



New South Wales

State Environmental Planning Policy (Western Sydney Parklands) 2009

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. (S08/01757)

KRISTINA KENEALLY MP
Minister for Planning

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State Environmental Planning Policy (Western Sydney Parklands) 2009

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State Environmental Planning Policy (Western Sydney Parklands) 2009

under the

Environmental Planning and Assessment Act 1979

Part 1 Preliminary

1 Name of Policy

This Policy is *State Environmental Planning Policy (Western Sydney Parklands) 2009*.

2 Aim of Policy

The aim of this Policy is to put in place planning controls that will enable the Western Sydney Parklands Trust to develop the Western Parklands into a multi-use urban parkland for the region of western Sydney by:

- (a) allowing for a diverse range of recreational, entertainment and tourist facilities in the Western Parklands, and
- (b) allowing for a range of commercial, retail, infrastructure and other uses consistent with the Metropolitan Strategy, which will deliver beneficial social and economic outcomes to western Sydney, and
- (c) continuing to allow for and facilitate the location of government infrastructure and service facilities in the Western Parklands, and
- (d) protecting and enhancing the natural systems of the Western Parklands, including flora and fauna species and communities and riparian corridors, and
- (e) protecting and enhancing the cultural and historical heritage of the Western Parklands, and
- (f) maintaining the rural character of parts of the Western Parklands by allowing sustainable extensive agriculture, horticulture, forestry and the like, and
- (g) facilitating public access to, and use and enjoyment of, the Western Parklands, and
- (h) facilitating use of the Western Parklands to meet a range of community needs and interests, including those that promote health and well-being in the community, and

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- (i) encouraging the use of the Western Parklands for education and research purposes, including accommodation and other facilities to support those purposes, and
- (j) allowing for interim uses on private land in the Western Parklands if such uses do not adversely affect the establishment of the Western Parklands or the ability of the Trust to carry out its functions as set out in section 12 of the *Western Sydney Parklands Act 2006*, and
- (k) ensuring that development of the Western Parklands is undertaken in an ecologically sustainable way.

3 Land to which Policy applies

This Policy applies to the Western Parklands.

4 Interpretation—general

- (1) In this Policy:

Bulk Water Supply Infrastructure Map means the State Environmental Planning Policy (Western Sydney Parklands) 2009—Bulk Water Supply Infrastructure Map.

capital investment value of development includes all costs necessary to establish and operate the development, including the design and construction of buildings, structures, associated infrastructure and fixed or mobile plant and equipment (but excluding GST, as defined by *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth, and land costs).

consent authority means a consent authority referred to in clause 10.

Environmental Conservation Areas Map means the State Environmental Planning Policy (Western Sydney Parklands) 2009—Environmental Conservation Areas Map.

heritage item means a building, work, 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 1.

Heritage Map means the State Environmental Planning Policy (Western Sydney Parklands) 2009—Heritage Map.

Metropolitan Strategy means the strategy outlined in *City of Cities: A Plan for Sydney's Future* published by the Department of Planning in December 2005.

precinct means a precinct created under Division 3 of Part 4 of the *Western Sydney Parklands Act 2006*.

private land means:

- (a) land the fee-simple of which is not vested in the Crown or a public authority, and
- (b) land that the Crown or a public authority has lawfully contracted to sell to a person (other than a public authority).

public land means any land in the Western Parklands that is not private land.

Standard Instrument means the standard local environmental planning instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

the Act means the *Environmental Planning and Assessment Act 1979*.

ticketing facility means a building or place where tickets may be purchased.

Trust means the Western Sydney Parklands Trust constituted under section 4 of the *Western Sydney Parklands Act 2006*.

Western Parklands means the land identified as “Western Parklands” on the Western Sydney Parklands Map.

Western Sydney Parklands Map means the State Environmental Planning Policy (Western Sydney Parklands) 2009—Western Sydney Parklands Map.

- (2) A word or expression used in this Policy has the same meaning as it has in the Standard Instrument unless it is otherwise defined in this Policy.
- (3) Notes included in this Policy do not form part of this Policy.

5 Interpretation—references to 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) For the purposes of this Policy, a map may be in, and may be kept and made available in, electronic or paper form, or both.

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6 Relationship to other planning instruments

Note. This clause is subject to section 36 (4) of the Act.

- (1) The following environmental planning instruments do not apply to the Western Parklands:
 - State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development,*
 - State Environmental Planning Policy No 19—Bushland in Urban Areas,*
 - State Environmental Planning Policy No 21—Caravan Parks,*
 - State Environmental Planning Policy No 30—Intensive Agriculture,*
 - State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land),*
 - State Environmental Planning Policy No 64—Advertising and Signage,*
 - State Environmental Planning Policy (Exempt and Complying Development Codes) 2008,*
 - State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.*
- (2) The excluded provisions of the *State Environmental Planning Policy (Infrastructure) 2007* do not apply to the Western Parklands. Part 3 (other than the excluded provisions) of the *State Environmental Planning Policy (Infrastructure) 2007* applies as if the Western Parklands were in a prescribed zone under that Policy. If there is any inconsistency between this Policy and that Policy:
 - (a) to the extent the inconsistency relates to Schedule 2 to this Policy, this Policy prevails, and
 - (b) to the extent the inconsistency relates to the remaining provisions of that Policy (other than the excluded provisions), that Policy prevails.
- (3) If there is an inconsistency between this Policy and any of the following Policies, the other Policy prevails to the extent of the inconsistency:
 - State Environmental Planning Policy No 55—Remediation of Land,*
 - State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007,*
 - State Environmental Planning Policy (Sydney Region Growth Centres) 2006,*
 - Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995).*

- (4) Except as provided by subclauses (1)–(3), if there is an inconsistency between this Policy and any other environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.
- (5) In this clause:
excluded provisions, of the *State Environmental Planning Policy (Infrastructure) 2007*, means Division 11 of Part 3 and clauses 65 (3) and 66 (1).

7 Repeal of environmental planning instrument and amendments

- (1) *Sydney Regional Environmental Plan No 31—Regional Parklands* is repealed.
- (2) Schedule 3 is repealed on the day following the day on which this Policy commences.

8 Savings provision relating to development applications

- (1) Subclause (2) applies to a development application:
 - (a) made before the commencement of this Policy in relation to land that:
 - (i) before the commencement was not subject to *Sydney Regional Environmental Plan No 31—Regional Parklands*, and
 - (ii) after the commencement of this Policy is in the Western Parklands, and
 - (b) not finally determined before the commencement.
- (2) The application must be determined as if this Policy had not commenced.

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Clause 9 State Environmental Planning Policy (Western Sydney Parklands) 2009

Part 2 Land uses and provisions applying to development

Part 2 Land uses and provisions applying to development

9 Land use zones

- (1) Subsection (2) applies to land that before the commencement of this Policy was not in the Western Parklands and was zoned under a local environmental plan but that after the commencement of this Policy is in the Western Parklands.

- (2) From the commencement of this Policy the land is unzoned.

Note. Land that before the commencement of this Policy was in the Western Parklands but after the commencement is no longer in the Western Parklands has been rezoned by amendment in Schedule 3 to the relevant local environmental plan.

10 Declaration of Part 3A projects and consent authorities

- (1) Development on any land in the Western Parklands that has a capital investment value of \$30 million or more is declared to be a project to which Part 3A of the Act applies.

Note 1. The Minister is the approving authority for such projects and they are generally excluded from Parts 4 and 5 of the Act.

Note 2. Section 75R of the Act limits the application of environmental planning instruments in relation to approved projects, but any prohibition on development imposed by any such instrument continues to apply to any project other than a critical infrastructure project.

- (2) The Minister is the consent authority for development applications for the following:
 - (a) development on any land in the Western Parklands that has a capital investment value of \$5 million or more but less than \$30 million,
 - (b) development on public land in the Western Parklands that has a capital investment value of less than \$5 million.
- (3) The council of the relevant local government area is the consent authority for development applications for development on private land in the Western Parklands that has a capital investment value of less than \$5 million.

11 Land uses

- (1) The following development may be carried out on land in the Western Parklands without consent, but only if it is carried out by or on behalf of a public authority:

cafes; community facilities; entertainment facilities; environmental facilities; environmental protection works; function centres;

information and education facilities; kiosks; landscaping; maintenance depots; public administration buildings; recreation areas; recreation facilities (outdoor); signage (for directional, informative, or interpretative purposes); ticketing facilities.

- (2) Any development not specified in subclause (1) or (3) may be carried out in the Western Parklands only with consent.
- (3) Development for the purposes of residential accommodation is prohibited in the Western Parklands.
- (4) In this clause:
 - (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 or applying to this Policy) a reference to a type of building or other thing referred to separately in this clause.
- (5) This clause is subject to the other provisions of this Policy.

12 Matters to be considered by the consent authority—generally

In determining a development application for development on land in the Western Parklands, the consent authority must consider such of the following matters as are relevant to the development:

- (a) the aim of this Policy, as set out in clause 2,
- (b) the impact on drinking water catchments and associated infrastructure,
- (c) the impact on utility services and easements,
- (d) the impact of carrying out the development on environmental conservation areas and the natural environment, including endangered ecological communities,
- (e) the impact on the continuity of the Western Parklands as a corridor linking core habitat such as the endangered Cumberland Plain Woodland,
- (f) the impact on the Western Parkland's linked north-south circulation and access network and whether the development will enable access to all parts of the Western Parklands that are available for recreational use,
- (g) the impact on the physical and visual continuity of the Western Parklands as a scenic break in the urban fabric of western Sydney,
- (h) the impact on public access to the Western Parklands,

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Part 2 Land uses and provisions applying to development

- (i) consistency with:
 - (i) any plan of management for the parklands, that includes the Western Parklands, prepared and adopted under Part 4 of the *Western Sydney Parklands Act 2006*, or
 - (ii) any precinct plan for a precinct of the parklands, that includes the Western Parklands, prepared and adopted under that Part,
- (j) the impact on surrounding residential amenity,
- (k) the impact on significant views,
- (l) the effect on drainage patterns, ground water, flood patterns and wetland viability,
- (m) the impact on heritage items,
- (n) the impact on traffic and parking.

13 Bulk water supply infrastructure not to be impacted

Development consent must not be granted to any development on land in the Western Parklands unless the consent authority is satisfied that:

- (a) the development will have a neutral or beneficial impact on the quality of the water in the bulk water supply infrastructure shown on the Bulk Water Supply Infrastructure Map, and
- (b) the development will not impact on the integrity or security of the bulk water supply infrastructure, and
- (c) the development will not increase the risk of illegal access to the bulk water supply or security of the bulk water supply infrastructure, and
- (d) access to bulk water supply infrastructure for maintenance and operation activities by the Sydney Catchment Authority and Sydney Water Corporation will not be impeded by the development.

14 Development in areas near nature reserves or environmental conservation areas

- (1) This clause applies to development on land in the Western Parklands that is in, or adjoins:
 - (a) a nature reserve (within the meaning of the *National Parks and Wildlife Act 1974*), or
 - (b) an environmental conservation area shown on the Environmental Conservation Areas Map.

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- (2) Development consent must not be granted to development on land to which this clause applies, unless the consent authority has considered the following:
- (a) whether the development is compatible with and does not detract from the values of the nature reserve or environmental conservation area,
 - (b) any management plans applicable to the nature reserve or environmental conservation area,
 - (c) whether the development has been designed and sited to minimise visual intrusion when viewed from vantage points in the nature reserve or environmental conservation area.

15 Heritage conservation

Note. Heritage items are shown on the Heritage Map. The location and nature of such items is also described in Schedule 1.

(1) **Objectives**

The objectives of this clause are:

- (a) to conserve the environmental heritage of the Western Parklands, and
- (b) to conserve the heritage significance of heritage items in the Western Parklands including associated fabric, settings and views.

(2) **Requirement for consent**

Development consent is required for any of the following in the Western Parklands:

- (a) demolishing or moving a heritage item,
- (b) altering a heritage item,
- (c) altering a heritage item that is a building by making structural changes to its interior,
- (d) erecting a building on land on which a heritage item is located,
- (e) subdividing land on which a heritage item is located.

(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, and

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- (ii) would not adversely affect the significance of the heritage item, or
- (b) the development is in a cemetery or burial ground and the proposed development:
 - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
 - (ii) would not cause disturbance to human remains, relics or Aboriginal objects in the form of grave goods, or
- (c) the development is limited to the removal of a tree or other vegetation that the council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

(4) Effect on heritage significance

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

(5) Heritage impact assessment

The consent authority may, before granting consent to any development on land in the Western Parklands:

- (a) on which a heritage item is situated, or
- (b) within the vicinity of land referred to in paragraph (a),

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.

(6) Heritage conservation management plans

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

(7) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would

otherwise not be allowed by this Policy, 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.

16 Commercial signage

- (1) This clause applies to signage (other than signage erected for or on behalf of a public authority) that is visible from a public place.
- (2) Development consent must not be granted to the erection of signage unless:
 - (a) the consent authority is satisfied that the signage is consistent with any commercial signage policy prepared by the Trust, and
 - (b) in the case of a commercial road sign, the Roads and Traffic Authority has been given written notice of the development application and any comments received by the consent authority from the Roads and Traffic Authority within 21 days have been considered by the consent authority.
- (3) In this clause:
commercial road sign means a sign that has a display area greater than 20 square metres or that is higher than 8 metres above the ground and is within 250 metres of a classified road and any part of the signage is visible from the classified road.

17 Development on private land

Development consent must not be granted to development on private land in the Western Parklands unless the consent authority has considered the following:

- (a) whether the development will contribute to or impede the implementation of the aim of this Policy,
- (b) the need to carry out development on the land,

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Part 2 Land uses and provisions applying to development

- (c) the imminence of acquisition of the land,
- (d) the effect of carrying out the development on acquisition costs,
- (e) the effect of carrying out the development on the natural systems of the Western Parklands,
- (f) the cost of restoring those systems after the development has been carried out.

Part 3 Exempt development

18 Exempt development

Note. Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act. The section states that exempt development:

- (a) must be of minimal environmental impact, and
 - (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), and
 - (c) cannot be carried out in a wilderness area (identified under the *Wilderness Act 1987*).
- (1) Development specified in Schedule 2 that meets the requirements for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.
- (2) To be exempt development, the development:
- (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, or if those provisions do not apply, must be structurally adequate, and
 - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
 - (c) must not be designated development, and
 - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*, and
 - (e) must not be carried out in an environmentally sensitive area for exempt development, and
 - (f) if it relates to land the subject of a notice under section 28 of the *Contaminated Land Management Act 1997* that is in force—must comply with the terms of that notice, and
 - (g) must not be carried out on land comprised in any easement or right of way unless agreed to in writing by the person or authority in whose favour the easement exists, and
 - (h) must not be carried out within 3 metres of a public water or sewer main unless it complies with relevant requirements of the Sydney Water Corporation, and
 - (i) must not contravene any conditions of a development consent currently operating on the land, and

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Clause 18 State Environmental Planning Policy (Western Sydney Parklands) 2009

Part 3 Exempt development

- (j) must not be likely to result in the disturbance of more than one tonne of soil, or to lower the water table, on land on which acid sulphate soils are present.
- (3) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9 is exempt development only if:
 - (a) the building has a current fire safety certificate or fire safety statement, or
 - (b) no fire safety measures are currently implemented, required or proposed for the building.
- (4) In this clause:
environmentally sensitive area for exempt development means any of the following:
 - (a) land in the Western Parklands identified in this or any other environmental planning instrument as being of high biodiversity significance,
 - (b) land that is an environmental conservation area shown on the Environmental Conservation Areas Map,
 - (c) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*,
 - (d) land that comprises, or on which there is, a heritage item identified in Schedule 1.

Part 4 Miscellaneous provisions

19 Acquisition of land by corporation

For the purposes of section 27 of the Act, the corporation 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.

20 Bush fire hazard reduction

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

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

21 Declaration of maps

- (1) Each map adopted by the *Liverpool Local Environmental Plan 2008* that is specified in Column 1 of the following Table is declared by this Policy to be amended or replaced, as the case requires, by the map specified opposite in Column 2 of the Table as approved by the Minister on the making of this Policy.

Column 1	Column 2
Name of map being amended or replaced	Name of amending or replacement map
Liverpool Local Environmental Plan 2008 Land Zoning Map (4900_COM_LZN_005_020_20080815)	Liverpool Local Environmental Plan 2008 Land Zoning Map (4900_COM_LZN_005_020_20090210)
Liverpool Local Environmental Plan 2008 Land Zoning Map (4900_COM_LZN_007_020_20080815)	Liverpool Local Environmental Plan 2008 Land Zoning Map (4900_COM_LZN_007_020_20090210)
Liverpool Local Environmental Plan 2008 Land Zoning Map (4900_COM_LZN_008_020_20080815)	Liverpool Local Environmental Plan 2008 Land Zoning Map (4900_COM_LZN_008_020_20090210)

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Clause 21 State Environmental Planning Policy (Western Sydney Parklands) 2009

Part 4 Miscellaneous provisions

Column 1	Column 2
Name of map being amended or replaced	Name of amending or replacement map
Liverpool Local Environmental Plan 2008 Land Zoning Map (4900_COM_LZN_009_020_20080815)	Liverpool Local Environmental Plan 2008 Land Zoning Map (4900_COM_LZN_009_020_20090210)
Liverpool Local Environmental Plan 2008 Lot Size Map (4900_COM_LSZ_008_020_20080815)	Liverpool Local Environmental Plan 2008 Lot Size Map (4900_COM_LSZ_008_020_20090210)
Liverpool Local Environmental Plan 2008 Lot Size Map (4900_COM_LSZ_009_020_20080815)	Liverpool Local Environmental Plan 2008 Lot Size Map (4900_COM_LSZ_009_020_20090210)
Liverpool Local Environmental Plan 2008 Floor Space Ratio Map (4900_COM_FSR_008_020_20080815)	Liverpool Local Environmental Plan 2008 Floor Space Ratio Map (4900_COM_FSR_008_020_20090210)
Liverpool Local Environmental Plan 2008 Height of Buildings Map (4900_COM_HOB_008_020_20080815)	Liverpool Local Environmental Plan 2008 Height of Buildings Map (4900_COM_HOB_008_020_20090210)

- (2) This clause is repealed on the day following the day on which this clause commences.
- (3) The repeal of this clause does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by this clause.

Schedule 1 Heritage items

(Clause 15)

LGA	No	Heritage item	Location	Property description
Liverpool	1	Liverpool Offtake Reservoir	Elizabeth Drive, Liverpool	Lot 1, DP 1055232
Liverpool	2	Carnes Hill Vegetation Group	Carnes Hill, off Bringelly Road, Austral	Lot 8, DP 231528
Fairfield	3	Calmsley Hill Farm Cottage and curtilage	Darling Street, Abbotsbury	Part Lot 1, DP 553350
Fairfield	4	Relics of early homestead and stands of exotic vegetation	Elizabeth Drive, Abbotsbury	Lots 6, 7, 9 and 10, DP 2954; Lots 14 and 15, DP 860893; Lot 80, DP 812293 and Lot A, DP 344556
Fairfield	5	Remnants of Abbotsbury House	Southdown Road, Horsley Park	Lot 5, DP 825571 and Lot 16, DP 234284
Fairfield	6	Group of Hoop Pines	Prospect Reservoir, South Hill Chandos Road and Trivet Street, Wetherill Park	Lot 3, DP 1098102

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Schedule 2 Exempt development

Schedule 2 Exempt development

(Clause 18)

Alterations or additions (public buildings)

- (1) Must be alterations or additions to, or development ancillary to, a function centre, community facility, entertainment facility, information and education facility, public administration building or an existing recreational use.
- (2) Maximum area of premises being altered or added to—200m².

Change of use (business premises)

- (1) Must be a change of use from one kind of business premises to another kind of business premises.
- (2) New use must be consistent with the existing classification of the building under the *Building Code of Australia*.

Change of use (retail premises)

- (1) Must be a change of use from one kind of retail premises to another kind of retail premises.
- (2) New use must be consistent with the existing classification of the building under the *Building Code of Australia*.

Demolition

- (1) Must be the demolition of residential accommodation or development that is exempt development under this Policy.
- (2) Must be carried out in accordance with AS 2601—2001, *Demolition of structures*.

Emergency services (including replacement or augmentation of fire systems, pump houses, fire water tanks and scaffolding)

No standards are specified for this development.

Landscaping and public domain works

- (1) Must be any of the following development, carried out on public land:
 - (a) cycleways, single storey car parks, ticketing facilities and viewing platforms,
 - (b) outdoor recreational facilities, including playing fields, but not including grandstands,
 - (c) information facilities such as visitors' centres and information boards,

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- (d) lighting, if light spill and artificial sky glow is minimised in accordance with AS/NZS 1158 Set: 2007, *Lighting for Roads and Public Spaces*,
 - (e) landscaping, including irrigation schemes (whether they use recycled or other water),
 - (f) amenity facilities,
 - (g) maintenance depots,
 - (h) environmental protection works,
 - (i) the construction, maintenance and repair of:
 - (i) walking tracks, boardwalks and raised walking paths, ramps, minor pedestrian bridges, stairways, gates, seats, barbecues, shelters and shade structures, and
 - (ii) viewing platforms, and
 - (iii) sporting facilities, including goal posts, sight screens and fences, and
 - (iv) play equipment where adequate safety provisions (including soft landing surfaces) are provided, but only if any structure is at least 1.2m away from any fence,
 - (j) routine maintenance (including earthworks associated with playing field regrading or landscaping),
 - (k) bridle paths, cycle storage racks or areas, fences, gates, public art and walls,
 - (l) earthworks and retaining walls.
- (2) If a visitors' centre or maintenance depot, maximum area of development—200m².
- (3) If a retaining wall, must:
- (a) not be higher than 600mm (including the height of any batters) above ground level (existing), and
 - (b) if it is on a sloping site and stepped to accommodate the fall in the land—not be higher than 800mm above ground level (existing) at each step, and
 - (c) have adequate drainage lines behind it.
- (4) If earthworks, must:
- (a) not redirect the flow of surface water onto an adjoining property, and
 - (b) cause surface water to be disposed of without causing a nuisance to adjoining owners, and

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Schedule 2 Exempt development

- (c) be located at least 1m from any registered easement, sewer main or water main, and
- (d) not require cut or fill more than 600mm below or above ground level (existing), and
- (e) if the fill is more than 150mm deep—not occupy more than 50% of the landscaped area.

Minor external building alterations (other than a public building)

- (1) Includes re-cladding roofs or walls.
- (2) Must involve only repair or renovation, or painting, plastering or other decoration of building.
- (3) Must not result in enlargement or extension of building or increase in load-bearing capacity of any load-bearing component of building.
- (4) Any re-cladding must involve only replacing existing materials with similar materials and not involve structural alterations.

Minor internal building alterations (other than a public building)

- (1) Must be non-structural alterations to existing building only, such as:
 - (a) replacement of doors, wall, ceiling or floor linings or deteriorated frame members with equivalent or improved quality materials, or
 - (b) inclusion of built-in fixtures.
- (2) Must not affect load-bearing capacity of any load-bearing component of building.
- (3) Alterations must not compromise fire safety or affect accessibility of any fire exit.

Signage (associated with the use of road infrastructure)

No standards are specified for this development.

Signage (identification, directional, community information or safety signs but not including roof-top signs or commercial advertising or signs associated with the use of road infrastructure)

- (1) Surface area must not exceed 100m².
- (2) Obtrusive effects of outdoor lighting must be controlled in accordance with AS 4282–1997, *Control of the obtrusive effects of outdoor lighting*.

Signage (real estate signs on land or premises being advertised for lease or sale)

Surface area must not exceed 4.5m².

Signage (temporary, advertising an event and associated relevant details including sponsorship of the event)

- (1) Surface area must not exceed 100m².
- (2) Must not be displayed earlier than 28 days before the event and must be removed within 14 days after the event.
- (3) Obtrusive effects of outdoor lighting must be controlled in accordance with AS 4282–1997, *Control of the obtrusive effects of outdoor lighting*.

Temporary use of land

- (1) Maximum period of 182 days (whether or not consecutive days) in any period of 12 months.
- (2) Must not prejudice the subsequent carrying out of development on the land in accordance with this Policy.
- (3) Must not adversely impact on any adjoining land or the amenity of the neighbourhood.
- (4) Must not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land.
- (5) Must, at the end of the temporary use period, restore the site, as far as is practicable, to the condition in which it was before the commencement of the temporary use.

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3.1 Blacktown Local Environmental Plan 1988

Clause 6 Interpretation

Insert in appropriate order in the definition of *the map* in clause 6 (1):

Blacktown Local Environmental Plan 1988 (State Environmental Planning Policy (Western Sydney Parklands) 2009 amendment) Land Zoning Map—Sheets LZN 001 to 003.

3.2 Fairfield Local Environmental Plan 1994

Dictionary

Insert in appropriate order in the definition of *Map*:

Fairfield Local Environmental Plan 1994 (State Environmental Planning Policy (Western Sydney Parklands) 2009 amendment) Land Zoning Map—Sheet LZN 001.

3.3 State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development

Clause 4 Application of Policy

Omit “or *State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007* applies” from clause 4 (1).

Insert instead “, *State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007* or *State Environmental Planning Policy (Western Parklands) 2009* applies”.

3.4 State Environmental Planning Policy No 19—Bushland in Urban Areas

Clause 3 Application of Policy

Omit clause 3 (2) (c). Insert instead:

- (c) land to which *State Environmental Planning Policy (Western Sydney Parklands) 2009* applies.

3.5 State Environmental Planning Policy No 21—Caravan Parks

Clause 4 Land to which this Policy applies

Insert at the end of the clause:

- (2) Despite subclause (1), this Policy does not apply to land to which *State Environmental Planning Policy (Western Sydney Parklands) 2009* applies.

3.6 State Environmental Planning Policy No 29—Western Sydney Recreation Area

[1] Clause 3 Definitions

Omit the definition of “*the map*”. Insert instead:

the map means the “State Environmental Planning Policy No 29—Western Sydney Recreation Area (Western Sydney Parklands Amendment) Land Application Map—Sheet LAP 001” deposited in the office of the Department.

[2] Clause 4 Land to which this Policy applies

Omit the clause. Insert instead:

4 Land to which this Policy applies

This Policy applies to the land marked “SEPP 29 Area” on the map.

3.7 State Environmental Planning Policy No 30—Intensive Agriculture

Clause 3 Application of Policy

Insert at the end of clause 3 (2) (c):

, or

- (d) to land to which *State Environmental Planning Policy (Western Sydney Parklands) 2009* applies.

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3.8 State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)

Clause 4 Land to which this Policy applies

Insert at the end of the clause:

- (2) Despite subclause (1), this Policy does not apply to land to which *State Environmental Planning Policy (Western Sydney Parklands) 2009* applies.

3.9 State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area

[1] Clause 4 Land to which this Policy applies

Insert at the end of the clause:

- (2) Despite subclause (1), this Policy does not apply to the land marked “Repealed SEPP 59 Area” on the State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area (Western Sydney Parklands Amendment) Land Application Map—Sheet LAP 001 deposited in the office of the Department.

[2] Clause 5 Relationship to other environmental planning instruments

Omit “*Sydney Regional Environmental Plan No 31—Regional Parklands*,” from clause 5 (1).

3.10 State Environmental Planning Policy No 64—Advertising and Signage

Clause 5 Area of application of this Policy

Insert at the end of clause 5 (3):

Land to which *State Environmental Planning Policy (Western Sydney Parklands) 2009* applies

3.11 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Clause 1.4 Land to which Policy applies

Insert after clause 1.4 (2):

- (3) Also, this Policy does not apply to land to which *State Environmental Planning Policy (Western Sydney Parklands) 2009* applies.

3.12 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

Clause 4 Land to which Policy applies

Insert at the end of clause 4 (6) (d):

, or

- (e) the land to which *State Environmental Planning Policy (Western Sydney Parklands) 2009* applies.

3.13 State Environmental Planning Policy (Infrastructure) 2007

Clause 65 Development permitted without consent

Omit clause 65 (2) (c).

3.14 State Environmental Planning Policy (Major Projects) 2005

Schedule 1 Part 3A projects—classes of development

Omit “*Sydney Regional Environmental Plan No 31—Regional Parklands* or” from clause 15 (1).

3.15 State Environmental Planning Policy (Sydney Region Growth Centres) 2006

[1] Clause 4 Consent authority

Insert at the end of the clause:

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

[2] Clause 21 Land to which Part applies

Insert after clause 21 (1) (c):

- (d) land that is:
- (i) under *State Environmental Planning Policy (Western Sydney Parklands) 2009*, in an environmental conservation area shown on the State Environmental Planning Policy (Western Sydney Parklands) 2009 Environmental Conservation Areas Map, and
 - (ii) in a growth centre.

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[3] Clause 21 (2)

Insert “, unless the land is land mentioned in subclause (1) (d)” after “1974”.