

# Sydney Regional Environmental Plan No 31—Regional Parklands (2001 EPI 398)

[2001-398]



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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New South Wales

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# Sydney Regional Environmental Plan No 31—Regional Parklands (2001 EPI 398)



New South Wales

## Part 1 Preliminary

### 1 Name of plan

This plan is *Sydney Regional Environmental Plan No 31—Regional Parklands*.

### 2 Land to which plan applies

(1) This plan applies to the land shown edged heavy black and coloured green on Sheet 1 of the map, except any of the land referred to on that sheet as “DEFERRED MATTER”.

(1A) The reference to Sheet 1 of the map in subclause (1) is a reference to that sheet as amended by the maps or sheets of maps marked as follows:

#### Editorial note—

The amending maps are not necessarily listed in the order of gazettal. Information about the order of gazettal can be determined by referring to the Historical notes at the end of the plan.

*Liverpool Local Environmental Plan 1997 (Amendment No 71)—Sheet 4*

(2) The land to which this plan applies is referred to in this plan as **the Regional Parklands** and is part of a region declared under the Act.

#### Note—

This plan applies to land in the local government areas of Blacktown, Fairfield and Liverpool. It applies to most of the land that has previously been identified by the Department of Urban Affairs and Planning as the Eastern Creek, Prospect, Horsley Park and Hoxton Park Corridors, as well as to certain additional land.

### 3 Aims of plan

This plan aims:

- (a) to promote the consistent planning and management of the Regional Parklands by replacing the existing planning controls with a single regional environmental plan, and
- (b) to strengthen the perception of the Regional Parklands as a unit that is a focus for the conservation of natural systems and a diverse range of recreational uses in Western

Sydney, and

- (c) to enhance the ability of the Regional Parklands to meet the needs of the residents of Sydney for:
  - high quality open space, and
  - a range of recreational opportunities, and
  - a visual and physical break between areas of urban development, and
- (d) to maintain, enhance and rehabilitate the natural systems of the Regional Parklands, particularly those that include threatened species, populations or ecological communities, or their habitats, and
- (e) to preserve, care for and manage the cultural assets of the Regional Parklands, and
- (f) to improve management of the Regional Parklands by all those responsible for land within the Regional Parklands, and
- (g) to protect the quality of the water in Prospect Reservoir, its Upper Canal and other bulk water supply infrastructure.

#### **4 Relationship to other environmental planning instruments**

- (1) The following environmental planning instruments do not apply to land to which this plan applies. They are amended as set out on Schedule 1:

*State Environmental Planning Policy No 19—Bushland in Urban Areas,*

*State Environmental Planning Policy No 29—Western Sydney Recreation Area,*

*Blacktown Local Environmental Plan 1988,*

*Fairfield Local Environmental Plan 1994,*

*Liverpool Local Environmental Plan 1997.*

- (2) In the event of an inconsistency between this plan and another regional environmental plan or a local environmental plan (whether made before or after this plan), this plan prevails to the extent of that inconsistency, subject to section 36 (4) of the Act.

#### **5 Consent authority**

- (1) For the purposes of this plan, the consent authority for development of land to which this plan applies is the council of the local government area in which the land is situated, subject to the Act and subclause (2).
- (2) The consent authority for development of the following land is the Minister:

- (a) land specified in item 7 of Schedule 2 (Eastern Creek Raceway),
- (b) land specified in item 9 of Schedule 2 (Olympic Shooting Centre).

## 6 Definitions

- (1) Terms are defined for the purposes of this plan in the Dictionary at the end of this plan.
- (2) Notes in this plan and the list of its contents are not part of this plan.

## Part 2 Control and assessment of development

### 7 General development controls

- (1) **Objectives** The objectives for development in the Regional Parklands are to:
  - (a) support the aims of this plan, and
  - (b) implement development control plans providing more detailed provisions for land in the Regional Parklands, and
  - (c) conserve and enhance the biodiversity of the region through retention of remnant vegetation, restoration of vegetation and revegetation, and
  - (d) encourage ecologically sustainable development by ensuring that all development has minimal adverse environmental impact.
- (2) **Development that does not require consent** The following may be carried out without consent:

Development allowed by or under the *National Parks and Wildlife Act 1974*, but only if carried out on land reserved or dedicated under that Act.

Development, in accordance with a management plan approved by the Director-General, for the purpose of the following:

clearing of vegetation that is not native to the Regional Parklands; grazing; landscaping; occasional community events; revegetation,

but only if carried out on land owned by the Corporation or owned or managed by a council.

Development for the purpose of bush fire hazard reduction work in accordance with a bush fire management plan approved under the *Rural Fires Act 1997*.

Development for the purpose of eradicating noxious weeds, within the meaning of the *Noxious Weeds Act 1993*.

Development specified in Schedule 1 to the *Environmental Planning and*

*Assessment Model Provisions 1980.*

Demolition in accordance with a management plan approved by the Director-General, but only if carried out on land owned by the Corporation or owned or managed by a council.

Exempt development.

**Note—**

Exempt development is specified in *Regional Parklands Development Control Plan No 2* as referred to in clause 20.

- (3) **Development that requires consent** The following, if it is not allowed by subclause (2) to be carried out without consent, may be carried out only with consent:

Development for the purpose of the following:

agriculture; clearing; community facilities; dams; detention basins; drains; dwelling-houses; grazing; home occupations; landfilling; landscaping; occasional community events; public utility undertakings; recreation areas; revegetation; roads.

Demolition.

Subdivision.

- (4) **Prohibited development** The carrying out of development is prohibited if it is not allowed by this clause to be carried out without consent or only with consent.

**8 Additional uses of land**

On land that is both specified in Schedule 2 and shown by hatching on Sheet 3 of the map, the development described in that Schedule in relation to that land may be carried out with consent, despite clause 7 (4).

**8A Additional uses in Blacktown Olympic Park**

- (1) Development for the purpose of health clubs, registered clubs, motels or sports education facilities may be carried out with consent in Blacktown Olympic Park, despite clause 7 (4), if the consent authority is satisfied that the proposed development will:
- (a) support the financial viability of the site, and
  - (b) provide an opportunity to generate funds to facilitate the achievement of the aims of this plan as set out in clause 3.
- (2) Development for the purpose of sports related facilities that is otherwise prohibited by this plan may be carried out with consent in Blacktown Olympic Park if:

- (a) the consent authority is satisfied that the proposed development will not interfere with the amenity of the Regional Parklands or land in the vicinity of the Regional Parklands because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and
- (b) the proposed development will not contravene any condition of development consent already applying to the land.

**Note—**

It is intended that subclause (2) enable the carrying out of development in Blacktown Olympic Park for the purpose of sports related facilities of a kind not otherwise specifically permitted under this plan.

- (3) In this clause:

**Blacktown Olympic Park** means the land shown hatched on the map marked “*Sydney Regional Environmental Plan No 31—Regional Parklands (Amendment No 4)*” deposited in the head office of the Department of Infrastructure, Planning and Natural Resources.

## **9 Advertised development**

- (1) Development for the purpose of a structured recreation facility allowed to be carried out with consent by clause 8 is identified as advertised development for the purposes of the Act.
- (2) In addition, all other development allowed by this plan to be carried out with consent on land specified in item 7 of Schedule 2 (Eastern Creek Raceway) is identified as advertised development for the purposes of the Act.

## **10 Restrictions on certain development**

- (1) The following controls apply only to development for the purpose of occasional community events, recreation areas and structured recreation facilities:
  - (a) the erection or use of take-away facilities is prohibited, except take-away facilities that are ancillary to an occasional community event allowed by clause 7 and kiosks that are ancillary to a recreation area allowed by clause 7 or to a structured recreation facility allowed by clause 8,
  - (b) the erection or use of refreshment rooms and visitor facilities is prohibited, unless they are either ancillary to the use of a recreation area allowed by clause 7, or ancillary to a structured recreation facility allowed by clause 8,
  - (c) a refreshment room is not to seat more than 50 people,
  - (d) the gross floor area of buildings (including refreshment rooms and visitor facilities) the use of which is ancillary to the use of a recreation area allowed by clause 7 is



not to exceed 1% of the size of the recreation area,

- (e) the erection or use of a restaurant is prohibited, unless its use is ancillary to the use of a structured recreation facility allowed by clause 8,
  - (f) the erection or use of reception rooms is prohibited, unless their use is ancillary to the use of a structured recreation facility allowed by clause 8,
  - (g) a structured recreation facility that includes a restaurant or reception rooms (or both) is not to be erected or used if the facility has a total site area of less than 10 hectares. The gross floor area occupied by that restaurant or those rooms (or both) is not to exceed 1% of that site area or 2,500 square metres, whichever is the greater.
- (2) The erection of advertising structures and the display of advertisements within the Regional Parklands are each prohibited if the structure or advertisement would be visible from a public road, except the erection and use of signs only to display matter identifying the sites or events at sites on which they are located.
  - (3) The gross floor area of a building or buildings to be used for a health club is not to exceed 200 square metres.
  - (4) The gross floor area of a building or buildings to be used for a registered club is not to exceed 3,000 square metres.
  - (5) The gross floor area of a building or buildings to be used for a motel is not to exceed 1,500 square metres and the building or buildings are not to include more than 100 rooms in total.
  - (6) The gross floor area of a building or buildings to be used for a sports education facility is not to exceed 200 square metres.

## **11 Minimum lot size for dwelling**

Objective:

to minimise development that does not support the long-term aims of the Regional Parklands.

A dwelling-house can be built only on an allotment of 20 hectares or more.

## **12 Matters to be taken into consideration**

- (1) In deciding whether to grant consent, the consent authority must take into consideration such of the following matters as are relevant to the proposed development:
  - (a) the consistency of the proposal with the aims of this plan set out in clause 3 and the objectives for development in the Regional Parklands declared in clause 7,

- (b) whether the proposal will protect and enhance the natural systems of the Regional Parklands,
  - (c) the adequacy of measures proposed to conserve and enhance remnant vegetation to ensure protection of biodiversity, and threatened species, populations and ecological communities, and their habitats, and areas of environmental importance,
  - (d) the adequacy of measures proposed to conserve and enhance watercourses and riparian areas,
  - (e) the ability of the proposal to protect public health by having a neutral or beneficial effect on drinking water,
  - (f) the contribution of the proposal to the diversity and quality of recreational uses within the Regional Parklands,
  - (g) the contribution of the proposal to the visual quality and the continuity of the Regional Parklands and to the visual break the Regional Parklands provide within the urban area,
  - (h) the contribution of the proposal to the establishment of biodiversity and pedestrian and cyclist movement corridors linking significant recreation areas and areas of environmental importance,
  - (i) the ability of the proposal to improve long-term Regional Parklands management and the appropriateness of any management systems proposed,
  - (j) the impact of the proposal on surrounding land and measures to mitigate any adverse impacts,
  - (k) the need to limit vehicle access points to the site on which the proposal will be carried out,
  - (l) the impact of the proposal on public utilities within the Regional Parklands.
- (2) A determining authority, within the meaning of Part 5 of the Act, must take such of the matters described in subclause (1) as are relevant into consideration before carrying out an activity, or granting an approval in relation to an activity proposed to be carried out, within the Regional Parklands.

### **13 Site management plans**

Objective:

to ensure ongoing management and conservation of all land within the Regional Parklands.

- (1) Consent must not be granted for development unless the consent authority has considered a site management plan setting out provisions for the management, conservation and restoration of the land on which the development is proposed to be carried out.
- (2) The site management plan is to be prepared in accordance with the requirements of any relevant development control plan.

#### **14 Concurrence**

- (1) Consent may be granted for the following development only with the concurrence of the Director-General:
  - (a) development allowed to be carried out by clause 8 (additional uses of land),
    - (a1) development allowed to be carried out by clause 8A (Additional uses in Blacktown Olympic Park),
    - (b) development of any land to which clause 19 (acquisition of land) applies.
- (2) In deciding whether concurrence should be granted for consent for development allowed to be carried out by clauses 8 or 8A, the Director-General must take into consideration the aims of this plan set out in clause 3 (b) and (c).
- (3) In deciding whether concurrence should be granted for consent for any development of land to which clause 19 applies, the Director-General must take into consideration:
  - (a) the imminence of acquisition, and
  - (b) the effect of carrying out the proposed development on acquisition costs, and
  - (c) the effect of carrying out the proposed development on the natural systems of the regional Parklands, and
  - (d) the cost of restoring those systems after the development has been carried out.
- (4) This clause does not require concurrence for consent granted by the Minister.

#### **15 Consultation**

- (1) The consent authority must not determine any application for development consent until after it has consulted the Director-General of National Parks and Wildlife, where the proposed development:
  - (a) is within the long-term boundary of the Western Sydney Regional Park, as indicated on Sheet 5 of the map by cross-hatching, or
  - (b) adjoins any land reserved or dedicated under the *National Parks and Wildlife Act 1974*.

- (2) The consent authority must send a copy of the development application, and of any additional documentation requested by the consent authority for the purpose of determining the application, to the Director-General of National Parks and Wildlife within 7 days after the consent authority has received the development application or the additional documentation.
- (3) The consent authority must take into consideration any comments received from that Director-General within 28 days after the copy of the development application, or of the additional documentation, is sent.
- (4) Compliance with subclauses (2) and (3) comprises consultation for the purposes of this clause.

## Part 3 Special protections

### 16 Cultural heritage

Objective:

to conserve items of known or potential cultural heritage significance in the Regional Parklands.

- (1) The following development may be carried out only with development consent:
  - (a) demolishing a building or work that is a heritage item, or any development involved in dismantling, moving or altering a heritage item,
  - (b) erecting a building on, or subdividing, land on which a heritage item is located,
  - (c) any development involved in moving a relic or in a person's disturbing or excavating any land while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed.
- (2) However, but without affecting any requirement for development consent made by any other provision of this plan or any other environmental planning instrument, this clause does not require consent:
  - (a) if the heritage item or relic concerned is listed on the State Heritage Register, or is the subject of an interim heritage order under the [Heritage Act 1977](#), or
  - (b) if all of the proposed development must be authorised by an excavation permit under the [Heritage Act 1977](#), or
  - (c) if all of the proposed development must be authorised by or under the [National Parks and Wildlife Act 1974](#) and consists of moving an Aboriginal relic or a person's disturbing or excavating any land while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in an

Aboriginal relic being discovered, exposed, moved, damaged or destroyed, or

- (d) in the case of a heritage item, if the proponent has obtained written advice that the Minister is satisfied that the proposed development is of a minor nature, or consists only of maintenance of the item, and will not adversely affect the heritage significance of the item.

**Note—**

To avoid duplication of assessment of proposed development, development consent is not required by this clause for certain development that needs to be authorised by or under the [Heritage Act 1977](#) or the [National Parks and Wildlife Act 1974](#).

- (3) When determining a development application required by this clause, the consent authority must assess the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or relic concerned. The assessment is to include (but is not limited to) consideration of:
  - (a) the heritage significance of the item or relic as part of the Regional Parklands and the local government area in which it is located, and
  - (b) the impact the proposed development will have on the heritage significance of the item or relic and its setting, including any landscape or horticultural features, and
  - (c) the measures proposed to conserve the heritage significance of the item or relic and its setting, and
  - (d) the impact of the proposed development on any significant views of, or from, the heritage item or relic.
- (4) The consent authority must not grant a consent required by this clause until it has considered a heritage impact statement which includes an assessment of each of the matters listed in subclause (3).
- (5) Before granting consent for development that, in the opinion of the consent authority, is likely to have a significant impact on an Aboriginal site (other than development that must be authorised by or under the [National Parks and Wildlife Act 1974](#)), the consent authority must:
  - (a) consider a heritage impact statement explaining how the proposed development would affect the conservation of the site and any Aboriginal relic known or reasonably likely to be located at the site, and
  - (b) notify the local Aboriginal communities and the Director-General of National Parks and Wildlife of its intention to do so and take into consideration any comments received in response within 28 days after the relevant notice is sent.
- (6) In this clause:

**Aboriginal relic** means any relic that relates to Aboriginal habitation of the Regional Parklands.

## 17 Bushland

Objectives:

to conserve existing bushland and protect it from the impact of development and locate all development on land that is already cleared.

- (1) In this clause, **remnant bushland** means vegetation (including both trees and undergrowth) that:
  - (a) is a remainder of the native vegetation of the land, or
  - (b) if that native vegetation has been altered, is still representative of the structure and floristics of that native vegetation.
- (2) Consent must not be granted for development if it will disturb any remnant bushland, unless the consent authority is satisfied that:
  - (a) the disturbance of the bushland is essential for a purpose in the public interest and no reasonable alternative is available to the disturbance of that bushland, and
  - (b) the amount of bushland proposed to be disturbed is as little as possible and, where bushland will be disturbed to allow construction work to be carried out, the bushland will be reinstated as far as possible on completion of that work, and
  - (c) if the disturbance is likely to cause any loss of remnant bushland, the loss will be compensated by appropriate revegetation on, or in the proximity of, the affected land so that there will be no nett loss of remnant bushland after the revegetation.

## 18 Bulk water supply infrastructure

Objective:

to protect the quality of the water in bulk water supply infrastructure.

Consent must not be granted for development within the Regional Parklands unless the consent authority is satisfied that the development will have no adverse impact on the quality of the water in the bulk water supply infrastructure the site of which is identified by shading on Sheet 5 of the map.

## Part 4 Supplementary

### 19 Acquisition of land

- (1) The owner of any land which is identified by shading on Sheet 2 of the map can, by notice in writing, require the Corporation to acquire the land.

- (1A) The reference to Sheet 2 of the map in subclause (1) is a reference to that sheet as amended by the maps or sheets of maps marked as follows:

**Editorial note—**

The amending maps are not necessarily listed in the order of gazettal. Information about the order of gazettal can be determined by referring to the Historical notes at the end of the plan.

*Liverpool Local Environmental Plan 1997 (Amendment No 71)—Sheet 5*

- (2) On receipt of such a notice, the Corporation must acquire the land to which the notice relates, subject to subclause (3).
- (3) The Corporation is required to acquire land to which a notice under subclause (1) relates only when the land is included in a priority program for acquisition as determined by the Corporation or the Corporation is of the opinion that the owner of the land will suffer hardship if the land is not acquired.

## **20 Exempt development**

Objective:

to exempt development of a minor nature from the development control process

- (1) Development listed in *Regional Parklands Development Control Plan No 2*, as approved by the Director-General on 30 April 2001, is exempt development, despite any other provision of this plan.
- (2) Development is exempt development only if it complies with the development standards and other requirements applied to the development by *Regional Parklands Development Control Plan No 2*, as approved by the Director-General on 30 April 2001.

## **21 Savings**

- (1) The provisions of this plan do not apply to or in respect of a development application, or an application for approval of an activity, that was lodged with a consent authority or determining authority, but that had not been finally determined, before the commencement of this plan.
- (2) Also, the provisions of this plan do not apply to the carrying out of an activity by or on behalf of the Director-General of National Parks and Wildlife or any other person if the activity:
- (a) was lawfully commenced under the *National Parks and Wildlife Act 1974*, whether or not pursuant to an approval, before the commencement of this plan, or
  - (b) is commenced, after the commencement of this plan, in accordance with an approval granted under that Act before the commencement of this plan or an approval granted under that Act pursuant to subclause (1) after that commencement.

## Schedule 1 Amendments

(Clause 4 (1))

### 1.1 State Environmental Planning Policy No 19—Bushland in Urban Areas

#### Clause 3 Application of Policy

At the end of clause 3 (2) (b), insert:

, or

- (c) land to which *Sydney Regional Environmental Plan No 31—Regional Parklands* applies.

### 1.2 State Environmental Planning Policy No 29—Western Sydney Recreation Area

#### Clause 4 Land to which this Policy applies

At the end of clause 4, insert:

- (2) However, this Policy does not apply to the following land:

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

### 1.3 Blacktown Local Environmental Plan 1988

#### Clause 3 Land to which plan applies

Omit “applies” from clause 3 (2).

Insert instead “or *Sydney Regional Environmental Plan No 31—Regional Parklands* apply”.

### 1.4 Fairfield Local Environmental Plan 1994

#### Clause 3 Where does this plan apply?

At the end of clause 3, insert:

- (2) However, this plan does not apply to the following land:

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



## 1.5 Liverpool Local Environmental Plan 1997

### Clause 3 Land where this plan applies

At the end of clause 3, insert:

(2) However, this plan does not apply to the following land:

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

### Schedule 2 Additional uses

(Clause 8)

Location	Property description	Development for the purpose of the following is allowed with consent
1 Knox Road ( <i>Nurragingy Reserve</i> )	Lot 16 DP 12229	reception rooms
2 Rooty Hill Road ( <i>between Eastern Road and Church Street</i> )	DP 909138	place of public worship
3 Wallgrove Road ( <i>Eastern Creek Waste Management Centre</i> )	Lot 2 DP 549703	waste facility
4 Wallgrove Road ( <i>Eastern Creek Waste Management Centre</i> )	Lot Y DP 376524	waste facility
<b>Note—</b>		
5	This provision relates to certain land in Ferrers Road that is <i>deferred matter</i> , having been excluded by the Director-General under section 50 (2) of the Act.	
6 Wallgrove Road ( <i>Austral Bricks</i> )	Lot 3 DP 235478, Part lot 1 DP 206617, Lot 4 DP 235478, Lot E DP 384514	extractive industry, brick making and ancillary public display and sales, waste facility

7	Ferrers Road, M4 ( <i>Eastern Creek Raceway</i> )	Lot 100 DP 815766	motor sports, including motor racing, sportsgrounds and stadiums, showgrounds, equestrian and like facilities, including racecourses, cultural and entertainment facilities, training facilities in conjunction with activities carried out for recreational, sporting and cultural purposes, motor sport industry related to the Eastern Creek Raceway, including research and development, promotion and marketing, structured recreation facility, any like or similar use
8	Redmayne Avenue (Stewards Foundation Christ Brethren)	Lot 1 DP 541719	place of public worship
9	Elizabeth Drive ( <i>Olympic Shooting Centre</i> )	Lot 1 DP 875790	structured recreation facility (not including facility for motor sport)
10	15th Avenue ( <i>Liverpool Transport Bus Depot</i> )	Lot 345 DP 307334	bus depot
11	Cricketers Arms Road ( <i>Greater Union Drive-in Theatre</i> )	Lot 1 DP 194539	drive-in theatre
12	Cricketers Arms Road ( <i>Royal Cricketers Arms Inn</i> )	Lot 111 DP 839532	hotel
13	Cnr Old Western Road and Thornley Road	Portions 23, 23A and 23B, Parish of Prospect	place of public worship
	Land that is:		
	<ul style="list-style-type: none"> <li>• south of the Main Western Railway line, and</li> <li>• north of Chandos Road, and</li> </ul>		
14	<ul style="list-style-type: none"> <li>• west of Prospect Reservoir and the Eastern Creek Raceway, and</li> <li>• shown on Sheet 3 of the map by diagonal hatching</li> </ul>		structured recreation facility (not including facility for motor sport)

### Schedule 3 Heritage items

(Dictionary)

LGA	No	Heritage item	Address	Property description
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Liverpool City	1	Liverpool Offtake Reservoir	Elizabeth Drive, Liverpool	Lot 1 DP 606858
	2*	Sydney Water Supply Upper Canal	Between Camden Valley Way and Elizabeth Drive	
	3	Carnes Hill Vegetation Group	Carnes Hill, off Bringelly Road, Austral	Lot 8 DP 231528
	4	Row of Bunya Pines	Bringelly Road, Austral	Land in DP 19406
Fairfield City	5	Calmsley Hill Farm Cottage and curtilage	Darling Street, Abbotsbury	Part lot 1 DP 553350
	6	Relics of early homestead and stands of exotic vegetation	Elizabeth Drive, Abbotsbury	Lots 6, 7, 9, 10, 11 and 12 Sec 1 DP 2954, Lot 80 Sec 1 DP 812293 and Lot A DP 344556
	7	Remnants of Abbotsbury House	Southdown Road, Horsley Park	Lot 5 DP 825571 and Lot 16 DP 234284
	8	Group of Hoop Pines	Prospect Reservoir, South Hill. Chandos Road and Trivet Street, Wetherill Park	Part lot 1 DP 235478
	9*	Sydney Water Supply Upper Canal	Between Elizabeth Drive and Prospect Reservoir	
Blacktown City	10*	Royal Cricketers Arms Inn	Corner Reservoir and Cricketers Arms Roads	Lot 111 DP 839532
	11*	Sydney Water Supply Upper Canal, Prospect Reservoir and surrounding areas, including the Valve House	Off Reservoir Road	Part lot 5 DP 832281
	12*	Remains and site of Veteran Hall	1 km south of Reservoir Road	Part lot 5 DP 832281

**\*Note—**

Items 2, 9, 10, 11 and 12 are not heritage items for the purposes of this plan but are listed on the State Heritage Register under the [Heritage Act 1977](#) and subject to the controls imposed by that Act.

## Dictionary

(Clause 6 (1))

**Aboriginal site** means:

- (a) any site which has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It can (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, midden deposits, scarred and carved trees, or
- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of cultural significance, as well as initiation, ceremonial or story places and areas of more contemporary cultural significance.

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

**agriculture** means grazing, whether on improved or natural pastures, and cultivation of commercial crops of plants.

**bank** means land evidencing a change of slope that defines the bank of the watercourse concerned in a geomorphic sense.

**bus depot** has the same meaning as in the [Environmental Planning and Assessment Model Provisions 1980](#).

**clearing** means destroying or removing vegetation by any means.

**community facility** means a building or place owned or controlled by a public authority or body of persons which may provide for the physical, social, cultural or intellectual development or welfare of the community, but does not include a club registered under the [Registered Clubs Act 1976](#).

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

**demolish**, in relation to a heritage item that is a building, work, relic, tree or place, means wholly or partly destroy or dismantle the building, work, relic, tree or place.

**detention basin** means a constructed drainage area or wetlands system the principal purpose of which is to support land management and development located within the Regional Parklands.

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

**Director-General** has the same meaning as in the Act.

**drain** means any channel, conduit or pipe used for removing water other than sewage, but does not include a detention basin.

**dwelling-house** has the same meaning as in the [Environmental Planning and Assessment Model Provisions 1980](#).

**exempt development** is identified in clause 20.

**extractive industry** has the same meaning as in the [Environmental Planning and Assessment Model](#)

*Provisions 1980.*

**grazing** means grazing on pasture that does not involve either the clearing of trees or undergrowth or the application of water or fertilizer.

**gross floor area** has the same meaning as in the *Environmental Planning and Assessment Model Provisions 1980*.

**health club** means a club, including a gymnasium, used principally for the purpose of enhancing the health of members and visitors to the club.

**heritage impact statement** means a statement demonstrating the significance of a heritage item or a relic, providing an assessment of the impact that proposed development will have on that significance and specifying the measures that are proposed to minimise that impact.

**heritage item** means a building, work, relic, tree or place that is described in Schedule 3 (but not item 2, 9, 10, 11 or 12 in that Schedule each of which is listed on the State Heritage Register under the *Heritage Act 1977*) and includes all parts of the fabric, structure, fixtures and fittings of any such building, work, relic, tree or place.

**home occupation** has the same meaning as in the *Environmental Planning and Assessment Model Provisions 1980*.

**hotel** has the same meaning as in the *Environmental Planning and Assessment Model Provisions 1980*.

**landfilling** means the filling of land, including submerged aquatic land, by raising the ground level through disposal of spoil from any landfill method (such as mining, dredging or refuse dumping), whether or not to enable the construction of a road or the erection of buildings or pylons or any other structure, where the filling:

- (a) exceeds 200 millimetres in depth, or 100 square metres in area, or
- (b) is located below the flood planning level shown by shading on Sheet 6 of the map.

**landscaping** means any reforming of land involving excavation or filling, or the carrying out of paving or otherwise creating a hard surface area, and includes planting vegetation.

**maintenance**, in relation to a heritage item, means ongoing protective care. It does not include alterations, such as carrying out extensions or additions, or the introduction of new materials or technology, such as use of injectable damp proof courses.

**Minister** means the Minister administering the Act.

**motel** means a building or buildings, other than a hotel, providing serviced overnight accommodation, in single, double or dormitory style rooms, for persons visiting the Regional Parklands for sporting activities, whether or not the building or buildings are used in the provision of meals to those persons, and includes accommodation for the vehicles used by those persons.

**natural watercourse** means a river or stream, whether perennial or flowing intermittently, in a natural channel with an established bed.

**occasional community event** means a community event, such as a sporting event, fair, fete, market, concert, exhibition or any like event which may require temporary facilities, including temporary shelters, portable toilets, public address systems or car parking.

**place of public worship** has the same meaning as in the [Environmental Planning and Assessment Model Provisions 1980](#).

**public utility undertaking** means any undertaking carried on by, or under the authority of, any Commonwealth or State Government department or agency, or in pursuance of any Commonwealth or State Act, for the purpose of providing:

- (a) railway, road or air transport services or facilities, or
- (b) sewerage or drainage services, or
- (c) water, electricity or gas (other than generating works), or
- (d) telecommunications facilities.

**reception rooms** means a building or place (including premises licensed under the [Liquor Act 1982](#), but not a club registered under the [Registered Clubs Act 1976](#)) that is used for the holding of functions, being wedding receptions, celebratory functions, conferences or the like.

**recreation area** means an area (whether naturally occurring or landscaped) used for outdoor recreational activities, such as a picnic area, a barbeque area, an oval, a golf course, a tennis court, a bicycle track, a children's playground or any other like area.

**refreshment room** means a building or place, such as a café or tea room, the purpose of which is to provide food and only non-alcoholic drinks for consumption on the premises.

**registered club** has the same meaning as in the [Registered Clubs Act 1976](#).

**relic** means any deposit, object or material evidence (which may consist of human remains) that relates to the settlement of the Regional Parklands and that is 50 or more years old or, in the case of Aboriginal habitation of the Regional Parklands, that is of any age.

**restaurant** means a building or place (including premises licensed under the [Liquor Act 1982](#)) where meals or light refreshments are prepared and served to the public for consumption on the premises.

**revegetation** means planting of large areas maximising the use of locally indigenous native species propagated from local seed stock.

**sports education facility** means a building or buildings used for educational activities aimed at enhancing the performance of sports participants.

**structured recreation facility** means a facility, other than a registered club, used for indoor or outdoor recreational activities, or both, including sporting or cultural activities.

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

**the map** means the map consisting of 5 sheets marked "Sydney Regional Environmental Plan No 31—Regional Parklands" deposited in the head office of the Department of Infrastructure, Planning and

Natural Resources, as amended by the maps or sheets of maps marked as follows:

**Editorial note—**

The amending maps are not necessarily listed in the order of gazettal. Information about the order of gazettal can be determined by referring to the Historical notes at the end of the plan.

*Liverpool Local Environmental Plan 1997 (Amendment No 71)—Sheets 4 and 5*

**visitor facilities** means kiosks, shops selling tourist-related items, toilet facilities, picnic facilities, car parking, information (and interpretative) signs and displays, viewing platforms and any other like facilities.

**waste facility** has the same meaning as in the [Waste Minimisation and Management Act 1995](#).