

State Environmental Planning Policy No 29—Western Sydney Recreation Area (1989 EPI 731)

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New South Wales

Status Information

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Provisions in force

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

Authorisation

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State Environmental Planning Policy No 29—Western Sydney Recreation Area (1989 EPI 731)



New South Wales

1 Name of Policy

This Policy may be cited as *State Environmental Planning Policy No 29—Western Sydney Recreation Area*.

2 Aims, objectives etc

(1) The primary aim of this Policy is:

- (a) to enable the development of a recreation area of State significance (in this Policy referred to as the Western Sydney Recreation Area), and
- (b) to enable the carrying out of development for recreational, sporting and cultural purposes within the Western Sydney Recreation Area, and
- (c) without limiting the generality of paragraphs (a) and (b), to enable the carrying out of development for the following purposes:
 - (i) motor sports, including motor racing,
 - (ii) sportsgrounds and stadiums,
 - (iii) showgrounds,
 - (iv) golf courses,
 - (v) sporting complexes such as for basketball, swimming, squash and tennis,
 - (vi) equestrian and like facilities, including race courses,
 - (vii) passive recreation including parklands and gardens,
 - (viii) cultural and entertainment facilities,
 - (ix) training facilities in connection with activities carried out for recreational,

sporting and cultural purposes,

(x) motor sport industry related to the Eastern Creek Raceway, including research and development, promotion and marketing,

(xi) any other like or similar purpose.

(2) The other aims of this Policy are:

(a) to enable the carrying out of development for purposes operated in conjunction with or as a necessary adjunct to the purposes specified in subclause (1), and

(b) to allow the carrying out of interim development, and

(c) to allow the carrying out of development for public authority undertakings and infrastructure, and

(d) to ensure that any development will contribute to or not impede the implementation of the primary aim of this Policy.

3 Definitions

In this Policy:

agriculture has the same meaning as in section 514A of the [Local Government Act 1919](#).

Council means the Council of the City of Blacktown.

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

dwelling-house means a building containing 1 but not more than 1 dwelling.

flood liable land means land identified by the consent authority as being below the 1-in-100 year flood level.

public utility undertaking means any of the following undertakings carried on or permitted or suffered to be carried on by or by authority of any Government Department or under the authority of or in pursuance of any Commonwealth or State Act:

(a) railway, road transport, water transport, air transport, wharf or river undertakings,

(b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services.

rural industry means the handling, treating, processing or packing of primary products and includes the servicing in a workshop of plant or equipment used for rural purposes in the locality.

the Act means the [Environmental Planning and Assessment Act 1979](#).

the map means the map marked “*State Environmental Planning Policy No 29—Western Sydney Recreation Area*” deposited in the office of the Department.

4 Land to which this Policy applies

- (1) This Policy applies to the land in the vicinity of Eastern Creek south of the F4 Freeway within the City of Blacktown, shown edged heavy black on the map.
- (2) However, this Policy does not apply to the following land:

Land to which *Sydney Regional Environmental Plan No 31—Regional Parklands* applies.

Land at Eastern Creek within the City of Blacktown shown edged heavy black on Sheet 1 of the map marked “*State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area (Amendment No 4)*” deposited in the head office of the Department of Infrastructure, Planning and Natural Resources and a copy of which is deposited in the office of the Blacktown City Council.

5 Relationship with other environmental planning instruments

- (1) This Policy amends *Blacktown Local Environmental Plan 1988* in the manner set out in clause 6.
- (2) Subject to section 74 (1) of the Act, in the event of an inconsistency between this Policy and any other environmental planning instrument, whether made before, on or after the day on which this Policy is made, this Policy shall prevail to the extent of the inconsistency.

6 Amendment of Blacktown LEP 1988

Blacktown Local Environmental Plan 1988 is amended by inserting at the end of clause 3 the following subclause:

- (2) This plan does not apply to the land to which *State Environmental Planning Policy No 29—Western Sydney Recreation Area* applies.

7 Consent authority

- (1) The Minister for Planning is the consent authority for the purpose of this Policy, other than clause 10.
- (2) The Council is the consent authority for the purpose of clause 10.

8 Development for the purpose of implementing the primary aim of this Policy

- (1) Development may, with the consent of the Minister, be carried out for recreational,

sporting and cultural purposes, including the purposes set out in clause 2 (1) (c) or (2) (a).

- (2) The Minister must take into consideration, in determining a development application, any structure plan or development control code prepared in accordance with clause 11.
- (3) The provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of development for motor racing circuits and speedways in the same way as those provisions apply to and in respect of designated development.
- (3A) Development for the purpose of motor sport industry referred to in clause 2 (1) (c) (x) may be carried out only on land within Eastern Creek Raceway (being Lot 100, DP 815766) or on land east of the Raceway (being Lot 1, DP 855014).
- (4) Any grandstand erected as part of development carried out pursuant to this clause must comply with the provisions, for the time being, of the *Building Code of Australia*.
- (5) For the purpose of enabling development comprising a grandstand to be carried out in accordance with this Policy or in accordance with a consent granted under the Act, to the extent necessary to serve that purpose, clause 16.7 and Division 5 of Part 24 of *Ordinance No 70* made under the [Local Government Act 1919](#) do not apply to the development.
- (6) Pursuant to section 28 of the Act, before the making of subclause (5):
 - (a) the Governor approved of the subclause, and
 - (b) the Minister for the time being administering *Ordinance No 70* made under the [Local Government Act 1919](#) concurred in writing in the recommendation for the approval by the Governor of that subclause.
- (7) In the clause, ***Building Code of Australia*** means the document with that title published by the Australian Uniform Building Regulations Co-ordinating Council.

9 Public authority undertakings

- (1) A public authority may, with the consent of the Minister, carry out development for any purpose in the exercise of its functions.
- (2) Notwithstanding subclause (1), development may be carried out without consent for public utility undertakings.

10 Interim development

- (1) Pending the carrying out of development for a purpose specified in clause 2 (other than clause 2 (2) (b)), development may, with the consent of the Council and the concurrence of the Director of Planning, be carried out for the purpose of agriculture,

dwelling-houses or rural industries.

- (2) A dwelling-house must not be erected on a parcel of land unless the parcel has an area of not less than 20 hectares.
- (3) The Council when deciding whether to grant consent as referred to in subclause (1) and the Director when deciding whether to grant concurrence under that subclause must take into consideration:
 - (a) whether the development will adversely affect the implementation of the primary aim of the Policy, and
 - (b) any limitation of the period during which the development may be carried out, and
 - (c) the cost of acquisition or reinstatement of the land for the purposes of implementing the primary aim of this Policy.

11 Structure plan and development control code

- (1) Where the Minister considers it necessary or desirable to provide more detailed development guidelines or provisions than are outlined in this Policy for any part of the land to which this Policy applies, the Minister may adopt:
 - (a) a structure plan setting out in general terms the possible siting and relationship between the different developments, or
 - (b) a development control code providing further planning details.
- (2) The format, structure, subject-matter and procedures for the preparation, public exhibition, approval, amendment and repeal of a structure plan and a development control code are to be as determined by the Minister.
- (3) A structure plan and development control code must generally conform to the provisions of this Policy.

12 Acquisition of land

- (1) The owner of land that is subject to this Policy may, by notice in writing, request the corporation to acquire the land.
- (2) Subject to subclause (3), the corporation must acquire the land if requested to do so in accordance with this clause.
- (3) The corporation is not required to acquire the land if:
 - (a) acquisition of the land is not necessary to implement the Western Sydney Recreation Area, or

- (b) the land may be required to be provided free of cost as a condition of approval to the carrying out of development, or
- (c) the land has been developed for a purpose permitted under this Policy.

13 Restrictions on development

The consent authority, whether it is the Minister or the Council, may refuse consent to development if, in the opinion of the consent authority:

- (a) the provision for drainage of the land or of other land, or the level of the ground, will be inadequate, or
- (b) the provision of water services to the land is inadequate, or
- (c) development on flood liable land will:
 - (i) adversely affect the efficiency or capacity of the floodway or the flow of floodwater on adjoining lands, or
 - (ii) be unsafe in time of flood, or
 - (iii) cause unavoidable erosion and siltation or the unnecessary destruction of streambank vegetation, or
 - (iv) create a hazard to life or property in time of flood,
- (d) access to an arterial road will impede traffic flow to an unacceptable degree,
- (e) methods to control the disposal of effluent and the retention and quality of water run-off will be inadequate, or
- (f) the operation of State or Commonwealth facilities will be adversely affected,

and the relevant matter may not satisfactorily be dealt with by means of the imposition of appropriate conditions under section 91 of the Act.