



New South Wales

State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (Hawkesbury Growth Centres Precinct Plan) 2017

under the

Environmental Planning and Assessment Act 1979

His 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*.

ANTHONY ROBERTS, MP
Minister for Planning

State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (Hawkesbury Growth Centres Precinct Plan) 2017

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (Hawkesbury Growth Centres Precinct Plan) 2017*.

2 Commencement

This Policy commences on the day on which it is published on the NSW legislation website.

3 Repeal of Policy

- (1) This Policy is repealed on the day following the day on which this Policy commences.
- (2) The repeal of this Policy does not, because of the operation of sections 5 (6) and 30 of the *Interpretation Act 1987*, affect any amendment made by this Policy.

4 Maps

The maps adopted by *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Plan.

Schedule 1 Amendment of State Environmental Planning Policy (Sydney Region Growth Centres) 2006

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

Insert at the end of the Table:

Vineyard Precinct, North West Growth Centre Appendix 13 (to the extent to which the *Hawkesbury Growth Centres Precinct Plan 2017* applies to the Vineyard Precinct)

[2] Clause 21 Land to which Part applies

Insert after clause 21 (4) (k):

- (l) land to which the *Hawkesbury Growth Centres Precinct Plan 2017* (as referred to in Appendix 13) applies.

[3] Appendix 13

Insert after Appendix 12:

Appendix 13 Hawkesbury Growth Centres Precinct Plan

Part 1 Preliminary

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

1.1 Name of Precinct Plan

This Precinct Plan is the *Hawkesbury Growth Centres Precinct Plan 2017*.

1.2 Aims of Precinct Plan

The aims of this Precinct Plan are as follows:

- (a) to rezone land to allow for development to occur in the manner envisaged by the North West Priority Growth Area Land Use and Infrastructure Implementation Plan and the indicative layout for the land to which this Precinct Plan applies,
- (b) to deliver housing choice and affordability by accommodating a wide range of residential dwelling types that cater for housing diversity,
- (c) to guide the bulk and scale of future development within the Vineyard Precinct,
- (d) to protect and enhance riparian corridors and areas of significant native vegetation by establishing development controls that prevent the clearing of existing native vegetation within the Vineyard Precinct,
- (e) to protect and enhance areas of local heritage significance by establishing development controls in order to maintain and respect the relationships between heritage sites and uses of adjacent sites,
- (f) to rezone land to allow for retail and commercial uses to meet the needs of future residents of the Vineyard Precinct and surrounding areas.

1.3 Land to which Precinct Plan applies

This Precinct Plan applies to land within the Vineyard Precinct as shown on the Land Application Map.

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

1.4 Definition

In this Precinct Plan, **Council** means Hawkesbury City Council.

Note. The Dictionary at the end of this State environmental planning policy defines words and expressions for the purposes of this Precinct Plan, including the relevant maps.

1.5 Notes

Notes in this Precinct Plan are provided for guidance and do not form part of this Plan.

1.6 Consent authority

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

1.8 Repeal of other local planning instruments applying to land

- (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Precinct Plan applies are repealed.
- (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Precinct Plan applies and to other land cease to apply to the land to which this Precinct Plan applies.
- (3) This clause does not affect the operation of other provisions of this State environmental planning policy.

1.8A Savings provision relating to pending development applications

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

1.9 Application of SEPPs

- (1) This Precinct Plan is subject to the provisions of any State environmental planning policy that prevails over this Precinct Plan as provided by section 36 of the Act.
Note. Section 36 of the Act generally provides that SEPPs prevail over LEPs and other instruments. However, an environmental planning instrument may (by an additional provision included in the instrument) displace or amend a SEPP or LEP to deal specifically with the relationship between the instrument and the SEPP or LEP.
- (2) *State Environmental Planning Policy No 1—Development Standards* does not apply to the land to which this Precinct Plan applies.
- (3) Subject to section 74 (1) of the Act, in the event of an inconsistency between this Precinct Plan and any other provision of this or any other environmental

planning instrument, whether made before or after the commencement of this Precinct Plan, this Precinct Plan prevails to the extent of the inconsistency.

Note. The other provisions of this State environmental planning policy also contain provisions applying development controls to the North West Growth Centre, including the Vineyard Precinct.

1.9A Suspension of covenants, agreements and instruments

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Precinct Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply:
 - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
 - (b) to any biodiversity certification conferred under Part 8 of the *Biodiversity Conservation Act 2016*, or
 - (c) to any private land conservation agreement within the meaning of the *Biodiversity Conservation Act 2016*, or
 - (d) to any prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, or
 - (e) to the relevant provisions of a land management (native vegetation) code (and the necessary mandatory code compliant certificate) with respect to a set aside area under Part 5A of the *Local Land Services Act 2013*, or
 - (f) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
 - (g) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001* that is continued in force by the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*, or
 - (h) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003* that is continued in force by the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*, or
 - (i) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

Part 2 Permitted or prohibited development

2.1 Land use zones

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

Residential Zones

R2 Low Density Residential

R3 Medium Density Residential

Business Zones

B2 Local Centre

B4 Mixed Use

Special Purpose Zones

SP2 Infrastructure

Recreation Zones

RE1 Public Recreation

Environment Protection Zones

E2 Environmental Conservation

E4 Environmental Living

2.2 Zoning of land to which Precinct Plan applies

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

2.3 Zone objectives and Land Use Table

- (1) The Land Use Table at the end of this Part specifies for each zone:
 - (a) the objectives for development, and
 - (b) development that may be carried out without consent, and
 - (c) development that may be carried out only with consent, and
 - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.
- (3) In the Land Use Table at the end of this Part:
 - (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
 - (b) a reference to a type of building or other thing does not include (despite any definition in this Policy) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.
- (4) This clause is subject to the other provisions of this Precinct Plan.

Notes.

- 1 Schedule 1 to this Precinct Plan sets out additional permitted uses for particular land.
- 2 Schedule 1 to this Policy sets 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.
- 3 Schedule 2 to this Policy sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).
- 4 Clause 2.6 requires consent for subdivision of land.
- 5 Part 5 of this Precinct Plan contains other provisions which require consent for particular development.

2.5 Additional permitted uses for particular land

- (1) Development on particular land that is described or referred to in Schedule 1 to this Appendix may be carried out:
 - (a) with development consent, or
 - (b) if the Schedule so provides—without development consent,

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

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

2.6 Subdivision—consent requirements

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

2.7 Demolition

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

Note. The demolition of certain buildings and works is identified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* as exempt development.

2.8 Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Precinct Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that:
 - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Precinct Plan and this or any other applicable environmental planning instrument, and
 - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
 - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
 - (d) at the end of the temporary use period, the site will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subclause (2), the following development may exceed the maximum number of days specified in that subclause:
 - (a) the temporary use of advertising structures for a new release area or a new housing estate,
 - (b) the temporary use of a dwelling or business premises as a sales office for a new release area or a new housing estate.
- (5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

Land Use Table

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

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To allow residents to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours.
- To support the well-being of the community, by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.

2 Permitted without consent

Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Business identification signs; Centre-based child care facilities; Community facilities; Drainage; Dual occupancies; Dwelling houses; Earthworks; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Information and education facilities; Neighbourhood shops; Places of public worship; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Sewerage systems; Shop top housing; Studio dwellings; Veterinary hospitals; Waterbodies (artificial)

4 Prohibited

Any development not specified in item 2 or 3

Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Business identification signs; Centre-based child care facilities; Community facilities; Drainage; Dual occupancies; Dwelling houses; Earthworks; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Hostels; Information and education facilities; Manor homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Sewerage systems; Shop top housing; Studio dwellings; Veterinary hospitals; Waterbodies (artificial)

4 Prohibited

Any development not specified in item 2 or 3

Zone B2 Local Centre

1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities.
- To maximise public transport patronage and encourage walking and cycling.

2 Permitted without consent

Home occupations

3 Permitted with consent

Boarding houses; Business premises; Centre-based child care facilities; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Medical centres; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Retail premises; Service stations; Sewerage systems; Shop top housing; Tourist and visitor accommodation; Vehicle repair stations; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Biosolids treatment facilities; Boat repair facilities; Boat sheds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Freight transport facilities; Funeral chapels; Funeral homes; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Mortuaries; Residential accommodation; Restricted premises; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Sex services premises; Storage premises; Transport depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste management facilities; Waste or resource management facilities

Zone B4 Mixed Use

1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To provide for residential development that contributes to the vitality of the local centre.
- To ensure that residential development adjacent to the local centre does not detract from the primary function of the centre, being to provide for retail, business, entertainment and community uses.
- To facilitate active retail, commercial, entertainment and community facility uses at ground level of mixed use developments.

2 Permitted without consent

Home occupations

3 Permitted with consent

Boarding houses; Business premises; Car parks; Centre-based child care facilities; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Retail premises; Roads; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Biosolids treatment facilities; Boat repair facilities; Boat sheds; Bulky goods premises; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Electricity generating works; Exhibition villages; Extractive industries; Farm buildings; Freight transport facilities; Funeral chapels; Funeral homes; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Mortuaries; Port facilities; Public administration buildings; Recreation facilities (major); Residential accommodation; Restricted premises; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste management facilities; Waste or resource management facilities; Wholesale supplies

Zone 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

Drainage; Earthworks; Environmental protection works; Flood mitigation works; Roads; Sewerage systems; Waterbodies (artificial); The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

Zone RE1 Public Recreation

1 Objectives of zone

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

2 Permitted without consent

Nil

3 Permitted with consent

Community facilities; Drainage; Earthworks; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Kiosks; Markets; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads; Sewerage systems; Signage; Waterbodies (artificial)

4 Prohibited

Any development not specified in item 2 or 3

Zone E2 Environmental Conservation

1 Objectives of zone

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

2 Permitted without consent

Nil

3 Permitted with consent

Drainage; Earthworks; Environmental protection works; Flood mitigation works; Roads; Waterbodies (artificial)

4 Prohibited

Any development not specified in item 2 or 3

Zone E4 Environmental Living

1 Objectives of zone

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

2 Permitted without consent

Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Community facilities; Drainage; Dwelling houses; Environmental facilities; Environmental protection works; Extensive agriculture; Flood mitigation works; Home businesses; Home industries; Places of public worship; Recreation areas; Recreation facilities (outdoor); Sewerage systems; Waterbodies (artificial)

4 Prohibited

Any development not specified in item 2 or 3

Part 4 Principal development standards

4.1 Minimum subdivision lot size

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

4.1AB Subdivision resulting in lots between 225–300m²

- (1) This clause applies to land in the following zones:
 - (a) Zone R2 Low Density Residential,
 - (b) Zone R3 Medium Density Residential.
- (2) Development consent may be granted to the subdivision of land to which this clause applies resulting in the creation of a lot that has an area of less than 300m² (but not less than 225m²), if the consent authority is satisfied that the lot will contain a sufficient building envelope to enable the erection of a dwelling house on the lot.
- (3) This clause does not apply to a subdivision that is the subject of a development application under clause 4.1AE (2) (b), 4.1AF (2) (b) or 4.1AG.

4.1AC Minimum lot sizes for residential development in Zone R2 Low Density Residential and Zone R3 Medium Density Residential

- (1) The objectives of this clause are as follows:
 - (a) to establish minimum lot sizes for residential development in Zone R2 Low Density Residential and Zone R3 Medium Density Residential,
 - (b) to ensure that residential development in the Vineyard Precinct results in the efficient use of land and contributes to the supply of new housing in the North West Growth Centre,
 - (c) to ensure that residential development has adequate usable areas for buildings and open space,
 - (d) to ensure that residential development in the Vineyard Precinct is compatible with the character of the locality and with surrounding residential areas,
 - (e) to facilitate and encourage the provision of a range of residential lot types, in particular, small lot housing.
- (2) This clause applies to land in the following zones for which a dwelling density range is shown on the Residential Density Map:
 - (a) Zone R2 Low Density Residential,
 - (b) Zone R3 Medium Density Residential.
- (3) If the dwelling density range is shown on the Residential Density Map as O2, the minimum lot size is as follows:
 - (a) for a dwelling house—300m²,
 - (b) for a dual occupancy—500m²,
 - (c) for a semi-detached dwelling—200m²,
 - (d) for an attached dwelling—1,500m²,
 - (e) for multi dwelling housing—1,500m².

Note. The dwelling density range for O2 is 15 minimum—18 maximum per hectare.
- (3) If the dwelling density range is shown on the Residential Density Map as T2, the minimum lot size is as follows:
 - (a) for a dwelling house—300m²,
 - (b) for a dual occupancy—400m²,
 - (c) for a semi-detached dwelling—125m²,
 - (d) for an attached dwelling—375m²,
 - (e) for multi dwelling housing—375m²,
 - (f) for a manor home—600m²,
 - (g) for a residential flat building—2,000m².

Note. The dwelling density range for T2 is 20 minimum—30 maximum per hectare.

4.1AD Minimum lot sizes for secondary dwellings in Zone R2 Low Density Residential and Zone R3 Medium Density Residential

- (1) This clause applies to land in the following zones:
 - (a) Zone R2 Low Density Residential,
 - (b) Zone R3 Medium Density Residential.
- (2) The minimum lot size for a secondary dwelling on land in Zone R2 Low Density Residential is 450m².

- (3) The minimum lot size for a secondary dwelling on land in Zone R3 Medium Density Residential is the minimum lot size for the principal dwelling in conjunction with which the secondary dwelling is established, determined in accordance with clause 4.1AC.
- (4) For the purposes of this clause, a reference to the lot size:
 - (a) in relation to land in Zone R2 Low Density Residential, means the size of that part of the lot that is in that zone, and
 - (b) in relation to land in Zone R3 Medium Density Residential, means the size of that part of the lot that is in that zone, and
 - (c) does not include the size of land in any other zone.

4.1AE Exceptions to minimum lot sizes for dwelling houses

- (1) This clause applies to the following:
 - (a) a lot in Zone R2 Low Density Residential that has an area of less than 300m² (but not less than 250m²),
 - (b) a lot in Zone R3 Medium Density Residential that has an area of less than 300m² (but not less than 225m²).
- (2) Despite clause 4.1AC, development consent may be granted to the erection of a dwelling house on a lot to which this clause applies if:
 - (a) the lot results from a subdivision to which development consent has been granted in accordance with clause 4.1AB and, in determining the development application for the erection of the dwelling house, the consent authority considers any information that it considered for the purposes of that clause in determining the development application for that subdivision, or
 - (b) the development application is a single development application for development consisting of both of the following:
 - (i) the subdivision of land into 2 or more lots,
 - (ii) the erection of the dwelling house on one of the lots resulting from the subdivision.

4.1AF Exceptions to minimum lot sizes for dwelling houses on other lots in Zone R2 Low Density Residential

- (1) This clause applies to a lot in Zone R2 Low Density Residential that has an area of less than 250m² (but not less than 225m²).
- (2) Despite clause 4.1AC (3), development consent may be granted to the erection of a dwelling house on a lot to which this clause applies if the lot meets the requirements of subclause (3) and:
 - (a) the lot results from a subdivision to which development consent has been granted in accordance with clause 4.1AB and, in determining the development application for the erection of the dwelling house, the consent authority considers any information that it considered for the purposes of that clause in determining the development application for that subdivision, or
 - (b) the development application is a single development application for development consisting of both of the following:
 - (i) the subdivision of land into 2 or more lots,
 - (ii) the erection of the dwelling house on one of the lots resulting from the subdivision.

- (3) A lot meets the requirements of this subclause if:
 - (a) the lot adjoins land in Zone RE1 Public Recreation, or is separated from land in that zone only by a public road, or
 - (b) the lot adjoins land in Zone B2 Local Centre or Zone B4 Mixed Use, or is separated from land in any of those zones only by a public road, or
 - (c) the land is within 400m of land in Zone B2 Local Centre and adjoins (or is separated only by a public road from) land in Zone SP2 Infrastructure that is set aside for drainage or educational purpose.
- (4) Despite subclause (2), development consent must not be granted to the erection of a dwelling house to which this clause applies unless the consent authority is satisfied that the dwelling house:
 - (a) will not adversely impact on the amenity of adjoining residential properties, and
 - (b) will be designed and orientated to provide active frontages to and surveillance of the public recreation or drainage land, and
 - (c) will not adversely impact on or limit solar access to adjoining residential or public open space land.

4.1AG Exceptions to minimum lot sizes for dwelling houses on small lots

- (1) This clause applies to a lot in Zone R3 Medium Density Residential that has an area less than 225m² (but not less than 125m²).
- (2) Despite clause 4.1AC (3), development consent may be granted to the erection of a dwelling house on a lot to which this clause applies if the development application is a single development application for development consisting of both of the following:
 - (a) the subdivision of land into 2 or more lots,
 - (b) the erection of the dwelling house on one of the lots resulting from the subdivision.

4.1AH Minimum lot sizes in split zones

- (1) This clause applies to each lot that contains land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential and land in any other zone.
- (2) For the purposes of clauses 4.1AB–4.1AG, a reference to the area of a lot:
 - (a) in relation to land in Zone R2 Low Density Residential, means the area of that part of the lot that is in Zone R2 Low Density Residential, and
 - (b) in relation to land in Zone R3 Medium Density Residential, means the area of that part of the lot that is in Zone R3 Medium Density Residential, and
 - (c) does not include any part of the lot that is in any other zone.

4.1I Residential density

- (1) The objectives of this clause are:
 - (a) to establish density requirements for residential development, and
 - (b) to ensure that residential development makes efficient use of land and infrastructure and contributes to the availability of new housing, and
 - (c) to ensure that the scale of residential development is compatible with the character of the precinct and adjoining land.

- (2) The consent authority must not grant development consent to residential development on land for which a dwelling density range is shown on the Residential Density Map if the development will result in the density of dwellings on the land being less than the minimum density or more than the maximum density specified by that dwelling density range.
- (3) The consent authority must not grant consent for the subdivision of land for which a dwelling density range is shown on the Residential Density Map if that subdivision would result in the dwelling density on any resultant lot being greater than the maximum dwelling density specified for the land by that dwelling density range.
- (4) Subclause (3) does not prevent a subdivision that provides for individual dwellings to be on separate lots if the consent authority is satisfied that the subdivision does not also involve the creation of additional dwelling entitlements.
- (5) This clause has effect despite anything to the contrary in any other provision of this Precinct Plan.
- (6) In this clause:
density means the ratio of the number of dwellings to the area of the land to be occupied by the residential development, including internal streets and half the width of any roads adjoining the development that provide vehicular access to the development but excluding land that is not zoned for residential purposes.

4.3 Height of buildings

- (1) The objectives of this clause are as follows:
 - (a) to establish the maximum height of buildings,
 - (b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,
 - (c) to facilitate higher density development in and around commercial centres and major transport routes.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

4.4 Floor space ratio

- (1) The objective of this clause is to control the bulk and scale of buildings by setting maximum floor space ratios for development.
- (2) The floor space ratio for a building on any land is not to exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map.

4.5 Calculation of floor space ratio and site area

(1) Objectives

The objectives of this clause are as follows:

- (a) to define *floor space ratio*,
- (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:
 - (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and

- (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
- (iii) require community land and public places to be dealt with separately.

(2) **Definition of “floor space ratio”**

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

(3) **Site area**

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

- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
- (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

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

(4) **Exclusions from site area**

The following land must be excluded from the site area:

- (a) land on which the proposed development is prohibited, whether under this Precinct Plan or any other law,
- (b) community land or a public place (except as provided by subclause (7)).

(5) **Strata subdivisions**

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

(6) **Only significant development to be included**

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

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

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

(8) **Existing buildings**

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

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

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

(10) **Covenants affect consolidated sites**

If:

- (a) a covenant of the kind referred to in subclause (9) applies to any land (*affected land*), and
- (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

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

(11) **Definition**

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

4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Secretary has been obtained.

- (5) In deciding whether to grant concurrence, the Secretary 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 Secretary before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone E2 Environmental Conservation or Zone E4 Environmental Living if:
 - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:
 - (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,
 - (c) clause 5.4,
 - (d) clause 4.1I.

Part 5 Miscellaneous provisions

5.1 Relevant acquisition authority

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

Note. If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires the authority to acquire the land.
- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

Type of land shown on Map	Authority of the State
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Zone RE1 Public Recreation and marked "Local open space"	Council
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Type of land shown on Map	Authority of the State
Zone SP2 Infrastructure and marked "Local drainage"	Council
Zone SP2 Infrastructure and marked "Local road"	Council
Zone B4 Mixed Use and marked "Mixed Use"	Council
Zone SP2 Infrastructure and marked "Classified Road"	Roads and Maritime Services

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

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

5.2 Classification and reclassification of public land

- (1) The objective of this clause is to enable the Council to classify or reclassify public land as "operational land" or "community land" in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.
- Note.** Under the *Local Government Act 1993*, "public land" is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this Precinct Plan to discharge trusts on which public reserves are held if the land is reclassified under this Precinct Plan as operational land.
- (2) The public land described in Part 1 or Part 2 of Schedule 4 to this Appendix is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 to this Appendix is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4 to this Appendix:
- does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
 - continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4 to this Appendix, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
- those (if any) specified for the land in Column 3 of Part 2 of Schedule 4 to this Appendix, and
 - any reservations that except land out of the Crown grant relating to the land, and

- (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).

Note. In accordance with section 30 (2) of the *Local Government Act 1993*, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4 to this Appendix.

5.3 Development near zone boundaries

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within 50 metres of a boundary between any 2 other zones.
- (3) This clause does not apply to:
 - (a) land in Zone E2 Environmental Conservation, Zone E4 Environmental Living or Zone RE1 Public Recreation, or
 - (b) land within a coastal area, or
 - (c) land proposed to be developed for the purpose of sex services or restricted premises.
- (4) Despite the provisions of this Precinct Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:
 - (a) the development is not inconsistent with the objectives for development in both zones, and
 - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land, and
 - (c) the total area of Zone RE1 Public Recreation land will not be reduced.
- (5) This clause does not prescribe a development standard that may be varied under this Precinct Plan.

5.4 Controls relating to miscellaneous permissible uses

(1) Bed and breakfast accommodation

If development for the purposes of bed and breakfast accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 4 bedrooms.

Note. Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.

(2) Home businesses

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

(3) **Home industries**

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

(4) **Kiosks**

If development for the purposes of a kiosk is permitted under this Precinct Plan, the gross floor area must not exceed 25 square metres.

(5) **Neighbourhood shops**

If development for the purposes of a neighbourhood shop is permitted under this Precinct Plan, the retail floor area must not exceed 200 square metres.

(6) **Secondary dwellings**

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

- (a) 60 square metres,
- (b) 10% of the total floor area of the principal dwelling.

5.6 Architectural roof features

- (1) The objectives of this clause are as follows:
 - (a) to ensure that architectural roof features are decorative elements only, and
 - (b) to ensure that the majority of the roof features are contained within the prescribed building height.
- (2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.
- (3) Development consent must not be granted to any such development unless the consent authority is satisfied that:
 - (a) the architectural roof feature:
 - (i) comprises a decorative element on the uppermost portion of a building, and
 - (ii) is not an advertising structure, and
 - (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
 - (iv) will cause minimal overshadowing, and
 - (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

5.8 Conversion of fire alarms

- (1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.

- (2) The following development may be carried out, but only with development consent:
 - (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
 - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
 - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) 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 450 mm 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 Fire and Rescue NSW to monitor fire alarm systems.

5.10 Heritage conservation

Note. Heritage items (if any) are listed and described in Schedule 5 to this Precinct Plan. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of the Vineyard Precinct,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
 - (i) a heritage item,
 - (ii) an Aboriginal object,
 - (iii) a building, work, relic or tree within a heritage conservation area,

- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 to this Precinct Plan in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) When consent not required

However, development consent under this clause is not required if:

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

(4) Effect of proposed development on heritage significance

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

(5) **Heritage assessment**

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

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) **Heritage conservation management plans**

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

(7) **Archaeological sites**

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

- (a) notify the Heritage Council of its intention to grant consent, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

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

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

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) **Demolition of nominated State heritage items**

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:

- (a) notify the Heritage Council about the application, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) **Conservation incentives**

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

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

5.11 Bush fire hazard reduction

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

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

5.12 Infrastructure development and use of existing buildings of the Crown

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

Part 6 Additional local provisions

6.1 Public utility infrastructure

- (1) Development consent must not be granted for development on land to which this Precinct Plan applies unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.
- (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.
- (3) In this clause, **public utility infrastructure** includes infrastructure for any of the following:
 - (a) the supply of water,
 - (b) the supply of electricity,
 - (c) the disposal and management of sewage.

6.2 Information and education facilities in Zone R2 Low Density Residential

- (1) The objectives of this clause are as follows:
 - (a) to permit, with development consent, information and education facilities within Zone R2 Low Density Residential in limited circumstances,

- (b) to provide criteria for the location and development of information and education facilities within Zone R2 Low Density Residential in the Vineyard Precinct,
 - (c) to ensure that development for the purposes of information and education facilities does not detract from the character and amenity of land within Zone R2 Low Density Residential.
- (2) Development for the purpose of information and education facilities is permissible with development consent only on land within Zone R2 Low Density Residential that:
 - (a) adjoins land within Zone E2 Environmental Conservation, or that is separated from land within Zone E2 Environmental Conservation only by a public road, or
 - (b) is within 90 metres of a public transport stop, or
 - (c) adjoins an educational establishment or a community facility or that is separated from an educational establishment or a community facility only by a public road.
- (3) Development consent must not be granted for an information and education facility if it would be located within 800 metres of another information and educational facility within Zone R2 Low Density Residential.

6.3 Development controls—existing native vegetation

- (1) The objective of this clause is to manage existing native vegetation in accordance with the relevant biodiversity measures under Part 8 of the *Biodiversity Conservation Act 2016*.
- (2) This clause applies to land within an existing native vegetation area as shown on the Native Vegetation Protection Map.
- (3) This clause does not apply to a weed within the meaning of the *Biosecurity Act 2015* that is identified as a priority weed on the land to which this Precinct Plan applies by a local strategic plan approved under Division 2 of Part 4 of the *Local Land Services Act 2013*.
- (4) The consent authority must not grant development consent for development on land to which this clause applies unless it is satisfied that the proposed development will not result in the clearing of any existing native vegetation.

6.4 Development in Zone E2 Environmental Conservation

- (1) This clause applies to land within Zone E2 Environmental Conservation (other than any such land owned by a public authority).
- (2) Despite any other provision of this Precinct Plan, the consent authority must not grant development consent for development on land to which this clause applies unless it has considered a vegetation management plan that relates to all of that land.
- (3) The vegetation management plan must address, to the satisfaction of the consent authority, the following matters:
 - (a) the environmental values of the land,
 - (b) methods to be used to revegetate and rehabilitate the land,
 - (c) weed control,
 - (d) the monitoring and ongoing management of the land,
 - (e) other measures:

- (i) to control threats to the health of any remnant riparian vegetation on the land, and
- (ii) to increase species diversification and riparian vegetation cover on the land, and
- (iii) to improve the land's resistance to future weed colonisation.

6.5 Subdivision of land adjoining Zone E2 Environmental Conservation

- (1) The objectives of this clause are as follows:
 - (a) to ensure the rehabilitation and revegetation of land that is within Zone E2 Environmental Conservation (other than any such land owned by a public authority),
 - (b) to ensure that land within that Zone is managed and conserved in a holistic and sensitive manner.
- (2) This clause applies to any lot that includes land within Zone E2 Environmental Conservation and land within another zone.
- (3) Despite any other provision of this Precinct Plan, the consent authority must not grant development consent for subdivision of land to which this clause applies or any other development on that land unless it is satisfied that:
 - (a) appropriate arrangements have been made for the revegetation and rehabilitation of that land within Zone E2 Environmental Conservation, and
 - (b) those arrangements:
 - (i) provide for the ongoing monitoring and management of that land, and
 - (ii) will take effect before, or simultaneously with, the proposed subdivision or development concerned, and
 - (iii) are appropriate when considered in conjunction with any vegetation management plan prepared in accordance with clause 6.5.

6.6 Subdivision of land on flood prone and major creeks land wholly or partially in Zone E4 Environmental Living

- (1) This clause applies to land that is flood prone and major creeks land and that is:
 - (a) wholly within Zone E4 Environmental Living, or
 - (b) partially within Zone E4 Environmental Living and partially within one or both of the following zones:
 - (a) Zone R2 Low Density Residential,
 - (b) Zone R3 Medium Density Residential.
- (2) Despite any other provision of this Precinct Plan, the consent authority must not grant consent for the subdivision of land to which this clause applies unless the consent authority is satisfied that there is an area of land on the lot that is above the flood planning level and is sufficient for the erection of a dwelling house.
- (3) In this clause:
flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

6.7 Attached dwellings and multi dwelling housing in Zone R2 Low Density Residential

- (1) The objectives of this clause are:
 - (a) to permit, with development consent, attached dwellings and multi dwelling housing in Zone R2 Low Density Residential in limited circumstances, and
 - (b) to provide location and development criteria that must be satisfied before development consent can be granted.
- (2) Development for the purposes of attached dwellings or multi dwelling housing is permissible with development consent on land in Zone R2 Low Density Residential if a dwelling density range is shown on the Residential Density Map for the land as O2 and if the land:
 - (a) adjoins land in Zone RE1 Public Recreation, or is separated from land in that zone only by a public road, or
 - (b) adjoins land in Zone B2 Local Centre or Zone B4 Mixed Use, or is separated from land in any of those zones only by a public road, or
 - (c) the land is within 400m of land in Zone B2 Local Centre and adjoins (or is separated only by a public road from) land in Zone SP2 Infrastructure that is set aside for drainage or educational purpose.

Note. The dwelling density range for O2 is 15 minimum—18 maximum per hectare.
- (3) Development must not be granted under this clause unless the consent authority is satisfied that:
 - (a) the attached dwellings or multi dwelling housing will not adversely impact on the amenity of any adjoining residential properties, and
 - (b) the attached dwellings or multi dwelling housing will be designed and orientated to provide active frontages to and surveillance of the public recreation drainage land, and
 - (c) the attached dwellings or multi dwelling housing will not adversely impact on or limit solar access to adjoining residential or public open space land.
- (4) This clause has effect despite anything to the contrary in the Land Use Table.

6.8 Acid sulfate soils

- (1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.
- (2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

Class of land	Works
1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.

Class of land	Works
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

- (3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.
- (4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if:
- (a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and
 - (b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.
- (5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):
- (a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,
 - (b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),
 - (c) minor work, being work that costs less than \$20,000 (other than drainage work).
- (6) Despite subclause (2), development consent is not required under this clause to carry out any works if:
- (a) the works involve the disturbance of less than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins), foundations or flood mitigation works, or
 - (b) the works are not likely to lower the watertable.

6.9 Earthworks

- (1) The objectives of this clause are as follows:
- (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and

- processes, neighbouring uses, cultural or heritage items or features of the surrounding land,
- (b) to allow earthworks of a minor nature without requiring separate development consent.
- (2) Development consent is required for earthworks unless:
- (a) the earthworks are exempt development under this Precinct Plan or another applicable environmental planning instrument, or
 - (b) the earthworks are ancillary to other development for which development consent has been given.
- (3) Before granting development consent for earthworks, the consent authority must consider the following matters:
- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,
 - (b) the effect of the development on the likely future use or redevelopment of the land,
 - (c) the quality of the fill or the soil to be excavated, or both,
 - (d) the effect of the development on the existing and likely amenity of adjoining properties,
 - (e) the source of any fill material and the destination of any excavated material,
 - (f) the likelihood of disturbing Aboriginal objects,
 - (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area,
 - (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Note. The *National Parks and Wildlife Act 1974*, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.

Schedule 1 Additional permitted uses

(Clause 2.5)

Motel accommodation and pub

On land being Lot 2 in Deposited Plan 559566 and Lot 31 in Deposited Plan 1089253—development for the purposes of motel accommodation and a pub.

Schedule 4 Classification and reclassification of public land

(Clause 5.2)

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

Column 1	Column 2
Locality	Description
Nil	

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

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

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
Nil	

Schedule 5 Environmental heritage

(Clause 5.10)

Part 1 Heritage items

Precinct	Item name	Address	Property description	Significance
Vineyard	Pitt Town Common House	52 Chapman Road	Lot 47, DP 752050	Local

[4] Dictionary

Insert the following paragraph with appropriate numbering after the last paragraph of the notes to the definitions of *bed and breakfast accommodation*, *home business*, *home industry*, *kiosk*, *neighbourhood shop* and *secondary dwelling*:

clause 5.4 of Appendix 13 in respect of land to which the Hawkesbury Growth Centres Precinct Plan applies.

[5] Dictionary, definitions of “biodiversity” and “biological diversity”

Omit the definitions. Insert instead:

biodiversity or *biological diversity* means the variety of living animal and plant life from all sources, and includes diversity within and between species and diversity of ecosystems.

[6] Dictionary, definition of “clearing native vegetation”

Omit the definition. Insert instead:

clearing native vegetation has the same meaning as in Part 5A of the *Local Land Services Act 2013*.

[7] Dictionary, definition of “native vegetation”

Omit the definition. Insert instead:

native vegetation has the same meaning as in Part 5A of the *Local Land Services Act 2013*.

[8] Dictionary, definition of “property vegetation plan”

Omit the definition. Insert instead:

property vegetation plan means a property vegetation plan approved under Part 4 of the *Native Vegetation Act 2003* before the repeal of that Act (as continued in force by the regulations under the *Biodiversity Conservation Act 2016*).

[9] Dictionary, definition of “Vineyard Precinct”

Insert in alphabetical order:

Vineyard Precinct means the land shown within the Vineyard Precinct on the North West Growth Centre Precinct Boundary Map.