

# Holroyd Local Environmental Plan 1991

[1991-600]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Authorisation

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New South Wales

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# Holroyd Local Environmental Plan 1991



New South Wales

## Part 1 Preliminary

### 1 Name of plan

This plan may be cited as *Holroyd Local Environmental Plan 1991*.

### 2 Aims, objectives etc

The aims and objectives of this plan are:

- (a) to promote and give effect to the objects of the *Environmental Planning and Assessment Act 1979* within the City of Holroyd, and
- (b) to repeal local environmental planning instruments which applied to the City of Holroyd immediately before this plan commenced and to replace those instruments with a comprehensive local environmental plan.

### 3 Land to which plan applies

- (1) This plan applies to the whole of the land within the City of Holroyd.
- (2) (Repealed)

### 4 Relationship to other environmental planning instruments

- (1) This plan repeals:
  - (a) the *Holroyd Planning Scheme Ordinance*, and
  - (b) such other local environmental plans and deemed environmental planning instruments as, immediately before the appointed day, applied to the land to which this plan applies, but to the extent only to which those plans and instruments applied to the land to which this plan applies.
- (2) Parts 1 (Preliminary), 2 (Primary Centre controls), 6 (Precinct 4—Westmead Precinct) and 10 (Transport) of *Sydney Regional Environmental Plan No 28—Parramatta* apply to land to which this plan applies if it is within the Parramatta Primary Centre, within the meaning of that plan.

## 5 Interpretation

(1) In this plan:

**abattoir** means a place where animals are slaughtered for human consumption, but does not include poultry processing.

**acid sulfate soils** means actual or potential acid sulfate soils, as defined in the *Acid Sulfate Soils Assessment and Management Guidelines*.

**Acid Sulfate Soils Assessment and Management Guidelines** means the *Acid Sulfate Soils Assessment and Management Guidelines* as published from time to time by the NSW Acid Sulfate Soils Management Advisory Committee and adopted by the Director.

**Acid Sulfate Soils Planning Map** means the map marked “*Holroyd Local Environmental Plan 1991 (Amendment No 32)—Acid Sulfate Soils Planning Map*” kept in the office of the council.

**advertisement** means the display of symbols, messages and other devices for promotional purposes or for conveying information, instructions, directions or the like, whether or not the display includes the erection of a structure or the carrying out of a work.

**advertising structure** means a structure used, or to be used principally, for the display of an advertisement.

**alter** in relation to an item of the environmental heritage means:

- (a) make structural changes to the outside of the item, or
- (b) make non-structural changes to the detail, fabric, finish or appearance of the outside of the item, not including changes that maintain the existing detail, fabric, finish or appearance of the outside of the item.

**animal establishment** means a building or place used for the purposes of intensive animal husbandry, boarding, training or keeping of animals, birds, fish, crustaceans, insects of the like, generally requiring the importation of feed other than feed produced on the land on which the establishment is conducted.

**appointed day** means the day on which this plan is gazetted.

**archaeological site** means a site identified as such in Part 1 of Schedule 6.

**brothel** means a building or place habitually used by one or more persons for the purpose of prostitution.

**building work** has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

**bushfire hazard reduction** means the reduction or modification by burning, or by chemical, mechanical or manual means, of material that constitutes a bushfire hazard.

**change of building use** has the same meaning as in the [Environmental Planning and Assessment Act 1979](#).

**child care centre** means a building or place used for the purpose of caring for children and includes:

- (a) a dwelling-house or part of a dwelling-house,
- (b) a public hall used for that purpose, or
- (c) part of a shop, office or factory used for that purpose.

**community use** means a land use that benefits the community and includes the usual land uses carried out by charities and community support groups.

**conservation plan** means a document establishing the significance of an item of the environmental heritage and identifying the policies that are appropriate to enable that significance to be retained in future use and the development of the item.

**conservation report** means a document establishing the heritage significance of an item of the environmental heritage in accordance with the terms of the Burra Charter and identifying how any proposed development will affect that significance.

**council** means the Council of the City of Holroyd.

**demolish** in relation to an item of the environmental heritage or to a building, work or relic includes damage, deface, destroy, pull down or remove the item, building, work or relic in whole or in part.

**demolition** means the complete or partial dismantling or removal of a building or other structure, by pre-planned and controlled means and procedures.

**doctor's surgery** means a room or a number of rooms forming either the whole or part of a building and used by not more than three legally qualified medical practitioners who practise therein the profession of medicine, and who employ not more than three employees in connection with that practice.

**dual occupancy** means 2 dwellings on a single allotment of land, whether or not the dwellings are attached, where:

- (a) the dwellings have the general external appearance, character and scale of a dwelling-house or dwelling-houses, and
- (b) the area of the allotment on which the dwellings are not situated is available for recreational use by the residents.

**floor space ratio** in relation to a building, means the ratio of the gross floor area of the building to the area of the allotment on which the building is or is proposed to be erected.

**gas holder** means a container or vessel built or adapted for use for the storage of gas but does not include liquefied petroleum gas facilities having a capacity of less than 15 kilolitres.

**hazardous industry** means an undertaking (whether or not forming part of a larger undertaking) which, when in operation and when all measures proposed to reduce or minimise its impact have been employed, the council considers should still be required to be in a location isolated from other development for either of the following reasons:

- (a) because such isolation is necessary as an additional specific safety precaution, or
- (b) because it represents a significant hazard to human health or life or property or the bio-physical environment.

**hazardous storage establishment** means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact have been employed, the council considers should still be required to be in a location isolated from other development for either of the following reasons:

- (a) because such isolation is necessary as an additional specific safety precaution, or
- (b) because it represents a significant hazard to human health or life or property or the bio-physical environment.

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

**integrated housing** means development that consists of:

- (a) the subdivision of land into 5 or more allotments, and
- (b) the erection of a single detached dwelling-house on each of the allotments created by that subdivision,

where the application for consent for the subdivision and other development is submitted and considered concurrently.

**item of the environmental heritage** means those buildings, works, relics features or places of heritage significance to the City of Holroyd described in Schedule 1.

**maintenance** means the continuous protective care of the fabric of an item of the environmental heritage and its setting.



**medium density housing** means two or more dwellings of one or two storey construction, where each dwelling has an individual entrance and direct private access to private open space at natural ground level for the exclusive use of the occupants of the dwelling, and includes semi-detached houses, villas, cluster homes, townhouses and the like.

**offensive industry** means an undertaking (whether or not forming part of a larger undertaking) which, when in operation and when all measures proposed to reduce or minimise its impact have been employed, the council considers should still be required to be in a location isolated from other development because of the emission of any polluting discharge of any kind from the undertaking.

**offensive storage establishment** means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact have been employed, the council considers should still be required to be in a location isolated from other development because of the emission of any polluting discharge of any kind from the establishment.

**pole sign** means an advertising structure that consists of a sign erected on a pole or a pylon that does not depend for support on any building or other structure.

**potential archaeological site** means a site identified as such in Part 2 of Schedule 6 and includes a site known to the Council to have archaeological potential even if it is not so identified.

**professional consulting rooms** means a room, or a number of rooms forming part of, attached to, or within the curtilage of, an existing or proposed dwelling house and used or intended for use at any one time by not more than one legally qualified medical practitioner, or by one dentist within the meaning of the [Dentists Act 1989](#), or by one health care professional who practices his or her profession therein as a sole practitioner and who employs not more than one employee in connection with that practice.

**prostitution** means the offering by a person of his or her body to a person of the same or different sex for sexual gratification in return for payment or other reward and includes:

- (a) sexual intercourse as defined in section 61H of the [Crimes Act 1900](#), or
- (b) masturbation by one person on another.

**recreation area** means:

- (a) a children's playground,
- (b) an area used for sporting activities or sporting facilities,

- (c) an area used by the council to provide recreational facilities for the physical, cultural or intellectual welfare of the community, or
- (d) an area used by a body of persons associated for the purpose of the physical, cultural or intellectual welfare of the community to provide recreational facilities for that purpose,

but does not include a racecourse or a showground.

**relic** means any deposit, object or material evidence (terrestrial or underwater) relating to the use or settlement of the land to which this plan applies which is 50 or more years old.

**residential flat building** means a building containing 2 or more dwellings that has not more than 3 residential storeys, whether above parking or not, and includes buildings that have not more than 3 residential storeys commonly known as walk-up flats or home units.

**restricted premises** means a building or place:

- (a) in, or on, which restricted publications within the meaning of the *Indecent Articles and Classified Publications Act 1975*, are exposed, exhibited, displayed, sold or otherwise rendered accessible or available to the public,
- (b) in, or on, which a business to which section 10 of the *Indecent Articles and Classified Publications Act 1975* applies, or is conducted, or
- (c) in, or on, which a business is conducted, an object of which is the display or exhibition of any article, within the meaning of the *Indecent Articles and Classified Publications Act 1975*, that is primarily concerned with sexual behaviour, but which is not printed matter,

but does not include a building or place where the business of a newsagency or registered pharmacy is carried on.

**self storage units** means a building or place used or intended for use for the storage of goods, merchandise or materials in small compartments.

**storey** means a floor other than:

- (a) a floor used principally for storage, or
- (b) a floor used wholly or partly for parking.

**subdivision of land** has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

**the map** means the series of maps marked “*Holroyd Local Environmental Plan 1991*”,

as amended by the maps (or, if any sheets of maps are specified, by the specified sheets of the maps) marked as follows:

- Holroyd Local Environmental Plan 1991 (Amendment No 1)*
- Holroyd Local Environmental Plan 1991 (Amendment No 2)*
- Holroyd Local Environmental Plan 1991 (Amendment No 3)*
- Holroyd Local Environmental Plan 1991 (Amendment No 6)*
- Holroyd Local Environmental Plan 1991 (Amendment No 8)*
- Holroyd Local Environmental Plan 1991 (Amendment No 10)*
- Holroyd Local Environmental Plan 1991 (Amendment No 11)*
- Holroyd Local Environmental Plan 1991 (Amendment No 12)*
- Holroyd Local Environmental Plan 1991 (Amendment No 13)*
- Holroyd Local Environmental Plan 1991 (Amendment No 14)*
- Holroyd Local Environmental Plan 1991 (Amendment No 16)*
- Holroyd Local Environmental Plan 1991 (Amendment No 18) (Sheet 1)*
- Holroyd Local Environmental Plan 1991 (Amendment No 19)*
- Holroyd Local Environmental Plan 1991 (Amendment No 21)*
- Holroyd Local Environmental Plan 1991 (Amendment No 22)*
- Holroyd Local Environmental Plan 1991 (Amendment No 23) (Sheets 1-6)*
- Holroyd Local Environmental Plan 1991 (Amendment No 24)*
- Holroyd Local Environmental Plan (Amendment No 27)*
- Holroyd Local Environmental Plan 1991 (Amendment No 28)*
- Holroyd Local Environmental Plan 1991 (Amendment No 34)*
- Holroyd Local Environmental Plan 1991 (Amendment No 35)*
- Holroyd Local Environmental Plan 1991 (Amendment No 38)*

(2) The letters and symbols “W S & D” where appearing on the map mean Water Board purposes.

(3) In this plan:

- (a) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose,
- (b) a reference to a map is a reference to a map deposited in the office of the council, and
- (c) a reference to land within a zone specified in the Table to clause 9 is a reference to land shown on the map in the manner identified in clause 8 as the means of identifying land of the zone so specified.

## 6 Adoption of Model Provisions

- (1) The *Environmental Planning and Assessment Model Provisions 1980* (except for the definitions of **child care centre**, **general store**, **map**, **professional consulting rooms**, **residential flat building**, **rural industry** and **rural workers dwelling** in clause 4 (1) and clauses 5 (2), 5 (3) and 5 (5), 6, 8, 14–17, 19–28, 32 and 33 (2)) are adopted for the purposes of this plan.
- (2) If a definition adopted by subclause (1) is expressed so as not to include a building or place (or a building or place used for a purpose) separately defined in those provisions then, for the purposes of Part 2, the definition does not include a building or place (or a building or place used for a purpose) separately defined in this clause.

## 7 Consent authority

The council is the consent authority for the purposes of this plan.

## Part 2 General restrictions on development of land

### 8 Zones indicated on the map

For the purposes of this plan, land to which this plan applies shall be within a zone specified hereunder if the land is shown on the map in the manner specified hereunder in relation to the zone:

Zone No 2 (a) (Residential “A” Zone)—coloured light scarlet.

Zone No 2 (c) (Higher Density Residential Zone)—coloured light scarlet, edged red and lettered “2 (c)”.

Zone No 2 (d) (Residential “D” Zone)—coloured pink, edged red and lettered “2 (d)”.

Zone No 3 (a) (Business General Zone)—coloured light blue.

Zone No 3 (b) (Neighbourhood Business Zone)—coloured dark blue.

Zone No 4 (a) (Industrial General Zone)—coloured purple.

Zone No 4 (b) (Industrial Light Zone)—coloured purple, edged red and lettered “4 (b)”.

Zone No 4 (c) (Industrial Special Zone)—coloured purple, edged red and lettered “4 (c)”.

Zone No 4 (d) (Industrial Extractive Zone)—coloured purple, edged red and lettered “4 (d)”.

Zone No 5 (a) (Special Uses Zone)—coloured yellow and lettered red.

Zone No 5 (b) (Special Uses Railways Zone)—coloured blue/purple.

Zone No 6 (a) (Public Open Space Zone)—coloured dark green.

Zone No 6 (b) (Proposed Open Space Zone)—coloured light green.

Zone No 6 (c) (Special Purposes Open Space Zone)—coloured dark green and edged red.

Zone No 7 (a) (Proposed Arterial Road Zone)—broken red band between a firm black line.

Zone No 7 (b) (Proposed Public Transport Corridor Zone)—broken red band between a firm black and a broken black line.

## **9 Zone objectives and development control table**

- (1) The objectives of a zone are set out in the Table to this clause under the heading “Objectives of zone” appearing in the matter relating to the zone.
- (2) Except as otherwise provided by this plan, in relation to land within a zone specified in the Table to this clause, the purposes (if any) for which:
  - (a) development may be carried out without development consent,
  - (b) development may be carried out only with development consent, and
  - (c) development is prohibited,are specified under the headings “Without development consent”, “Only with development consent” and “Prohibited”, respectively, appearing in the matter relating to the zone.
- (3) Except as otherwise provided by this plan, the council shall not grant consent to the carrying out of development on land to which this plan applies unless the council is of the opinion that the carrying out of the development is consistent with the objectives of the zone within which the development proposed is to be carried out.

Table

### **Zone No 2 (a) (Residential “A” Zone)**

## **1 Objectives of zone**

The objectives of this zone are:

- (a) to provide and maintain the amenity of a predominantly low density living area and to enable sensitive infill of medium density housing styles,
- (b) to allow people to carry out a reasonable range of activities from their homes while maintaining neighbourhood amenity,
- (c) to enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale and character, and
- (d) to restrict development which is of a traffic generating, offensive, hazardous, noisy, intrusive or environmentally inappropriate nature.

## **2 Without development consent**

Nil.

## **3 Only with development consent**

Any purpose other than a purpose included in Item 4.

## **4 Prohibited**

Abattoirs; advertising structures; boarding houses; brothels; bulk stores; car repair stations; clubs; commercial premises; doctors' surgeries; gas holders; hazardous industries; hazardous storage establishments; heliports; hotels; industries (other than home industries); institutions; junk yards; liquid fuel depots; mines; motels; motor showrooms; offensive industries; offensive storage establishments; places of assembly; recreation facilities; refreshment rooms; residential flat buildings (other than medium density housing); roadside stalls; sawmills; service stations; shops; stock and sale yards; taverns; tourist facilities; transport terminals; warehouses.

## **Zone No 2 (c) (Higher Density Residential Zone)**

### **1 Objectives of zone**

The objectives of this zone are:

- (a) to facilitate the development of residential flat buildings,

- (b) to ensure and protect, in terms of adequate residential amenity, solar access, visual character, open space, privacy and street and road serviceability, and
- (c) to permit non-residential development within the zone where such development is compatible with the residential character of the locality.

## **2 Without development consent**

Nil.

## **3 Only with development consent**

Any purpose other than a purpose included in Item 4.

## **4 Prohibited**

Abattoirs; advertising structures; brothels; bulk stores; car repair stations; clubs; commercial premises; doctors' surgeries; gas holders; hazardous industries; hazardous storage establishments; heliports; hotels; industries (other than home industries); institutions; junk yards; liquid fuel depots; mines; motor showrooms; offensive industries; offensive storage establishments; places of assembly; recreation facilities; refreshment rooms; roadside stalls; sawmills; service stations; shops; stock and sale yards; taverns; timber yards; tourist facilities; transport terminals; warehouses.

## **Zone No 2 (d) (Residential "D" Zone)**

### **1 Objectives of zone**

The objectives of this zone are:

- (a) to facilitate the development of residential flat buildings,
- (b) to ensure and protect, in terms of adequate residential amenity, solar access, visual character, open space, privacy and street and road serviceability, and
- (c) to permit non-residential development within the zone where such development is compatible with the residential character of the locality.

### **2 Without development consent**

Nil.

### **3 Only with development consent**

Any purpose other than a purpose included in Item 4.

### **4 Prohibited**

Abattoirs; advertising structures; brothels; bulk stores; car repair stations; clubs; commercial premises; doctors' surgeries; gas holders; hazardous industries; hazardous storage establishments; heliports; hotels; industries (other than home industries); institutions; junk yards; liquid fuel depots; mines; motor showrooms; offensive industries; offensive storage establishments; places of assembly; recreation facilities; refreshment rooms; roadside stalls; sawmills; service stations; shops (other than those referred to in Schedule 3); stock and sale yards; taverns; timber yards; tourist facilities; transport terminals; warehouses.

## **Zone No 3 (a) (Business General Zone)**

### **1 Objectives of zone**

The objectives of this zone are:

- (a) to provide and foster the economic well-being of existing and proposed business,
- (b) to permit non-commercial development within the zone where such development is compatible with the commercial character of the locality,
- (c) to encourage the development and expansion of business activities which will contribute to the economic growth of and employment opportunities within, the City of Holroyd,
- (d) to ensure that there is adequate provision for car parking facilities in the vicinity of commercial centres, and
- (e) to minimise conflicts between pedestrian and vehicular movement systems within commercial areas.

### **2 Without development consent**

Nil.

### **3 Only with development consent**

Any purpose other than a purpose included in Item 4.



#### **4 Prohibited**

Brothels; dual occupancies; dwellings and residential flat buildings (other than those attached to or used in conjunction with shops or commercial premises or otherwise permitted under clause 32); hazardous industries; hazardous storage establishments; industries (other than light industries); institutions; integrated housing; junk yards; liquid fuel depots; medium density housing; mines; offensive industries; offensive storage establishments; road transport terminals; warehouses.

### **Zone No 3 (b) (Neighbourhood Business Zone)**

#### **1 Objectives of zone**

The objective of this zone is to provide for the establishment of retail, commercial and professional services for local residents in convenient locations within residential neighbourhoods so that the scale and type of development is compatible with the character and amenity of the surrounding residential areas.

#### **2 Without development consent**

Nil.

#### **3 Only with development consent**

Any purpose other than a purpose included in Item 4.

#### **4 Prohibited**

Abattoirs; animal establishments; boarding houses; brothels; bulk stores; bus depots; car repair stations; clubs; dual occupancies; dwellings and residential flat buildings (other than those attached to or used in conjunction with shops or commercial premises); extractive industries; gas holders or generating works; hazardous industries; hazardous storage establishments; heliports; hospitals; industries; institutions; integrated housing; junk yards; liquid fuel depots; medium density housing; mines; motels; motor showrooms; offensive industries; offensive storage establishments; recreation establishments; recreation facilities; restricted premises; roadside stalls; road transport terminals; sawmills; stock and sale yards; taverns; warehouses.

### **Zone No 4 (a) (Industrial General Zone)**

## **1 Objectives of zone**

The objectives of this zone are:

- (a) to encourage the development and expansion of a wide range of industrial activities which will contribute to the economic growth of, and create employment opportunities within, the City of Holroyd,
- (b) to ensure that industrial development creates areas which are pleasant to work in, and safe and efficient in terms of transportation, land utilisation and services distribution, and
- (c) to allow commercial or retail uses only where they are associated with, ancillary to or supportive of, industrial development.

## **2 Without development consent**

Nil.

## **3 Only with development consent**

Any purpose other than a purpose included in Item 4.

## **4 Prohibited**

Abattoirs; boarding houses; brothels; commercial premises (other than those ordinarily incidental or subsidiary to and situated on the same land as the industry); dual occupancies; dwellings and residential flat buildings (other than those used in conjunction with industry and situated on land on which such industry is conducted); educational establishments; extractive industries; hazardous industries; hazardous storage establishments; hospitals; institutions; integrated housing; medium density housing; mines; motels; offensive industries; offensive storage establishments; places of public worship; roadside stalls; self storage units; shops (other than those referred to in Schedule 3); stock and sale yards; timber yards; tourist facilities.

## **Zone No 4 (b) (Industrial Light Zone)**

### **1 Objectives of the zone**

The objectives of this zone are:

- (a) to encourage the development and expansion of a wide range of light industrial activities which will contribute to the economic growth of, and

create employment opportunities within the City of Holroyd,

- (b) to ensure that industrial development creates areas which are pleasant to work in, and safe and efficient in terms of transportation, land utilisation and services distribution, and
- (c) to allow commercial or retail uses only where they are associated with, ancillary to or supportive of, industrial development.

## **2 Without development consent**

Nil.

## **3 Only with development consent**

Any purpose other than a purpose included in Item 4.

## **4 Prohibited**

Abattoirs; amusement parks; boarding houses; brothels; commercial premises (other than those ordinarily incidental or subsidiary to and situated on the same land as the industry); dual occupancies; dwellings and residential flat buildings (other than those used in conjunction with industry and situated on the same land as the industry); educational establishments; extractive industries; hazardous industries; hazardous storage establishments; hospitals; hotels; institutions; industries referred to in Schedule 2; integrated housing; junk yards; liquid fuel depots; medium density housing; mines; motels; offensive industries; offensive storage establishments; roadside stalls; self-storage units; shops (other than those referred to in Schedule 3); stock and sale yards; timber yards; tourist facilities.

## **Zone No 4 (c) (Industrial Special Zone)**

### **1 Objectives of zone**

The objectives of this zone are:

- (a) to encourage light industrial development, including a range of commercial and retail uses, and
- (b) to allow commercial and retail development only for:
  - (i) a use ancillary to the main use of land within the zone,
  - (ii) the display and sale of bulky goods, or

(iii) motor orientated activities.

## **2 Without development consent**

Nil.

## **3 Only with development consent**

Any purpose other than a purpose included in Item 4.

## **4 Prohibited**

Amusement parks; boarding houses; brothels; commercial premises (other than those ordinarily incidental or subsidiary to and situated on the same land as an industry); doctors' surgeries; dual occupancies; dwellings and residential flat buildings (other than those used in conjunction with industry and situated on the same land as the industry); educational establishments; extractive industries; hazardous industries; hazardous storage establishments; hospitals; hotels; institutions; industries referred to in Schedule 2; integrated housing; junk yards; liquid fuel depots; medium density housing; mines; motels; offensive industries; offensive storage establishments; recreation facilities; roadside stalls; stock and sale yards; tourist facilities.

### **Zone No 4 (d) (Industrial Extractive Zone)**

#### **1 Objectives of the zone**

The objectives of this zone are:

- (a) to preserve land for extractive industrial purposes,
- (b) to permit a range of ancillary and associated industrial activities, and
- (c) to ensure the protection of the amenity of adjoining landusers.

#### **2 Without development consent**

Nil.

#### **3 Only with development consent**

Advertising structures; building works; change of building use; any industry directly associated with or dependent on extractive industries; extractive industries; roads; utility installations (other than gas holders or generating works).

#### **4 Prohibited**

Any purpose other than a purpose included in Item 3.

### **Zone No 5 (a) (Special Uses Zone)**

#### **1 Objectives of zone**

The objective of this zone is to designate lands which are now developed or are intended to be developed for uses which provide a service or facility, usually of a public nature, the protection of which is considered to be in the public interest.

#### **2 Without development consent**

Nil.

#### **3 Only with development consent**

Advertising structures; building works; change of building use; drainage; recreation areas; roads; the particular purpose indicated by scarlet lettering on the map or any purpose ordinarily incidental to the designated purpose; utility installations (other than gas holders or generating works).

#### **4 Prohibited**

Any purpose other than a purpose included in Item 2 or 3.

### **Zone No 5 (b) (Special Uses Railways Zone)**

#### **1 Objectives of zone**

The objectives of this zone are:

- (a) to recognise existing railway land and to enable future development for railway and associated purposes, and
- (b) to permit development for purposes permissible in adjoining zones where the land is suitable for use for those purposes in addition to or instead of railway and associated purposes.

#### **2 Without development consent**

Nil.

### **3 Only with development consent**

Advertising structures; building works; change of building use; railway purposes; purposes permissible in adjoining zone; utility installations.

### **4 Prohibited**

Any purpose other than a purpose included in Item 3.

## **Zone No 6 (a) (Public Open Space Zone)**

### **1 Objectives of zone**

The objectives of this zone are:

- (a) to identify land which is currently used or is intended to be used for the purposes of open space or public recreation, and
- (b) to allocate sufficient open space to serve the present and future recreational needs of residents and visitors, and
- (c) to enable development associated with, ancillary to or supportive of public recreational use.

### **2 Without development consent**

Works for the purposes of landscaping, gardening or bushfire hazard reduction.

### **3 Only with development consent**

Advertising structures; agriculture; building works; buildings for the purposes of landscaping; caravan parks; change of building use; child care centres; children's playgrounds; community uses; drill grounds; forestry; public baths; public reserves; racecourses; recreation areas and facilities; showgrounds; sportsgrounds; tourist facilities; utility installations; uses or buildings associated with those purposes which are under the care, control and management of the council.

### **4 Prohibited**

Any purpose other than a purpose included in Item 2 or 3.

## **Zone No 6 (b) (Proposed Open Space Zone)**

## **1 Objectives of zone**

The objectives of this zone are:

- (a) to reserve land which will be dedicated to the council or acquired by the council for open space or public recreational purposes, and
- (b) to prevent the development of the land within this zone for purposes that may jeopardise its future use as open space, and
- (c) to enable development associated with, ancillary to or supportive of public recreational use.

## **2 Without development consent**

Works for the purposes of landscaping, gardens or bushfire hazard reduction.

## **3 Only with development consent**

Advertising structures; agriculture; building works; buildings for the purposes of landscaping; caravan parks; change of building use; child care centres; children's playgrounds; drill grounds; forestry; public baths; public reserves; racecourses; recreation areas and facilities; showgrounds; tourist facilities; utility installations; uses or buildings associated with those purposes which are under the care, control and management of the council.

## **4 Prohibited**

Any purpose other than a purpose included in Item 2 or 3.

### **Zone No 6 (c) (Special Purposes Open Space Zone)**

#### **1 Objectives of zone**

The objective of this zone is to designate land, whether in public or private ownership, which is or may be used for active or passive recreation or tourist purposes.

#### **2 Without development consent**

Works for the purposes of landscaping, gardening or bushfire hazard reduction.

#### **3 Only with development consent**

Advertising structures; building works; buildings for the purposes of

landscaping; cemeteries; change of building use; child care centres; children's playgrounds; clubs; drainage; educational establishments; golf courses; public reserves; public baths; public buildings; recreation areas; recreation facilities; refreshment rooms; retail plant nurseries; roads; tourist facilities; use of buildings for the provision of community services (whether or not by a public authority); utility installations (other than generating works); uses or buildings associated with these purposes which are under the care, control and management of the council.

#### **4 Prohibited**

Any purpose other than a purpose included in Item 2 or 3.

### **Zone No 7 (a) (Proposed Arterial Road Zone)**

#### **1 Objectives of zone**

The objective of this zone is to reserve those lands which are required for the purposes of main roads or main road widening.

#### **2 Without development consent**

Roads; road widening.

#### **3 Only with development consent**

Advertising Structures; agriculture; building works; change of building use; drainage; open space; utility installations (other than gas holders or generating works).

#### **4 Prohibited**

Any purpose other than a purpose included in Item 2 or 3.

### **Zone No 7 (b) (Proposed Public Transport Corridor Zone)**

#### **1 Objectives of zone**

The objective of this zone is to set aside land being land that a Government instrumentality intends to acquire for various transport purposes.

#### **2 Without development consent**

Nil.



### **3 Only with development consent**

Building works; change of building use; drainage; open space; railway purposes; roads; utility installations.

### **4 Prohibited**

Any purpose other than a purpose included in Item 3.

## **Part 3 Special provisions**

### **10 Advertising of certain development applications**

- (1) This clause applies to the following development:
  - (a) the demolition of an item or the environmental heritage,
  - (b) the erection of medium density housing, a dual occupancy, integrated housing or a residential flat building,
  - (c) the erection or use of a building for the purposes of a home industry, or
  - (d) the use of a building that is an item of the environmental heritage or of land on which any such building is erected for a purpose which, but for Clause 22, would be prohibited under this plan.
- (2) Where a development application is made for consent to carry out any development to which this clause applies, the council shall, before determining the application, forthwith:
  - (a) give written notice of that development application to such persons as appear to it to own or occupy the land adjoining the land to which the application relates and, where practicable, to such persons as appear to it to own or occupy land the use and enjoyment of which, in the opinion of the council, may be detrimentally affected if that development is carried out, and
  - (b) cause notice to be exhibited on the land to which that development application relates, and
  - (c) cause notice of that development application to be published in a newspaper circulating in the locality.
- (3) Each notice referred to in subclause (2) shall contain a statement to the effect that the development application referred to in the notice and the documents accompanying the application and in the custody of the council may be inspected at the office of the council, at any time during normal office hours, within a specified period or no less than 14 days after the notice of that development application is published in a newspaper in accordance with subclause (2) (c).

- (4) After expiry of the period allowed by subclause (3), the council shall consider the development application having regard to any submissions lodged in response to any notice referred to in subclause (2).

#### **11 Community use of certain facilities**

- (1) This clause applies to all land where development for the purposes of an educational establishment may be carried out.
- (2) Notwithstanding any other provision of this plan, the council may consent to:
  - (a) the community use of the facilities and sites of an educational establishment, and
  - (b) the commercial operation of those facilities and sites, and
  - (c) the development of those facilities or sites for the purpose of community uses, whether or not the development is ancillary to the use of those facilities and sites for the purposes of an educational establishment.

#### **12 Acquisition and development on land zoned 7 (a)**

- (1) The owner of any vacant land within Zone No 7 (a) may, by notice in writing, require:
  - (a) the RTA—in the case of land that is included in the 5 year works program of the RTA current at the time of receipt of the notice, or
  - (b) the Corporation—in any other case, to acquire the land.
- (2) The owner of any land within Zone No 7 (a) that is not vacant may, by notice in writing, require the RTA to acquire the land if:
  - (a) the land is included in the 5 year works program of the RTA current at the time of the receipt of the notice, or
  - (b) the RTA has decided not to give concurrence under subclause (4) to an application for consent to the carrying out of development on the land, or
  - (c) the RTA is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time.
- (3) On receipt of a notice under this clause, the RTA or the Corporation, as the case may be, must acquire the land unless the land might reasonably be required to be dedicated for public roads.
- (4) A person may, with the consent of the council and:
  - (a) in the case of vacant land, with the concurrence of the RTA and the Corporation, or
  - (b) in the case of land that is not vacant, with the concurrence of the RTA,

carry out a development on land within Zone No 7 (a):

(c) for a purpose for which development may be carried out on land in an adjoining zone, or

(d) for any purpose which is compatible with development which may be carried out on land in an adjoining zone.

(5) In deciding whether to grant concurrence to proposed development under this clause, the RTA and the Corporation must take the following matters into consideration:

(a) the need to carry out development on the land for the purposes of classified roads or proposed classified roads,

(b) the imminence of acquisition,

(c) the likely additional cost to the RTA or the Corporation resulting from the carrying out of the proposed development.

(6) Land acquired under this clause may be developed, with the consent of the Council, for any purpose until such time as it is required for the purpose for which it was acquired.

(7) In this clause:

**the Corporation**, means the Corporation constituted by section 8 (1) of the Act.

**the RTA** means the Roads and Traffic Authority constituted under the [Transport Administration Act 1988](#).

**vacant land** means land on which, immediately before the day on which a notice under subclause (1) is given, there were no buildings other than fences or the following buildings, namely, green houses, conservatories, garages, summer houses, private boat houses, fuel sheds, tool houses, cycle sheds, aviaries, milking bails, hay sheds, stables, fowl houses, pig stys, barns or the like.

### **13 Acquisition and development of land zoned 6 (b)**

(1) If it appears to the council that the purpose for which land within Zone No 6 (b) is reserved cannot be carried into effect within a reasonable time after the appointed day, the owner of the land may, with the consent of the council, carry out development on the land for any other purpose.

(2) The owner of any land within Zone No 6 (b) may, by notice in writing, require the council to acquire that land.

(3) Subject to subclause (4), upon receipt of such a notice, the Council shall acquire the land.

- (4) Nothing in this plan shall require the council to acquire any land within Zone No 6 (b):
  - (a) where the land may be required to be provided as a condition of consent to the carrying out of development on land in the vicinity and in the same ownership, or
  - (b) if, in the opinion of the council, the need for the open space has not yet been created by residential development within the vicinity.

**14 (Repealed)**

**15 Acquisition and development of land reserved for public transport corridor**

- (1) The owner of any land within Zone No 7 (b) may, by notice in writing, require the Corporation to acquire the land.
- (2) On receipt of such a notice, the Corporation must acquire the land if:
  - (a) the land is included in a current priority program for acquisition determined by the Corporation, or
  - (b) the Corporation has decided not to give concurrence under subclause (3) to an application for consent to the carrying out of development on the land, or
  - (c) the Corporation is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time,but the Corporation is not required to acquire the land if it might reasonably be required to be dedicated as a condition of consent to a development application.
- (3) A person may, with the consent of the council and the concurrence of the Corporation, carry out development on land within Zone No 7 (b), not being land that is included in a priority program referred to in subclause (2) (a):
  - (a) for a purpose for which development may be carried out on land in an adjoining zone,
  - (b) for any purpose which is compatible with development which may be carried out on land in an adjoining zone, or
  - (c) for any purpose of a temporary nature.
- (4) In deciding whether to grant concurrence to proposed development under this clause, the Corporation must take the following matters into consideration:
  - (a) the need to carry out development on the land for the purpose for which the land is reserved,
  - (b) the imminence of acquisition,
  - (c) the likely additional cost to the Corporation resulting from the carrying out of the

proposed development.

- (5) Land acquired under this clause may be developed, with the consent of the council, for any purpose, until such time as it is required for the purpose for which it was acquired.

## **16 Development along public transport corridors**

Notwithstanding any other provision of this plan:

- (a) a person shall not carry out development on land within a public transport corridor, and
- (b) the council shall not consent to the carrying out of development on land within, or in the immediate vicinity of, a public transport corridor, otherwise than in accordance with the provisions of *Sydney Regional Environmental Plan No 18—Public Transport Corridors*.

## **17 Uncoloured land**

- (1) No development shall be carried out, without the consent of the council, on any land to which this plan applies shown uncoloured on the map.
- (2) Before determining an application made to it pursuant to subclause (1), the council shall take into consideration the development standards and objectives applying to adjoining lands which are shown coloured on the map.

## **18 Preservation of trees**

- (1) If it appears to the council that it is expedient for the purpose of securing amenity or of preserving existing amenity, it may, for that purpose and by resolution, make an order (a **tree preservation order**) and may, by resolution, rescind or vary any such order.
- (2) A tree preservation order may prohibit the ringbarking, cutting down, topping, lopping, removing, injuring or wilful destruction of any tree or trees specified in the order except with the consent of the council and any such consent may be given subject to such conditions as the council thinks fit.
- (3) A tree preservation order may relate to any tree or trees or to any specified class, type or description of trees on land described particularly or generally by reference to the City of Holroyd or any divisions of that City.
- (4) The council shall forthwith upon the making of a tree preservation order cause notice of the making of the order to be published in the Gazette and in a newspaper circulating in the area in which the land described in the order is situated.
- (5) A person must not contravene or cause or permit a contravention of a tree

preservation order.

- (6) A person does not contravene or cause or permit a contravention of a tree preservation order if the person establishes that the tree ringbarked, cut down, topped, lopped, removed, injured or wilfully destroyed was dying or dead or had become dangerous.
- (7) The power conferred on the council in pursuance of this clause shall not apply to trees in a State forest or on land reserved as a timber reserve within the meaning of the *Forestry Act 1916*.
- (8) A tree preservation order made and in force in respect of the land to which this plan applies, immediately before the appointed day, shall be deemed to be a tree preservation order made in pursuance of this clause.

## **19 Suspension of certain laws etc**

- (1) For the purpose of enabling development to be carried out in accordance with this plan (as in force at the time the development is carried out) or in accordance with a consent granted under the Act, any agreement, covenant or instrument imposing restrictions as to the erection or use of buildings for certain purposes or as to the use of land for certain purposes, to the extent necessary to serve that purpose, shall not apply to any such development.
- (2) Pursuant to section 28 of the Act, before the making of this plan, the Governor approved of sub-clause (1).

## **20 Heritage aims and objectives**

The aims and objectives of this plan in relation to heritage are:

- (a) to conserve the environmental heritage of the land to which this plan applies, and
- (b) to integrate heritage conservation into the planning and development control processes, and
- (c) to provide for public involvement in the matters relating to the conservation of the environmental heritage of the City of Holroyd, and
- (d) to ensure that new development is undertaken in a manner that is sympathetic to, and does not detract from, the heritage significance of items of the environmental heritage and their settings, as well as streetscapes and landscapes and the distinctive character that they impart to the land to which this plan applies.

## **21 Conservation of items of the environmental heritage**

- (1) A person must not, in respect of a building, place, work, tree or relic that is an item of the environmental heritage:

- (a) demolish or alter the building or work,
- (b) damage or move the relic,
- (c) excavate for the purpose of exposing the relic,
- (d) damage or despoil the place or tree,
- (e) erect a building on or subdivide land on which the building, work or relic is situated or that comprises the place, or
- (f) damage any tree on land which the building, work or relic is situated or on the land which comprises the place,

except with the consent of the council.

- (2) The council must not grant consent to a development application required by subclause (1) unless it has taken into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the item and any stylistic or horticultural features of its setting.
- (3) The Council must not grant consent to a development application required by subclause (1) in respect of a building unless it has made an assessment of:
  - (a) the pitch and form of the roof, and
  - (b) the style, size and proportion of the openings for windows and doors, and
  - (c) whether the colour, texture, style and type of materials to be used on the exterior of the building are compatible with the exteriors of any items of the environmental heritage within the vicinity of the site, and
  - (d) the relationship of the building to the curtilage of the building and any potential impact on its setting.
- (4) The Council must not grant consent as referred to in subclause (1) for the demolition of an item of the environmental heritage or where, in its opinion, the partial demolition, alteration or modification of an item of the environmental heritage would affect its heritage significance unless it has had regard to a conservation report being a report which:
  - (a) describes the significance of the item as part of the environmental heritage of the City of Holroyd, and
  - (b) considers the conservation of the item, and
  - (c) describes the steps taken to mitigate any adverse impact on the heritage significance of the item, and

- (d) describes the steps taken to mitigate any adverse impact on the heritage significance of the item.

## **22 Conservation incentive relating to items of the environmental heritage**

- (1) Nothing in this plan prevents the council from consenting to the use for any purpose of a building that is an item of the environmental heritage or of the land on which that building is erected, where the council is satisfied that:
  - (a) the use would have little or no adverse effect on the amenity of the locality in which it is situated, and
  - (b) conservation of the building depends on the council granting that consent.
- (2) When considering an application for consent to erect a building on land on which there is situated a building which is an item of the environmental heritage, the Council may:
  - (a) for the purpose of determining the floor space ratio, and
  - (b) for the purpose of determining the number of parking spaces to be provided on the site,

exclude from its calculation of the gross floor area of the buildings erected on the land the gross floor area of the item of the environmental heritage, but only if the Council is satisfied this will result in the conservation of the item of the environmental heritage.

## **23 Development in the vicinity of items of the environmental heritage**

The Council must not grant consent to an application to carry out development on land in the vicinity of an item of the environmental heritage unless it has made an assessment of the environmental effect the carrying out of that development will have on the heritage significance of the item and its setting.

## **24 Heritage advertisements and notifications**

- (1) Except as provided by this clause, the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of the demolition of an item of the environmental heritage in the same way as those provisions apply to and in respect of designated development.
- (2) The council must not grant consent to an application for consent to demolish an item of the environmental heritage unless:
  - (a) the council has notified the Heritage Council of its intention to grant consent, and
  - (b) the Heritage Council has no objection to the granting of consent.
- (3) The Heritage Council is to be taken as having no objection unless it notifies the



council of its objection not later than 28 days after receiving notice of the council's intention to grant consent.

- (4) This clause does not apply to the partial demolition of an item of the environmental heritage if, in the opinion of the council, the partial demolition will be of a minor nature and will not adversely affect the heritage significance of the item of the environmental heritage in relation to the environmental heritage of the land to which this plan applies.

## **25 Subdivision of land generally**

A person shall not subdivide land to which this plan applies except with the consent of the council.

## **26 Subdivisions in Zone No 6 (b)**

- (1) The council shall not consent to the subdivision of land within Zone No 6 (b) unless the land within that zone is included in the plan as a separate allotment.
- (2) Notwithstanding subclause (1), the council may, where the topography of the land to be subdivided makes it necessary, consent to a subdivision in which the boundaries of the separate allotment required by that subclause do not correspond precisely with the boundaries of the land within Zone No 6 (b) as shown on the map, where the council considers that the departure from those boundaries is minor.

## **26A Demolition within Zones Nos 4 (d), 5 (a), 5 (b), 6 (a), 6 (b), 6 (c), 7 (a) and 7 (b)**

- (1) A person must not demolish any structure (including a building) on land within Zone No 4 (d), 5 (a), 5 (b), 6 (a), 6 (b), 6 (c), 7 (a) and 7 (b) except with the consent of the council.
- (2) In this clause, **demolish** means to completely or partially dismantle or remove a building or other structure, by pre-planned and controlled means or procedures.

## **27 Use of open space**

The council shall not consent to the carrying out of development on land within Zone No 6 (a), 6 (b) or 6 (c), being land owned or controlled by the council, unless it has considered:

- (a) the need for the proposed development on that land,
- (b) the impact of the proposed development on the existing or likely future use of the land, and
- (c) the need to retain the land for its existing or likely future use.

## **28 Roads, drainage, recreation areas, parking etc**

- (1) Nothing in this plan shall restrict or prohibit, or require the council to obtain its own

consent for, the carrying out of development by the council on land within any zone for the purposes of roads, stormwater drainage, recreation areas, landscaping, gardening, public amenities, parking or cycleways.

- (2) A person other than the council may, with the consent of the council, carry out development on land within any zone for the purposes referred to in subclause (1), but in the case of parking only if the parking is associated with a purpose permitted in the zone.

## **29 Retail of bulky goods**

- (1) This clause applies to land within Zone No 4 (c).
- (2) In this clause, **bulky goods** means large goods which, in the opinion of the council, by reason of their size and shape require:
- (a) a large area for handling, storage and display, and
  - (b) easy and direct vehicular access for the unloading and loading of delivery and customer vehicles.
- (3) Subject to subclause (4), nothing in this plan shall prevent a person with the consent of the council from carrying out on land to which this clause applies of development for the purposes of the retail sale of bulky goods from a building or site on which those goods are stored, manufactured, displayed or processed.
- (4) The council shall not consent to an application for a consent referred to in subclause (3) unless it is satisfied that:
- (a) suitable land for the development is unavailable in any nearby business centre, and
  - (b) the proposed development will not affect:
    - (i) the existing and future development within the zone in which the development is carried out, and
    - (ii) the range of services offered by existing retail outlets located within any nearby business centre.

## **30 Medium density housing in Zone No 2 (a)**

The council shall not grant consent to development for the purposes of medium density housing on land within Zone No 2 (a), unless it is satisfied that:

- (a) the development will not unreasonably deprive adjoining buildings of sunlight or privacy,
- (b) the development will generally be compatible with its setting, having regard to the

nature and use of adjoining buildings and to the streetscape,

- (c) the design of the development will be compatible with the existing character of the neighbourhood, and
- (d) the development will make a necessary contribution to the supply of housing in the City of Holroyd.

### **30A (Repealed)**

### **31 Exhibition homes**

A dwelling-house within Zone No 2 (a) or 2 (c) may, with the consent of the council, be used as an exhibition home.

### **32 Development for the purpose of residential flat buildings on certain land within Zone No 3 (a)**

The Council may consent to the carrying out of development for the purpose of a residential flat building, whether or not the building also contains a commercial component, on land within Zone No 3 (a) directly adjoining and contiguous with Guildford, Pendle Hill, Wentworthville and Toongabbie railway stations.

### **33 Land fronting Greystanes Road**

- (1) This clause applies to land within Zone No 4 (d) having a frontage to Greystanes Road.
- (2) The council shall not consent:
  - (a) to the erection on land to which this clause applies of a building any part of which will be closer than 30 metres to Greystanes Road, or
  - (b) to the use of any such land for the purposes of an extractive industry or mine within 80 metres from the western alignment of Greystanes Road.

### **33A Development of land known as 377-383 Great Western Highway, Wentworthville**

- (1) This clause applies to land, being Lot 5, DP 8257, Lots C & D, DP 322405 and Lot 15, DP 800551, known as 377-383 Great Western Highway, Wentworthville, as shown edged heavy black on the map marked "*Holroyd Local Environmental Plan 1991 (Amendment No 17)*".
- (2) Subject to subclause (3), nothing in this plan prevents a person, with the consent of the Council, from carrying out development on the land to which this clause applies for the purpose of a motel.
- (3) The Council shall not grant consent to development referred to in subclause (2) after the expiration of 2 years from the day on which *Holroyd Local Environmental Plan 1991 (Amendment No 17)* took effect or such later date as the Minister may, before

the expiration of that date, notify by order published in the Gazette.

- (4) Nothing in subclause (3) shall prevent the Council from granting consent to the carrying out of alterations or extensions to or the rebuilding of a building or place being used for the purpose of a motel for which consent has been granted in accordance with this clause.

#### **34 Land marked “No development”**

Notwithstanding any other provisions of this plan, a person shall not, on land marked “No development” on the map, erect or use a building or carry out or use a work for any purpose other than for landscaping, drainage or installation of utility services.

##### **34A Classification or reclassification of public land as operational land**

- (1) The public land described in Schedule 5 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (2) In accordance with section 30 of the *Local Government Act 1993*, a parcel of land described in Part 2 of Schedule 5, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land except for:
  - (a) any reservations that except land out of a Crown grant relating to the land, and
  - (b) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).
- (3) Before the relevant amending plan that inserted the description of a parcel of land into Part 2 of Schedule 5 was made, the Governor approved of subclauses (2) and (4) applying to the land.
- (4) In this clause, **the relevant amending plan**, in relation to a parcel of land described in Part 2 of Schedule 5, is the local environmental plan cited at the end of the description of the parcel.
- (5) Land described in Part 1 of Schedule 5 is not affected by the amendments made by the *Local Government (Community Land Management) Act 1998* to section 30 of the *Local Government Act 1993*.

##### **34B Development of land at 74 Sherwood Road, Merrylands**

- (1) This clause applies to the land shown edged heavy black on the map marked “*Holroyd Local Environmental Plan 1991 (Amendment No 16)*”, being the land known as Lot 7, DP 732058, 74 Sherwood Road, Merrylands.
- (2) A person shall not, on the land to which this clause applies:

- (a) disturb or excavate any land for any purpose,
- (b) carry out any land filling,
- (c) clear trees or other vegetation from the land,
- (d) carry out any work, or
- (e) alter the landscape or carry out any landscaping,

except with the consent of the Council. The purpose of this subclause is to ensure that an assessment is made of natural drainage systems, geotechnical conditions and the sustainability of existing vegetation.

- (3) The Council shall not grant consent to the carrying out of development on the land to which this clause applies unless it is satisfied that:
  - (a) the height, scale, bulk and massing of any proposed buildings are of a scale, character and diversity appropriate to the locality and the characteristics of the site, and
  - (b) the siting of development will be such that areas or items of significant vegetation and natural or built heritage are conserved.

### **35 Development standards—floor space ratios**

- (1) This clause imposes development standards in the form of floor space ratios for certain development within Zone No 2 (a), 2 (c), 2 (d), 3 (a) or 3 (b).
- (2)-(4) (Repealed)
- (5) A building shall not be erected on land within Zone No 3 (a) where the building will have a floor space in excess of 2:1.
- (6) A building shall not be erected on land within Zone No 3 (b) where the building will have a floor space ratio in excess of 1:1.
- (7) A building shall not be erected or used for non-residential purposes within Zone No 2 (a) or 2 (c) where the building would have or has a floor space ratio in excess of 0.5:1.
- (8) A residential flat building shall not be erected on land within Zone No 2 (d) where the building will have a floor space ratio in excess of 1.5:1.

### **35A Development near zone boundaries**

Development that (in the absence of this clause) would be prohibited in a zone may be carried out with development consent within 25 metres of the boundary between that zone and another zone if it is permitted in the other zone either with or without development consent.

### **36 Development for certain additional purposes**

- (1) Nothing in this plan prevents a person, with the consent of the council, from carrying out development, on land referred to in Schedule 4, for a purpose specified in relation to that land in that Schedule, subject to such conditions, if any, as are so specified.
- (2) Subclause (1) does not affect the application, to or in respect of development to which that subclause applies, of such of the provisions of this plan as are not inconsistent with that subclause or with a consent granted by the council in respect of the development.

### **37 Development of known or potential archaeological sites**

- (1) The Council may grant consent to the carrying out of development on an archaeological site or a potential archaeological site only if the Council has considered an assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site.
- (2) The assessment must be prepared in accordance with any guidelines for the time being notified to the Council:
  - (a) by the Heritage Council, if the site has non-Aboriginal heritage significance, or
  - (b) by the Director-General of National Parks and Wildlife, if the site is the location of a relic or an Aboriginal place, within the meaning of the *National Parks and Wildlife Act 1974*.
- (3) The Council may grant consent to the carrying out of development on an archaeological site or a potential archaeological site that has non-Aboriginal heritage significance only if the Council:
  - (a) has notified the Heritage Council of its intention to do so and taken into consideration any comments received from the Heritage Council within 28 days after the notice was sent, and
  - (b) is satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.
- (4) The Council may grant consent to the carrying out of development on an archaeological site or a potential archaeological site that is the location of a relic or an Aboriginal place within the meaning of the *National Parks and Wildlife Act 1974* only if:
  - (a) the Council has notified the Director-General of National Parks and Wildlife of its intention to do so and taken into consideration any comments received from the Director-General within 28 days after the notice was sent, and
  - (b) is satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.

### 38 Brothels

Despite the other provisions of this plan, the Council may grant consent to the carrying out of development for the purpose of a brothel on land shown edged heavy black on the map marked “*Holroyd Local Environmental Plan 1991 (Amendment No 20)*”.

### 39 Pole signs

- (1) This clause applies to land within Zone No 6 (a) that directly adjoins the M4 Motorway.
- (2) That council may consent to the erection and display of a pole sign on land to which this clause applies only if:
  - (a) the display panels of the sign face towards the M4 Motorway, and
  - (b) where the council has prepared a plan of management for community land under Division 2 of Part 2 of Chapter 6 of the *Local Government Act 1993* that relates to the land on which the sign is to be erected, the plan of management permits a pole sign to be erected or displayed on that land.
- (3) Despite subclause (2), carrying out the following development on land to which this clause applies is prohibited:
  - (a) the erection of a pole sign that includes an animated, rotating or mechanical sign that contains moving displays or variable messages, or
  - (b) the display of a highly reflective or illuminated advertisement that is of such an intensity as to significantly impair a driver’s vision or is reasonably likely to distract a driver’s attention.

### 40 What is exempt and complying development?

- (1) Development of minimal environmental impact listed as exempt development in *Holroyd Development Control Plan (DCP) No 32—Guidelines for Exempt and Complying Development* adopted by the council on 7 September 1999 is **exempt development**, despite any other provision of this plan.
- (2) Development listed as complying development in *Holroyd Development Control Plan (DCP) No 32—Guidelines for Exempt and Complying Development* adopted by the council on 7 September 1999 is **complying development** if:
  - (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
  - (b) it is not an existing use, as defined in section 106 of the Act.
- (3) Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development by *Holroyd Development Control Plan (DCP) No 32—Guidelines for Exempt and*

*Complying Development* adopted by the council on 7 September 1999.

- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in *Holroyd Development Control Plan (DCP) No 32—Guidelines for Exempt and Complying Development* adopted by the council, as in force when the certificate is issued.

#### **41 Development on land identified on Acid Sulfate Soils Planning Map**

- (1) **Consent usually required** A person must not, without consent of the Council, carry out works described in the following table on land of the class specified for those works, except as provided by subclause (3).

<b>Class of land as shown on Acid Sulfate Soils Planning Maps</b>	<b>Works</b>
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4	Works beyond 2 metres below natural ground surface Works by which the watertable is likely to be lowered beyond 2m below natural ground surface
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5	Works within 500m of adjacent Class 4 land which are likely to lower the watertable below 1 metre AHD on adjacent Class 4 land
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- (2) For the purposes of the table to subclause (1), **works** includes:
- (a) any disturbance of more than one (1) tonne of soil (such as occurs in carrying out the construction or maintenance of drains, the construction of artificial waterbodies including detention basins) or foundations, or flood mitigation works), or
  - (b) any other works that are likely to lower the watertable.
- (3) **Exception following preliminary assessment** This clause does not require consent for the carrying out of those works if:
- (a) a copy of a preliminary assessment of the proposed works undertaken in accordance with the *Acid Sulfate Soils Assessment and Management Guidelines* has been given to the council, and
  - (b) the council has provided written advice to the person proposing to carry out works confirming that results of the preliminary assessment indicate the proposed works need not be carried out pursuant to an acid sulfate soils management plan prepared in accordance with the *Acid Sulfate Soils Assessment and Management Guidelines*.
- (4) **Considerations for consent authority** The council must not grant a consent required by



this clause unless it has considered:

- (a) the adequacy of an acid sulfate soils management plan prepared for the proposed development in accordance with the *Acid Sulfate Soils Assessment and Management Guidelines*, and
- (b) the likelihood of the proposed development resulting in the discharge of acid water, and
- (c) any comments received from the Department of Land and Water Conservation within 21 days of the council having sent that Department a copy of the development application and of the related acid sulfate soils management plan.

- (5) **Public authorities not excepted** This clause requires consent for development to be carried out by councils, county councils or drainage unions despite:
- (a) clause 35 and items 2 and 11 of Schedule 1 of the *Environmental Planning and Assessment Model Provisions 1980*, as adopted by this plan and
  - (b) clause 10 of *State Environmental Planning Policy No 4—Development Without Consent*.

#### **42 Remediation of land—2-6 Peel Street, Holroyd**

- (1) This clause applies to Lots 22–25, DP 3642 and known as 2–6 Peel Street, Holroyd, as shown edged heavy black on the map marked “*Holroyd Local Environmental Plan 1991 (Amendment No 38)*”.
- (2) The council must not grant consent to the carrying out of development permissible on the land to which this clause applies (being land within Zone No 4 (b)) unless the council is satisfied that the land has been remediated, and contaminants removed, to a standard appropriate for the development.

### **Schedule 1 Items of the environmental heritage**

(Clause 5 (1))

	<b>Address</b>	<b>Description</b>	<b>Title</b>
	ALBERT STREET GUILDFORD	Footbridge over Water Board Canal	
	ALEXANDRA AVENUE WESTMEAD	Railway Electricity Section Hut	
	APIA STREET GUILDFORD	Guildford Public School	
3	ARCADIA STREET	Former Council Chambers	Lot 3–8 DP220890
	ARCADIA STREET CR ARTHUR STREET MERRYLANDS	Memorial Reserve	Lot 17 DP2733

21	BOUNDARY STREET GRANVILLE	Residence "Harbourne" garden setting and trees	Lot 10 DP16645
39	BOWDEN STREET	Sydney Water pipehead deck (basin & screening chambers), screening chamber No 2, travelling jib cranes, former residence (current catchment services office), section of woodstove pipe and butterfly valve, former Ryde Valve House. No 1, 2 & 3 main Sydney Water Supply pipeline, lower canal & vegetation	Lot 1 DP225810
8	BRIDGE ROAD WENTWORTHVILLE	Residence "Essington", garden setting and trees	Lot 57B DP357142, Lot 58 DP33085 and Lot 1 DP34635
11	BYRON ROAD	Italianate villa "Linwood" outbuildings and garden setting	Lot 1 DP169485 and Lot 1 DP183017
	CARDIGAN STREET GUILDFORD	Electricity Substation	
1	CALLIOPE STREET GUILDFORD	Guildford School of Arts	Lot 46 DP9748
	CORNELIA ROAD TOONGABBIE	Toongabbie Railway Station	
14	CORNELIA ROAD TOONGABBIE	CWA Hall	Pt Lot 2 DP450060
190	DUNMORE STREET WENTWORTHVILLE	Bonds administrative building storage, cutting room, former cotton bale room, former bobbin mill (Malvern Starr Warehouse)	Lot 1 DP235207
63	DUNMORE STREET WENTWORTHVILLE	Former Post Office	Lots 8-10 DP9296
271	DUNMORE STREET PENDLE HILL	Former Bonds Administrative Building Facade	Lot 8 DP963
270	DUNMORE STREET PENDLE HILL	Residence "Dunmore" and garden setting	Pt Lot 1 DP963
62	FOWLER ROAD MERRYLANDS	Merrylands Public School	Lots 1-7 DP2628
	FRANKLIN STREET PARRAMATTA	Mays Hill Cemetery, Reserve and Fort Macquarie Can	
59b	FRANKLIN STREET PARRAMATTA	Former Headmaster's House Parramatta West Public School	Lot 408 DP 729082
26	GARFIELD STREET WENTWORTHVILLE	Masonic Temple	Lot 19 DP7330
245	GREAT WESTERN HIGHWAY WEASTMEAD	Residence "The Wattles"	Lot 1 DP610159

	GREAT WESTERN HIGHWAY GREYSTANES	Milestones Parramatta to Greystanes (4)	
43	HASSALL STREET WESTMEAD	Westmead Progress Association Hall	Lots 31 and 32, DP1409, Section C
45	HAWKESBURY ROAD WESTMEAD	Cabrini Nursing Home	Lot 5 DP15726
	HAWKESBURY ROAD WESTMEAD	Westmead Public School	Pt DP13731
11	HILLTOP ROAD MERRYLANDS	Residence	Lot X, DP405801
33 35	HOLROYD ROAD MERRYLANDS	Greek Orthodox Church	Lot 33 & 34 DP2020 and Lot B DP377323
	HYLAND ROAD GREYSTANES	House and farm buildings	Lot 2 DP232228
42	LANE STREET WENTWORTHVILLE	Cottage	Lot 17 DP963 Section 1
86	LANE STREET WENTWORTHVILLE	Electricity Substation	Lot A DP10168
20	LEDGER ROAD MERRYLANDS	Residence and grounds	Lot 10 DP712035
	LEDGER ROAD & CRAWLEY STREET, PARRAMATTA	Residence "Carrington" and grounds	
	LUCINDA AVENUE GREYSTANES	Public Reserve	Lot 183 DP209054
	MACQUARIE ROAD GREYSTANES	Boothtown Aquaduct Aquaduct Valve House No 1 Aquaduct Valve House No 2 Culvert No 1 under Aquaduct Culvert No 2 under Aquaduct and Lower Canal	DP225808
	McCREDIE MANSION BYRON ROAD, GUILDFORD	Residence	
12	McKERN STREET WENTWORTHVILLE	St Andrews Presbyterian Church	Lot 17 DP7330
	MAYS HILL CEMETERY	Cemetery at Mays Hill	
289	MERRYLANDS ROAD MERRYLANDS	Merrylands School of Arts Building	Lot 1 DP534341
340	MERRYLANDS ROAD MERRYLANDS	Fire Station	Lot 62 DP628
	MILITARY ROAD GUILDFORD	Guildford Railway Station	
	MILITARY ROAD MERRYLANDS	Merrylands Railway Station	

	MILITARY ROAD GUILDFORD	Viaduct carrying Water Board main pipelines	
	MILLER STREET MERRYLANDS	Baby Health Care Centre	Pt Lot C DP2716
	MYEE STREET MERRYLANDS	Merrylands East Primary School	Lot 6-7 DP4652
	NELSON ROAD YENNORA	Yennora Railway Station	
	PENDLE WAY PENDLE HILL	Pendle Hill Railway Station	
	PITT STREET MERRYLANDS	St Peters Anglican Church	Lot 3, 4 & 5 Vol466 Fol857
	PORTICO PARADE TOONGABBIE	Portico Park	
	PORTICO PARADE TOONGABBIE	Railway Viaduct	
	PRICE STREET MERRYLANDS	Lawson Square Reserve	Part Lot 42-44 DP53464
128	RAILWAY STREET PARRAMATTA	Store boundary marker	
	RAILWAY STREET GRANVILLE	Parramatta West Public School	
	RINGROSE AVENUE GREYSTANES	Ringrose Primary School	Lot 11 DP832083
	ROSEBERRY STREET MERRYLANDS	Electricity substation (located cnr Myall Street)	
74	SHERWOOD ROAD MERRYLANDS	Residence "Sherwood Scrubs" and service wing, summer house, garden, setting and outbuildings	Lot 7 DP732058
	STEEL STREET MAYS HILL	Parramatta boundary marker (corner with Great Western Highway)	
284	SYDNEY ROAD GRANVILLE	Vauxhall Inn	Lot 1 DP126833
9	TENNYSON PARADE GUILDFORD	Residence	Lot 13 DP516727
	THE KINGSWAY WENTWORTHVILLE	Wentworthville Railway Station	
	THE KINGSWAY WENTWORTHVILLE	Memorial Fountain	
14	THE PARK WESTMEAD	Residence	Lot 5 DP15214
20	THE PARK WESTMEAD (also known as 20 Lichen Place)	Residence	Lot 2 DP523943
29	THE PARK WESTMEAD	Attached residence	Lot 2 DP523943

30	THE PARK WESTMEAD	Attached residence	Lot 2 DP523943
	TREVES STREET MERRYLANDS	Electrical substation	
2	WALPOLE STREET MERRYLANDS	Goodlett and Smith (Brickmaking plant and chimney and Hoffman Kiln and chimney)	Lot 2 and Pt Lot 3 DP600621
	WOODVILLE ROAD GRANVILLE	Railway Memorial (Corner Crescent Street)	
16	WOODPARK ROAD GUILDFORD		

## Schedule 2 Industries

(Clause 9)

Abattoirs.  
Asbestos cement products manufacture.  
Bag and sack (textile) manufacture.  
Boiler manufacture.  
Brick, tile and pipe manufacture.  
Cement manufacture.  
Cement products manufacture.  
Electrical machinery manufacture.  
Fibrous plaster manufacture.  
Glass products manufacture.  
Grain milling.  
Hardboard manufacture.  
Heavy engineering.  
Hot mix (bitumen) manufacture.  
Machinery manufacture (heavy).  
Match manufacture.  
Metal founding.  
Motor body building.  
Motor vehicle manufacture and assembly.  
Plastics manufacture.  
Ready mixed concrete manufacture.  
Sawmilling.  
Steel products manufacture (heavy).  
Stone cutting and crushing.  
Wire manufacture.  
Wool scouring.

## Schedule 3 Shops

(Clause 9)

Chemist's shop.  
Confectionery shop and milk bar.  
Fruit shop.  
Newsagent's shop.

Smallgoods shop.  
Take-away food shop.  
Tobacconist's and hairdresser's shop.

## **Schedule 4 Additional uses**

(Clause 36)

Lot 2, DP 525167, Public Reserve land on the northern side of Hyland Road, Greystanes—Arboretum and associated seedling display and holding areas; machinery shed and caretaker's residence; plant selling centre.

Lot 3, DP 588880, land bounded by Dennistoun Avenue, Byron Road, Military Road and Loftus Road, Yennora, known as the Yennora Wool Centre—Exhibitions.

Lot 2, DP 543402, Part Lot 3, DP 543402, Part of Lots 6 and 7, DP 48019, and Lots 9 and 10, DP 248019—Commercial premises not exceeding 4300 square metres gross floor area.

Part Lot B, DP 333511 (being all the land contained in Certificate of Title Volume 13931 Folio 205) Great Western Highway, Westmead—Parking of motor vehicles in conjunction with a hire car depot on adjoining land.

Lot 7, DP 21843, Nos 3-5 Hilltop Road Merrylands—Commercial premises.

Lot 38, DP 69348 and Lot 1 DP 198585 and known as 10-12 Meehan Street, Granville, as shown edged heavy black on the map marked "*Holroyd Local Environmental Plan 1991 (Amendment No 30)*"—carparking, in conjunction with an adjoining car dealership.

## **Schedule 5 Classification or reclassification of public land as operational land**

(Clause 34A)

### **Part 1**

Lots 34 and 35, DP 13009, Baby health care centre, Billabong Street, Pendle Hill.

Lot 29, DP 963, Council car park, Lane Street, Wentworthville.

Part of Lot 1, DP 209516, Council parking area, Terminal Place, Merrylands.

Lots 6-8, DP 361050, Council block, Newman Street, Merrylands.

Lot 2, DP 215483, Lot 4, DP 213852, Lot 6, DP 214513, Lot 8, DP 212769, Lot 11, DP 503420 and Lot 13, DP 503087, Stapleton Street, Pendle Hill.

Lot 2, DP 212851 and Lot 2, DP 264288, Dunmore Street, Wentworthville.

Lot 1, DP 511863, Adler Parade land, 60 Adler Parade, Wentworthville.

Lot 1, DP 202444, Vol 734, Fol 66, 15 Burford Street, Merrylands.

Lot 1, DP 182157, Centenary Road, Merrylands.

Lot 13B, DP 363764, O'Neill Street, Guildford.

Lot 17B, DP 406268 and Lot 18A, DP 350066, Merrylands Road, Merrylands.

Lot 10, DP 228101, Vol 10214, Fol 204, 2A Lyle Street, Girraween.

Lot 101, DP 569393 and Lot 9, DP 812246, 81 Girraween Road, Girraween.

Lot 1, DP 976423 and Lot 1, DP 534341, 289 and 291 Merrylands Road, Merrylands.

Lot 1, DP 846379, 1 Oakes Street, Westmead.

Lot 63, DP 752051, Clunies Ross Street, Greystanes.

Lot 1, DP 176538, Peel Street, Granville.

Lot 2, DP 229589, Pitt Street, Merrylands.

Lot 5, Section 5, DP 3642, Robert Street, Granville.

Lot E, DP 409438, The Kingsway, Wentworthville.

Lot 2, DP 572047, Vol 7955, Fol 141, Targo Road, Toongabbie.

Part of Lot 1, DP 794458, being part of McCredie Park, Guildford, as shown edged heavy black on the map marked "*Holroyd Local Environmental Plan 1991 (Amendment No 24)*".

## Part 2

Lot 2, DP 625813, corner of Woodpark and Percival Roads, Smithfield, as shown edged heavy black on Sheet 1 of the map marked "*Holroyd Local Environmental Plan 1991 (Amendment No 34)*"—*Holroyd Local Environmental Plan 1991 (Amendment No 34)*.

Lot 3, DP 238072, corner of Tait and Long Streets, Smithfield, as shown edged heavy black on Sheet 2 of the map marked "*Holroyd Local Environmental Plan 1991 (Amendment No 34)*"—*Holroyd Local Environmental Plan 1991 (Amendment No 34)*.

Part Lot 1, DP 600621, Holroyd Gardens Park, Walpole Street, Holroyd, as shown edged heavy black on the map marked "*Holroyd Local Environmental Plan 1991 (Amendment No 35)*"—*Holroyd Local Environmental Plan 1991 (Amendment No 35)*.

Lot 1, DP 123063, Foray Street, Guildford West, as shown edged heavy black on the map marked "*Holroyd Local Environmental Plan 1991 (Amendment No 37)*"—*Holroyd Local Environmental Plan 1991 (Amendment No 37)*.

## Schedule 6 Archaeological and potential archaeological sites

(Clause 5 (1))

### Part 1 Archaeological sites

Address	Description	Title
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39	BOWDEN STREET	Water Board Pipehead Complex	Lot 1 DP225810
190	DUNMORE STREET PENDLE HILL	Bonds site	Lot 1 DP735207
	FRANKLIN STREET MAYS HILL	Mays Hill Cemetery	
103	GREYSTANES ROAD GREYSTANES	Boral Quarry Site	DP11125 Portion 56
	HYLAND ROAD GREYSTANES	Former Farm, Hyland Road Inn & former Post Office	Lot 2 DP232228
	MACQUARIE ROAD GREYSTANES	Boothtown aquaduct site	DP225808
	MERRYLANDS ROAD MERRYLANDS	Central Gardens	Pt 98 DP315747, Pt 8 DP2138, Pt 56366 and Lot 2 DP230342
1	NEIL STREET MERRYLANDS	Millmaster Feeds site	Lot 11 DP228782
	PORTICO PARADE TOONGABBIE	Railway Viaduct site, Toongabbie	

## Part 2 Potential archaeological sites