposes of bulky goods premises on all land within Zone B5 Business Development must not exceed 40,000m<sup>2</sup>.

### 19E Retail premises—Turner Road Precinct

- (1) The total area used for retail premises on all land within Zone B5 Business Development in the Turner Road Precinct must not exceed 2,500m<sup>2</sup>.
- (2) The total area used for retail premises (other than bulky goods premises or timber and building supplies) in a particular development for that purpose on land within Zone B5 Business Development in the Turner Road Precinct must not exceed 500m<sup>2</sup>.

### 21 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

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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 over shadowing, 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.

#### **24 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:

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- (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:

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- (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

### 25 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).

Type of land shown on Map	Authority of the State
Local open space	Council

- (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.

**27 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.



**28 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 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.

**28AA 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 50m<sup>2</sup> of floor space.

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- (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 50m<sup>2</sup> 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) 400m<sup>2</sup>,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 20m<sup>2</sup>.
- (7) If development for the purposes of a neighbourhood shop is permitted under this Precinct Plan, the retail floor area must not exceed 80m<sup>2</sup>.
- (8) If development for the purposes of a roadside stall is permitted under this Precinct Plan, the gross floor area must not exceed 20m<sup>2</sup>.

#### **29 Community use of educational establishments**

- (1) The objective of this clause is to allow the use of educational establishments, including their site and facilities, for other community purposes.
- (2) An educational establishment (including the site and facilities) may, with consent, be used for any other community purpose, whether or not any such use is a commercial use of the land.
- (3) Nothing in this clause requires consent to carry out development on any land if that development could, but for this clause, be carried out on that land without consent.

#### **30 Classified roads**

- (1) The objectives of this clause are:
  - (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads (within the meaning of the *Roads Act 1993*), and

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

**33AA 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) Development to which subclause (2) applies is complying development if it consists only of:
  - (a) internal alterations to a building, or
  - (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm x 100mm x 100mm.
- (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.
- (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.

**34 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.

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- (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 35 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*.

### 35 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

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- (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).

**(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):

- (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.

**(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 28 days after the notice is sent.

**(8) 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 within 28 days after the notice is sent.

**(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.

### 36 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.

### 37 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.

**38 Crown development and public utilities**

- (1) Nothing in this Precinct Plan is to be construed as restricting or prohibiting or enabling the consent authority to restrict or prohibit:
  - (a) the carrying out of development of any description specified in subclauses (2)–(5), or
  - (b) the use of existing buildings of the Crown by the Crown.
- (2) The carrying out by the owner or lessee of a mine (other than a mineral sands mine), on the mine, of any development required for the purposes of a mine, except:
  - (a) the erection of buildings (not being plant or other structures or erections required for the mining, working, treatment or disposal of minerals) and the reconstruction, alteration or extension of buildings, so as materially to affect their design or external appearance, or
  - (b) the formation or alteration of any means of access to a road.
- (3) The carrying out of any forestry work by the Forestry Commission or Community Forest Authorities empowered under relevant Acts to undertake afforestation, the construction of roads, protection, cutting and marketing of timber, and other forestry purposes under such Acts or upon any Crown land temporarily reserved from sale as a timber reserve under the *Forestry Act 1916*.
- (4) The carrying out by a rural lands protection board of any development required for the improvement and maintenance of travelling stock and water reserves, except:

- 
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or purposes, and
  - (b) any development designed to change the use or purpose of any such reserve.
- (5) The carrying out or causing to be carried out by the consent authority, where engaged in flood mitigation works, or by a Government Department, of any work for the purposes of soil conservation, irrigation, afforestation, reforestation, flood mitigation, water conservation or river improvement in pursuance of the provisions of the *Water Act 1912*, the *Water Management Act 2000*, the *Farm Water Supplies Act 1946* or the *Rivers and Foreshores Improvement Act 1948*, except:
- (a) the erection of buildings, and installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, and
  - (b) the formation or alteration of any means of access to a road.

### 39 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.

### 40 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.

**41 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 a riparian strategy endorsed by the Director-General of the Department of Water and Energy.

**42 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 60m<sup>2</sup> and is located above a garage, carport or similar structure for the principal dwelling.

**43 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.

**44 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.

**Schedule 1 Additional permitted uses**

(Clause 14)

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

(Clause 27)

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

<b>Column 1</b>	<b>Column 2</b>
<b>Locality</b>	<b>Description</b>

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

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

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

Column 1	Column 2
Locality	Description

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**Schedule 5 Environmental heritage**

(Clause 35)

**Heritage items**

Precinct	Item name	Address	Significance
Oran Park	Denbigh (including homestead, grounds and gardens, slab outbuildings, coach house, stable, dairy and sheds)	421 The Northern Road, Bringelly	State

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[27] **Dictionary to Policy**

Insert after Appendix 1 (as inserted by item [24]):

## 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.

**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.

**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.

**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.

**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 or taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad.

**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.

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***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 Schedule 5 to a Precinct Plan, and
- (c) that contains one or more relics.

***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 separate 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.

***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:

- (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.

**biodiversity** means biological diversity.

**biological diversity** 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).

**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 generally has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (d) that has rooms 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.

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**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.

**brothel** has the same meaning as in the Act.

**Note.** The term is defined as a brothel within the meaning of the *Restricted Premises Act 1943* (ie premises habitually used for the purposes of prostitution, or that have been used for that purpose and are likely to be used again for that purpose), but excludes premises used or likely to be used for the purposes of prostitution by no more than one prostitute.

**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.

**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.

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***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.

***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

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- (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.

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

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- (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 by which a person is held in custody in accordance with any Act.

**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

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(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.

**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.

**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.

**entertainment facility** means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub, nightclub or registered club.

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**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) intensive livestock agriculture,
- (e) intensive plant agriculture,
- (f) aquaculture,



- (g) animal boarding or training establishments,
- (h) farm forestry.

**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 on a working farm as a secondary business to primary production.

**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.

**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.

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- (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 hatched blue on the Sydney Region Growth Centres Development Control Map—North West Growth Centre or on the South West Growth Centre Development Control Map (*Edition 2*).

**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.

**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

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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.

**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.

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**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.

**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.

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***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.

***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.

***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 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 Schedule 5 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:

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- (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 Schedule 5 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 South West Growth Centre Heritage Map.

**heritage significance** means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

**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 appropriately 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) involve 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

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- (e) 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.

**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, 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 light industry 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, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation or sex services premises.

**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

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- (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,



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- (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 1982*):

- (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.

**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.

**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 land on which the industry is carried out,
- (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.

**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.

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***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.

***Land Reservation Acquisition Map*** means the South West Growth Centre Land Reservation Acquisition Map.

***land use zoning map*** means the Sydney Region Growth Centre Zoning Map—North West Growth Centre or the South West Growth Centre Land Zoning Map (*Edition 2*).

***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.

***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, knackereries, tanneries, woolscours and rendering plants.

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***Lot Size Map*** means the 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.

***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.

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**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.

**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*.

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

**moveable dwelling** means:

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the *Local Government Act 1993*) for the purposes of this definition.

**multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, 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 vegetation** has the same meaning as in the *Native Vegetation Act 2003*.

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

**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,

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- (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.

**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 fish culture in cages and oyster, mussel or scallop culture on or in rocks, lines or cages.

**neighbourhood shop** means retail premises used for the purpose 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.

**nightclub** means premises specified in a nightclub licence under the *Liquor Act 1982*.

**NSW Coastal Policy** means the publication entitled *NSW Coastal Policy 1997: A Sustainable Future for New South Wales*, 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.

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**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 Development Control Plan** means the *Oran Park Precinct Development Control Plan* made by the Director-General on 4 December 2007.

**Oran Park Precinct** means the land shown within the Oran Park Precinct on the South West Growth Centre Precinct Boundary Map.

**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 entertainment** has the same meaning as in the Act.

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

**place of public entertainment** means:

- (a) any theatre or cinema (including a drive-in or open-air theatre or cinema) that is used or intended to be used for the purpose of providing public entertainment, or
- (b) any premises the subject of a licence under the *Liquor Act 1982* or a certificate of registration under the *Registered Clubs Act 1976*, that are used or intended to be used for the purpose of providing public entertainment, including public entertainment, but not including amusement provided by means of an approved gaming machine within the meaning of the *Gaming Machines Act 2001*, or
- (c) any public hall that is used or intended to be used for the purpose of providing public entertainment.

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***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.

***Precinct Land Zoning Map*** means the South West Growth Centre Land Zoning Map.

***Precinct Plan*** means an Appendix to this Policy.

***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 1982* 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 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.

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**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.

**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.



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**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** means a club in respect of which a certificate of registration under the *Registered Clubs Act 1976* is in force.

**relic** means any deposit, object or other material evidence of human habitation:

- (a) that relates to the settlement of the area of Camden City, 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.

**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 flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

**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 and that may also provide takeaway meals and beverages.

**Riparian Protection Area Map** means the South West Growth Centre Riparian Protection Area Map.

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**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).

**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.

**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.

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**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.

**school** means a government school or non-government school within the meaning of the *Education Act 1990*.

**semi-detached dwelling** means a dwelling that is on its own separate lot of land 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 treatment works** means works or land used for the collection, treatment and disposal of sewage by or for a public authority.

**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, stationary, 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.

**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 South West Growth Centre 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.

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**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 shed 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.

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**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 Development Control Plan** means the *Turner Road Precinct Development Control Plan* made by the Director-General on 4 December 2007.

**Turner Road Precinct** means the land shown within the Turner Road Precinct on the South West Growth Centre Precinct Boundary Map.

**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 purposes 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.

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**waste disposal land fill operation** means use of land for the purpose of disposing of industrial, trade or domestic waste on that land.

**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.

**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.

**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).

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**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.

BY AUTHORITY

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