

State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area (1999 EPI 78)

[1999-78]



New South Wales

Status Information

Currency of version

Historical version for 25 May 2005 to 5 March 2009 (accessed 16 September 2024 at 0:41)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

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

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 25 May 2005

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New South Wales

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State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area (1999 EPI 78)



New South Wales

Part 1 Preliminary

Introductory note—

This Policy does three things:

- It rezones land in Central Western Sydney for employment, residential and regional open space purposes.
- It provides a framework, through a precinct planning process, for detailed planning and development of the land.
- It provides guiding principles that are relevant to both the existing employment areas and the areas newly zoned under this Policy.

1 Name of Policy

This Policy is *State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area*.

2 Aims of Policy

This Policy aims:

- (a) to rezone certain land for urban development, and
- (b) to co-ordinate the planning and development of the land to which this Policy applies by:
 - (i) establishing a clear set of guiding principles for the development of land, and
 - (ii) requiring the preparation of precinct plans that will provide detailed planning controls, and
 - (iii) providing for the co-ordinated provision of infrastructure services and the staging of development, and
- (c) to promote economic development and the creation of employment in Western Sydney by providing for the development of major warehousing, industrial, high

technology, research or ancillary facilities with good access to the existing and proposed road freight network, including the M4 motorway and the Western Sydney Orbital, and

- (d) to provide for residential development on suitable parts of the land as identified in the Policy to assist in accommodating the projected population growth of Western Sydney in a manner consistent with the principles of the compact city as described in *Cities for the 21st Century*, published by the Department of Planning in January 1995, and
- (e) to provide for the staged optimum extraction of resources from existing quarries, and
- (f) to encourage the staged rehabilitation and construction of existing quarries to facilitate their longer term use as employment lands, and
- (g) to provide for the optimal environmental and planning outcomes for the land to which this Policy applies by:
 - (i) conserving those areas that have a high biodiversity or heritage, scenic or cultural value and, in particular, areas of remnant vegetation, and
 - (ii) helping to achieve the goals set out in *Action for Air, the New South Wales Government's 25 year Air Quality Management Plan*, published by the New South Wales Government in March 1998, by containing the per capita growth in VKT (vehicle kilometres travelled) by achieving higher than normal public transport usage, and
 - (iii) implementing the principles of good urban design, and
 - (iv) ensuring that extractive industries are carried out in an environmentally acceptable manner.

3 Definitions

(1) In this Policy:

Director-General means the Director-General of the Department of Planning.

item of the environmental heritage means a building, work, relic, tree or place identified on sheet 2 of the map.

Precinct means an area shown by distinctive colouring on sheet 3 of the map, being:

- (a) the Eastern Creek Precinct, or
- (b) the Greystanes Precinct, or
- (c) the Huntingwood Precinct, or
- (d) the St Bartholomews Precinct, or

(e) the Raceway Precinct, or

(f) the Lot 11 Precinct.

Precinct plan means a plan prepared in accordance with Division 2 of Part 3.

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

the map means the map consisting of 3 sheets marked “*State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area (Amendment No 1)*” deposited in the head office of the Department of Planning and copies of which are deposited in the offices of the councils of the local government areas to which this Policy applies, as amended by the maps marked as follows which, and copies of which, are so deposited:

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 Policy.

State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area (Amendment No 2)—Widemere Land

State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area (Amendment No 3)

State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area (Amendment No 4)

State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area (Amendment No 6)

- (1A) A reference in this Policy to sheet 1, sheet 2 or sheet 3 of the map is a reference to the sheet as amended by a sheet of an amending map specified in the definition of **the map**, being a sheet of an amending map which has the same number as the number of that sheet.
- (1B) A reference on a sheet of the map to Employment Lands is taken to be a reference to the Employment Zone.
- (2) Other words and expressions used in this Policy that are defined in the [Environmental Planning and Assessment Model Provisions 1980](#) have the same meanings as in the Model Provisions.
- (3) Notes in this Policy do not form part of this Policy.

4 Land to which this Policy applies

This Policy applies to the land shown:

- (a) edged heavy black and cross hatched, or
 - (b) edged heavy black and not cross hatched,
- on sheet 1 of the map.

Note—

This Policy applies to land in the local government areas of Blacktown, Fairfield and Holroyd.

5 Relationship to other environmental planning instruments

- (1) *Sydney Regional Environmental Plan No 31—Regional Parklands, Blacktown Local Environmental Plan 1988* and *Holroyd Local Environmental Plan 1991* do not apply to any of the land shown edged heavy black and cross hatched on sheet 1 of the map.
- (1A) *Fairfield Local Environmental Plan 1994* does not apply to the land within the City of Fairfield shown on the map marked “*State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area (Amendment No 2)—Widemere Land*” deposited in the head office of the Department of Planning and a copy of which is deposited in the office of the Fairfield City Council.
- (1B) *Holroyd Local Environmental Plan 1991* does not apply to the land within the City of Holroyd shown on the map marked “*State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area (Amendment No 2)—Widemere Land*” deposited in the head office of the Department of Planning and a copy of which is deposited in the office of the Holroyd City Council.
- (1C) *Blacktown Local Environmental Plan 1988* does not apply to the land within the City of Blacktown shown as being within the Lot 11 Precinct on Sheet 2 of the map marked “*State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area (Amendment No 6)*” deposited at the Parramatta Office of the Department and a copy of which is deposited at the office of Blacktown City Council.
- (2) In the event of an inconsistency between this Policy and a local environmental plan or deemed environmental planning instrument that, immediately before the commencement of this Policy, applied to the land shown edged heavy black and not cross hatched on sheet 1 of the map, this Policy prevails to the extent of the inconsistency.
- (3) *State Environmental Planning Policy No 4—Development Without Consent* does not apply to development that is exempt development or complying development under this Policy.

6 (Repealed)

7 Consent authority

The relevant council is the consent authority for the purposes of this Policy, except as

provided by the Act.

Part 2 Guiding principles

8 Application of Part 2

This Part applies to all the land to which this Policy applies.

9 Object of Part 2

The object of this Part is to provide a set of clear guiding principles that are to be taken into consideration:

- (a) by a person in exercising functions under Part 3 of the Act, a consent authority in exercising functions under Part 4 of the Act, or a proponent or determining authority in exercising functions under Part 5 of the Act, and
- (b) by a person who is concerned in the preparation of a Precinct plan.

10 Matters for consideration

A person in exercising functions under Part 3 of the Act, a consent authority in exercising functions under Part 4 of the Act, or a proponent or determining authority in exercising functions under Part 5 of the Act, or a person who is concerned in the preparation of a Precinct plan, must take the following matters into consideration:

Economic development and employment

- (a) the contribution the development makes to the economic development and the number and diversity of jobs in Central Western Sydney,
- (b) the range of lot sizes and resulting ability to accommodate a wide range of employment-generating development including those uses which require large sites such as major distribution sites,

Servicing

- (c) the timing, location and design of the development having regard to the orderly provision of infrastructure and services,

Extraction and rehabilitation

- (d) the remaining resources which are of a high quality, regionally significant and identified in *Sydney Regional Environmental Plan No 9—Extractive Industry*, should be extracted while economically viable,
- (e) there should be an orderly and co-ordinated sequence of extraction and rehabilitation to achieve the progressive construction of landforms that are suitable for development as employment lands,

Housing

- (f) housing choice will be achieved by a wide range of housing types and lot sizes, with an overall density within a Precinct of at least 15 dwellings per hectare to meet the principles of the compact city as described in *Cities for the 21st Century*, published by the Department of Planning in January 1995,

Environment

- (g) development should be consistent with the principles of ecologically sustainable development which requires an active approach to anticipating and preventing damage to the environment, and where possible, ensuring that developments are planned in a way that enhances the environment,
- (h) development should be consistent with *Action for Air, the New South Wales Government's 25 year Air Quality Management Plan*, published by the New South Wales Government in March 1998, including all aspects of air quality, from assessing emissions from a development to transport and land use considerations,
- (i) development should be consistent with the principles of total water cycle management, including minimising total water usage, minimising waste water requiring treatment and disposal, minimising stormwater impacts on the environment, and maximising water retention and reuse,
- (j) development should be consistent with the principles of waste minimisation as set out in *A Guide to the Waste Minimisation and Management Regulation*, published by the Environment Protection Authority in 1996, and should ensure that waste is minimised through re-use, recycling and reprocessing, with disposal being the last resort option,
- (k) development should be planned to achieve maximum energy efficiency through such measures as building location, design and materials use, the selection of energy and water efficient building services, equipment and appliances,

Heritage conservation

- (l) the conservation of items of heritage significance identified in this Policy or any other environmental planning instruments or subject to an order under the [Heritage Act 1977](#),
- (m) the conservation of significant bushland and other natural features,
- (n) development should be planned to minimise impacts on areas of high biodiversity or Aboriginal heritage significance and should seek to enhance the values of these areas,

Cultural landscape and open space

- (o) the suitability of the site or part of the site for open space that will enhance and

link the regional open space and special uses corridor and provide for the needs of the local community,

- (p) the protection and improvement of the cultural landscape particularly that surrounding St Bartholomews Church and Prospect Reservoir,

Transport

- (q) the range of permissible land uses, the design and layout of the site, and connections to existing transport networks should minimise vehicle kilometres travelled (VKT) while recognising the freight and transport requirements of the industry,
- (r) development should provide for users of all modes of transport, including public transport, cycling and walking, with a recognition of the need to integrate the development into the surrounding network of each mode,
- (s) the identification of freight links through the Greystanes Precinct from the land zoned “Employment” at Wetherill Park to the M4,
- (t) the identification of links to the Transitway identified in *Action for Transport 2010, an Integrated Transport Plan for Sydney* published by the NSW Government in November 1998,

Urban design

- (u) development should ensure that the environmental and social quality of existing and future residential areas are safeguarded and that, in particular, noise and vibration from quarry operations is minimised,
- (v) development should be designed and located to ensure the best possible urban design outcomes including landscape quality and visual character,
- (w) the scale and character of any development derived from an analysis of the site, having particular regard for its character when viewed from the M4, or the environs of Prospect Reservoir,

Community services

- (x) development of the land will integrate community services with land use planning,
- (y) development of the land is to result in an attractive and safe built environment which satisfies a diverse range of community needs,
- (z) the full range of human services and community facilities infrastructure appropriate to the changing needs of the community will be provided in a timely manner,
- (aa) the amenity of the region will be promoted through the provision of on-site

services and facilities, and through complementing or augmenting existing service networks,

- (bb) equitable access to services and facilities will be promoted for all groups and individuals in the community,
- (cc) development will integrate the new community with existing adjoining communities,
- (dd) community participation will be encouraged in the identification of community services and facility needs.

Part 3 The Precincts

Division 1 Staging of development

11 Declaration by Minister of release area

- (1) The Minister may declare that the whole or part of land in a Precinct, being land that is zoned “Employment” or “Residential” under this Policy, is a release area.
- (2) The Minister must not make a declaration under this clause in relation to land unless the Minister has taken into consideration:
 - (a) the views of:
 - (i) the relevant council, and
 - (ii) any public authority that is reasonably expected to provide services to the land, including regional transport services, and
 - (b) the arrangements that are proposed to be made by any developer of the land and any such public authority for the provision of services to the land.
- (3) A declaration under this clause has effect in relation to land when a copy of it, in writing, is given to the general manager of the relevant council.

Note—

Clause 110A of the *Environmental Planning and Assessment Regulation 1994* provides as follows:

110A Release areas under SEPP 59

Pursuant to section 78A (1) of the Act, a person cannot apply to a consent authority for consent to carry out development on land zoned “Employment” or “Residential” under [State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area](#) unless the Minister has, in accordance with clause 11 of that Policy, declared the land to be, or to be part of, a release area.

Division 2 Precinct plans and sec 94B contributions plans

12 Necessity for Precinct plan and sec 94B contributions plan

After a declaration has been made under clause 11 in relation to the whole or part of land in a precinct:

- (a) a Precinct plan, and
- (b) a contributions plan under section 94B of the Act,

are to be prepared for the land.

Note—

Clause 271 of the *Environmental Planning and Assessment Regulation 2000* provides as follows:

271 Precinct plans and section 94B contributions plans under SEPP 59

- (1) Pursuant to section 80 (11) of the Act, a development application in respect of land within a Precinct within the meaning of *State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area* must not be determined by the consent authority unless the following plans have been prepared for the land:
 - (a) a Precinct plan within the meaning of that Policy, and
 - (b) a contributions plan under section 94B of the Act.
- (2) Despite subclause (1), a consent authority may dispense with the need for the plans referred to in that subclause if:
 - (a) the development application is, in the opinion of the consent authority, of a minor nature, or
 - (b) the development application relates to quarrying or associated activities within the Greystanes Precinct within the meaning of *State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area*, and the development the subject of the application will not, in the opinion of the consent authority, prevent the attainment of the zoning objectives under that Policy for the land, or
 - (c) the developer has entered into an agreement with the consent authority that makes adequate provision with respect to the matters that may be the subject of those plans, or
 - (d) the development application relates to land zoned “Employment” under *State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area* and the proposed development consists of:
 - (i) the erection of a building or the carrying out of a work on the land for the purpose of any land use that was being lawfully carried out on the land immediately before the commencement of this Regulation, or
 - (ii) the enlargement, expansion or intensification of any such land use, or
 - (e) the development application relates to land zoned “Employment” under *State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area* and the proposed development consists of a subdivision:

- (i) that relates to a single lot that existed at the commencement of this Regulation, and
 - (ii) that does not result in more than one additional lot being created, and
 - (iii) that does not dedicate land as a public road, or
- (f) the development is in the St Bartholomews Precinct as shown by distinctive colouring on Sheet 3 of the map referred to in *State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area*.

13 Contents of Precinct plans

- (1) A Precinct plan is a document (consisting of written information, maps and diagrams) that outlines provisions relating to the development of the land to which the Precinct plan applies.
- (2) A Precinct plan must:
 - (a) be consistent with the guiding principles in Part 2, and
 - (b) be consistent with the zones established by Division 3 of this Part, and
 - (c) have regard to the matters set out in Schedule 1, and
 - (d) take into consideration any relevant issues raised by a council, the Director-General, a government authority, an agency or service provider, a precinct steering committee formed under clause 15 and landowners within or adjoining the Precinct.
- (3) A Precinct plan that is prepared for part of a Precinct:
 - (a) must demonstrate how it integrates with the planning for the whole of the Precinct, and
 - (b) must take account of any other Precinct plans prepared for that Precinct.

14 Preparation of draft Precinct plans

A draft Precinct plan may be prepared by or on behalf of the relevant council, the Director-General, the owner of land within the Precinct, or a lessee of land within the Precinct with the consent of the owner of the land.

Note—

Clause 110C of the *Environmental Planning and Assessment Regulation 1994* provides as follows:

110C Assessment fee for draft Precinct plans

- (1) If a draft Precinct plan in respect of land within a Precinct within the meaning of *State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area* is prepared by an owner or lessee of land within the Precinct, the owner or lessee must pay:

- (a) the relevant council an assessment fee determined by the council, and
 - (b) if the relevant council fails or refuses to approve the draft Precinct plan, the Director-General an assessment fee determined by the Director-General.
- (2) The assessment fee must not exceed the reasonable cost to the relevant council, or to the Director-General and the Department, of assessing the draft Precinct plan, carrying out any associated studies and publicly exhibiting the draft Precinct plan.

15 Precinct steering committee

- (1) The relevant council or the Director-General may form a precinct steering committee:
- (a) to assist in the preparation of a draft Precinct plan, or
 - (b) to advise on or review a Precinct plan or a draft Precinct plan.
- (2) The members of a precinct steering committee may consist of persons who are officers or employees of the relevant council, employees of the Department of Urban Affairs and Planning, representatives of government authorities, agencies or service providers, or owners or lessees of land the subject of the Precinct plan or representatives of any such owner or lessee.

16 Submission of draft Precinct plan for approval

- (1) A draft Precinct plan may be submitted to the relevant council for approval.
- (2) The relevant council may request that additional information be provided before a draft precinct plan is placed on public exhibition in accordance with clause 17.

17 Consultation and exhibition

Clauses 17, 18 and 19 of the *Environmental Planning and Assessment Regulation 1994* apply to a draft Precinct plan in the same way as they apply to a draft development control plan.

18 Approval of draft Precinct plan

- (1) The relevant council may approve a draft Precinct plan.
- (2) The relevant council must not refuse to approve a draft Precinct plan unless it has obtained the agreement of the Minister to the refusal.
- (3) If the relevant council has not approved a draft Precinct plan within 6 months after the date on which the draft Precinct plan was submitted to it for approval, the Minister may approve the draft precinct plan.
- (4) The Minister must seek the views of the relevant council concerning the draft Precinct plan before the Minister approves it.
- (5) An extraction and rehabilitation plan referred to in Schedule 1 need not be prepared

for land at Eastern Creek comprised of Lot 2 DP 262213, Lot 1 DP 400697, Lot W DP 419612 and Lot 11 DP 558723 before a Precinct plan is approved for that land, but the consent authority is to have regard to such an extraction and rehabilitation plan before granting consent to any development on that land.

19 Effect of approval of draft Precinct plan

A draft Precinct plan becomes a Precinct plan on its approval by the relevant council or the Minister.

20 Amendment of Precinct plans

A Precinct plan may be amended or revoked by a Precinct plan.

21 Availability of Precinct plans

A copy of a Precinct plan must be available for inspection at the office of the relevant council and at the head office of the Department of Urban Affairs and Planning during ordinary office hours.

Division 3 Development controls

22 Zoning of land within Precincts

For the purposes of this Policy, land within a Precinct is within a zone if the land is shown on sheet 2 of the map in the manner specified below in relation to that zone:

Employment Zone—edged heavy black and coloured dark blue

Residential Zone—edged heavy black and coloured pink

Regional Open Space Zone—edged heavy black and coloured green

23 Permissible and prohibited development

- (1) For land within each zone, the Zoning table to this clause identifies the development:
 - (a) that may be carried out without development consent, and
 - (b) that may be carried out only with development consent, and
 - (c) that is prohibited.
- (2) The Table to this clause also states the objectives for each zone.
- (3) Development consent must not be granted to the carrying out of development on land within a Precinct, unless the consent authority is of the opinion that the carrying out of the development is consistent with the objectives of the zone within which the development is proposed to be carried out.

Zoning table

Employment Zone

1 Objectives

The zone objectives are:

- (a) to facilitate employment-generating industrial, manufacturing, warehousing, high technology, storage or research purposes, including ancillary office space, that are consistent with a Precinct plan applying to the land, and
- (b) to ensure that development in Central Western Sydney is of a high standard and that the development:
 - (i) incorporates best practice environmental management techniques and adopts all measures necessary to protect the environment of the zone by reason of:
 - emissions (noise, air, liquids or solid wastes), or
 - environmental risks (including potentially hazardous and offensive industries), and
 - (ii) enhances the amenity of Central Western Sydney by including high quality landscaping, signage and fencing, adequate building setbacks, high quality external finishes and is compatible with the scale and character of existing development in the area, and
 - (iii) encourages an efficient use of resources in the construction and operation of the development, and
 - (iv) enhances the biodiversity of the region by the retention of significant bushland communities or through the regeneration of bushland communities as part of landscaping, and
 - (v) enhances or does not degrade the water quality of natural waterways and their riparian zones, and
 - (vi) enhances and maintains significant Aboriginal heritage values, and
 - (vii) in so far as it is new development permitted by this Policy, does not prejudice any existing or proposed commercial or industrial centres, and

- (c) to allow for a variety of small scale, local services through the provision of commercial, retail and community facilities (such as child care facilities) and other development, but only where it is:
 - (i) ancillary to the development of land within this zone for a purpose specified in paragraph (a) of these objectives, or
 - (ii) to provide personal services and community facilities to persons occupied or employed in activities in this zone (or for the benefit of the local neighbourhood), and
 - (iii) unlikely to prejudice the viability of existing activities and is not prejudicial to the objectives of this zone, and
- (d) to allow for local open space that is accessible and well located, that promotes the use and enjoyment of local open space for both residents and the workforce, that may include elements of the natural environment, and that provides for active and passive recreation.

2 Development that does not require consent

Development:

- (a) for the purpose of public utility undertakings (including rail or road, supply of water, electricity, or gas, or provision of sewerage or drainage services), or
- (b) that:
 - (i) is of minimal environmental impact, and
 - (ii) is specified as exempt development in Schedule 2.

3 Development that requires consent

Development:

- (a) for the purpose of an industry listed in Schedule 3 (Designated development) to the *Environmental Planning and Assessment Regulation 1994*, or
- (b) that is integrated development, or
- (c) for the purpose of potentially hazardous or potentially offensive industry, or

- (d) for the purpose of any other employment-generating development that meets the objectives for the zone, other than development that does not require consent, or
- (e) for the purpose of remediation and rehabilitation, or
- (f) for the purpose of alterations and relocation of existing quarrying activities, or
- (g) that is specified under the heading “Use” in Schedule 3 and that satisfies the requirements specified opposite the development under the heading “Requirement” in that Schedule.

4 Prohibited development

Development other than that specified in paragraph 2 or 3.

Residential Zone

1 Objectives

The zone objectives are:

- (a) to ensure that development within the zone is primarily used for residential purposes and associated facilities, and
- (b) to provide for a range of housing types, including medium density housing, in areas well served by public transport and near local shops, and
- (c) to allow people to carry out a reasonable range of activities from their homes while maintaining neighbourhood amenity, and
- (d) to allow for a variety of small scale local non-residential uses that primarily serve local residents and are compatible with the character of the living area, and
- (e) to allow home-based occupations where such activities are unlikely to adversely affect the living environment of neighbours, and
- (f) to prohibit development that is of an offensive, hazardous, noisy, intrusive or environmentally inappropriate nature, and
- (g) to allow for local open space that is accessible and well located, that promotes the use and enjoyment of local open space for both residents

and the workforce, that may include elements of the natural environment, and that provides for active and passive recreation.

2 Development that does not require consent

Development:

- (a) for the purpose of public utility undertakings, or
- (b) that:
 - (i) is of minimal environmental impact, and
 - (ii) is specified as exempt development in Schedule 2.

3 Development that requires consent

Development:

- (a) that meets the zone objectives, or
- (b) that is specified under the heading “Use” in Schedule 3 and that satisfies the requirements specified opposite the development under the heading “Requirement” in that Schedule.

4 Prohibited development

Development other than that specified in paragraph 2 or 3.

Regional Open Space Zone

1 Objectives

The zone objectives are:

- (a) to enhance the historical significance of the area, and
- (b) to make the area a gateway to the City of Blacktown, and
- (c) to protect and enhance the visual significance of the cultural landscape, particularly St Bartholomews Church and Cemetery, and
- (d) to maintain, enhance and rehabilitate the natural systems of the land, and
- (e) to provide recreational opportunities for the community.

2 Development that does not require consent

Development for the purpose of revegetation, landscaping and fencing in accordance with a Precinct plan applying to the land.

3 Development that requires consent

Development for the purpose of agriculture, caretakers residences, community facilities, parking areas, public utility undertakings, recreation areas, roads, subdivision and visitor facilities.

4 Prohibited development

Development other than that specified in paragraph 2 or 3.

24 Complying development

(1) Development:

- (a) that is specified under the heading “Use” in Schedule 3, and
- (b) that satisfies the requirements specified opposite the development under the heading “Requirement” in that Schedule, and
- (c) that satisfies the outcomes set out in that Part of that Schedule specified opposite the development under the heading “Outcomes” in that Schedule,

is complying development for the purposes of this Policy.

(2) A person, in carrying out complying development, must comply with the conditions set out under the heading “Complying development conditions” in Schedule 2.

Division 4 Other provisions

25 Consideration of Precinct plan

In determining a development application in respect of land within a Precinct, the consent authority must take the Precinct plan applying to that land into consideration.

26 Existing and interim uses

(1) This clause applies to a development application relating to land within the Greystanes Precinct, being:

(a) a development application for:

- (i) the carrying out of alterations or extensions to or the rebuilding of a building or work being used for an existing use, or

- (ii) the change of an existing use to another use, or
 - (iii) the enlargement or expansion or intensification of an existing use, or
- (b) a development application for the carrying out of development that will cease within a specified time.
- (2) The consent authority, before granting consent to a development application to which this clause applies, must be satisfied that the carrying out of the development will not adversely affect the attainment of the zoning objectives for the land that is the subject of the development application.

27 Flood liable land

- (1) In this clause:

probable maximum flood means the flood calculated to be the maximum that is likely to occur.

1% annual exceedance probability flood level means a flood level that has a 1 in 100 chance of being reached in any one given year.

- (2) Land between the 1% annual exceedance probability flood level and the probable maximum flood level must not be the site of development that, in the opinion of the consent authority, is:
- (a) development for essential community services, or
 - (b) development that caters for the aged, disabled or less mobile, or
 - (c) development that involves the storage of hazardous materials.
- (3) Land between the 1% annual exceedance probability flood level and the probable maximum flood level may only be the site of urban development if appropriate measures are incorporated into structural design, materials and habitable floor levels to minimise flood risk to people and property.
- (4) The filling of land below the probable maximum flood level is prohibited, unless the consent authority is satisfied that it will not result in any significant increased flood levels off site.

28 Subdivision

A person must not subdivide land within a Precinct, except in accordance with:

- (a) a development consent, or
- (b) a complying development certificate.

29 Tree preservation

(1) A person must not:

- (a) ringbark, cut down, lop, top, remove, injure or wilfully destroy any tree within a Precinct, or
- (b) cause any tree within a Precinct to be ringbarked, cut down, topped, lopped, removed, injured or wilfully destroyed,

by any action (including the addition of soil or drainage works around the base of a tree), except with the consent of the consent authority.

(2) Despite subclause (1), consent is not required if:

- (a) the tree is dead, or
- (b) the tree is declared a noxious weed under the *Noxious Weeds Act 1993*, or
- (c) the tree is assessed by a qualified arborist as dying, in poor condition or potentially dangerous.

(3) This clause does not apply to trees lopped in accordance with the *Electricity (Tree Preservation) Regulation 1995* or to any trees under the control of the National Parks and Wildlife Service.

30 Conservation of items of the environmental heritage

(1) Nothing in this Policy prevents the consent authority from granting consent to the use for any purpose of a building that is an item of the environmental heritage or of the land on which that building is erected if the consent authority is satisfied that:

- (a) the use would have little or no adverse impact on the amenity of the neighbourhood, and
- (b) conservation of the building depends upon the consent authority granting consent as referred to in this clause.

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

- (a) demolish, renovate or extend the building or work, or
- (b) damage or despoil the relic or any part of the relic, or
- (c) excavate any land for the purpose of exposing or removing the relic, or
- (d) erect a building on the land on which that building, work or relic is situated or the land which comprises that place, or

- (e) subdivide the land on which that building, work or relic is situated or the land which comprises that place,
except with the consent of the consent authority.
- (3) A consent authority must not grant consent to a development application made in pursuance to subclause (2) unless it has made an assessment of:
 - (a) the significance of the item as an item of the environmental heritage, and
 - (b) the extent to which the carrying out of the development in accordance with the consent would affect the historic, scientific, cultural, archaeological, architectural, natural or aesthetic significance of the item and its site, and
 - (c) whether the setting of the item and, in particular, whether any stylistic, horticultural or archaeological features of the setting should be retained, and
 - (d) whether the item constitutes a danger to the users or occupiers of that item or to the public.
- (4) Before granting consent to development that includes demolition of an item of the environmental heritage, the consent authority must seek the views of the Heritage Council of New South Wales and consider any such views received within 28 days of the day on which notice of the proposed development was given to the Heritage Council.
- (5) The views of the Heritage Council need not be sought if:
 - (a) the development concerned consists of only a partial demolition of an item of the environmental heritage, and
 - (b) in the opinion of the consent authority, the partial demolition will be of a minor nature and will not adversely affect the heritage significance of the item.

31 Acquisition of land in Regional Open Space Zone

- (1) The owner of any land within the Regional Open Space Zone may, by notice in writing, require the Minister to acquire the land.
- (2) This clause does not apply to the former Prospect Post Office and cottage, Lot 16, DP 802753, Tarlington Place, Prospect.

31A Use of former quarry at Wallgrove as non-putrescible waste facility

- (1) This clause applies to certain land at Wallgrove, being the land comprised in Lot 2, DP 262213, Lot 1, DP 400697, Lot W, DP 419612, Lot 10, DP 241859 and Lot 11, DP 558723.
- (2) Despite the other provisions of this Policy, the land to which this clause applies may

be used, with the consent of the consent authority, for the purpose of a waste facility for non-putrescible material.

Part 4 Transitional provisions

32 Application of Part 4

This Part applies to all the land to which this Policy applies.

33 Matters to which this Policy does not apply

This Policy does not apply to:

- (a) a development application, or an application for the approval of an activity within the meaning of Part 5 of the Act, that was made but not finally determined before the commencement of this Policy, or
- (b) the carrying out of a development or activity pursuant to a consent or approval granted:
 - (i) before the commencement of this Policy, or
 - (ii) pursuant to an application referred to in paragraph (a).

34 Application of Amendment No 1

- (1) This Policy, as in force immediately before the commencement of *State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area (Amendment No 1)*, continues to apply to the determination of a development application that was made, but not finally determined, before that commencement.
- (2) Development that, because of any provision apart from this Policy, is State significant development, does not cease to be State significant development only because of the amendment of clause 6 of this Policy by *State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area (Amendment No 1)*.

Schedule 1 Precinct plans

(Clause 13)

1 Overview

- (a) A Precinct plan must have regard to the following matters:
 - (i) regional transport issues and key access points,
 - (ii) regional water, sewerage and drainage provisions,
 - (iii) regional servicing issues such as electricity, gas and telephones,
 - (iv) any other issues relevant to State or regional planning.

- (b) A Precinct plan must:
 - (i) demonstrate how the guiding principles in Part 2 of this Policy will be addressed in the planning for the Precinct, and
 - (ii) include an overview of the Precinct and its staging, and
 - (iii) outline the infrastructure provision for the Precinct and address how infrastructure provision will be met.
- (c) A Precinct plan may include detailed analysis of the development proposed within the Precinct or a part of the Precinct.

2 General issues

- (a) A Precinct plan must address, where appropriate, the following issues:
 - (i) land uses, including the specification of development of minimal environmental impact as exempt development,
 - (ii) the general phasing of development in the Precinct,
 - (iii) the general road pattern or a general guide to subdivision patterns,
 - (iv) stormwater, drainage, water and sewerage infrastructure provisions as identified in paragraph (a) of the Special provisions in this Schedule,
 - (v) transport issues as identified in paragraph (b) of the Special provisions in this Schedule,
 - (vi) the provision, function and management of open space,
 - (vii) heritage conservation and conservation of archaeological relics,
 - (viii) ecological communities and issues of biological diversity within or adjacent to the Precinct as identified in paragraph (d) of the Special provisions in this Schedule,
 - (ix) the social impact of proposed development, in terms of regional employment, and social services such as health and education,
 - (x) an extraction and rehabilitation plan as identified in paragraph (c) of the Special provisions in this Schedule,
 - (xi) urban design as identified in paragraph (e) of the Special provisions in this Schedule,
 - (xii) the identification of contaminated land and provision for its decontamination.
- (b) A Precinct plan may also include development guidelines such as the following:

- (i) allotment sizes and dimensions,
- (ii) site design guidelines with regard to matters such as:
 - land formation, site preparation, drainage and landscaping, and
 - setbacks, fencing, signage, and open storage areas, and
 - site access, circulation and vehicle parking,
- (iii) building design and construction, including consideration of:
 - options for natural lighting, heat and ventilation, including solar designs, solar powered water heating and materials conservation fittings and operational regimes, and
 - water conservation design and operation, and
 - embodied energy in building materials and issues in relation to building material lifecycles,
- (iv) controls with regard to:
 - noise, air emissions, liquid and solid wastes, including strategies to minimise waste and other emissions, and
 - water cycle management on sites, including stormwater,
- (v) demolition provisions.

3 Special provisions

In developing Precinct plans, attention must be given to the following relevant issues that expand on the foregoing general provisions:

(a) General services plan

A plan should be prepared that addresses services such as water, sewerage, drainage and stormwater, and also corridors for telephone, electricity, gas, cable and similar matters. Stormwater management systems should be in accordance with relevant council and State government stormwater management plans and policies, namely:

- *Managing Urban Stormwater: Strategic Framework (Draft)* published by the Environment Protection Authority in March 1998
- *Managing Urban Stormwater: Treatment Techniques* published by the Environment Protection Authority in November 1997
- *Managing Urban Stormwater: Council Handbook (Draft)* published by the Environment Protection Authority in 1997

- *Managing Urban Stormwater: Soils and Construction* published by the Department of Housing in August 1998

This plan may:

- consider options for shared infrastructure corridors, and
- contain appropriate on-site design and control measures to be implemented to ensure that the water quality of the receiving environment is not adversely affected by the proposed development, and
- address the timing, funding and provision of the services.

(b) Transport plan

A plan should be prepared that addresses the following:

- roads, transit ways, and provision for walking and cycling, both within the Precinct and off site linkages,
- freight transport provisions, including initiatives for integrating freight handling within the Precinct, and maximising opportunities for synergies between industries with regard to materials handling,
- the relationship between the staging of development and the provision of transport infrastructure,
- ways, including the design and layout of the proposal, in which the mode split to public transport, cycling and walking is to be increased above levels typical of areas surrounding the development. It is expected as a minimum that the proposal demonstrate that:
 - the mode split of “car as driver” for the journey to work can be reduced by at least 10% (eg from 75% to 65%) compared to existing surrounding areas, and
 - the total VKT (vehicle kilometres travelled) to be generated by the proposed development should be reduced by at least 5% below that which would be generated by a “conventional” approach to development,
- funding proposals for the development of transport infrastructure.

(c) Extraction and rehabilitation plan

An extraction and rehabilitation plan must be prepared where extractive industries operate or have previously operated. This plan should include:

- an outline of the proposed staging and operational parameters of all future extraction or extraction-related activities on the site, and
- the proposed future land use for the site, and

(iii) a rehabilitation plan to achieve a landform suitable for proposed future land uses, including:

- the proposed timetable for achieving various stages of the plan, and
- a plan to detail the removal and disposal of any tailings or overburden, and
- any remediation required in relation to contaminated soils, and
- issues relating to groundwater, drainage and rehabilitation of old sediment dams areas.

The rehabilitation plan may include some flexibility to allow for changing priorities over the period of the resource extraction.

(d) Ecological issues and biological diversity

A Precinct plan must consider the existing natural environment, including any remnant vegetation, and, where appropriate, prepare guidelines for any communities of flora and fauna so that ecosystem diversity is maintained.

(e) Urban design plan

An urban design plan may:

- (i) include urban design principles drawn from an analysis of the site and its context, and
- (ii) develop urban design parameters to guide subsequent development with measures including setbacks, building materials and colours to minimise the visual impact of development, particularly if it is highly visible from major roads and the M4 motorway, and
- (iii) identify areas of high visibility and consider options such as vegetation screens or landmark buildings of outstanding design, and
- (iv) address matters in the guidelines to minimise visual impacts of developments issued from time to time by the Director-General.

Schedule 2 Exempt development

1 What development is exempt development?

Exempt development is development specified under the heading “Development type” in paragraph 2 of this Schedule that does not require development consent and that complies with the conditions specified opposite the development under the heading “Conditions” in paragraph 2 of this Schedule, and that is not carried out or proposed to be carried out on any of the following:

- (a) land containing critical habitat or threatened species, or both, within the meaning of the *Threatened Species Conservation Act 1995*,
- (b) part of a wilderness area under the *Wilderness Act 1987*,
- (c) land or an item subject to an order under the *Heritage Act 1977*,
- (d) an aboriginal place under the *National Parks and Wildlife Act 1974*,
- (e) an aquatic reserve under the *Fisheries Management Act 1994*,
- (f) land that, by or under an Act, is reserved for a public purpose or nominated for public acquisition,
- (g) land that is subject to an easement for sewerage, drainage, water supply, or the like,
- (h) land that is subject to a development consent and on which the carrying out of the proposed development would be contrary to a condition of the development consent.

2 Conditions

All development of the types listed in the table below is to comply with the deemed-to-satisfy requirements of the *Building Code of Australia* and the relevant Precinct plan.

Development type	Conditions
Erection of a building or structure	
Air conditioning units for dwelling	<ul style="list-style-type: none"> • Either attached to an external wall or mounted on the ground • Located a minimum of 3m off any property boundary and located behind required street setback to any street frontage • The building work must not reduce the structural integrity of the section of the building affected by the installation of the unit • Any opening created by the installation is to be adequately weather proofed and the required fire rating is not reduced.
Barbecue	<ul style="list-style-type: none"> • Located at least 900mm from any property boundary

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| | <ul style="list-style-type: none">• Located behind building line to any street frontage• Maximum height 2.1m above natural ground level• Maximum area of base 4m² |
| Canopies, awnings and storm blinds | <ul style="list-style-type: none">• Attached to a dwelling• Maximum area 10m²• Located behind building line to any street frontage• Located at least 900mm from any property boundary• Located behind building line to any street frontage• Installed to manufacturer's specifications. |
| Children's play equipment (except cubby houses with a floor level more than 1m above natural ground level) | <ul style="list-style-type: none">• Maximum height 2.4m• Maximum area 20m²• Located behind building line to any street frontage• Located at least 900mm from any property boundary. |
| Clothes line | <ul style="list-style-type: none">• Located behind building line to any street frontage• Installed to manufacturer's specifications. |
| Deck | <ul style="list-style-type: none">• Maximum area of deck 20m²• Located behind building line to any street frontage |

- Located at least 3m from property boundary
 - Deck is not roofed
 - Maximum height 500mm above ground level to top of deck with balustrade height not exceeding 1.2m above top of deck
- Driveways and pathways
- Not over public land
 - To be of structurally sound and of stable construction with adequate reinforcement
 - May not be elevated or suspended above natural ground level
 - Rainwater not to be redirected onto adjoining property
 - An appropriate fall and grated drain is to be provided to prevent the entry of stormwater onto the footpath, dwelling or garage
 - Consult with relevant utility providers regarding underground infrastructure and easements.
- Earthworks/landfill
- Maximum depth of 200mm of clean fill from natural ground level
 - Rainwater not to be directed into adjoining property.
- Fence
- Maximum height 1.2m above natural ground level if it is located within the street setback area and is of open construction.
 - Maximum height 1.8m above natural ground level, if it is located behind the street setback area
 - Masonry fences are to be structurally adequate for the intended purpose and to comply with AS 3700 and AS 1170

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| Flag pole | <ul style="list-style-type: none">• Not to contain barbed wire.• Maximum height 6m above existing ground level and located at least 7m from any boundaries• One only for each allotment• To be structurally adequate. |
| Hoardings | <ul style="list-style-type: none">• Any hoarding erected must meet with Workcover Authority requirements• All care must be taken to safe guard the general public• The least horizontal distance between the common boundary of the site and a footpath or public thoroughfare and the nearest parts of the structure is to be greater than twice the height of the structure being erected or demolished• The vertical height above footpath level of the structure being demolished or erected must be less than 4m• A hoarding is to be constructed of solid materials to a height not less than 2.4m above the level of the footpath or thoroughfare• Not to encroach onto public footway or thoroughfare• Appropriate signage is to be provided in accordance with AS 1319• The hoarding is to be structurally adequate |

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| | <ul style="list-style-type: none">• In instances where the building is situated away from the boundary by twice the measurement of the height of the building other non solid hoardings may be provided subject to appropriate signage being provided• These structures are of a temporary nature and are only permitted as exempt development if installed for less than 12 months. |
| Letter box | <ul style="list-style-type: none">• Maximum height of 1.2m above ground level• Structurally stable with adequate footings. |
| Minor internal alterations to domestic dwellings | <ul style="list-style-type: none">• Work to comply with the <i>Building Code of Australia</i>• Work not to affect the structural stability of the building• Exemption applies to non-structural work such as replacement of doors, wall, ceiling or floor linings or deteriorated frame members, and renovations of bathrooms, kitchens, inclusion of built-in fixtures such as vanities, cupboards and wardrobes• Applies only to renovations or alterations of previously completed buildings• Works must not change room configurations, reduce window arrangements for light or ventilation needs, reduce doorways for egress or enclose open areas. |
| Outbuildings used exclusively for the following:

- Garden shed

- Cubby house | <ul style="list-style-type: none">• Other than of masonry construction• Detached from main dwelling• Maximum gross floor area 12m |

- Green house
 - Located behind building line to any street frontage
- Bird aviary
 - Maximum height 2.1m
- Gazebo
 - Located at least 900mm from any property boundary
 - One only for each lot
- Cabana
 - Safety glazing to any glass doors conforming to AS 2208-1978.
- Patio
 - At existing ground level
 - Not to exceed an area of 20m²
 - Rainwater not to be redirected onto adjoining property
 - Sufficient step down is to be provided to prevent the entry of water into the dwelling.
- Pergola
 - Not enclosed
 - Maximum area 20m²
 - Maximum height 2.4m above natural ground level
 - Attached to a dwelling or free standing
 - Located behind the front setback line to any street frontage
 - Located at least 900mm from any property boundary.
 - Not to exceed specifications of electricity distributor (*Electricity Association of NSW—Service and Installation Rules 1996*).
- Private electricity service pole/post
 - Not to exceed specifications of electricity distributor (*Electricity Association of NSW—Service and Installation Rules 1996*).
- Portable classrooms and school buildings
 - Must be structurally adequate

- Minimum front setback of 1.5m to any street
 - Location must only be in school grounds and not contravene any other consent
 - Rainwater to be connected to an adequate rainwater system
 - Must not exceed 1 storey in height
 - These buildings are of a temporary nature and installation under an exemption is only permitted for up to 5 years.
 - Maximum height of less than 1m (above ground level)
 - To comply with the minimum front setback and be a minimum of 900mm from the side boundary
 - Grade to be a maximum of 1:14 and otherwise in accordance with AS 1428.1.
- Access ramps
- No alteration to existing window or door openings or their location and size
 - Materials other than masonry with a low reflectivity index
 - No structural alterations required
 - No change to the roof height, pitch or profile
 - All stormwater is to be directed to a suitable system
 - All work involving asbestos cement must comply with the Workcover Authority's *Guidelines for Practices Involving Asbestos Cement in Buildings*.
- Replacement or repair of existing roof and walls to dwelling/carport/garage

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| Retaining wall | <ul style="list-style-type: none">• Maximum height 900mm above or below ground level and located at least 900mm off any property boundary• Retaining walls are to be structurally adequate for the intended purpose and to comply with AS 3700, AS 3600 and AS 1170 and timber walls must comply with AS 1720 and AS 1170. |
| Roof ventilators and skylight roof windows | <ul style="list-style-type: none">• Maximum area of installation not to exceed 3m²• The building work must not reduce the structural integrity of the building or involve structural alterations and must be structurally adequate• Located a minimum of 900mm from property boundary or 900mm from a separating wall between 2 dwellings• Must comply with the <i>Building Code of Australia</i>• Installed to manufacturers' specifications• Must not reduce weather proofing of roof or wall in which it is located or fire resistance. |
| Satellite dish | <ul style="list-style-type: none">• Roof or rear yard mounted• Maximum diameter 1.5m• The building work must not reduce the structural integrity of the building or involve structural alterations and must be structurally adequate• One only for each lot• Maximum height 1.8m as measured from the roof level on which it is mounted |

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| Scaffolding | <ul style="list-style-type: none">• Installed to manufacturer’s specifications.• To meet with all of the WorkCover Authority’s requirements• Not to encroach onto footpath or public thoroughfare• To have sufficient structural strength to withstand and be impenetrable to the impact of falling rubble• Must enclose the work area• Must comply with AS 1576• Must be removed immediately after the purpose for which it was initially provided has concluded and no safety problem will result due to removal. |
| Television aerial/microwave antennae | <ul style="list-style-type: none">• Maximum height 6m above roof• Must be structurally adequate. |
| Temporary structures and temporary buildings: | <ul style="list-style-type: none">• Removal must occur after construction of associated development or 5 months whichever is the lesser |
| - Builders sheds | <ul style="list-style-type: none">• Located within property boundaries |
| - Portaloos | <ul style="list-style-type: none">• Marquees/mini stages not in place longer than 1 week with a maximum gross floor area of 12m². |
| - Marquees | |
| - Mini stages | |
| Water heaters | <ul style="list-style-type: none">• Includes solar systems• The work must not reduce the structural integrity of the building or involve structural alterations |

- Water tanks
- The work must not interfere with views from surrounding properties
 - Installed to manufacturer's specifications and by a licensed person.
 - Located at least 900mm from any property boundaries
 - Located behind building line to any street frontage
 - Maximum height 1.8m above ground level
 - Overflow to suitable stormwater system
 - Maximum size 1000 litres
 - Tank to be installed on a solid base or attached to existing single storey buildings in accordance with manufacturer's specification.
- Windows, glazed areas and external doors
- Replacement in residential premises with materials that comply with:
 - (a) AS 1288 *Glass in buildings—Selection and installation*, and
 - (b) AS 2208 *Safety Glazing Materials for Use in Buildings (Human Impact Considerations)* and to be of the same size and location
 - No reduction in the area provided for light and ventilation is permitted and structural support members cannot be removed.

Demolition of a building

- Demolition of a building
- Approval is not required if the council has consented to demolition as a condition of development consent or an order to demolish has been issued by the council under section 124 of the [Local Government Act 1993](#)

- Approval is not required for demolition of any building in a category under this Policy for which approval to erect that building would not be necessary (whether erected before or after this Policy took effect)
- Demolition to be carried out to AS 2601-1991 *Demolition Code*
- All works involving asbestos cement must comply with the WorkCover Authority's *Guidelines for Practices Involving Asbestos Cement in Buildings*
- All work involving lead paint removal must not cause lead contamination of air or ground.

Signs

Identification, interpretive, directional and advance warning signs

- Constructed and installed by or on behalf of the Council or the Roads and Traffic Authority.

Signs on motor vehicles

- Vehicle is able to be driven with the sign displayed and the vehicle is used principally for the conveyance of passengers and/or goods.

Signs not visible from a public place

Signs less than 1.5m associated with business and industrial uses

Temporary signs

Home business signs

- No more than one sign with a maximum area of 60 cm²
- Attached to the ground floor facade of a dwelling unless the land is located on a main road, in which case the sign may be attached to a front fence.

Real estate signs

- No more than one sign with a maximum area of 1.1m² per site.

Under awning sign

- Associated with a business or industrial use
- No more than one sign per site which is a minimum of 2.7m above ground level and does not extend beyond the width of the awning.

Window signs

- Occupy less than 50% of the window area and located below the awning level.

Use of land

Change of use (not involving a change of class of building as defined in the *Building Code of Australia*):

- From shop to another shop

- Use must be an existing legal use
- No extension to hours outside of existing hours of operation

- From office to another office

- Between social and sporting clubs

- No display or sale of publications within the meaning of the *Classification (Publications, Films and Computer Games) Enforcement Act 1995*, or display of objects primarily concerned with sexual behaviour

- Between community or cultural centres

- The curtilage of any shop or office must not be used for storage or display purposes
- Social and sporting clubs must not include clubs registered under the *Registered Clubs Act 1976*
- Any use that is changed must continue subject to the conditions of any development consent relating to the use of the building or land
- No change of use if the new use attracts additional car parking requirements
- New use does not conflict with any existing conditions of consent

Commercial use of footpath or road (or closed road)

- Not to reduce travel distances or widths as required in the *Building Code of Australia*.
- On council-owned land and in accordance with terms and conditions of a licence obtained from the council prior to use.
- Consistent with any Plan of Management that applies to the land

Use of public open space for community, cultural or commercial purposes

- Must be in accordance with a temporary licence or hire agreement issued by the council.

Home occupation

Home occupation

- Does not interfere with the residential amenity of the area.

Bush fire hazard reduction

Bush fire hazard reduction

- Work to be carried out in accordance with a bush fire management plan under the *Rural Fires Act 1997*.

Public works

Note—

A public authority must not disturb bushland on any public open space without first having regard to the *State Environmental Planning Policy No 19—Protection of Urban Bushland*

Bridges and staircases installed in public parks and recreation spaces

- Construction to be by or for the council
- Bridges to a maximum span of 5 metres
- Designed, fabricated and installed in accordance with the *Building Code of Australia* (Section B) and AS 4100 (for steel structures) and AS 1720 (for timber structures) and AS 3600 for concrete structures

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| Bus shelters | <ul style="list-style-type: none">• Australian National Parks and Wildlife Service Walking Track Management Manual Standards must be complied with.• Must be suitably designed and constructed by or for the council• Must relate to character and amenity of the area• Structurally adequate construction• Not to obstruct the line of sight of vehicular traffic• A maximum height of 2.7m above the footpath• Area of less than 10m²• Non reflective surface finishes. |
| Goal posts, sight screens and similar ancillary sporting structures (excluding lighting) | <ul style="list-style-type: none">• Construction by or for the council and installed in accordance with relevant Australian Standards and/or <i>Building Code of Australia</i>• Located in public parks or recreation areas• Exemption specifically excludes buildings which accommodate people. |
| Park and street furniture | <ul style="list-style-type: none">• Such as seats, bins, picnic tables, community notice boards and minor shelters not including bus shelters• Construction by or for the council and designed, fabricated and installed in accordance with relevant Australian Standards and/or <i>Building Code of Australia</i>• Located on land under control of the council |

Schedule 3 Complying development

(Clause 24)

Use	Requirement	Outcomes
Houses and extensions		
<ul style="list-style-type: none"> detached single-storey dwellings 	on lots over 450 and less than 1,000 square metres	Part A
<ul style="list-style-type: none"> single-storey alterations and additions to detached single-storey dwellings 		
<ul style="list-style-type: none"> carports and garages associated with detached single-storey dwellings 		
<ul style="list-style-type: none"> development ancillary or incidental to detached single-storey dwellings 		
<ul style="list-style-type: none"> detached dwellings 	on lots 1,000 square metres or more but less than 2,500 square metres	Part B
<ul style="list-style-type: none"> alterations and additions to detached dwellings 		
<ul style="list-style-type: none"> carports and garages associated with detached dwellings 		
<ul style="list-style-type: none"> development ancillary or incidental to detached dwellings 		
<ul style="list-style-type: none"> detached dwellings 	on lots 2,500 square metres or more	Part C
<ul style="list-style-type: none"> alterations and additions to detached dwellings 		
<ul style="list-style-type: none"> carports and garages associated with detached dwellings 		
<ul style="list-style-type: none"> development ancillary or incidental to detached dwellings 		

Swimming pools ancillary to a dwelling for private use only and on lots over 450 square metres Part D

Industrial uses

- a change of use from one type of [approved] industrial, high technology, storage or research activities to another type of industrial, high technology, storage or research activities Part E

- an alteration to [approved] industrial high technology, storage or research activities

Commercial uses
internal alterations existing approved use Part F

Bed and breakfast accommodation in an existing approved dwelling, with permanent resident(s) Part G

Subdivision for the purpose of:

- widening a public road
- adjusting a boundary between lots (that does not result in an increased number of lots)
- correcting an encroachment on a lot
- consolidating lots

Part A

Streetscape

Any part of the structure:

- (a) complies with a building line provided in an environmental planning instrument or development control plan applying to the land, or
- (b) is set back at least 4 metres from the front boundary or an average of the setback of the like structures on land either side of the subject property, whichever is the greater.

Dwellings facing public streets and accessways have a front door or window to a habitable room facing the street.

Carports and garages facing a public street or accessway are no more than 6 metres or 50 percent of the frontage wide, whichever is the lesser.

Energy efficiency

The dwelling has at least a 3.5 star rating under the House Energy Rating Scheme (NatHERS).

Bulk and scale

The ground floor level of the structure at any point is no more than 500 mm above natural ground level.

The distance between the floor level and the underside of the eaves is no more than 2.7 metres.

The roof pitch is no more than 24 degrees and any openings are flush with the roof pitch.

The next door property's main area of private open space or any habitable rooms are not in shadow between 10 am and 3 pm on 21 June, as a result of the development.

The external wall of any structure is at least 900 mm from a side or rear boundary.

Privacy and security

Windows in a habitable room that allow an outlook to a window to a habitable room in the neighbour's house and are within 9 metres:

- (a) are offset from the edge of one window to the edge of the other by a distance of 0.5 metres, or
- (b) have sill heights of 1.7 metres above floor level, or
- (c) have fixed obscure glazing in any part of the window below 1.7 m above floor level.

Open space and landscaping

A minimum of 20 percent of the site must be soft landscaped, that is, not hard surfaces.

No more than one-third of the front setback area is paved or sealed.

Part B

Streetscape

Any part of the structure:

- (a) complies with a building line provided in an environmental planning instrument or development control plan applying to the land, or
- (b) is set back at least 4 metres from the front boundary or an average of the setback of the like structures on land either side of the subject property, whichever is the greater.

Dwellings facing public streets and access ways have a front door or window to a habitable room facing the street.

Carports and garages facing a public street or access way are no more than 6 metres or 50 percent of the frontage wide, whichever is the lesser.

Energy efficiency

The dwelling has at least a 3.5 star rating under the House Energy Rating Scheme (NatHERS).

Bulk and scale

The ground floor level of the structure at any point is no more than 500 mm above natural ground level.

The distance between the floor level and the underside of the eaves is no more than 2.7 metres for a single storey house and 5.5 metres for a two-storey house.

The roof pitch is no more than 24 degrees and any openings are flush with the roof pitch.

The next door property's principal area of ground level private open space or habitable rooms are not in shadow between 10 am and 3 pm on 21 June as a result of the development.

The external wall of any structure is at least 900 mm from a side or rear boundary.

Privacy and security

Windows in a habitable room that allow an outlook to a window to a habitable room in the neighbour's house and are within 9 metres:

- (a) are offset from the edge of one window to the edge of the other by a distance of 0.5 metres, or
- (b) have sill heights of 1.7 metres above floor level, or
- (c) have fixed obscure glazing in any part of the window below 1.7 metres above floor level.

Open space and landscaping

A minimum of 50 percent of the site must be soft landscaped, that is, not hard surfaces.

Part C

Streetscape

Any part of the structure:

- (a) complies with a building line set in an environmental planning instrument or development control plan applying to the land, or
- (b) is at least 20 metres from the front boundary or an average of the setback of the like structures on land either side of the subject property, whichever is the greater.

Energy efficiency

The dwelling has at least a 3.5 star rating under the House Energy Rating Scheme (NatHERS).

Bulk and scale

All structures are within a building envelope of no more than 500 square metres. The building envelope can be made up of a number of smaller envelopes that in total are no more than 500 square metres.

The ground floor level of the structure at any point is no more than 500 mm above natural ground level.

The maximum distance between the floor level and the underside of the eaves is no more than 2.7

metres for a single-storey house and 5.5 metres for a two-storey house.

The maximum roof pitch is 24 degrees. Roof openings are flush with the roof pitch.

The external wall of any structure is at least 20 metres from a rear or side boundary.

Open space and landscaping

A minimum of 50 percent of the site must be soft landscaped, that is, not hard surfaces.

Part D

Streetscape

The pool is not between the dwelling and the front boundary.

Bulk and scale

All coping or decking around the pool is no more than 500 mm above the natural ground level.

The pool is at least 1.5 metres from the side and rear boundaries.

Privacy and security

The noise level of any filtration equipment or pumps does not exceed 5 dBA above the ambient background level measured at the property boundary.

Open space and landscaping

A minimum of 20 percent of the site must be soft landscaped, that is, not hard surfaces.

Swimming Pools Act 1992

All aspects of the structure comply with the [Swimming Pools Act 1992](#), the [Swimming Pools Regulation 1998](#) and Australian Standard 1926.

Part E

Setbacks

Any part of the structure is at least 5 metres from a road boundary

Floor space ratio

The floor space ratio of the building or buildings is not more than 1:1.

Building height

The height of any walls is not more than 7.2 metres, excluding a parapet.

Parapets may extend a minimum of 1.2 metres above the intersection of the wall and the roof.

A roof pitch is of no more than 10 degrees.

The site is not cut and filled greater than 500 mm.

Drainage

All roof and surface water is drained to the street and discharged to council's nearest stormwater drainage system into the street.

The drainage system is designed for a 10 year return period, with excess flows designed to flow overland into the street.

Garbage and storage areas

Garbage and storage areas are on-site and behind the building line of the property.

Landscaping

A landscaped strip of at least 3 metres to each street frontage is planted with canopy trees and shrubs with a maximum width of 7 metres for the driveway.

Car parking, loading, unloading

Parking on site is provided for at least 1 space for each 70 square metres of gross floor area, or 1 space for every 2 employees, whichever is the greater.

There is space for loading and unloading within the site.

Driveways

Driveway widths and the turning circles on site comply with the Roads and Traffic Authority standards.

Part F

Internal fitouts to existing shops, offices or commercial premises, if the work does not increase the total floor area of the building.

If the new use is a food shop, it must comply with the [Food Act 1989](#) and any council code for food premises.

Part G

The accommodation:

- (a) has no more than 3 guest rooms and 6 guests at any one time, and
- (b) has only one external sign, up to 0.6 square metres in area, and
- (c) complies with the [Food Act 1989](#) and *Food (General) Regulation 1992*, and
- (d) has a smoke detection system that complies with Australian Standard 3786 and Australian Standard 3000, and
- (e) has a fire extinguisher and fire blanket in the kitchen.

Complying development conditions

1. The development must be carried out in accordance with the complying development certificate.

Before work begins

2. Two days before any site works, building or demolition begins, the applicant must:
 - (a) forward Form 7 under the *Environmental Planning and Assessment Regulation 1994* to the council (notice of commencement of work and appointment of Principal Certifying Authority), and
 - (b) notify the adjoining owners that work will commence.
3. Before any site works, building or demolition begins, the applicant or builder must:
 - (a) notify the council of the name, address, phone number and licence number of the builder, and
 - (b) erect a sign at the front of the property with the builder's name, licence number, site address and consent number, and
 - (c) provide a temporary on-site toilet, and
 - (d) protect and support any neighbouring buildings, and
 - (e) protect any public place from obstruction or inconvenience in the carrying out of the development, and
 - (f) prevent any substance from falling onto a public place, and
 - (g) follow any other conditions prescribed in the *Environmental Planning and Assessment Regulation 1994*.

Site management

4. Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:
 - (a) divert uncontaminated run-off around cleared or disturbed areas, and
 - (b) erect a silt fence to prevent debris escaping into drainage systems or waterways, and
 - (c) prevent tracking of sediment by vehicles onto roads, and
 - (d) stockpile top soil, excavated material, construction and landscaping supplies and debris within the site.
5. Removal or disturbance of vegetation and top soil must be confined to within 3 metres of the approved building area.

Drainage

6. The land surrounding any structure must be graded to divert surface water to the

street, and clear of existing and proposed structures and adjoining premises.

7. Where the water falls to the rear of the property, it must be collected and drained via a gravity system to a council stormwater line or disposed of in a manner consistent with a Soil and Water Management Policy.

Inspections during construction

8. Notify either the council or an accredited certifier in advance—48 hours in writing or 24 hours by phone—to inspect the following:
 - (a) erosion controls, site works and site set out, before building starts,
 - (b) placement of piers or foundation before placing footings,
 - (c) steel reinforcing before pouring concrete,
 - (d) framework of structure before lining or cladding is fixed,
 - (e) stormwater drainage and on-site detention before backfilling,
 - (f) wet areas treated before lining or tiling.

Hours of works

9. Any building work must be carried out only between 7.00 am and 6.00 pm, Monday to Friday and 8.00 am to 5.00 pm Saturdays, excluding public holidays.

Survey certificate

10. The following survey certificate must be given to the principal certifying authority, at the following stages:
 - (a) on completion of floor slab framework before concrete is poured, detailing the location of the structure to the boundaries,
 - (b) at completion of the lowest floor, confirming that levels are in accordance with the approval—levels must relate to the datum approved under the complying development certificate.

Fire safety

11. The fire safety measures in the fire safety schedule attached to the complying development certificate are to be installed in the building the subject of the complying development certificate. (This condition does not apply to Class 1 and Class 10 buildings.)

Site access

12. Where kerb and gutter is provided, driveways are to be a minimum of 500 mm clear

of all drainage structures on the kerb and gutter and are not to interfere with the existing public utility infrastructure, including council drainage structures, unless prior approval is obtained from the relevant authority.

13. Where kerb and gutter is not provided:

(a) a gravel vehicular entrance incorporating a 375 diameter stormwater pipe and concrete headwalls, or

(b) a 6 metre by 6 metre concrete slab dish drain,

must be constructed to provide access to the lot.

14. Driveways are to be a minimum of 6 metres from a road intersection.

15. Driveways are to be constructed in accordance with Australian Standard 2890, with appropriate transition zones.

Notes:

The building must not be occupied or used until an occupation certificate is issued either by the council or an accredited certifier.

The complying development certificate must be issued in the name of the council or the accredited certifier with an accreditation number.