

# Bankstown Local Environmental Plan 2001 (2002 EPI 298)

[2002-298]



New South Wales

## Status Information

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### Provisions in force

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### Authorisation

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# Bankstown Local Environmental Plan 2001 (2002 EPI 298)



New South Wales

## Part 1 Preliminary

### 1 Name of plan

This plan is *Bankstown Local Environmental Plan 2001*.

### 2 Objectives of this plan

The objectives of this plan are:

- (a) to regulate development in accordance with the following principles:
  - (i) new buildings should be designed to achieve:
    - (A) good urban design, and
    - (B) public and private safety, and
    - (C) energy and resource efficiency, and
  - (ii) remnant bushland, natural watercourses and threatened species should be protected, and
  - (iii) intensive trip generating activities should be concentrated in locations most accessible to rail transport, and
  - (iv) new development should not diminish the role of the Bankstown central business district (CBD) as a sub-regional centre, and
  - (v) new development in or affecting residential areas should be compatible with the prevailing suburban character and amenity of the locality of the development site, and
- (b) to provide a framework within which the Council may prepare development control plans to make more detailed provisions.

### 3 Land where this plan applies

This plan applies to all land within the City of Bankstown.

### 4 Effect of this plan on other environmental planning instruments

- (1) This plan repeals all deemed environmental planning instruments and local environmental plans applying to land within the City of Bankstown immediately before the appointed day.
- (2) However, environmental planning instruments as in force immediately before the appointed day continue to apply to a development application if:
  - (a) the application was made but had not been finally determined before the appointed day, and
  - (b) the proposed development is prohibited by provisions of this plan but could, with consent, have been carried out in accordance with those instruments as so in force.

#### Note—

Clause 4 (3), as exhibited, is **deferred matter**.

- (3) [State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Complying Development](#) is amended by inserting at the end of Schedule 1:

Clause 22 of [Bankstown Local Environmental Plan 2001](#)

### 5 Consent authority

The Council is the consent authority for the purposes of this plan, subject to the Act.

### 6 Definitions

- (1) Except insofar as the context or subject-matter otherwise indicates or requires, the expressions used in this plan (or in a particular provision of this plan) which are defined in the Dictionary in Schedule 1 to this plan have the meanings set out in that Dictionary.
- (2) In this plan:
  - (a) a reference to a building, work or place used for a purpose includes a reference to a building, work or place proposed to be used for the purpose, and
  - (b) a reference to a map is a reference to a map kept in the office of the Council.
- (3) The table of contents of this plan and any explanatory notes do not form part of this

plan.

## **7 Covenants**

- (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, the operation of any covenant, agreement or similar instrument that purports to restrict or prohibit the carrying out of development on land to which this plan applies, to the extent necessary to serve that purpose, does not apply to any such development.
- (2) Nothing in subclause (1) affects the rights or interests of any public authority under any registered instrument.
- (3) In accordance with section 28 of the Act, the Governor approved of subclauses (1) and (2) before this plan was made.

## **Part 2 General zoning controls**

### **8 Zones in this plan**

- (1) The following lists each zone within which land to which this plan applies may be situated:

**Zone**

- 1—Rural
- 2 (a)—Residential A
- 2 (b)—Residential B
- 3 (a)—Business—CBD
- 3 (b)—Business—Other Centres
- 4 (a)—General Industrial
- 4 (b)—Light Industrial
- 5—Special Uses
- 6 (a)—Open Space
- 6 (b)—Private Recreation
- 7—Environment Protection (Conservation)
- 8—National Parks and Nature Reserves

- (2) Land is within a zone if it is indicated on the map:



- (a) in the case of a coloured map, by the colour indicated on the map as relating to that zone, or
- (b) in the case of a black and white representation of the map, by the number of the zone.

## 9 Exempt development

Development of minimal environmental impact is exempt development if it is included in Schedule 1 to DCP 35 and:

- (a) it is development that may otherwise be carried out with development consent under this plan, and
- (b) it complies with the development standards and other requirements specified for it in DCP 35, and
- (c) it is not located on or within a heritage item or within the curtilage of a heritage item identified in this or any other environmental planning instrument or in a development control plan applying to the land, and
- (d) it is not in an area identified in this or any other environmental planning instrument or in a development control plan applying to the land as land that is bushfire prone, flood liable, contaminated, subject to subsidence, slip, erosion or acid sulfate soil, and
- (e) it has the relevant approval, where it will be carried out within a zone of influence for a public sewer main, and
- (f) it has the relevant approval, where it will be carried out on the site of an easement, and
- (g) it has the relevant approval, where it will involve removal of any native or exotic trees in excess of 3 metres in height, and
- (h) it is not to be carried out on land in Zone 6 (a) that is designated as a floodway on the map, and
- (i) it will not be carried out on land that is critical habitat (as defined in the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*) or land that is or is part of a wilderness area (within the meaning of the *Wilderness Act 1987*), and
- (j) it is not State significant development, designated development or integrated development. Further, it is not development consent that requires the concurrence of the Director-General of National Parks and Wildlife, and
- (k) it will not be carried out on land to which an order under the *Heritage Act 1977* applies, and

- (l) it is not to be carried out in Zone 7 or on land otherwise identified in a development control plan as environmentally significant land, and
- (m) it does not cause interference with the amenity of the neighbourhood because of the emission of noise, vibration or smell, and
- (n) it does not contravene a condition of a development consent which still applies to the land on which it will be carried out, and
- (o) it complies with any deemed-to-satisfy provisions of the *Building Code of Australia* relevant to the development, and
- (p) it is not to be carried out on land identified on maps held by the Council and entitled *Habitat for Threatened Species*, and
- (q) it is not to be carried out in or within 40 metres of a natural water body or wildlife corridor, and
- (r) it will not result in significant alterations to the existing drainage regime, and
- (s) it is not a **potentially hazardous industry** or **potentially offensive industry** under [State Environmental Planning Policy No 33—Hazardous and Offensive Development](#), and
- (t) it does not require development consent under a regional environmental plan or a State environmental planning policy.

## 10 Complying development

- (1) Development is complying development if it is included in Schedule 2 to DCP 35 and:
  - (a) it is development that may otherwise be carried out with development consent on the land, and
  - (b) it complies with the development standards and other requirements specified for it in DCP 35, and
  - (c) it is not carried out in an area identified in this or any other environmental planning instrument or in a development control plan applying to the land as land that is bushfire prone, flood liable, contaminated, subject to subsidence, slip, erosion or acid sulfate soil, and
  - (d) it is not located on or within a heritage item or within the curtilage of a heritage item identified in this or any other environmental planning instrument or in a development control plan applying to the land, and
  - (e) it has the relevant approval, where it will be carried out within a zone of influence for a public sewer main, and

- (f) it has the relevant approval, where it will be carried out on the site of an easement, and
  - (g) it has the relevant approval, where it will involve removal of any tree, and
  - (h) it is not on land that is critical habitat (as defined in the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*) or land that is or is part of a wilderness area (within the meaning of the *Wilderness Act 1987*), and
  - (i) it is not State significant development or designated development or development for which consent cannot be granted except with the concurrence of a person other than the Council or the Director-General of National Parks and Wildlife, and
  - (j) it will not be carried out on land to which an order under the *Heritage Act 1977* applies, and
  - (k) it is not to be carried out on land in Zone 7, or on land otherwise identified in a development control plan as environmentally significant land, or on land zoned for open space or arterial roads, and
  - (l) it does not contravene a condition of a previous development consent which still applies to the land on which it will be carried out, and
  - (m) it complies with any deemed-to-satisfy provisions of the *Building Code of Australia* relevant to the development, and
  - (n) it is not to be carried out on land identified on maps held by the Council and entitled *Habitat for Threatened Species*, and
  - (o) it is not to be carried out within a natural water body or wildlife corridor, and
  - (p) it will not result in significant alterations to the existing drainage regime, and
  - (q) it is not a **potentially hazardous industry** or **potentially offensive industry** under *State Environmental Planning Policy No 33—Hazardous and Offensive Development*, and
  - (r) it does not require development consent under a regional environmental plan or a State environmental planning policy.
- (2) A complying development certificate issued for any such development is to be subject to the conditions for the development specified in Schedule 3 to DCP 35.

## **11 Development which is allowed or prohibited within a zone**

- (1) Unless otherwise provided by this plan (such as by the exempt development provisions in clause 9), the Table to this clause specifies for each zone the development that may be carried out only with consent, where “✓” is shown

corresponding to that development.

- (2) Subject to other provisions of this plan (and clause 12 in particular), development referred to in the Table to this clause is prohibited in a zone if “✓” is not shown corresponding to that development.
- (3) The consent authority may grant consent to development only if it has had regard to:
  - (a) the general objectives of this plan, and
  - (b) the objectives of the zone in which it is proposed to be carried out, and
  - (c) the other provisions of this plan.
- (4) Development may be carried out on land within Zone 7 only with development consent and only if the development is in accordance with a plan of management for the land adopted by the Council.
- (5) Any development authorised by or under the [National Parks and Wildlife Act 1974](#) may be carried out on land within Zone 8 without development consent.

**Table**

**Zone**

Development for the purpose of:	Rural Residential		Business		Industrial		Special Uses	Open Space		
	1	2 (a)	2 (b)	3 (a)	3 (b)	4 (a)		4 (b)	5	6 (a)
Agriculture	✓								✓	
Amusement centres				✓	✓					
Animal boarding or training establishments	✓									
Bed and breakfast establishments		✓	✓							
Boarding-houses			✓	✓	✓					
Brothels						✓	✓			
Bulky goods salesrooms or showrooms				✓	✓	✓	✓			
Business premises				✓	✓					

Car parks	✓	✓	✓	✓	✓	✓	✓	✓	✓
Caravan parks								✓	
Centre based child care centres	✓	✓	✓	✓	✓	✓	✓		
Communications facilities	✓		✓	✓	✓	✓	✓	✓	✓
Community facilities	✓	✓	✓	✓	✓	✓	✓	✓	✓
Convenience stores			✓	✓	✓	✓			
Dams	✓	✓	✓	✓	✓	✓	✓	✓	✓
Depots					✓	✓			
Dual occupancies	✓	✓	✓	✓					
Dwelling houses	✓	✓	✓	✓	✓				
Educational establishments	✓	✓	✓	✓			✓		
Entertainment establishments			✓	✓					
Entertainment facilities			✓	✓	✓				
Extractive industries	✓								
Family day care centres	✓	✓	✓	✓					
Family housing	✓	✓							
Generating works					✓	✓			
Hazardous industries									
Hazardous storage establishments									
Health consulting rooms	✓	✓	✓	✓	✓	✓			
Helicopter landing sites			✓		✓		✓	✓	✓

Heliports

Highway service centres

✓ ✓

Home based child care centres

✓ ✓

Home businesses

✓ ✓ ✓ ✓ ✓

Home offices

✓ ✓ ✓ ✓ ✓

Hospitals

✓ ✓ ✓ ✓ ✓ ✓ ✓

Hotels

✓ ✓ ✓

Housing for older people or people with a disability

✓ ✓ ✓ ✓ ✓ ✓

Industries

✓

Institutions

✓

Junk yards

✓

Landfilling

✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓

Light industries

✓ ✓

Marinas

✓ ✓ ✓ ✓

Materials recycling yards

✓

Medical centres

✓ ✓ ✓ ✓

Mines

Motels

✓ ✓ ✓ ✓ ✓

Motor showrooms

✓ ✓ ✓ ✓

Offensive industries

Offensive storage establishments

Office premises

✓ ✓ ✓ ✓

Passenger transport terminals

✓ ✓ ✓ ✓

Places of public worship	✓	✓	✓	✓	✓	✓			
Plant hire					✓	✓			
Public buildings	✓	✓	✓	✓	✓	✓	✓		
Recreation areas	✓	✓	✓	✓	✓	✓	✓	✓	✓
Recreation facilities	✓			✓	✓	✓	✓	✓	✓
Registered clubs				✓	✓	✓	✓		✓
Research facilities				✓	✓	✓	✓		
Residential flat buildings		✓	✓	✓					
Restaurants				✓	✓	✓	✓		
Restricted premises				✓					
Retail plant nurseries				✓	✓	✓	✓		
Roadside stalls									
Road transport terminals						✓			
Rowhouses		✓	✓	✓	✓				
Sanctuaries	✓	✓	✓	✓	✓	✓	✓	✓	✓
Serviced apartments			✓	✓	✓				
Service stations				✓	✓	✓	✓		
Shops				✓	✓				
Transport depots						✓			
Utility installations	✓	✓	✓	✓	✓	✓	✓	✓	✓
Vehicle body repair workshops						✓	✓		
Vehicle repair stations				✓	✓	✓	✓		
Villas		✓	✓	✓	✓				
Warehouses or distribution centres					✓	✓	✓		

Waste disposal

## **12 Additional discretion to grant consent**

- (1) Despite clause 11, but otherwise subject to this plan, the consent authority may grant consent to development that:
  - (a) is not included in the Table to clause 11, or
  - (b) would be prohibited by the Table to clause 11 in the absence of this clause.
- (2) The consent authority may grant consent pursuant to this clause only where it is satisfied that the proposed development:
  - (a) is of a nature (whether by reason of its design, scale, manner of operation or otherwise) that would, in the absence of this clause, justify an amendment to this plan in order to permit the particular development, and
  - (b) is not inconsistent with the objectives of the zone in which the development site is situated, and
  - (c) is not inconsistent with the provisions of any other environmental planning instrument, and
  - (d) will not have an adverse effect on other land in the vicinity.
- (3) Development under this clause is advertised development within the meaning of the Act.

## **Part 3 Special provisions**

### **13 Other development which requires consent**

- (1) **Subdivision** Land to which this plan applies may be subdivided, but only with consent. However, unless required by Part 5, consent is not required for a subdivision for the purpose of:
  - (a) widening a public road, or
  - (b) making a minor adjustment to a boundary between allotments, being an adjustment that does not involve the creation of an additional allotment, or
  - (c) rectifying an encroachment on an allotment, or
  - (d) creating a public reserve, or
  - (e) excising from an allotment land which is, or is intended to be, used for public purposes, including drainage purposes, bushfire brigade or other rescue service purposes or public conveniences.



- (2) **Flood liable land** Development may be carried out on flood liable land only with consent.
- (3) **Domestic satellite dishes** Domestic satellite dishes may be erected in Zone 2 (a) or 2 (b) only with consent.
- (4) **Development on unzoned land** Development on land not included in a zone on the map may be carried out only with consent. Consent may be granted only for the carrying out of development that may be carried out in a zone adjoining the land concerned.
- (5) **Special Uses zone** Development (including ordinarily ancillary or incidental development) may be carried out only with consent on land within Zone 5 for the purpose of the land use indicated for the land by lettering on the map. If there is no lettering shown on the map for land within Zone 5, the only development that may be carried out on such land is the development identified for that zone in the Table to clause 11 as being allowed with consent.
- (6) **Sandwich shops in Zones 4 (a) and 4 (b)** Development for the purpose of a sandwich shop may be carried out only with consent on land within Zone 4 (a) or 4 (b) that is not within 90 metres of an arterial road.
- (7) **Demolition** Except as otherwise provided by this plan, a building or work must not be demolished without consent.
- Consent for demolition of a building or work is not required where that demolition is necessary to carry out development which is allowed by a development consent.
- (8) **Additional uses** Despite any other provision of this plan, with the consent of the consent authority:
- (a) development may be carried out on land specified in Schedule 2 for the purpose of a building, work, place or land use specified in that Schedule in relation to that land, and
  - (b) land specified in Schedule 2 may be subdivided, if subdivision is specified in that Schedule in relation to that land,
- subject to such conditions, if any, as may be so specified.
- (9) **Stables** Development for the purpose of stables may be carried out with development consent on land at Condell Park within Zone 2 (a) that is bounded by Railway Parade, Edgar Street, Yanderra Street, and the prolongation of the rear boundaries of land on the western side of Ellis Street.
- (10) **Wharves** Development for the purpose of pontoons, jetties, piers, berths or moorings may be carried out on land adjoining a waterway, but only with consent.
- (11) **Council land** Despite any other provision of this plan, the consent authority may grant

consent to development on land within Zone 5 or 6 (a) that is owned by the Council if the development is nominated for that land in a plan of management prepared by the Council.

- (12) **Existing shops in residential zones** Where a building on land within Zone 2 (a) or 2 (b) has been constructed as a shop prior to the appointed day and, in the opinion of the consent authority:
- (a) it is not suitable on physical or economic grounds for conversion to or replacement by a residential use, and
  - (b) the proposed use will not adversely affect the amenity of the locality,
- the consent authority may consent to the use of the building or part of the building for a shop or similar land use.

Nothing in this clause allows additions or extensions to the non-residential part of a building referred to in this clause.

- (13) **Recycling** Where demolition of a building or work is being carried out on land pursuant to a consent, the recycling of the demolished materials may be carried out on the land but only if development consent for the purpose of recycling such material on the land is first obtained.

(14) **Gaming machines**

**Note—**

This provision is *deferred matter* under the Act.

#### **14 Development by public authorities**

The following are allowed on land without consent:

- (a) the use of existing buildings of the Crown by the Crown, and
- (b) development or activities specified in Schedule 3.

#### **15 Roads, drainage, open space etc**

- (1) Development by the Council for the purpose of roads, drainage, open space, landscaping, gardening, bushfire hazard reduction, flood mitigation, car parking, pollution control devices or cycleways, including ordinarily ancillary or incidental development, may be carried out on any land (other than land within Zone 7) without development consent.
- (2) Development referred to in subclause (1) by a person other than the Council or on land within Zone 7 requires development consent, unless it is exempt development.
- (3) Despite subclause (2), development for the purpose of bushfire hazard reduction may

be carried out on land within Zone 8 by or on behalf of the National Parks and Wildlife Service without development consent.

## **Part 4 Other special provisions**

### **16 General objectives of these special provisions**

The general objectives of this Part are:

- (a) to minimise the impact of development on the environment, and
- (b) to preserve trees and remnant bushland and to protect ecosystems, and
- (c) to ensure that development is carried out in a manner that reflects constraints associated with flooding, acid sulfate soils, aircraft noise and the like, and
- (d) to provide for the acquisition and use of land reserved for a public purpose, and
- (e) to improve water quality in the Georges River Catchment area by better managing the quality and quantity of stormwater run-off, and
- (f) to regulate specific types of development.

### **17 General environmental considerations**

- (1) This clause applies to development which is likely to have a significant environmental impact by way of clearing of vegetation, alteration of the natural land form or the potential for air, water or ground pollution.
- (2) Before granting consent for development to which this clause applies, the consent authority must take into consideration such of the following matters as are relevant to the circumstances of the proposed development:
  - (a) the impact of that development on:
    - (i) flora and fauna, including threatened species, and
    - (ii) water quality of surface water bodies and ground water, and
    - (iii) any catchment management strategy applying to the land, and
  - (b) the reduction of stormwater run-off by minimising the area of impervious surfaces, increasing infiltration and the use of rainwater tanks.

### **18 Environmentally significant land**

- (1) This clause applies to land identified in a development control plan as “Environmentally Significant Land—Bushland, Waterways and Corridors” which is referred to in this clause as ***environmentally significant land***.

- (2) The objectives for environmentally significant land are:
  - (a) to generally minimise the impact of development on this land, and
  - (b) to protect and preserve important areas of fauna habitat or remnant bushland, and
  - (c) to minimise fragmentation and disturbance to remnant bushland, and
  - (d) to protect and improve watercourses, including their riparian buffer area, and
  - (e) to minimise loss of water quality, bank disturbance and loss of riparian vegetation, and
  - (f) to maintain, and enhance where possible, the interconnections between areas of native vegetation which act as corridors for native fauna, and
  - (g) to rehabilitate areas of potential corridor value.
- (3) Before granting consent for development on land to which this clause applies, the consent authority must be satisfied that the proposed development is consistent with such of the objectives set out in subclause (2) as are relevant to the circumstances of the application.
- (4) When granting such a consent, the consent authority may impose conditions on the extent or scale of a proposed development so that it better satisfies the objectives set out in subclause (2).

## **19 Ecologically sustainable development**

Before granting consent for development, the consent authority must have regard to the following principles of ecologically sustainable development, to the extent it considers them relevant to the proposed development:

- (a) the conservation of energy and natural resources, particularly water and soil, and
- (b) the avoidance of environmentally damaging materials, and
- (c) the avoidance of significant adverse impact on the natural environment, particularly areas of remnant vegetation, watercourses and native flora and fauna, and
- (d) waste avoidance and waste minimisation, and
- (e) encouraging the use of public transport.

## **20 Trees**

- (1) The Council may, by resolution, make, revoke or amend a tree preservation order.
- (2) A person must not carry out or permit or direct or cause any ringbarking, cutting

down, topping, lopping, poisoning, removing or wilful destruction of any tree or trees to which a tree preservation order applies except in accordance with development consent, a permit issued by the Council or otherwise in accordance with the tree preservation order.

- (3) This clause does not apply in respect of:
- (a) trees within a State forest, or within a timber or forest reserve, within the meaning of the *Forestry Act 1916*, or
  - (b) trees in a national park, within the meaning of the *National Parks and Wildlife Act 1974*, or
  - (c) action required or authorised by or under any Act, or
  - (d) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.
- (4) A tree preservation order and any revocation or amendment of such an order does not have effect until it has been published in a newspaper circulating in the Bankstown City local government area.

## **21 Development adjacent to water bodies**

- (1) The Council may determine a foreshore building line on land adjoining a water body.
- (2) The erection of a building other than:
- (a) a marina, or
  - (b) single storey boat sheds, or
  - (c) below ground swimming pools, or
  - (d) structures at or below ground level, or
  - (e) wharves or jetties,
- is prohibited between a foreshore building line and the adjacent water body.
- (3) Development must not be carried out within 40 metres of a water body except with development consent.
- (4) In determining a development application permitted by subclause (2) or required by subclause (3), the consent authority must take into consideration the likely impact of that development on the waterway, including the impact on:
- (a) water quality, and
  - (b) bank stability, and

- (c) quantity and quality of water flows, and
- (d) aquatic biota, and
- (e) riparian vegetation.

## 22 Acid sulfate soils

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

### Table

**Class of land as shown on  
Acid Sulfate Soils Planning  
Maps**

**Works**

1	Any works
2	Works below the natural ground surface Works by which the watertable is likely to be lowered
3	Works beyond 1 metre below the natural ground surface Works by which the watertable is likely to be lowered beyond 1 metre below natural ground surface
4	Works beyond 2 metres below the natural ground surface Works by which the watertable is likely to be lowered beyond 2 metres below natural ground surface
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land which are likely to lower the watertable below 1 metre AHD on adjacent Class 1, 2, 3 or 4 land

- (2) For the purposes of the Table to subclause (1), **works** includes:
- (a) any disturbance of soil of a minor nature (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) 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 Guidelines* has been given to the consent authority, and

(b) the consent authority has also been given written advice from the Department of Land and Water Conservation confirming that results of the preliminary assessment indicated 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 Guidelines*.

(4) **Considerations for consent authority** The consent authority 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 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 consent authority 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) clauses 14 and 15 of, and item 2 of Schedule 3 to, this plan,

(b) clause 10 of *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Complying Development*.

### 23 Development adjacent to residential zones

In determining a development application that relates to land in a zone other than Zone 2 (a) or 2 (b) adjoining land in Zone 2 (a) or 2 (b), the consent authority must take into consideration the following matters:

(a) whether any proposed building is compatible with the height, scale, siting and character of existing residential development within the adjoining residential zone,

(b) whether any goods, plant, equipment and other material used in carrying out the proposed development will be stored or suitably screened from residential development,

(c) whether the proposed development will maintain reasonable solar access to residential development between the hours of 9 am and 3 pm during the winter solstice,

(d) whether noise generation from fixed sources or motor vehicles associated with the proposed development will be effectively insulated or otherwise minimised,

(e) whether the proposed development will otherwise cause nuisance to residents, by

way of hours of operation, traffic movement, parking, headlight glare, security lighting, fumes, gases, smoke, dust or odours, or the like,

- (f) whether any windows or balconies facing residential areas will be treated to avoid overlooking of private yard space or windows in residences.

## **24 Airports**

- (1) In determining an application for consent to development on land in the vicinity of Bankstown Airport, the consent authority must consider:
- (a) the impact of the airport on the development to which the application relates in terms of Australian noise exposure forecasts, and
  - (b) the obstacle limitation surface plan for the airport completed by the operator of the airport.
- (2) In regard to Bankstown Airport:
- (a) a dwelling (other than a dwelling house) may be erected on land in the vicinity of the airport where the Australian Noise Exposure Forecast (ANEF), as published by the then Civil Aviation Authority in 1990, is between 20 and 25 only if the dwelling meets Australian Standard AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction* regarding interior noise levels, and
  - (b) a dwelling house or housing for older people or people with a disability must not be erected on land in the vicinity of the airport where the Australian Noise Exposure Forecast (ANEF) as published by the then Civil Aviation Authority in 1990 exceeds 25 unless the Council is satisfied that the nature of occupation or internal noise attenuation measures enable reasonable amenity for the occupants, and
  - (c) development for the purpose of dual occupancy, villas or rowhouses is prohibited on land in the vicinity of the airport where the Australian Noise Exposure Forecast (ANEF) as published by the then Civil Aviation Authority in 1990 exceeds 25, and
  - (d) a hotel, motel, office premises or a public building may be erected on land where the Australian Noise Exposure Forecast (ANEF) for the airport, as published by the then Civil Aviation Authority, is above 25 only if the building meets Australian Standard AS 2021—2000 regarding interior noise levels.

## **25 Outdoor advertising**

- (1) Despite clause 11 but subject to this clause, development for the purpose of an advertisement may be carried out on land within any zone, other than Zone 7, with the consent of the consent authority, unless it is exempt development.
- (2) Consent may be granted pursuant to subclause (1) only if the advertisement is:



- (a) a business identification sign, or
  - (b) for the purpose of directing the travelling public to a specific tourist facility or place of scientific, historic or scenic interest in the Bankstown City local government area, or
  - (c) advertising on a sportsground that is consistent with a plan of management.
- (3) The consent authority may adopt a development control plan for the purpose of recommending the type and size of an advertisement that may be erected or displayed under this clause.
- (4) The display of an advertisement on a stationary motor vehicle, trailer or the like, on land other than a public road, is prohibited.
- (5) In this clause, **business identification sign** means an advertisement that displays any or all of the following information relating to the place or premises to which it is fixed:
- (a) the identity or a description of the place or premises,
  - (b) the identity or a description of any person residing or carrying on an occupation at the place or premises,
  - (c) particulars of any occupation carried on at the place or premises,
  - (d) such directions or cautions as are usual or necessary relating to the place or premises or any occupation carried on there,
  - (e) particulars or notifications required or permitted to be displayed by or under any State or Commonwealth Act,
  - (f) particulars relating to the goods, commodities or services dealt with or provided at the place or premises,
  - (g) particulars of any activities held or to be held at the place or premises,
  - (h) a reference to an affiliation with a trade, professional or other association relevant to the business conducted at the place or premises.

## 26 Flood liable land

Before determining an application for consent to carry out development on flood liable land, the consent authority must consider the provisions of any relevant development control plan and the requirements of any floodplain development manual published by a public authority that the Council considers relevant to the assessment of the development.

## **27 Landfill**

Consent for the placing of landfill may be granted only if the consent authority is satisfied that:

- (a) the landfill is required for the reasonable economic use of the land on which it takes place or for the provision of utility services, and
- (b) there would be no adverse impact by the landfill on:
  - (i) a water body, or
  - (ii) private or public property, or
  - (iii) ground water quality and resources, or
  - (iv) stormwater drainage, or
  - (v) flooding.

## **28 Temporary development**

- (1) Any development, not being designated development, may, despite any other provision of this plan, be carried out on any land (other than land comprising or containing a heritage item) with consent, for such period of not more than 6 months as may be determined by the consent authority.
- (2) Development referred to in subclause (1) may be carried out only if, in the opinion of the consent authority:
  - (a) it is not inconsistent with the objectives of this plan or the objectives of the zone in which the land concerned is situated, and
  - (b) it would not generate an excessive demand for public services, and
  - (c) it would be compatible with the character and amenity of the locality in which it would be carried out in terms of:
    - (i) its design, height and siting, and
    - (ii) its operation, and
    - (iii) traffic generation and car parking, and
    - (iv) noise, light, dust and odour nuisance, and
    - (v) privacy, and
    - (vi) stormwater drainage, and
    - (vii) hours of operation, and

- (viii) overshadowing, and
- (d) it would not be inconsistent with any current consent applying to the land, and
- (e) in the case of land within Zone 7, or environmentally significant land, it would not detrimentally impact on the environmental values of the land.

## 29 Land classified or reclassified as operational land

- (1) The public land described in Schedule 4 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 4, 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 4 was made, the Governor approved of subclause (2) 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 4, is the local environmental plan cited at the end of the description of the parcel.
- (5) Land described in Part 1 of Schedule 4 is not affected by the amendments made by the *Local Government Amendment (Community Land Management) Act 1998* to section 30 of the *Local Government Act 1993*.

## 30 Floor space ratios

- (1) The objectives of the floor space ratios adopted by this plan are as follows:
  - (a) to generally regulate the scale and bulk of development consistently with the capacity and character of the area of the development site,
  - (b) to ensure non-residential development in residential zones is of a similar scale to that of permitted residential development,
  - (c) to regulate the intensity of development in business zones consistently with the role and function of the particular business centre, the capacity of the road network to accommodate business-related traffic, and the availability of public transport,

- (d) to provide an incentive for redevelopment of key sites in the Bankstown CBD,
  - (e) to ensure that business and retail development in industrial zones is of a scale comparable to mainstream industrial zone activity and does not attract development more appropriately located in business zones.
- (2) The consent authority must not grant consent to development if it has a floor space ratio in excess of that indicated for the development site on the Floor Space Ratio Map.

### **31 Pet boarding**

Despite clause 11, the consent authority may consent to development for the purpose of boarding of domestic pets on land within Zone 3 (b), 4 (a) or 4 (b), but only if it is satisfied that the use will not create a nuisance that will affect the amenity of any land in the vicinity used for residential purposes.

### **32 Access for people with disabilities**

(1) A new building must not be erected unless it complies with the requirements of the *Building Code of Australia* in relation to access and facilities for people with disabilities.

(2) In the case of proposed development involving:

(a) an existing building, or

(b) a new building of a type that is not subject to any requirement of the *Building Code of Australia* in relation to access and facilities for people with disabilities,

the consent authority must take into consideration whether adequate provision is, or is able to be, made for such access and facilities.

### **33 Brothels**

Development for the purpose of a brothel may be carried out only on certain land within Zone 4 (a) or 4 (b) in Villawood, Greenacre, Milperra and South Bankstown as identified on the map.

### **34 Land acquisition**

(1) The owner of any land within Zone 5, 6 (a) or 7 may, in writing, request the public authority corresponding to the category of the land as indicated on the map and as shown in the Table below, to acquire the land.

#### **Table**

<b>Zone</b>	<b>Public authority</b>
-------------	-------------------------

5 Roads and Traffic Authority, if "RTA" is specified on the map to indicate the relevant land use

6 (a) (a) in the case of land included in Schedule 5—the corporation, or

(b) in any other case—the Council

7 the Council

(2) Subject to subclauses (3)–(5), on receipt of the request, the public authority concerned must make arrangements to acquire the land, unless the land might reasonably be required to be dedicated to the Council as a condition of consent to the carrying out of development.

(3) However, the Council must make arrangements to acquire the land only if:

(a) the land is included in a 5-year works program of the Council current at the time of receipt of the request, or

(b) the Council is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time.

(4) The Roads and Traffic Authority must make arrangements to acquire the land only if:

(a) the land is included in a 5-year works program of the Roads and Traffic Authority current at the time of receipt of the request, or

(b) the Roads and Traffic Authority has refused concurrence to a consent for a proposed use of the land, or

(c) the Roads and Traffic Authority is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time.

(5) The corporation must make arrangements to acquire the land only if:

(a) the land is included in a priority program of the corporation current at the time of receipt of the request, or

(b) 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.

(6) If Schedule 5 indicates that only part of an allotment is included in that Schedule, the relevant part is identified on the map.

### **35 Use of land before or after it is acquired**

(1) A person may, with consent but subject to subclause (2), carry out development on land within Zone 5 or 6 (a):

- (a) if the development may be carried out on land in an adjoining zone, or
  - (b) if the development is compatible with development which may be carried out on land in an adjoining zone.
- (2) Consent may be granted to the development of land before it is acquired:
- (a) if the land is within Zone 5 and “RTA” is specified on the map to indicate the relevant land use, only with the concurrence of the Roads and Traffic Authority, or
  - (b) if the land is within Zone 6 (a) and the land is included in Schedule 5, only with the concurrence of the Director-General.
- (3) In determining whether or not to grant that concurrence, the Roads and Traffic Authority or the Director-General must consider the following:
- (a) the need to carry out development on the land for the purpose for which it is zoned,
  - (b) the imminence of acquisition,
  - (c) the likely additional cost resulting from the carrying out of the proposed development.
- (4) Before granting consent to development on land within Zone 5 or 6 (a) before it is acquired, the consent authority must consider the following:
- (a) the need for the proposed development on the land,
  - (b) the impact of the proposed development on the existing or likely future use of the land,
  - (c) the need to retain the land for its existing or likely future use,
  - (d) the effect of the proposed development on the costs of acquisition,
  - (e) the imminence of acquisition,
  - (f) the costs of reinstatement of the land for the land use for which the land may be required to be acquired.
- (5) Land acquired under clause 34 may be developed, with the consent of the consent authority, for any purpose until such time as it is required for use for the purpose for which it was acquired.
- (6) Consent for development on land within Zone 5 or 6 (a) after it has been acquired pursuant to this plan may be granted only if the consent authority has considered whether the proposed development would be compatible with the existing and likely future character and amenity of adjoining land in terms of:

- (a) its scale, bulk, design, siting and landscaping, and
- (b) its operation, and
- (c) traffic generation and car parking, and
- (d) noise, light, dust and odour nuisance, and
- (e) privacy, and
- (f) stormwater drainage and flooding, and
- (g) hours of operation, and
- (h) overshadowing.

### **36 Use of land within Zone 7 before it is acquired**

The consent authority may grant consent to development on land in Zone 7 before it is acquired, but only if it is satisfied that the proposed development will not detract from the conservation value of the land.

### **36A Special requirements for particular sites**

Consent must not be granted for development of land specified in Column 1 of Schedule 9 unless the requirement relating to that development set out in Column 2 of that Schedule has been complied with.

## **Part 5 Heritage**

### **37 Heritage items**

- (1) A person must not, in respect of a heritage item or relic, do any of the following except with the consent of the consent authority:
  - (a) demolish, deface, damage, despoil or move the heritage item, or
  - (b) alter the heritage item, or
  - (c) move the relic or excavate land for the purpose of discovering, exposing or moving a relic, or
  - (d) erect a building on, or subdivide, land on which the heritage item or relic is situated, or that comprises the heritage item or relic, or
  - (e) damage or despoil any tree or land on which the heritage item or relic is situated, or that comprises the heritage item or relic, or
  - (f) alter the interior of a building or work that is the heritage item, or

- (g) use the heritage item for a purpose that is different from its current use.
- (2) Nothing in this clause operates so as to require consent for development, on land to which this clause applies, that is referred to in Schedule 7 if the Council is satisfied that the development is of a minor nature and does not have an adverse impact on the heritage significance of the heritage item.
- (3) The consent authority must not grant consent to the carrying out of development related to heritage items unless it considers the proposal is consistent with the following aims and objectives:
- (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) where appropriate, to require the investigation and recording of sites which have archaeological potential, and
  - (d) to provide for public involvement in matters relating to the conservation of environmental heritage, and
  - (e) to ensure that any development is undertaken in a manner that is sympathetic to, and does not detract from, the heritage significance of heritage items and both their curtilage and setting, and
  - (f) to require, when considered necessary, the consideration of a statement of heritage impact or a conservation management plan before consent is granted for development relating to a heritage item, and
  - (g) to ensure the sympathetic use of sites containing buildings or facades of historic or streetscape importance which contribute to the character of the locality.
- (4) The consent authority must not grant consent to a development application required by subclause (1) that relates to a heritage item 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.
- (5) Where a development application is required by this clause, the consent authority may decline to grant consent until it has considered a statement of heritage impact or a conservation management plan so as to enable the consent authority to fully consider the heritage significance of the item and the impact of the proposed development on the significance of the item, including its interior, curtilage and setting. The statement of heritage impact or conservation management plan is to be prepared by a suitably trained heritage professional according to the guidelines nominated by the consent authority.



### **38 Development in the vicinity of heritage items**

The consent authority must take into consideration the likely effect of the proposed development on a heritage item, archaeological site or potential archaeological site, and on its setting, when determining an application for consent to carry out development of land in its vicinity.

### **39 Heritage advertisements and notifications**

The following development is advertised development for the purposes of the Act:

- (a) the complete or substantial demolition of a heritage item, or
- (b) the complete or substantial demolition of any significant feature of a heritage item, or
- (c) the carrying out of any development allowed by clause 41.

### **40 Notification of demolition to Heritage Council**

Any application for consent to the demolition, defacing or damaging of a heritage item of State significance (being an item listed on the State Heritage Register) must be notified to the Heritage Council and any comments received from that Council within 28 days of its being so notified must be taken into account before the application is granted.

### **41 Heritage conservation incentives**

Despite any other provision of this plan, the consent authority may grant consent for any development on land that is the site of a heritage item or a potential heritage item if it is satisfied that:

- (a) the proposed development would not adversely affect the amenity of the surrounding area, and
- (b) the proposed development is in accordance with a conservation management plan which has been endorsed by the consent authority, and
- (c) the granting of consent to the proposed development would ensure that all necessary conservation work identified in the conservation management plan is carried out.

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

(1) The consent authority may grant consent to the carrying out of development on an archaeological site which has Aboriginal cultural heritage significance or a potential archaeological site that is reasonably likely to have Aboriginal cultural heritage significance only if:

- (a) it has considered a statement of heritage impact 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, and

- (b) it has notified the Director-General of National Parks and Wildlife of its intention to do so and taken into consideration any comments received from that Director-General within 28 days of the notice being sent, and
  - (c) it is satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.
- (2) The consent authority may grant consent to the carrying out of development on any other archaeological site or a potential archaeological site only if:
- (a) it has considered a statement of heritage impact 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, and
  - (b) it 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 of the notice being sent.
- (3) Subclause (2) does not apply if the proposed development does not involve disturbance of below ground deposits and the consent authority is of the opinion that the heritage significance of any above ground deposits would not be adversely affected by the proposed development.

## **Part 6 Rural zone**

### **43 Objectives of the Rural zone**

The objectives of Zone 1 are:

- (a) to recognise the agricultural production potential of rural land, and
- (b) to permit only those uses which are compatible with the amenity of adjoining areas.

## **Part 7 Residential zones**

### **44 Objectives of the residential zones**

- (1) The objectives of Zone 2 (a) are:
- (a) to complement the single dwelling suburban character of the residential areas of Bankstown City, and
  - (b) to enable dual occupancy, rowhouse and villa development that is otherwise consistent with the objectives of the zone, and
  - (c) to ensure that sites are of sufficient size to provide for buildings, vehicular and pedestrian access, landscaping and retention of natural topographical features, and

- (d) to ensure that development is of a height and scale which complements existing buildings and streetscapes (noting that 2 storey dwellings may occur throughout residential areas), and
- (e) to allow for some non-residential use that would not adversely affect the living environment or amenity of the area, and
- (f) to encourage energy efficiency and resource conservation measures in the design, construction and occupation of residential buildings, and other buildings permitted in this zone, and
- (g) to ensure adequate public and private open space is available to residents, and
- (h) to require satisfactory drainage, and
- (i) to require landscaping of development sites.

(2) The objectives of Zone 2 (b) are:

- (a) to encourage a variety of housing types in Bankstown City, including residential flat buildings, and
- (b) to promote landscaping as a major element in the residential environment, and
- (c) to provide for housing which is compatible with surrounding buildings in terms of bulk, height and scale, and
- (d) to allow for some non-residential uses that provide services to residents which would not adversely affect the living environment of the area, and
- (e) to ensure that buildings include adaptable and accessible housing, and
- (f) to encourage residential development which has regard to local amenity and public and private views, and
- (g) to encourage energy efficiency and resource conservation measures in the design, construction and occupation of residential buildings, and other buildings permitted in this zone, and
- (h) to ensure adequate public and private open space is available to residents, and
- (i) to require satisfactory drainage, and
- (j) to require landscaping of development sites.

#### **45 General restrictions on development**

- (1) Consent may be granted for a building on land within Zone 2 (a) or 2 (b) only if it would be compatible with the character and amenity of existing and likely future

buildings on adjoining land in terms of:

- (a) its scale, bulk, design, height, siting and landscaping, and
- (b) its operation, and
- (c) traffic generation and carparking, and
- (d) noise, dust, light and odour nuisance, and
- (e) privacy, and
- (f) stormwater drainage, and
- (g) hours of operation, and
- (h) overshadowing.

- (2) Development for the purpose of dual occupancies, villas or rowhouses is prohibited on land within Zone 2 (a) that is referred to in Schedule 8.

#### **46 Core residential development standards**

- (1) The objectives of the standards in this clause are:
  - (a) where an existing allotment is inadequate in terms of its area or width, to require the consolidation of 2 or more single residential allotments for villa development or residential flat buildings, to achieve the other objectives in this subclause, and
  - (b) to ensure that allotments are of sufficient size to accommodate proposed dwellings, setbacks to adjoining residential land, private open space and courtyards, driveways, vehicle manoeuvring areas and the like, and
  - (c) to ensure that the site of a proposed villa development is of adequate area and width to enable that development to be arranged without long lengths of walls in a straight line, and
  - (d) to limit the potential for villa, rowhouse and dual occupancy development in Zone 2 (a), and
  - (e) to ensure that dual occupancy, rowhouse or villa development in Zone 2 (a) retains the general low-density scale and character of existing single dwelling development.
- (2) The consent authority may grant consent to the subdivision of a single allotment of land within Zone 2 (a) or 2 (b) to create not more than 2 allotments for the purpose of the erection of a dwelling house on each allotment, provided that the average area of the allotments, exclusive of any access corridor, is not less than 450 square metres, and each allotment contains a rectangle with sides of 10 metres and 15 metres behind

the setbacks and the building line of the proposed dwelling house.

- (3) The consent authority is not to grant consent to development for the purpose of villas on an allotment of land within Zone 2 (a) or 2 (b) unless:
  - (a) the allotment has an area of 1,200 square metres or more, and
  - (b) the allotment is at least 20 metres wide at the front building line, and
  - (c) the site area per villa (excluding the area of access handles or rights of way for access) is not less than 300 square metres.
- (4) The consent authority is not to grant consent to development for the purpose of a detached dual occupancy on an allotment of land within Zone 2 (a) or 2 (b) if the allotment has an area less than 700 square metres or a width of less than 20 metres at the front building line.
- (5) The consent authority is not to grant consent to development for the purpose of an attached dual occupancy on an allotment of land within Zone 2 (a) or 2 (b) if the allotment has an area less than 500 square metres or a width of less than 15 metres at the front building line.
- (6) The consent authority is not to grant consent to development for the purpose of rowhouses on an allotment of land within Zone 2 (a) or 2 (b) unless the allotment:
  - (a) is rectangular in shape, and
  - (b) is located on a corner with two street frontages, and
  - (c) has an area of not less than 750 square metres, and
  - (d) has a width of not less than 20 metres at the front building line.
- (7) The consent authority is not to grant consent to development for the purpose of a residential flat building on an allotment of land within Zone 2 (b) if the allotment has an area of less than 1,500 square metres or a width of less than 30 metres at the front building line.
- (9) This clause does not apply to the following land:

Land to which Part 14 applies

**Note—**

Clause 46 (8), as exhibited, is **deferred matter**.

#### **47 Isolation of allotments**

The consent authority must not grant consent to any development on land within Zone 2 (b) if the proposed development will have the effect of isolating land with an area of less

than 1,200 square metres and a width of less than 20 metres at the front building line so as to preclude the reasonable development of that land.

## **Part 8 Business zones**

### **48 Objectives of the Business zones**

(1) The objectives of Zone 3 (a) are:

- (a) to reinforce the status of Bankstown CBD as a metropolitan regional centre, and
- (b) to define the scale and type of development in Bankstown CBD, and
- (c) to link the three key retail precincts—Bankstown Square, the Compass Centre block, and the Town Centre Plaza—and ensure a broad range of consumer choice, and
- (d) to establish a clear structure of land uses within Bankstown CBD to help focus the desired future character of the different activity precincts in the centre, and
- (e) to permit a diversity of uses to reinforce the multi-use character of Bankstown CBD, and
- (f) to encourage mixed-use development within the zone to create a living centre with a 24-hour life, and
- (g) to ensure the scale and density of development complements the desired future character of each precinct and its location in the centre, and
- (h) to introduce floor space incentives to encourage the redevelopment of key sites, and
- (i) to define the parameters for retail activities within the centre, and
- (j) to encourage the development of offices and other commercial activities in the CBD and promote the centre as a place for employment.

(2) The objectives of Zone 3 (b) are:

- (a) to encourage the provision of retail, business, community, service and entertainment facilities to serve residential areas in the catchment of the zone, without detracting from the primary role of the Bankstown CBD, and
- (b) to promote the redevelopment of older centres and those in decay, and
- (c) to enable residential development in business zones, whether or not in conjunction with commercial activity, to promote activity and services in those zones.

#### **49 Restricted premises**

- (1) Development for the purpose of restricted premises is prohibited on land that is within 200 metres of land within Zone 2 (a) or 2 (b).
- (2) The consent authority may consent to the carrying out of development for the purpose of restricted premises only where conditions are imposed (in addition to any other conditions which may be imposed by the Council) which require that:
  - (a) no part of the premises, other than an access corridor, will be located within 1,500 millimetres (measured vertically) from any adjoining footpath, roadway, arcade or other public thoroughfare, and
  - (b) any signage related to the premises will be of a size, shape and content that does not interfere with the amenity of the locality, and
  - (c) no other objects, products or goods related to the restricted premises will be visible from outside the premises.

#### **50 Restrictions on certain development**

- (1) The objectives of this clause are:
  - (a) to restrict centre-type development to existing shopping centres, and
  - (b) to ensure that existing shopping centres are not adversely affected by the out-of-centre location of centre-type development, or development commonly found in local or regional shopping centres.
- (2) This clause applies to land within Zone 3 (b) which is identified on the map by dark blue cross-hatching.
- (3) Despite clause 11, development for the purpose of the following is prohibited on land to which this clause applies:
  - business premises having a gross floor area greater than 1,000 square metres, or
  - amusement centres, or
  - hypermarkets, or
  - supermarkets, or
  - department stores, or
  - discount department stores, or
  - clothing shops, or
  - footwear shops, or

grocery shops having a gross floor area greater than 250 square metres, or  
fruit and vegetable shops having a gross floor area greater than 250 square metres, or  
small electrical appliance shops, or  
entertainment establishments, or  
entertainment facilities.

## **Part 9 Industrial zones**

### **51 Objectives of the Industrial zones**

(1) The objectives of Zone 4 (a) are:

- (a) to permit primarily industrial uses or uses which are inappropriate in other zones, and
- (b) to limit retail development, except where:
  - (i) it is ancillary to an industrial use of land, or
  - (ii) it services the daily convenience needs of the local workforce and does not have an adverse impact on the viability of the business areas of the City of Bankstown, and
- (c) to promote a high standard of:
  - (i) building design (particularly along arterial roads), and
  - (ii) environmental management, energy efficiency and resource conservation, and
- (d) to allow bulky goods salesrooms or showrooms only where they will not have an adverse impact on the viability of the business areas of the City of Bankstown.

(2) The objectives of Zone 4 (b) are:

- (a) to only permit development that will operate in a manner consistent with maintaining or improving the existing amenity of adjoining residential areas, and
- (b) to limit retail development except where:
  - (i) it is ancillary to an industrial use of land, or
  - (ii) it services the daily convenience needs of the local workforce, and
- (c) to promote a high standard of:
  - (i) building design (particularly along arterial roads), and



- (ii) environmental management, energy efficiency and resource conservation, and
- (d) to allow bulky goods salesrooms or showrooms only where they will not have an adverse impact on the viability of the business areas of the City of Bankstown.

## **52 Development in the Industrial zones**

- (1) This clause applies to land within Zone 4 (a) or 4 (b).
- (2) Before granting consent for development on land to which this clause applies, the consent authority must take into consideration the following matters:
  - (a) whether the proposed development will provide adequate off-street parking, relative to the demand for parking likely to be generated,
  - (b) whether the site of the proposed development will be suitably landscaped, particularly between any buildings and the street alignment,
  - (c) whether the proposed development will contribute to the maintenance or improvement of the character and appearance of the locality,
  - (d) whether access to the proposed development will be available by means other than a residential street but, if no other means of practical access is available, the consent authority must have regard to a written statement that:
    - (i) illustrates that no alternative access is available otherwise than by means of a residential street, and
    - (ii) demonstrates that consideration has been given to the effect of traffic generated from the site and the likely impact on surrounding residential areas, and
    - (iii) identifies appropriate traffic management schemes which would mitigate potential impacts of the traffic generated from the development on any residential environment,
  - (e) whether goods, plant, equipment and other material used in carrying out the proposed development will be suitably stored or screened,
  - (f) whether the proposed development will detract from the amenity of any residential area in the vicinity,
  - (g) whether the proposed development adopts energy efficiency and resource conservation measures related to its design, construction and operation.
- (3) The consent authority must not grant consent to development for the purpose of office premises on land to which this clause applies, unless it is satisfied that:
  - (a) the development will not detrimentally affect the viability of any business centre

in the locality, and

- (b) where the development may otherwise have occurred within a business centre in the locality, suitable land for the development is not available in that business centre, and
  - (c) the development is of a type appropriate to an industrial zone, or to the general character of existing development within the industrial zone.
- (4) The consent authority must not grant consent to development for the purpose of a panel beating workshop on land to which this clause applies if the land adjoins land within a residential zone, unless appropriate arrangements are made to store all vehicles awaiting or undergoing repair, awaiting collection, or otherwise involved with the development on the site of the proposed development, and they will be stored either:
- (a) within a building, or
  - (b) within a suitably screened area.
- (5) Despite clause 11, the consent authority may consent to development on land within Zone 4 (a) or 4 (b) for the purpose of the sale of motor vehicles or furniture by auction.
- (6) The consent authority may grant consent to development for the purpose of a convenience store on land within Zone 4 (a) or 4 (b) only if it has a gross floor area of not more than 250 square metres and is proposed to be used in conjunction with a service station.
- (7) The consent authority may grant consent to development on land within Zone 4 (a) or 4 (b) for the purpose of an educational establishment other than an infants', primary or secondary school.

### **53 Bulky goods salesrooms or showrooms**

- (1) The consent authority must not grant consent to development for the purpose of bulky goods salesrooms or showrooms on land within Zone 4 (a) or 4 (b) unless it is satisfied that:
- (a) suitable land for the development is not available in any nearby business centre, and
  - (b) to grant consent would not, by reason of the number of retail outlets which exist or are proposed on land to which this clause applies, defeat the predominantly industrial nature of the zone concerned, and
  - (c) the proposed development will not detrimentally affect the viability of any business centre.

- (2) The consent authority may adopt a development control plan which has the effect of identifying those parts of Zone 4 (a) or 4 (b) in which bulky goods salesrooms or showrooms should or should not be carried out.

#### **54 Development of certain land at Greenacre**

- (1) This clause applies to the part of Lot 13, DP 1004336 indicated on the map as a restricted development area, and is part of the land known as 235 Roberts Road, Greenacre.
- (2) Development for the purpose of landscaping, drainage or utility installations may be carried out on land to which this clause applies with development consent, but for no other purpose.

### **Part 10 Special Uses zone**

#### **55 Objectives of the Special Uses zone**

The objectives of Zone 5 are:

- (a) to identify land owned, used or required to be used by, or under the authority of, a public authority or for other semi-public purposes, and
- (b) to permit a range of uses which are compatible with the locality.

#### **56 Railway land**

Land within Zone 5 shown on the map with the annotation “railways” may, with the consent of the consent authority, be used for any purpose authorised under the [Transport Administration Act 1988](#).

### **Part 11 Open Space zones**

#### **57 Objectives of the Open Space zones**

- (1) The objectives of Zone 6 (a) are:
  - (a) to ensure that there is a sufficient and equitable distribution of open space to meet the recreational needs of residents and to enhance the environment of Bankstown City, and
  - (b) to ensure preservation of significant landscape elements.
- (2) The objectives of Zone 6 (b) are:
  - (a) to identify major parcels of land where private recreation is provided, and
  - (b) to permit a range of related facilities.

## **58 Floodway**

- (1) This clause applies to land within Zone 6 (a) that has the annotation “floodway” on the map.
- (2) A building must not be erected or an existing building extended on the land to which this clause applies.

## **Part 12 Environment Protection zone**

### **59 Objectives of the Environment Protection zone**

The objectives of Zone 7 are:

- (a) to protect environmentally sensitive natural bushland and wildlife corridors of high conservation value, and
- (b) to protect threatened vegetation communities and their associated native fauna, and
- (c) to conserve watercourses and their associated riparian vegetation, and
- (d) to protect sites identified in plans of management as being environmentally sensitive natural bushland or wildlife corridors of high conservation value.

## **Part 13 National Parks and Nature Reserves zone**

### **60 Objectives of the National Parks and Nature Reserves zone**

The objectives of Zone 8 are:

- (a) to identify existing national parks and nature reserves, and
- (b) to recognise the administration of this land under the [National Parks and Wildlife Act 1974](#).

## **Part 14 Revesby Urban Village**

### **61 Aims of Part**

This Part aims to allow development for the purpose of housing (dual occupancies, detached housing, Revesby Villas, townhouses, apartments and shop-top apartments) which achieves an increased residential density in Revesby Urban Village, and occurs in a way that maintains a strong and “individual” character which is reflected through residential design cohesion, community artworks and active public domain spaces.

### **62 Land to which this Part applies**

This Part applies to the land at Revesby bounded by Bransgrove Road, The River Road, Weston Street, Tarro Avenue (and its projection north across the East Hills Railway Line to Polo Street) and Polo Street.

### 63 Application of Part

This Part supplements the other provisions of this plan by:

- (a) specifying objectives and the desired future character for development in different parts, known as precincts, of the Revesby Urban Village, and
- (b) enabling consent to be granted to development that may otherwise be prohibited under this plan if it achieves the objectives and desired future character for the precinct containing the development site, and
- (c) enabling the consent authority to regulate development that is otherwise allowed on the land, so that the objectives and desired future character for the precinct containing the development site are achieved to the maximum extent.

### 64 Development of Revesby Urban Village

(1) In this clause:

**existing** means existing at the commencement of this clause.

**precinct** means a precinct identified on the map marked “*Bankstown Local Environmental Plan 2001 (Amendment No 1)—Revesby Urban Village—Precinct Plan*” held at the office of the Council.

**Revesby Urban Village** means the land to which this Part applies.

**Revesby Villas** means a group of three or more one or two-storey dwellings (whether attached or not) on a single site with a minimum street frontage of 40 metres.

(2) Despite any other provision of this plan, consent may be granted to the carrying out of development within Revesby Urban Village, and conditions may be imposed on such a consent, to achieve the following specific **objectives for precincts**:

**Precinct 1A:**

Dual occupancy scale development which retains and reinforces the existing subdivision pattern.

**Precinct 1B:**

Single detached house scale development of one or two storeys which retains individual lots in the existing subdivision pattern for housing and may include family housing.

Retention or enhancement of the existing “cottage” and “bungalow” architectural style.

Retention of the existing narrow and “intimate” character of Simmons Street and Lillian Crescent.

**Precinct 1C:**

Revesby Villa and townhouse scale development that enhances the range and mix of residential accommodation whilst retaining the existing streetscape character which is defined by detached housing on individual lots.

Retention or enhancement of the existing “cottage” and “bungalow” architectural styles, but achievement of a density of 300m<sup>2</sup> per dwelling with new development.

**Precinct 2A:**

Revesby Villa, townhouse and apartment scale development which supports higher density residential development of 175m<sup>2</sup> per dwelling with a maximum of two storeys and a maximum height of 7 metres from natural ground level to the underside of the ceiling.

Encouragement of site amalgamation for higher density residential development.

Provision of open space and legible pedestrian links between higher density development in this precinct and the Public Domain Precinct.

**Precinct 3A:**

Mixed use two or three-storey scale buildings that encourage individual shop fronts and some larger “supermarket” or “bank” style buildings along Selems Parade and the eastern end of Marco Avenue.

Encouragement of shop-top apartments and studios, lofts and townhouses which contain small businesses or home occupation activities.

Retention of a consistent building alignment along the street-front.

**Precinct 3B:**

Provision of a car park designed to provide for a well-landscaped, safe environment.

**Precinct 3C:**

Provision of a car park designed to provide for a well-landscaped, safe environment and to be sensitive to the amenity and character of the adjoining residential area in Simmons Street.

**Precinct 3D:**

Three-storey scale mixed use buildings that encourage ground floor retail or business activities and also contain shop-top housing. A consistent building alignment along the street-front is to be provided.

**Precinct 4A (to the extent that Bankstown Local Environmental Plan 2001 (Amendment No**

**1)—Revesby Urban Village applies):**

Three-storey scale mixed use buildings with shop-top housing.

Encouragement of site amalgamation. Buildings designed so as not to dominate the streetscape.

A consistent building alignment along the street front.

**Note—**

Part of this precinct is land excluded from [Bankstown Local Environmental Plan 2001 \(Amendment No 1\)—Revesby Urban Village](#) (see Sheet 2 of the map supporting that plan).

**Precinct 4B:**

Passive open space that retains and enhances recreational opportunities.

**Precinct 4C:**

Active community facilities.

New development must “address” Ray McCormack Reserve and improve the surveillance and security of that reserve by its building design.

**Precinct 5A:**

**Note—**

Land (including the land occupied by the Revesby Workers Club) that is proposed to comprise this precinct is excluded from [Bankstown Local Environmental Plan 2001 \(Amendment No 1\)—Revesby Urban Village](#) (see Sheet 2 of the map supporting that plan).

**Precinct 6A (to the extent that Bankstown Local Environmental Plan 2001 (Amendment No 1)—Revesby Urban Village applies):**

Revesby Villa and townhouse scale development to achieve a density of not less than 175m<sup>2</sup> per dwelling with new buildings.

On-site car parking must not dominate the streetscape.

**Note—**

Part of this precinct is land excluded from [Bankstown Local Environmental Plan 2001 \(Amendment No 1\)—Revesby Urban Village](#) (see Sheet 2 of the map supporting that plan).

**Precinct 6B:**

Dual occupancy scale development which retains and reinforces the existing subdivision pattern.

**Precinct 6C:**

Single, detached house scale development of one or two storeys which retains

individual lots in the existing subdivision pattern for housing and may include family housing.

Retention or enhancement of the existing “cottage” and “bungalow” architectural styles.

**Public Domain Precinct:**

Shared vehicular/pedestrian zones that build a vibrant “village centre” character with artworks, market days and public “feature” activities that occur in the public domain.

Street planting and works that achieve a pleasant micro-climate with a strong physical and visual pedestrian link across the railway line and discourage through vehicular traffic.

Enhancement of Abel Reserve with new landscaping, seating, shade structures, lighting, paving, new playground facilities and public artworks.

Use of Abel Reserve as a community meeting place and a place for relaxation.

- (3) In considering whether the development proposed by a development application complies with the specific objectives for precincts within Revesby Urban Village, the consent authority shall have particular regard to any development control plan made specifically for Revesby Urban Village.

**65 Development standards**

The consent authority may grant consent for development that does not comply with:

- (a) a floor space ratio set by clause 30 (2), or
- (b) a minimum allotment size or width set by clause 46,

provided it is satisfied that the departure from the standard is necessary to achieve the aims of this Part and the objectives for the precinct in which the development site is situated.

**Dictionary**

(Clause 6 (1))

**Aboriginal cultural heritage significance** means cultural significance to indigenous inhabitants of New South Wales and can apply to any item, site, place, area or object.

**Aboriginal place** means a natural sacred site. It includes a natural feature such as a creek or mountain of cultural significance, as well as an initiation, ceremonial or story place, or an area of more contemporary cultural significance, such as an Aboriginal mission and a post-contact site.

**Aboriginal site** means any place which has the physical remains of pre-historic occupation, or is of



contemporary significance to the Aboriginal people. It can include items and remnants of the occupation of the land by Aboriginal people such as burial places, engraving sites, rock art, midden deposits, scarred and carved trees, and sharpening grooves.

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

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

**Acid Sulfate Soils Planning Maps** means the series of maps marked “*Bankstown Acid Sulfate Soils Planning Maps*” kept in the office of the Council.

**adaptation** means modifying a place that is a heritage item to suit proposed compatible uses in such a way that it retains its heritage significance.

**advertisement** means a sign, notice, device or representation in the nature of an outdoor advertisement visible from any public place or public reserve and includes any structure intended to display an advertisement.

**agriculture** means:

- (a) the production of crops or fodder, or
- (b) horticulture, including fruit, vegetable and flower crop production and use of land for wholesale plant nurseries, or
- (c) the grazing of livestock, or
- (d) the keeping and breeding of livestock, including poultry, other birds, and bees,

but (in the Table to clause 11) does not include any other use or activity elsewhere defined in this plan.

**alter**, in relation to a heritage item or relic, means:

- (a) make structural or non-structural changes to the outside of the heritage item or relic, such as changes to the detail, fabric, finish or appearance of the outside of the heritage item or relic, but not changes that maintain the existing detail, fabric, finish or appearance of the outside of the heritage item or relic, or
- (b) make structural or non-structural changes to the interior of the heritage item or relic, except changes to floor coverings, the painting of previously painted surfaces, and erection of office partitioning which does not damage original fabric.

**amusement centre** means a building or place (not being a hotel or tavern) used principally for playing:

- (a) billiards, pool, or other like games, or
- (b) electrically or mechanically operated amusement devices, such as pinball machines, video games and the like.

**animal boarding or training establishment** means a building or place used for the breeding, boarding, training or keeping of, or for caring for, animals for commercial purposes, and includes a riding school and veterinary clinic.

**appointed day** means the day on which this plan takes effect.

**archaeological site** means a site identified as such in Schedule 6 (Heritage items). It includes any site known to the consent authority to be an archaeological site, even if it is not so identified.

**arterial road** means:

- (a) a road shown on the map as being an arterial road, or
- (b) a road declared to be a main road, controlled access road, secondary road or a tollway under the [Roads Act 1993](#), or
- (c) a road shown on the Council's adopted road hierarchy list (a copy of which is available from the office of the Council) as an arterial road.

**bed and breakfast establishment** means a dwelling house providing accommodation for commercial purposes where:

- (a) the owner is a permanent resident living in the dwelling house, and
- (b) visitors' accommodation is provided on a short-term basis only, up to a maximum of 1 month, and
- (c) there are not more than 6 visitors at any one time.

**boarding-house** includes a house let in lodgings or a hostel which accommodates more than 2 boarders or residents, but does not include a motel.

**brothel** means premises habitually used for the purpose of prostitution, or designed for that purpose, even though used by only one prostitute for the purpose of prostitution.

**bulky goods salesroom or showroom** means a building or place used for the sale by retail or auction, or the hire or display, of any of the following:

- (a) furniture, or
- (b) electrical appliances, or
- (c) office furniture, or
- (d) hardware, or
- (e) outdoor products, or
- (f) floor coverings, or
- (g) automotive parts and accessories, or
- (h) lighting, or
- (i) kitchen or bathroom showrooms, or

(j) tiles (floor, ceiling or wall), or

(k) plant and equipment for hire.

**business premises** means a building or place in which there is carried on an occupation, profession, service, light industry or trade which provides a service directly and regularly to the public, but (in the Table to clause 11) does not include a building or place elsewhere defined in this Schedule.

**car park** means a building or place used for parking vehicles, and any manoeuvring space and access to it, whether operated for gain or not.

**caravan park** means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, placed or erected.

**centre based child care centre** means a building or place used for the purpose of caring for or educating children which:

(a) caters for 6 or more children who are aged under 6 years or who do not normally attend school, and

(b) may operate for the purpose of gain,

but does not include a building or place providing residential care for those children.

**communications facility** means a building or other structure, work or place used primarily for transmitting or receiving signals for the purpose of communication, including radio masts, transmission towers, satellite discs and the like.

**community facility** means a building or place owned or controlled by a public authority or a body of persons which provides for the physical, social, cultural, or intellectual development or welfare of the local community, but (in the Table to clause 11) does not include a building or place elsewhere defined in this Schedule.

**community land** means land classified as community land within the meaning of the [Local Government Act 1993](#).

**compatible use**, in relation to a heritage item, means a use which involves no change to culturally significant fabric, but involves a change which is substantially reversible, or which results in a minimal impact on heritage significance.

**conservation**, in relation to a heritage item, means all the processes of looking after a place so as to retain its cultural significance. It includes maintenance and may according to circumstance include preservation, restoration, reconstruction and adaptation and will be commonly a combination of more than one of these. It may involve a similar use to the original or a significant use of the building or site concerned and will result in no change to culturally significant fabric. It includes changes which are substantially reversible or changes which involve minimal environmental impact.

**conservation management plan** means a document prepared in accordance with the provisions of the NSW Heritage Manual. It should establish the heritage significance of an item, place or heritage conservation area, and should identify conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

**convenience store** means a shop selling a variety of small grocery goods, whether or not goods are available for hire there.

**Council** means the Council of the City of Bankstown.

**cultural significance** means aesthetic, historic, scientific or social value for past, present or future generations.

**curtilage** of a heritage item means the area around the heritage item which is required to maintain its heritage significance. It is not limited to the setting or the property boundaries of the site.

**dam** means all works or activities, including stormwater retention basins, the placement of fill or the excavation of land, involved in the permanent or temporary storage of water on land which significantly alters the shape, natural form or drainage of land.

**DCP 35** means *Development Control Plan (DCP) No 35*, as adopted by the Council on 9 October 2002.

**demolish** a building or work that is a heritage item, means to wholly or partly destroy or dismantle the heritage item.

**demolish** a building or work that is not a heritage item, means destroy or dismantle the building or work.

**depot** means a building or place used for the storage (but not sale) of plant, machinery, goods or materials used or intended to be used by the owner or occupier of the building or place, but (in the Table to clause 11) does not include a building or place elsewhere defined in this Schedule.

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

**dual occupancy** means two attached dwellings (with a single common wall) or two detached dwellings on a single allotment where both dwellings face the street.

**dwelling** means a room or number of rooms occupied or used, or so constructed or adapted as to be capable of being occupied or used, as a separate domicile.

**dwelling house** means a dwelling which is the only dwelling erected on an allotment of land.

**educational establishment** means a building or place used for education (including teaching) and includes:

- (a) a government school or non-government school within the meaning of the [Education Act 1990](#), and
- (b) a tertiary institution, including a university and TAFE establishment, providing formal education which is constituted by or under an Act, and
- (c) an art gallery or museum, not used to sell the items displayed in it, whether or not accommodation for staff or students is provided there and whether or not it is used for the purpose of gain.

**entertainment establishment** means a building or place used for the purpose of theatres or cinemas.

**entertainment facility** means a building or place used for the purpose of entertainment, exhibitions,

displays or cultural events and includes:

- (a) sports stadiums, showgrounds, racecourses and the like, and
- (b) music halls, concert halls, open air theatres, drive-in theatres and the like, and
- (c) entertainment centres, convention centres, exhibition centres and the like.

**extractive industry** means:

- (a) winning extractive material, or
- (b) an undertaking, not being a mine, which depends for its operation on the winning of extractive material from the land on which it is carried out and includes any washing, crushing, grinding, milling, sawing or separating into different sizes of that extractive material on that land.

**extractive material** means sand, gravel, turf, soil, rock, stone, sandstone or similar substances.

**fabric** means all the physical material of a building or place.

**family day care centre** means a room or a number of rooms forming part of, attached to, or within the curtilage of, a dwelling where a family day care service (within the meaning of the [Family Day Care and Home Based Child Care Services Regulation 1996](#)) is provided and organised or arranged by a sponsoring body (for example, the Council) and which caters for up to 7 children under 12 years of age (including the care givers' children), but with a maximum of 5 children under 6 years of age.

**family housing** means a flat attached to, and on the same allotment as, another dwelling with the flat having access and site facilities shared with the other dwelling and a floor area of not more than 75 square metres. The flat and other dwelling must be the only dwellings on the allotment.

**flood liable land** means land inundated by the 1% probability flood event for the catchment in which the land is situated and includes land indicated as flood liable on maps prepared by the Department of Public Works and Services.

**floor** means that space within a building which is situated between one floor level and the floor level next above or, if there is no floor above, the ceiling or roof above.

**floor space ratio** means the ratio of the gross floor area of a building to the area of the development site.

**Floor Space Ratio Map** means the map entitled "*Bankstown Local Environmental Plan 2001—Floor Space Ratio Map*", as amended by the maps, (or, if sheets of maps are specified, by the specified sheets of maps) marked as follows:

**front building line** means the line determined by the Council establishing the minimum setback of a building from the street alignment. In the case of an allotment with frontage to more than one street, the front building line applies to the shortest frontage.

**generating works** means a building or place used for the purpose of making or generating gas, electricity (otherwise than by the use of domestic solar panels) or other forms of energy.

**gross floor area** means the sum of the areas of each floor of a building where the area of each floor

is taken to be the area within the outer face of the external enclosing walls (or the roof structure, in the case of a loft) as measured at a height of 1,400 millimetres above each floor level, excluding:

- (a) columns, fin walls, sun control devices, awnings and any other elements, projections or works outside the general lines of the outer face of the external walls, and
- (b) lift towers, stairwells, cooling towers, machinery and plant rooms, ancillary storage space and air-conditioning ducts, and
- (c) car parking needed to meet any requirements of the Council and any internal designated vehicular or pedestrian access to it, and
- (d) space for the loading and unloading of goods, and
- (e) internal public arcades and thoroughfares, terraces, balconies with outer walls less than 1,400 millimetres high and the like.

**hazardous industry** means a development for the purposes of an industry which, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including measures to isolate the development from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality:

- (a) to human health, life or property, or
- (b) to the biophysical 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 on the locality have been employed (including measures to isolate the establishment from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

**health consulting rooms** means a room or a number of rooms within an existing building that is designed as a dwelling house used by not more than one person to provide professional medical treatment or health care services (including dental, veterinary and optical services) to members of the public and who employ not more than 1 employee in connection with the practice.

**helicopter landing site** means a place not open to the public used for the taking off and landing of helicopters.

**heliport** means a place open to the public used for the taking off and landing of helicopters, whether or not it includes:

- (a) a terminal building, or
- (b) facilities for the parking, storage or repair of helicopters.

**heritage conservation map** means the map entitled "*Bankstown Local Environmental Plan*

209—*Heritage Conservation*", as amended by the maps, (or, if sheets of maps are specified, by the specified sheets of maps) marked as follows:

**heritage item** means a building, part of a building, work, relic, place, archaeological site, tree or landscape or townscape item which is described in Schedule 6 and shown on the heritage conservation map. It also includes the site of any such building or work.

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

**highway service centre** means a place which has direct access to a freeway or controlled access road and provides petrol and diesel fuel outlets, toilets, restaurant facilities (for either sit-down or take-away meals, or both), parking for cars, buses and trucks and emergency repair facilities.

**home based child care centre** means a building or place which provides child care for up to 5 children (including the children of the carer) aged under 6 years, or who do not normally attend school.

**home business** means a business carried on in a dwelling or a building erected within the curtilage of a dwelling where:

- (a) the use does not involve the employment of persons other than residents of the site and a maximum of 1 non-resident, and
- (b) the use does not involve the retailing of goods or the display of goods whether in a window or otherwise, and
- (c) the use does not involve the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that building to indicate the name and occupation of the resident or residents), and
- (d) the use does not involve a brothel, and
- (e) the use does not involve manufacturing or processing of any kind, and
- (f) the use does not have a detrimental impact on the amenity of adjoining residences.

**home office** means a home business undertaken in a single room (with a maximum area of 30 square metres) of a dwelling house, where the use:

- (a) only involves the employment of persons who are residents of the dwelling or dwelling house, and
- (b) does not have a detrimental impact on the amenity of adjoining residences, and
- (c) does not involve any retailing, manufacturing or processing of any kind, and
- (d) does not involve a brothel.

**hospital** means a building or place used for the purpose of providing professional health care services (such as preventative or rehabilitative care, diagnosis, medical or surgical treatment, care for people with disabilities, psychiatric care or counselling and services provided by health care professionals) to people who are admitted as in-patients, including any:

- (a) ancillary facilities for the accommodation of nurses or other health care workers, ancillary shops or

restaurants and ancillary accommodation for persons receiving health care or for their visitors, and

- (b) facilities situated in the building or at the place and used for educational or research purposes, whether or not they are used only by hospital staff or health care workers and whether or not any such use is a commercial use, and
- (c) specialist medical centre,

and includes a building or place that is used exclusively as a day surgery or day procedure centre.

**hotel** means premises specified or proposed to be specified in a hotelier's licence granted under the [Liquor Act 1982](#).

**housing for older people or people with a disability** means residential accommodation which may take any building form, which is or is intended to be used as housing for the permanent accommodation of older people (persons 55 years old or older) or people with a disability.

**industry** means the manufacturing, assembling, altering, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, processing or adapting of any goods, articles, materials, liquids or gases for commercial purposes, but (in the Table to clause 11) does not include a land use elsewhere defined in this Schedule.

**institution** means a penal or reformatory establishment.

**in the vicinity** of a heritage item means in the local area of the item (for example, behind, around or within view of the item or at a place from which the item can be viewed). In deciding whether something is in the vicinity, the screening effect of current trees or temporary structures is to be excluded.

**junk yard** means land used for the collection, storage, abandonment or sale of scrap metals, waste paper, rags, bottles or other scrap materials or goods or used for the collecting, dismantling, storage, salvaging or abandonment of automobiles or other vehicles or machinery or for the sale of their parts.

**landfilling** means all works or activities involved in the placement of fill on land, or an excavation of land, which significantly alters the shape, natural form or drainage of land, but does not include creation of dams.

**light industry** means an industry in which the processes carried on, or the transportation involved or the machinery or materials used, do not interfere unreasonably with the amenity of the neighbourhood, but (in the Table to clause 11) does not include an industry elsewhere defined in this Schedule.

**maintenance**, in relation to a heritage item, means the ongoing protective care of the existing fabric, finish, appearance or setting of a heritage item. It does not include alterations or the introduction of new materials or technology (for example, injectable damp proof courses or roof treatments).

**map** means a map deposited in the office of the Council.

**marina** means:

- (a) shoreside facilities for mooring or servicing boats including pontoons, jetties, piers, berths or moorings, and



- (b) facilities for dry or rack storage of vessels, repair, maintenance or refuelling of vessels, pumping out of sewage, sail lofts, spillways, hoists, and facilities for the provision of accessories or parts for boats or food for boating operations.

**materials recycling yard** means a building or place used for collecting, dismantling or storing of second-hand or scrap materials for the sole purpose of recycling the metal, timber or other substances comprising them or from which they are made, whether or not by resale, but does not include a junk yard.

**medical centre** means a building or place used for the purpose of providing professional health services (including preventative care, diagnosis, medical or surgical treatment or counselling) to out-patients only.

**mine** means the obtaining (by methods including excavating, quarrying, dredging, tunnelling or drilling) or removal of minerals, petroleum or natural gas and includes the storage and processing of the material obtained.

**mineral** has the same meaning as in the [Mining Act 1992](#).

**motel** means premises, not being a hotel or serviced apartments, used for the temporary or short-term accommodation of travellers.

**motor showroom** means a building or place used for the display or sale of motor vehicles, caravans, or boats, whether or not motor vehicle accessories, caravan accessories or boat accessories are sold or displayed there.

**offensive industry** means a development for the purposes of an industry which, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including measures to isolate the development from existing or likely future development on other land in the locality), would emit a polluting discharge (including noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

**offensive storage establishment** means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including measures to isolate the establishment from existing or likely future development on other land in the locality), would emit a polluting discharge (including noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

**office premises** means a building or place used for the purpose of administration, clerical, technical, professional or like activities, where:

- (a) dealings with members of the public are not on a direct and regular basis or otherwise than by appointment, and
- (b) in the case of land within Zone 4 (a) or 4 (b), or land within Zone 3 (b) which is identified on the map by dark blue cross-hatching (being the land to which clause 50 applies), the employee density does not exceed 1 person for each 50 square metres of gross floor area contained within the building,

but (in the Table to clause 11) does not include a building or place elsewhere defined in this Schedule.

**operational land** means land classified as operational land within the meaning of the [Local Government Act 1993](#).

**passenger transport terminal** means any building or place used for the assembly and dispersal of passengers travelling by any form of passenger transport, including any facilities required for parking, manoeuvring, storing or routine servicing of any vehicle forming part of that undertaking.

**place of public worship** means a building or place used for the purpose of religious worship, whether or not the building or place is also used for counselling, social events or religious training by a congregation or religious group, and includes a monastery.

**plan of management**, in relation to a heritage item, means a document detailing a schedule of works, in accordance with accepted conservation assessment procedures and techniques, aimed at restoring or maintaining the item.

**plan of management**, except in relation to a heritage item, has the same meaning as in the [Local Government Act 1993](#).

**plant hire** means a building or place used to hire out tools, plant and equipment used by builders and do-it-yourselfers and for the service and maintenance of the tools, plant and equipment.

**potential archaeological site** means a site known to the Council to have archaeological potential.

**potential heritage item** means a site identified as such in a register kept by the Council and includes a site known to the Council to have heritage potential, even if it is not so identified.

**preservation** means maintaining the fabric of a place in its existing state and retarding deterioration.

**public building** means a building or place used as a business or office by a public authority or an organisation established for public purposes.

**reconstruction** means returning a place as nearly as possible to a known earlier state and is distinguished by the introduction of materials (new or old) into the fabric.

**recreation area** means:

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

**recreation facility** means a building or place used for sporting activities, recreation or leisure activities, and may incorporate a shop selling take-away food or tourist-related items, whether or not operated for the purpose of gain, and may consist of or include:

- (a) a swimming pool, golf course, tennis court, bowling green or playing field, and

- (b) a paint ball park or gun club, and
- (c) a go-kart track, skating rink, skateboard and rollerblade ramp or mini-golf course, and
- (d) a bowling alley, pinball and video parlour or pool hall, and
- (e) boating facilities, such as marinas, boatsheds, boat ramps or landing facilities.

**registered club** means a building or place which is used by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes and which is, or is intended to be, registered under the [Registered Clubs Act 1976](#).

**relic** means any deposit, object or material evidence (which may consist of human remains), relating to the use or settlement of the area of the City of Bankstown, which is 50 or more years old.

**research establishment** means a building or place used for the testing of any industrial goods or any articles for commercial purposes.

**research facility** means a building or place used for the design, research or development of any industrial goods or any articles for commercial purposes, but (in the Table to clause 11) does not include a building or place elsewhere defined in this Schedule.

**residential flat building** means a building containing two or more attached dwellings (and includes dwellings attached to a shop or office) with shared arrangements for access and parking and shared communal open space in lieu of or as well as private open space, but does not include a dual occupancy.

**restaurant** means a building or place, the principal purpose of which is the provision of food to people for consumption on the premises or to provide take-away meals.

**restoration** means returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material.

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

- (a) publications classified Category 1 restricted, Category 2 restricted or RC under the [Classification \(Publications, Films and Computer Games\) Act 1995](#) of the Commonwealth are shown, exhibited, displayed, sold or otherwise rendered accessible or available to the public, or
- (b) a business to which section 578E of the [Crimes Act 1900](#) applies is conducted,

but does not include a newsagency or pharmacy.

**retail plant nursery** means a building or place used for growing plants and selling plants by retail, whether or not landscape supplies (including earth products) or other landscape and horticultural products are also sold there.

**road** means a public thoroughfare used for the passage of vehicles or animals.

**roadside stall** means a place or temporary structure used for the selling by retail of agricultural produce produced on the allotment of land on which the place or temporary structure is located.

**road transport terminal** means a building or place used for the bulk handling of goods for transport

by motor vehicles and includes a building or place used for the loading and unloading of containers.

**rowhouses** means three attached dwellings erected on a corner allotment of a public road with each having a common wall or walls with the adjoining dwelling or dwellings.

**sanctuary** means a building or place used for the preservation of native flora or fauna, or both, but (in the Table to clause 11) does not include a building or place elsewhere defined in this Schedule.

**serviced apartments** means a building containing two or more self-contained dwellings:

- (a) which are used to provide short-term accommodation, but not subject to residential tenancy agreements within the meaning of the *Residential Tenancies Act 1987*, and
- (b) which are serviced or cleaned by the owner or manager of the apartments or the owner's or manager's agent.

**service station** means a building or place used for the sale by retail of motor vehicle fuels and lubricants, whether or not the building or place is also used for any one or more of the following:

- (a) the sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panelbeating, spraypainting or suspension, transmission or chassis restoration),
- (e) a convenience store.

**setting** of a heritage item means what you see when looking from the heritage item, which changes as you move around the item. It may vary from the surrounding garden and field of a country house to the pavement, landscape, streetscape, backdrop and visual catchment of an urban building.

**shop** means a building or place used for selling items, whether by retail or auction, or for hiring or displaying items for the purpose of selling or hiring them (whether the items are goods or materials), but (in the Table to clause 11) does not include a building or place elsewhere specifically defined in this Schedule.

**site area**, in relation to development, means the area of land to which an application for consent to carry out the development relates, excluding any land on which the development is not permitted by this plan.

**statement of heritage impact** for a heritage item is a statement identifying the significance of the heritage item and assessing and justifying the impact that proposed development will have on the significance of the heritage item, including its curtilage and setting. A statement of heritage impact is to be prepared with reference to a conservation management plan or a conservation policy, where such documents have been previously prepared.

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

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

**the map** means the series of maps marked “*Bankstown Local Environmental Plan 2001*”, deposited in the office of the Council, as amended by the maps (or, if sheets of maps are specified, by the specified sheets of maps) marked as follows:

*Bankstown Local Environmental Plan 2001 (Amendment No 2)*

*Bankstown Local Environmental Plan 2001 (Amendment No 6)*

*Bankstown Local Environmental Plan 2001 (Amendment No 8)*

**transport depot** means a building or place used for the parking or storage of motor powered or motor drawn vehicles used in connection with a passenger transport undertaking, business, industry or shop.

**utility installation** means a building or work used by a utility undertaking, but does not include a building designed wholly or principally as administrative or business premises or as a showroom.

**utility undertaking** means any undertaking carried on by, or by authority of, a public authority or in pursuance of any Commonwealth or State Act, for the purpose of:

- (a) railway, road, water or air transport, or wharf or river undertakings, or
- (b) the provision of sewerage or drainage services, or
- (c) the supply of water, hydraulic power, electricity or gas.

**vacant land** means land on which, immediately before the day on which a notice requiring its acquisition is given under this plan, there were no buildings other than fences, greenhouses, conservatories, garages, summer houses, private boathouses, fuel sheds, toolsheds, cycle sheds, aviaries, milking bails, hay sheds, stables, fowl houses, pig sties, barns or the like.

**vehicle body repair workshop** means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel beating or spray painting.

**vehicle repair station** means a building or place used for the purpose of carrying out repairs or selling and fitting of accessories to vehicles or agricultural machinery.

**veterinary hospital** means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

**villas** means three or more dwellings on a site sharing part of the site for access or open space or site facilities.

**warehouse or distribution centre** means a building or place used for storing, holding or displaying items (whether goods or materials) which have been produced or manufactured for sale, other than retail sale to the public from the building or place.

**waste disposal** means landfilling which involves the filling of land with:

- (a) sludge, or
- (b) putrescible waste, or

- (c) waste that includes any substance classified in the *Australian Dangerous Goods Code* or medical, cytotoxic or quarantine waste.

**water body** means:

- (a) a natural water body, including:
- (i) a lake or lagoon either naturally formed or artificially modified, or
  - (ii) a river or stream, whether perennial or intermittent, flowing in a natural channel with an established bed or in a natural channel artificially modifying the course of the river or stream, or
  - (iii) tidal waters, including any bay, estuary or inlet, or
- (b) an artificial water body, including any constructed waterway, canal, inlet, bay, channel, dam, pond or lake,

but does not include a dry detention basin or other construction that is only intended to hold water intermittently.

**wetland** means:

- (a) natural wetland, which includes marshes, mangroves, backwaters, billabongs, swamps, sedgeland, wet meadows or wet heathlands that form a shallow water body (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water and where the inundation determines the type and productivity of the soils and the plant and animal communities, or
- (b) artificial wetland, which includes marshes, swamps, wet meadows, sedgeland or wet heathlands that form a shallow water body (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and that are constructed from and vegetated with wetland plant communities.

## Schedule 2 Additional uses

(Clause 13 (8))

Item No	Property description	Development for the purpose of, or consisting of, the following:
1	Lot 2, DP 184160, No 119 Hume Highway, Greenacre, and Lots A-C, DP 412285, Nos 279-283 Hume Highway, Greenacre	Motor showrooms
2	Lots 2 and 9, DP 26470, Lots A and B, DP 413832 and Lot X, DP 401267, at Greenacre	Motor showrooms
3	Lot 1, DP 26470, Lot B, DP 334262 and Lot 2, DP 13142, Nos 139-141 Hume Highway, Greenacre	Motor showrooms

4	Lots 4-8, 35 and 36, DP 12936, No 56 Clapham Road, Sefton	<p>Hotel and newsagency where the newsagency occupation is limited to that area of the land that was occupied by a bottle shop on 27 April 2001, and is not used for the purpose of displaying, or making available for sale or rental, material (whether literature, video, film or goods or articles) used or intended for use in connection with sexual behaviour and classified or refused classification under the <i>Classification (Publications, Films and Computer Games) Act 1995</i> of the Commonwealth or to which section 578E of the <i>Crimes Act 1900</i> applies. For the purposes of this item, <b>newsagency</b> means a business that sells by retail any of the following items only (and not, for example, general grocery or convenience items):</p> <ul style="list-style-type: none"> <li>(a) newspapers, magazines, books,</li> <li>(b) stationery,</li> <li>(c) confectionary, non-alcoholic drinks,</li> <li>(d) tobacco,</li> <li>(e) lottery tickets and other products of NSW Lotteries,</li> <li>(f) children's toys.</li> </ul>
5	Lots A and B, DP 355003, Lot 119, DP 389833, Lots 110 and 122, DP 332218, Lot 15, DP 665317 and Lot 16, DP 665316, No 6 Kerrinea Road, Sefton	Boarding-house
6	Lots 1 and 2, DP 13922, Shellcote Road, Greenacre	Car parking, in association with the use of the adjoining land as a motor showroom
7	Lot 3, DP 1008977, No 2 The River Road, Revesby	Drive-in take-away restaurant
8	Land, being Roberts Park, Lot 1, DP 191879, No 35 Waterloo Road, Greenacre	Child care centre
9	Part of Lot 1 and Lot 3, DP 386055, No 90 Uranus Road, Revesby	Access and carparking for customer and employee vehicles in association with the use of the adjoining land, Lot 2, DP 386055
10	Lots 1 and 2, 132536, Lot 1, DP 430451, Lot 1, DP 337134 and Lot 1, DP 337136, No 416 Hume Highway, Yagoona	Service station
11	Lot 15, DP 15217, No 17 Sir Joseph Banks Street, Bankstown	Child care centre
12	Nos 30-62 Meredith Street, Bankstown	Medical centre

13	Lot A, DP 375000, No 251 Hume Highway, Greenacre	Motor showroom
14	Lot 345, DP 713612, Lots 1 and 2, DP 12521, Lot 1, DP 103526 and part of Lot 1, DP 217766, Nos 231–241A Hume Highway, Greenacre	Motor vehicle wrecking and the sale of motor vehicle parts
15	Lot 67, DP 587578, Lot B, DP 396903 and part of Lot 7, DP 183929, Nos 43–45A Kitchener Parade, Bankstown	Vehicle wash facility
16	Lots 1 and 2, DP 132536, Lot 1, DP 337134, Lot 1, DP 337136 and Lot 1, DP 430451, Nos 416–418 Hume Highway, Yagoona	Motor showroom
17	Lot 5, DP 21523, No 51 St Georges Crescent, Georges Hall	Educational establishment and ancillary community uses, if the consent authority is satisfied that measures have been incorporated into the development to enable it to meet Australian Standard AS 2021—2000, <i>Acoustics—Aircraft noise intrusion—Building siting and construction</i>
18	Lot B, DP 100603, No 525 Hume Highway, Yagoona	Healthcare practice comprised of a number of rooms forming either the whole or part of, attached to or within the curtilage of a dwelling house and used or intended for use by not more than three persons practising as legally qualified medical practitioners or dentists within the meaning of the <a href="#">Dentists Act 1989</a>
19	Lot 154, DP 752013, No 217 Bransgrove Road, Panania and Part Lot 25, DP 4804, Lots 26 and 27, DP 4804 and Lot B, DP 418953, No 195 Horsley Road, Panania	Waste and recycling centre

## Schedule 3 Development by public authorities

(Clause 14)

### 1 Rail transport

The carrying out by persons carrying on railway undertakings on land comprised in their undertakings of:

- (a) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant, and
- (b) the erection within the limits of a railway station of buildings for any purpose, but excluding:



- (c) the construction of new railways, railway stations and bridges over roads, and
- (d) the erection, reconstruction and alteration of buildings for purposes other than railway undertaking purposes outside the limits of a railway station and the reconstruction or alteration, so as materially to affect their design, of railway stations or bridges, and
- (e) the formation or alteration of any means of access to a road, and
- (f) the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings have direct access to a public place.

## **2 Water, sewerage, drainage, electricity and gas**

The carrying out by persons carrying on public utility undertakings, being water, sewerage, drainage, electricity or gas undertakings, of any of the following development, being development required for the purpose of their undertakings:

- (a) development of any description at or below the surface of the ground,
- (b) the installation of any plant inside a building or the installation or erection within the premises of a generating station or substation established before the appointed day of any plant or other structures or erections required in connection with the station or substation,
- (c) the installation or erection of any plant or other structures or erections by way of addition to, or replacement or extension of, plant or structures or erections already installed or erected, including the installation in an electrical transmission line of substations, feeder-pillars or transformer housing, but not including the erection of overhead lines for the supply of electricity or pipes above the surface of the ground for the supply of water, or the installation of substations, feeder-pillars or transformer housings of stone, concrete or brickworks,
- (d) the provision of overhead service lines in pursuance of any statutory power to provide a supply of electricity,
- (e) the erection of service reservoirs on land acquired or in the process of being acquired for the purpose before the appointed day, provided reasonable notice of the proposed erection is given to the Council,
- (f) routine maintenance and emergency works,
- (g) any other development, except:
  - (i) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings, so as materially to affect their design or external appearance, or
  - (ii) the formation or alteration of any means of access to a road.

### **3 River transport**

The carrying out by persons carrying on utility undertakings, being wharf or river undertakings, on land comprised in their undertakings, of any development required for the purpose of shipping or in connection with the embarking, loading, discharging or transport of passengers, livestock or goods at a wharf or the movement of traffic by a railway forming part of the undertaking, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant for those purposes, except:

- (a) the construction of bridges, the erection of any other buildings, and the reconstruction or alteration of bridges or of buildings so as materially to affect their design or external appearance, or
- (b) the formation or alteration of any means of access to a road.

### **4 Air transport**

The carrying out by persons carrying on utility undertakings, being air transport undertakings, on land comprised in their undertakings within the boundaries of any aerodrome, of any development required in connection with the movement of traffic by air, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
- (b) the formation or alteration of any means of access to a road.

### **5 Road transport**

The carrying out by persons carrying on utility undertakings, being road transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by roads, including the construction, reconstruction, alteration, maintenance and repair of buildings, works and plant required for that purpose, except:

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
- (b) the formation or alteration of any means of access to a road.

### **6 Mines**

The carrying out by the owner or lessee of a mine (other than a mineral sands mine), on the mine, of any development required for the purpose of a mine, except:

- (a) the erection of buildings (not being plant or other structures or erections required for the mining, working, treatment or disposal of minerals) and the reconstruction,

alteration or extension of buildings, so as materially to affect their design or external appearance, or

(b) the formation of any means of access to a road.

## 7 Roads

The carrying out of any development required in connection with the construction, reconstruction, improvement, maintenance or repair of any road, except the widening, realignment or relocation of such road.

## 8 Water resources

The carrying out or causing to be carried out by the Council when engaged in flood mitigation works or by the Department of Land and Water Conservation of any work for the purposes of soil conservation, irrigation, afforestation, reforestation, flood mitigation, water conservation or river improvement in pursuance of the provisions of the [Water Act 1912](#), the [Farm Water Supplies Act 1946](#), the [Rivers and Foreshores Improvement Act 1948](#) or the [Water Management Act 2000](#), except:

(a) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or

(b) the formation or alteration of any means of access to a road.

## Schedule 4 Classification or reclassification of public land

(Clause 29)

### Part 1

#### Bankstown

25 Arkley Street                      Part of Lot 57, DP 10227, as shown edged heavy black on the map marked "*Bankstown Local Environmental Plan No 174*".

Griffith Park                              Lot 12, DP 861164, No 4A Olympic Parade, Bankstown, as shown edged heavy black on the map marked "*Bankstown Local Environmental Plan No 170*".

17 Sir Joseph Banks Street              Lot 15, DP 15217, as shown edged heavy black on the map marked "*Bankstown Local Environmental Plan No 175*".

#### Greenacre

Koala Road                                  Koala Reserve, DP 11082, as shown edged heavy black on the map marked "*Bankstown Local Environmental Plan No 162*".

## Milperra

13 Ruthven Avenue Lot 201, DP 850124, as shown edged heavy black on Sheet No 2 of the map marked "Bankstown Local Environmental Plan No 161".

## Part 2

### Revesby

Marco Reserve Lots 22 and 24, DP 35611, as shown edged heavy black on the map marked "Bankstown Local Environmental Plan 2001 (Amendment No 6)".

## Schedule 5 Land to be acquired by the corporation

(Clauses 34 and 35)

Lot	DP	Acquire	Address	Suburb
1	14606	Part	1 Queensbury Road	Padstow Heights
2	14606	Part	3 Queensbury Road	Padstow Heights
11	833353	Part	7 Queensbury Road	Padstow Heights
21	13037	Part	1 Raftree Street	Padstow Heights
20	13037	Part	3 Raftree Street	Padstow Heights
19	13037	Part	5 Raftree Street	Padstow Heights
18	13037	Part	7 Raftree Street	Padstow Heights
17	13037	Part	9 Raftree Street	Padstow Heights
16	13037	Part	11 Raftree Street	Padstow Heights
Z	401617	Whole	11 Raftree Street	Padstow Heights
2	859976	Part	17 Raftree Street	Padstow Heights
1	859976	Part	17A Raftree Street	Padstow Heights
28	13037	Part	12 Villiers Road	Padstow Heights
27	13037	Part	14 Villiers Road	Padstow Heights
26	13037	Part	16 Villiers Road	Padstow Heights
25	13037	Part	18 Villiers Road	Padstow Heights
24	13037	Part	20 Villiers Road	Padstow Heights
23	13037	Part	22 Villiers Road	Padstow Heights
22	13037	Part	24 Villiers Road	Padstow Heights
123	818660	Part	11 Queensbury Road	Padstow Heights

276	11759	Whole	7	Henry Lawson Drive	Lansdowne
277	11759	Whole	7	Henry Lawson Drive	Lansdowne
278	11759	Whole	7	Henry Lawson Drive	Lansdowne
350	11759	Whole	42	Tillet Parade	Lansdowne
351	11759	Whole	42	Tillet Parade	Lansdowne
352	11759	Whole	42	Tillet Parade	Lansdowne
605	11760	Whole	35	Watt Parade	Lansdowne

## Schedule 6 Heritage items

(Schedule 1)

### Note—

An asterisk (\*) identifies an archaeological site.

No	Street	Suburb	Lot	DP No	Description
77	Anderson Avenue	Panania	A, B and C	35652	Schwarzel Monument, 1937, in library grounds
			12	733976	
			1	121450	
2a	Bagdad Road	Regents Park	1	794886	Regents Park Primary School, 1899
			2	794490	
			1	794886	
			83-85	8962	
102	Bankstown City Plaza	Bankstown	A and B	343521	Bankstown Hotel, 1922
109	Bankstown City Plaza	Bankstown	1	119533	Shop—original Accommodation House, 1908
143 (Railway land)	Bankstown City Plaza	Bankstown	20	873506	Bankstown Railway Station Platform
143 (Railway land)	Bankstown City Plaza	Bankstown	20	873506	Bankstown Railway Platform Building, 1908
144B	Bankstown City Plaza	Bankstown	1	182368	Bankstown Parcels Office
(Road)	Bullecourt Avenue, Fleurbaix Avenue, Ashford Avenue	Milperra			Former Milperra Soldier Settlement

33	Catherine Street	Punchbowl	40 Y	8422 393602	"The Arches", Arts and Crafts Bungalow
346	Chapel Road	Bankstown	1-3	102240	Rosen Chambers, 1922
375	Chapel Road	Bankstown	6	777510	Council Chambers, 1960's
525	Chapel Road	Bankstown	1 51, Section A	314457 7058 SP 58821	Interwar brick house, 1922
574	East Hills Park	East Hills	C	10546-2030	Caird's Wharf*
925	Henry Lawson Drive	Revesby	45-47 Section 10 Part Portion 86	Volume 7345 Folio 63	Cattle Duffer's Flat* in Georges River State Recreation Area
2A 2	Hume Highway	Chullora	1 12	547215 834734	Site of Jackson's "Royal Arms Inn"*
300	Hume Highway	Bankstown	1 1 and 2	744542 834597	Water Reservoir, at Stacey Street intersection*
321	Hume Highway	Bankstown	3-5 A and B	703355 347099	Site of Colls' "Speed the Plough Inn" Wood Park*
347A (Cemetery)	Hume Highway	Bankstown	12 1 1 and 2	132512 132513 726443	St Felix Cemetery*
361	Hume Highway	Bankstown	5	9522	Shop—Meredith Street corner, 1919
363	Hume Highway	Bankstown	3	9522	Shop—Meredith Street corner, 1919
401	Hume Highway	Yagoona	D	392202	Formerly J.B. Brancourt's garage First car showroom, 1924
656	Hume Highway	Yagoona		SP 60927	Site of the "Globe Inn"*
724-734	Hume Highway	Yagoona	25-38	13125	Site of Pugh's "Crooked Billet Inn"*
885	Hume Highway	Bass Hill	259	230871	Milestone south side, east of Farrell Street (east) "Sydney XV Liverpool VI"

(Milestone)	Hume Highway	Villawood		11759	Milestone south side, east of Henry Lawson Drive "Sydney XVI Liverpool V"
59	Johnson Road	Bass Hill	2A	405520	House, c 1900 in grounds of Crest Baptist Church
1A	Lionel Street	Georges Hall	101	827530	Johnston Farmhouse site*
1A	Lionel Street	Georges Hall	101	827530	Early Georgian stone house "The Homestead"
76	Miller Road	Chester Hill	1	538474	Westbridge Migrant Hostel 1949
345	Milperra Road	Georges Hall	1-3	623875	Bankstown Aerodrome
2	Mimosa Road	Greenacre	1	170971	Methodist hall, 1920's
25	Old Kent Road	Greenacre	A	350074	House
	Regents Park Station	Regents Park	12	10007007	Sefton Junction Sub-station and signal box, c 1924
61	Restwell Street	Bankstown	1 2-7, Section 1	516930 13167	Bankstown Primary School, 1920's
201 (Allder Park)	Rodd Street	Sefton	2 and 3824	430031	Site of Tower's "Ranah/The Ranch"*
146	Rookwood Road	Yagoona	2	225818	Potts Hill Reservoir including Reservoirs Nos 1 and 2, 1880's-1922
290	South Terrace	Bankstown	6	525238	First floor shop facade
26	Stanley Street	Bankstown	1	5993050	Brick Baptist Church, 1920
84	The River Road	Revesby	17, 18, 21-24 and 45-48, Section 10 1 1 2	2343 122996 181955 122996	Revesby Primary School

4	Tompson Road	Revesby	1	777621	"The Pah" Victorian house rendered brick, c 1896
10	Vimy Street	Bankstown	46	13055	WSHC house "Weymouth"
22	Vimy Street	Bankstown	40	13055	WSHC house "The Nest"
105	Waterloo Road	Greenacre	1 303 39-44 and 357	169574 820522 11603	Greenacre Public School
357	Waterloo Road	Greenacre	4	601166	Site of Liebenritt's Pottery*
65	William Street	Condell Park	A	403745	Corner Store
141	William Street	Bankstown	100	792380	West Bankstown Public School
Pipeline	1A Woodville Road/1 Campbell Hill Road/61A, 61B and 61C Priam Street/7 Hector Street/1 and 2A Chisholm Road/1A Auburn Road/227 Rookwood Road	Bankstown	Part 1 Part 1 A and B 2 and Part 3 Part 1 Part 1 Part 1 Part 1	225815 225816 328385 225816 623945 225817 610313 745651	Water pipeline along northern boundary 1885*

## Schedule 7 Exemption criteria for minor works to dwelling houses

(Clause 37 (2))

- 1** The erection of rear carports or garages located behind the line of the rear of a dwelling and with a roof to match the slope, colour, materials and form of the main roof of the dwelling, and with wall and door materials to be sympathetic to the dwelling.
- 2** The installation of skylights located in areas that are not visible from any part of the street and do not interfere with original interior features, such as walls, patterned ceilings and the symmetry of ceiling layouts.
- 3** Any development such as repainting, a different use resulting from a minor change of use, or minor internal modifications.
- 4** Such works as may be lawfully carried out only because of an order under section 139 (4) of the



*Heritage Act 1977.***Schedule 8 Land referred to in clause 45 (2)**

(Clause 45 (2))

<b>No</b>	<b>Street</b>	<b>Suburb</b>	<b>Lot No</b>	<b>DP No</b>
3	Carinya Road	Picnic Point	2	786231
3A	Carinya Road	Picnic Point	1	786231
3B	Carinya Road	Picnic Point	30.48m Reservation	
5	Carinya Road	Picnic Point	101	884106
5A	Carinya Road	Picnic Point	502	843853
7	Carinya Road	Picnic Point	76	10177
9	Carinya Road	Picnic Point	2	319901
11	Carinya Road	Picnic Point	1	319901
13	Carinya Road	Picnic Point	2	596213
13A	Carinya Road	Picnic Point	1	596213
15	Carinya Road	Picnic Point	2	450136
17	Carinya Road	Picnic Point	1	450136
19	Carinya Road	Picnic Point	B	316078
21	Carinya Road	Picnic Point	A	316078
23	Carinya Road	Picnic Point	71	10177
25	Carinya Road	Picnic Point	70A	10177
27	Carinya Road	Picnic Point	70	10177
29	Carinya Road	Picnic Point	69A	10177
31	Carinya Road	Picnic Point	69	10177
33	Carinya Road	Picnic Point	68C	411250
35	Carinya Road	Picnic Point	68B	411250
37	Carinya Road	Picnic Point	67A	10177
39	Carinya Road	Picnic Point	67	10177
41	Carinya Road	Picnic Point	2	562296
43	Carinya Road	Picnic Point	48	13092
45	Carinya Road	Picnic Point	47	13092

47	Carinya Road	Picnic Point	46	13092
49	Carinya Road	Picnic Point	45	13092
50A	Carinya Road	Picnic Point	51	13092
50B	Carinya Road	Picnic Point	270	865426
51	Carinya Road	Picnic Point	44	13092
52	Carinya Road	Picnic Point	1	580291
53	Carinya Road	Picnic Point	43	13092
55	Carinya Road	Picnic Point	421	880155
55A	Carinya Road	Picnic Point	422	880155
55B	Carinya Road	Picnic Point	50	13092
57	Carinya Road	Picnic Point	41	13092
59	Carinya Road	Picnic Point	40	13092
61	Carinya Road	Picnic Point	1	870876
61A	Carinya Road	Picnic Point	2	870876
63	Carinya Road	Picnic Point	38	13092
65	Carinya Road	Picnic Point	37	13092
67	Carinya Road	Picnic Point	36	13092
69	Carinya Road	Picnic Point	35	13092
71	Carinya Road	Picnic Point	34	13092
73	Carinya Road	Picnic Point	B	345698
75	Carinya Road	Picnic Point	A	345698

## Schedule 9 Special requirements for particular sites

(Clause 36A)

### Column 1

**Locality/description**

### Column 2

**Requirement**

## **Bass Hill**

The consent authority must be satisfied that noise mitigation measures to control aircraft noise have been incorporated into the development so that the development complies with AS 2021—2000 *Aircraft noise intrusion—Building siting and construction*.

The consent authority:

(a) must consider whether the land is contaminated, and

(b) if the land is contaminated—must be satisfied that the land is suitable in its contaminated state for residential development, and

(c) if it considers that the land is to be remediated to a level suitable for residential development—must be satisfied that the land has been remediated to that level.

Nothing in this item affects the application of [State Environmental Planning Policy No 55—Remediation of Land](#) or the [Contaminated Land Management Act 1997](#) to the land.

64 Johnston Road

## **Revesby**

Part of No 330 The River Road, being part of Lot 102, DP 227849, as shown edged heavy black and lettered “2 (a)” on the map marked “*Bankstown Local Environmental Plan 2001 (Amendment No 2)*”

The consent authority must be satisfied that the land has been remediated from contaminants to a level that is appropriate for residential development.