

# State Environmental Planning Policy (Western Sydney Parklands) 2009

[2009-91]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

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

### Notes—

- **Does not include amendments by**  
[State Environmental Planning Policy Amendment \(Miscellaneous\) 2017 \(350\)](#) (not commenced — to commence on 14.7.2017)

### 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](#).

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New South Wales

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# State Environmental Planning Policy (Western Sydney Parklands) 2009



New South Wales

## Part 1 Preliminary

### 1 Name of Policy

This Policy is *State Environmental Planning Policy (Western Sydney Parklands) 2009*.

### 2 Aim of Policy

The aim of this Policy is to put in place planning controls that will enable the Western Sydney Parklands Trust to develop the Western Parklands into a multi-use urban parkland for the region of western Sydney by:

- (a) allowing for a diverse range of recreational, entertainment and tourist facilities in the Western Parklands, and
- (b) allowing for a range of commercial, retail, infrastructure and other uses consistent with the Metropolitan Strategy, which will deliver beneficial social and economic outcomes to western Sydney, and
- (c) continuing to allow for and facilitate the location of government infrastructure and service facilities in the Western Parklands, and
- (d) protecting and enhancing the natural systems of the Western Parklands, including flora and fauna species and communities and riparian corridors, and
- (e) protecting and enhancing the cultural and historical heritage of the Western Parklands, and
- (f) maintaining the rural character of parts of the Western Parklands by allowing sustainable extensive agriculture, horticulture, forestry and the like, and
- (g) facilitating public access to, and use and enjoyment of, the Western Parklands, and
- (h) facilitating use of the Western Parklands to meet a range of community needs and interests, including those that promote health and well-being in the community, and

- (i) encouraging the use of the Western Parklands for education and research purposes, including accommodation and other facilities to support those purposes, and
- (j) allowing for interim uses on private land in the Western Parklands if such uses do not adversely affect the establishment of the Western Parklands or the ability of the Trust to carry out its functions as set out in section 12 of the [Western Sydney Parklands Act 2006](#), and
- (k) ensuring that development of the Western Parklands is undertaken in an ecologically sustainable way.

### 3 Land to which Policy applies

This Policy applies to the Western Parklands.

### 4 Interpretation—general

(1) In this Policy:

**amenity facility** means a building that provides toilet and shower facilities to persons using the Western Parklands.

**Bulk Water Supply Infrastructure Map** means the [State Environmental Planning Policy \(Western Sydney Parklands\) 2009—Bulk Water Supply Infrastructure Map](#).

**capital investment value** of development has the same meaning as in the [Environmental Planning and Assessment Regulation 2000](#).

**consent authority** means a consent authority referred to in clause 10.

**Environmental Conservation Areas Map** means the [State Environmental Planning Policy \(Western Sydney Parklands\) 2009—Environmental Conservation Areas Map](#).

**flood planning level** means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

**heritage item** means a building, work, tree, place or Aboriginal object:

- (a) shown on the [Heritage Map](#) as a heritage item, and
- (b) the location and nature of which is described in Schedule 1.

**Heritage Map** means the [State Environmental Planning Policy \(Western Sydney Parklands\) 2009—Heritage Map](#).

**Land Application Map** means the [State Environmental Planning Policy \(Western Sydney Parklands\) 2009 Land Application Map](#).

**Metropolitan Strategy** means the strategy outlined in *City of Cities: A Plan for Sydney's Future* published by the Department of Planning in December 2005.

**precinct** means a precinct created under Division 3 of Part 4 of the [Western Sydney Parklands Act 2006](#).

**private land** means:

- (a) land the fee-simple of which is not vested in the Crown or a public authority, and
- (b) land that the Crown or a public authority has lawfully contracted to sell to a person (other than a public authority).

**public land** means any land in the Western Parklands that is not private land.

**Standard Instrument** means the standard local environmental planning instrument prescribed by the [Standard Instrument \(Local Environmental Plans\) Order 2006](#).

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

**ticketing facility** means a building or place where tickets may be purchased.

**Trust** means the Western Sydney Parklands Trust constituted under section 4 of the [Western Sydney Parklands Act 2006](#).

**Western Parklands** means the land identified as “Western Parklands” on the [Land Application Map](#).

- (2) A word or expression used in this Policy has the same meaning as it has in the Standard Instrument unless it is otherwise defined in this Policy.
- (3) Notes included in this Policy do not form part of this Policy.

## 5 Interpretation—references to maps

- (1) A reference in this Policy to a named map adopted by this Policy is a reference to a map by that name:
  - (a) approved by the Minister when the map is adopted, and
  - (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Policy to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (4) For the purposes of this Policy, a map may be in, and may be kept and made available in, electronic or paper form, or both.

## 6 Relationship to other planning instruments

### Note—

This clause is subject to section 36 (4) of the Act.

- (1) The following environmental planning instruments do not apply to the Western Parklands:

*Blacktown Local Environmental Plan 1988,*

*Fairfield Local Environmental Plan 1994,*

*Liverpool Local Environmental Plan 2008,*

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

*State Environmental Planning Policy No 21—Caravan Parks,*

*State Environmental Planning Policy No 30—Intensive Agriculture,*

*State Environmental Planning Policy No 64—Advertising and Signage,*

*State Environmental Planning Policy (Affordable Rental Housing) 2009,*

*State Environmental Planning Policy (Exempt and Complying Development Codes) 2008,*

*State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.*

- (2) The excluded provisions of the *State Environmental Planning Policy (Infrastructure) 2007* do not apply to the Western Parklands. Part 3 (other than the excluded provisions) of the *State Environmental Planning Policy (Infrastructure) 2007* applies as if the Western Parklands were in a prescribed zone under that Policy. If there is any inconsistency between this Policy and that Policy:

- (a) to the extent the inconsistency relates to Schedule 2 to this Policy, this Policy prevails, and
- (b) to the extent the inconsistency relates to the remaining provisions of that Policy (other than the excluded provisions), that Policy prevails.

- (3) If there is an inconsistency between this Policy and any of the following Policies, the other Policy prevails to the extent of the inconsistency:

*State Environmental Planning Policy No 55—Remediation of Land,*

*State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007,*

*State Environmental Planning Policy (Sydney Region Growth Centres) 2006,*  
*Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995).*

(4) Except as provided by subclauses (1)–(3), if there is an inconsistency between this Policy and any other environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.

(5) In this clause:

**excluded provisions**, of the *State Environmental Planning Policy (Infrastructure) 2007*, means clauses 65 (3) and 66 (1).

#### **6A Development control plans**

A development control plan does not apply to the Western Parklands unless it is made by the Director-General.

#### **7 Repeal of environmental planning instrument and amendments**

(1) *Sydney Regional Environmental Plan No 31—Regional Parklands* is repealed.

(2) Schedule 3 is repealed on the day following the day on which this Policy commences.

#### **8 Savings provision relating to development applications**

(1) Subclause (2) applies to a development application:

(a) made before the commencement of this Policy in relation to land that:

(i) before the commencement was not subject to *Sydney Regional Environmental Plan No 31—Regional Parklands*, and

(ii) after the commencement of this Policy is in the Western Parklands, and

(b) not finally determined before the commencement.

(2) The application must be determined as if this Policy had not commenced.

### **Part 2 Land uses and provisions applying to development**

#### **9 Land use zones**

(1) Subclause (2) applies to land that before the commencement of this Policy was not in the Western Parklands and was zoned under a local environmental plan but that after the commencement of this Policy is in the Western Parklands.

(2) From the commencement of this Policy the land is unzoned.

**Note—**



Land that before the commencement of this Policy was in the Western Parklands but after the commencement is no longer in the Western Parklands has been rezoned by amendment in Schedule 3 to the relevant local environmental plan.

## **10 (Repealed)**

## **11 Land uses**

(1) The following development may be carried out on land in the Western Parklands without consent, but only if it is carried out by or on behalf of a public authority:

amenity facilities; community facilities; depots; entertainment facilities; environmental facilities; environmental protection works; function centres; information and education facilities; kiosks; public administration buildings; recreation areas; recreation facilities (outdoor); restaurants or cafes; roads; signage (for directional, informative, or interpretative purposes); ticketing facilities.

(1A) Development for the purposes of extensive agriculture, other than farm buildings, may be carried out on public land in the Western Parklands without consent unless the land is in an environmental conservation area as shown on the [Environmental Conservation Areas Map](#).

(2) Any development not specified in subclause (1) or (3), or permitted without consent by subclause (1A), may be carried out in the Western Parklands only with consent.

(3) Development for the purposes of residential accommodation is prohibited in the Western Parklands.

(4) In this clause:

- (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
- (b) a reference to a type of building or other thing does not include (despite any definition in or applying to this Policy) a reference to a type of building or other thing referred to separately in this clause.

(5) This clause is subject to the other provisions of this Policy.

## **12 Matters to be considered by the consent authority—generally**

In determining a development application for development on land in the Western Parklands, the consent authority must consider such of the following matters as are relevant to the development:

- (a) the aim of this Policy, as set out in clause 2,
- (b) the impact on drinking water catchments and associated infrastructure,

- (c) the impact on utility services and easements,
- (d) the impact of carrying out the development on environmental conservation areas and the natural environment, including endangered ecological communities,
- (e) the impact on the continuity of the Western Parklands as a corridor linking core habitat such as the endangered Cumberland Plain Woodland,
- (f) the impact on the Western Parkland's linked north-south circulation and access network and whether the development will enable access to all parts of the Western Parklands that are available for recreational use,
- (g) the impact on the physical and visual continuity of the Western Parklands as a scenic break in the urban fabric of western Sydney,
- (h) the impact on public access to the Western Parklands,
- (i) consistency with:
  - (i) any plan of management for the parklands, that includes the Western Parklands, prepared and adopted under Part 4 of the [Western Sydney Parklands Act 2006](#), or
  - (ii) any precinct plan for a precinct of the parklands, that includes the Western Parklands, prepared and adopted under that Part,
- (j) the impact on surrounding residential amenity,
- (k) the impact on significant views,
- (l) the effect on drainage patterns, ground water, flood patterns and wetland viability,
- (m) the impact on heritage items,
- (n) the impact on traffic and parking.

### **13 Bulk water supply infrastructure not to be impacted**

Development consent must not be granted to any development on land in the Western Parklands unless the consent authority is satisfied that:

- (a) the development will have a neutral or beneficial impact on the quality of the water in the bulk water supply infrastructure shown on the [Bulk Water Supply Infrastructure Map](#), and
- (b) the development will not impact on the integrity or security of the bulk water supply infrastructure, and
- (c) the development will not increase the risk of illegal access to the bulk water supply or security of the bulk water supply infrastructure, and

- (d) access to bulk water supply infrastructure for maintenance and operation activities by Water NSW and Sydney Water Corporation will not be impeded by the development.

#### **14 Development in areas near nature reserves or environmental conservation areas**

- (1) This clause applies to development on land in the Western Parklands that is in, or adjoins:
  - (a) a nature reserve (within the meaning of the *National Parks and Wildlife Act 1974*), or
  - (b) an environmental conservation area shown on the [Environmental Conservation Areas Map](#).
- (2) Development consent must not be granted to development on land to which this clause applies, unless the consent authority has considered the following:
  - (a) whether the development is compatible with and does not detract from the values of the nature reserve or environmental conservation area,
  - (b) any management plans applicable to the nature reserve or environmental conservation area,
  - (c) whether the development has been designed and sited to minimise visual intrusion when viewed from vantage points in the nature reserve or environmental conservation area.

#### **14A Flood planning**

- (1) The objectives of this clause are as follows:
  - (a) to minimise the flood risk to life and property associated with the use of land,
  - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
  - (c) to avoid significant adverse impacts on flood behaviour and the environment.
- (2) This clause applies to land that is at or below the flood planning level.
- (3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development:
  - (a) is compatible with the flood hazard of the land, and
  - (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) incorporates appropriate measures to manage risk to life from flood, and

(d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and

(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

(4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0), published by the NSW Government in 2005, unless it is otherwise defined in this Policy.

## 15 Heritage conservation

### Note—

Heritage items are shown on the [Heritage Map](#). The location and nature of such items is also described in Schedule 1.

(1) **Objectives** The objectives of this clause are:

(a) to conserve the environmental heritage of the Western Parklands, and

(b) to conserve the heritage significance of heritage items in the Western Parklands including associated fabric, settings and views.

(2) **Requirement for consent** Development consent is required for any of the following in the Western Parklands:

(a) demolishing or moving a heritage item,

(b) altering a heritage item,

(c) altering a heritage item that is a building by making structural changes to its interior,

(d) erecting a building on land on which a heritage item is located,

(e) subdividing land on which a heritage item is located.

(3) **When consent not required** However, consent under this clause is not required if:

(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:

(i) is of a minor nature, or is for the maintenance of the heritage item, and

(ii) would not adversely affect the significance of the heritage item, or

(b) the development is in a cemetery or burial ground and the proposed development:

- (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
  - (ii) would not cause disturbance to human remains, relics or Aboriginal objects in the form of grave goods, or
  - (c) the development is limited to the removal of a tree or other vegetation that the consent authority is satisfied is a risk to human life or property, or
  - (d) the development is on land to which another State environmental planning policy applies and is exempt development under that other policy.
- (4) **Effect on heritage significance** The consent authority must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item concerned. This subclause applies regardless of whether a heritage impact statement is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).
- (5) **Heritage impact assessment** The consent authority may, before granting consent to any development on land in the Western Parklands:
- (a) on which a heritage item is situated, or
  - (b) within the vicinity of land referred to in paragraph (a),
- require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item.
- (6) **Heritage conservation management plans** The consent authority may require, after considering the significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.
- (7) **Conservation incentives** The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this Policy, if the consent authority is satisfied that:
- (a) the conservation of the heritage item is facilitated by the granting of consent, and
  - (b) the proposed development is in accordance with a heritage conservation management plan that has been approved by the consent authority, and
  - (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage conservation management plan is carried out, and

- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

## **16 Signage**

- (1) This clause applies to signage that is visible from a public place.
- (2) Development consent must not be granted to the erection of signage unless:
  - (a) the consent authority is satisfied that the signage is consistent with any signage policy prepared by the Trust, and
  - (b) in the case of a road sign, the Roads and Traffic Authority has been given written notice of the development application and any comments received by the consent authority from the Roads and Traffic Authority within 21 days have been considered by the consent authority.
- (3) In this clause:

**road sign** means a sign that has a display area greater than 20 square metres or that is higher than 8 metres above the ground and is within 250 metres of a classified road and any part of the signage is visible from the classified road.

## **17 Development on private land**

Development consent must not be granted to development on private land in the Western Parklands unless the consent authority has considered the following:

- (a) whether the development will contribute to or impede the implementation of the aim of this Policy,
- (b) the need to carry out development on the land,
- (c) the imminence of acquisition of the land,
- (d) the effect of carrying out the development on acquisition costs,
- (e) the effect of carrying out the development on the natural systems of the Western Parklands,
- (f) the cost of restoring those systems after the development has been carried out.

## **17A Essential services**

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them

available when required:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable road access.

### **17B Earthworks**

- (1) The objectives of this clause are as follows:
  - (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,
  - (b) to allow earthworks of a minor nature without requiring separate development consent.
- (2) Development consent is required for earthworks unless:
  - (a) the work is exempt development under this Policy or another applicable environmental planning instrument, or
  - (b) the work is ancillary to other development for which development consent has been given.
- (3) Before granting development consent for earthworks, the consent authority must consider the following matters:
  - (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality,
  - (b) the effect of the proposed development on the likely future use or redevelopment of the land,
  - (c) the quality of the fill or the soil to be excavated, or both,
  - (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,
  - (e) the source of any fill material and the destination of any excavated material,
  - (f) the likelihood of disturbing relics,
  - (g) the proximity to and potential for adverse impacts on any watercourse, drinking

water catchment or environmentally sensitive area,

- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

**Note—**

The [National Parks and Wildlife Act 1974](#), particularly section 86, deals with harming Aboriginal objects.

## Part 3 Exempt development

### 18 Exempt development

**Note—**

Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act. The section states that exempt development:

- (a) must be of minimal environmental impact, and
  - (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the [Threatened Species Conservation Act 1995](#) or the [Fisheries Management Act 1994](#)), and
  - (c) cannot be carried out in a wilderness area (identified under the [Wilderness Act 1987](#)).
- (1) Development specified in Schedule 2 that meets the requirements for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.
- (2) To be exempt development under this Policy, the development:
- (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, or if those provisions do not apply, must be structurally adequate, and
  - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
  - (c) must not be designated development, and
  - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the [Heritage Act 1977](#) or that is subject to an interim heritage order under the [Heritage Act 1977](#), and
  - (e) must not be carried out in an environmentally sensitive area for exempt development, and
  - (f) if it relates to land the subject of an order under section 28 of the [Contaminated Land Management Act 1997](#) that is in force—must comply with the terms of that order, and
  - (g) must not be carried out on land comprised in any easement or right of way unless



agreed to in writing by the person or authority in whose favour the easement exists, and

- (h) must not be carried out within 3 metres of a public water or sewer main unless it complies with relevant requirements of the Sydney Water Corporation, and
- (i) must not contravene any conditions of a development consent currently operating on the land, and
- (j) must not be likely to result in the disturbance of more than one tonne of soil, or to lower the water table, on land on which acid sulphate soils are present.

(3) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2-9 is exempt development only if:

- (a) the building has a current fire safety certificate or fire safety statement, or
- (b) no fire safety measures are currently implemented, required or proposed for the building.

(4) In this clause:

***environmentally sensitive area for exempt development*** means any of the following:

- (a) land in the Western Parklands identified in this or any other environmental planning instrument as being of high biodiversity significance,
- (b) land that is an environmental conservation area shown on the [Environmental Conservation Areas Map](#),
- (c) land identified as being critical habitat under the [Threatened Species Conservation Act 1995](#) or Part 7A of the [Fisheries Management Act 1994](#),
- (d) land that comprises, or on which there is, a heritage item identified in Schedule 1.

## Part 4 Miscellaneous provisions

### 19 Acquisition of land by corporation

For the purposes of section 27 of the Act, the corporation will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the [Land Acquisition \(Just Terms Compensation\) Act 1991](#) (***the owner-initiated acquisition provisions***).

**Note—**

If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the [Land Acquisition \(Just Terms Compensation\) Act 1991](#) requires the authority to acquire the land.

### **19A Preservation of trees or vegetation**

- (1) The objective of this clause is to preserve the amenity of the Western Parklands, including biodiversity values, through the preservation of trees and other vegetation.
- (2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Director-General.

**Note—**

A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

- (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:
  - (a) development consent, or
  - (b) a permit granted by the council concerned.
- (4) The refusal by the council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the council to grant consent for the carrying out of the activity for which a permit was sought.
- (5) This clause does not apply to a tree or other vegetation that the council is satisfied is dying or dead and is not required as the habitat of native fauna.
- (6) This clause does not apply to a tree or other vegetation that the council is satisfied is a risk to human life or property.
- (7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation that is or forms part of a heritage item unless the council is satisfied that the proposed activity:
  - (a) is of a minor nature or is for the maintenance of the heritage item, and
  - (b) would not adversely affect the heritage significance of the heritage item.

**Note—**

As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 15 will be applicable to any such consent.

- (8) This clause does not apply to or in respect of:
  - (a) the clearing of native vegetation:
    - (i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003*, or

- (ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
- (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or
- (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
- (d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or
- (e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

**Note—**

Part 6 of *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* applies to land under this Policy that is in an environmental conservation area shown on the *Environmental Conservation Areas Map* and in a growth centre (within the meaning of that Policy). That Part provides that a person must not clear native vegetation on any such land without approval under Part 3A of the Act (as continued by Schedule 6A to the Act) or development consent.

## **20 Bush fire hazard reduction**

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land in the Western Parklands without consent.

**Note—**

The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

## **20A Savings and transitional provisions—Part 3A transitional projects and State significant development**

- (1) The repeal of clause 10 of this Policy, by the *State Environmental Planning Policy (State and Regional Development) 2011* does not affect the declaration under this Policy of a project to be a project to which Part 3A of the Act applies, if that project is a transitional Part 3A project.
- (2) Clause 10 (2) and (3), as in force immediately before the repeal of clause 10 by the *State Environmental Planning Policy (State and Regional Development) 2011*, continue to apply to a development application made, but not finally determined, before that repeal.
- (3) Words and expressions used in this clause have the same meaning as they have in Schedule 6A to the Act.

## **21 (Repealed)**

**Schedule 1 Heritage items**

(Clauses 4 (1) and 15)

<b>LGA</b>	<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Blacktown	Prospect	Veteran Hall (house remains)	Great Western Highway	Part of Lot 304, DP 1122291	State	17
	Prospect	Royal Cricketers Arms Inn	385 Reservoir Road	Lot 111, DP 839532	State	15
	Prospect	Former police residence	427 Reservoir Road	Part of Lot 1, DP 1045771	Local	16
	Prospect	Prospect Reservoir valve house	East of reservoir	Part of Lot 1, DP 1062094	State	18
	Rooty Hill	The Rooty Hill	Eastern Road	Lot 101, DP 581882; Part of Lot 1, DP 1103025; Lot 1, DP 909138	State	2
	Rooty Hill	Pioneer Memorial Church	Rooty Hill Road South	Lot 1, DP 909138	Local	3
Blacktown and Fairfield	Prospect	Prospect Reservoir and surrounding area	Reservoir Road	Part of Lot 304, DP 1122291; Lots 1 and 2, DP 1062094; Lot 1, DP 845354; Lots 1, 2 and 4, DP 832281; Lot 5, DP 861815; Lot 7, DP 1015294	State	4
Fairfield	Abbotsbury	Calmsley Hill Farm Cottage and curtilage	Darling Street	Lot 1, DP 553350; Lot 51, DP 634101; Lot 1, DP 221575	Local	10

Abbotsbury	Relics of early homestead and stands of exotic vegetation	Elizabeth Drive	Lots 6, 7, 9 and 10, Section 1, DP 2954; Lot A, DP 344556; Lot 80, DP 812293; Lots 12-15, DP 860893	Local	11
Horsley Park	Spotted Gum forest	Corner of Chandos Road and Ferrers Road	Part of Lot 304, DP 1122291; Lots 2 and 4, DP 832281; Lot 7, DP 1015294; Lot 5, DP 861815; Part of Lot 1, DP 1062094	Local	5
Horsley Park	Remnants of Abbotsbury House	Southdown Road	Lot 5, DP 825571; Lot 16, DP 234284	Local	9
Wetherill Park	Group of Hoop Pines	Corner of Chandos Road and Trivet Street	Part of Lot 1, DP 1062094; Part of Lot 304, DP 1122291	Local	6
Wetherill Park	Bunya Pine	Northern corner of The Horsley Drive and Cowpasture Road		Local	8

Fairfield and Liverpool	Abbotsbury, Austral, Cecil Hills, Cecil Park, Horsley Park and West Hoxton	Upper canal system	Pheasants Nest Weir to Prospect Reservoir	Part of Lot 1, DP 1062094; Lots 1 and 2, DP 596353; Lots 1-3, DP 603946; Lot 2, DP 596352; Lot 1, DP 596355; Lot 1, DP 613552; Lot 51, DP 811015; Lots 11 and 12, DP 1055232; Lots 1 and 2, DP 1086645	State	7
Liverpool	Cecil Hills	Liverpool Offtake Reservoir	Elizabeth Drive	Lot 11, DP 1055232	Local	12
	Kemps Creek	Kemps Creek Forest	Off Gurner Avenue	Lot 11, DP 806494	Local	1
	West Hoxton	Kirkpatrick and Boyland Park	225 Fifteenth Avenue	Lot 1, DP 307334	Local	13
	West Hoxton	Carnes Hill vegetation group	Twenty Fifth Avenue	Lot 8, DP 231528	Local	14

## Schedule 2 Exempt development

(Clause 18)

### Alterations or additions (public buildings)

- (1) Must be alterations or additions to, or development ancillary to, a function centre, community facility, entertainment facility, information and education facility, public administration building or an existing recreational use.
- (2) Maximum area of premises being altered or added to—200m<sup>2</sup>.

### Change of use (business premises)

- (1) Must be a change of use from one kind of business premises to another kind of business premises.
- (2) New use must be consistent with the existing classification of the building under the *Building Code of Australia*.

**Change of use (retail premises)**

- (1) Must be a change of use from one kind of retail premises to another kind of retail premises.
- (2) New use must be consistent with the existing classification of the building under the *Building Code of Australia*.

**Demolition**

- (1) Must be the demolition of residential accommodation or development that is exempt development under this Policy.
- (2) Must be carried out in accordance with AS 2601—2001, *Demolition of structures*.

**Earthworks and retaining walls**

- (1) Must be used solely for agricultural purposes.
- (2) Must meet the development standards specified in clause 2.30 (b)–(g), (h1) and (j) of [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#).
- (3) Must not be carried out on land at or below the flood planning level.

**Emergency services (including replacement or augmentation of fire systems, pump houses, fire water tanks and scaffolding)**

No standards are specified for this development.

**Filming**

Must meet the development standards specified in clause 2.38B of [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) (other than clause 2.38B (1) (a)).

**Landscaping and public domain works**

- (1) Must be any of the following development, carried out on public land:
  - (a) cycleways, ticketing facilities, unenclosed single storey car parks and viewing platforms,
  - (b) outdoor recreational facilities, including playing fields, but not including grandstands,
  - (c) information facilities such as visitors' centres and information boards,
  - (d) lighting, if light spill and artificial sky glow is minimised in accordance with AS/NZS 1158 Set: 2007, *Lighting for Roads and Public Spaces*,

- (e) landscaping, including irrigation schemes (whether they use recycled or other water),
  - (f) amenity facilities,
  - (g) maintenance depots,
  - (h) environmental protection works,
  - (i) the construction, maintenance and repair of:
    - (i) walking tracks, boardwalks and raised walking paths, ramps, minor pedestrian bridges, stairways, gates, seats, barbecues, shelters and shade structures, and
    - (ii) viewing platforms, and
    - (iii) sporting facilities, including goal posts, sight screens and fences, and
    - (iv) play equipment where adequate safety provisions (including soft landing surfaces) are provided, but only if any structure is at least 1.2m away from any fence,
  - (j) routine maintenance (including earthworks associated with playing field regrading or landscaping),
  - (k) bridle paths, cycle storage racks or areas, fences, gates, public art and walls,
  - (l) earthworks and retaining walls.
- (2) If a visitors' centre or maintenance depot, maximum area of development—200m<sup>2</sup>.
- (3) If a retaining wall, must:
- (a) not be higher than 600mm (including the height of any batters) above ground level (existing), and
  - (b) if it is on a sloping site and stepped to accommodate the fall in the land—not be higher than 800mm above ground level (existing) at each step, and
  - (c) have adequate drainage lines behind it.
- (4) If earthworks, must:
- (a) not redirect the flow of surface water onto an adjoining property, and
  - (b) cause surface water to be disposed of without causing a nuisance to adjoining owners, and
  - (c) be located at least 1m from any registered easement, sewer main or water main, and



- (d) not require cut or fill more than 600mm below or above ground level (existing), and
- (e) if the fill is more than 150mm deep—not occupy more than 50% of the landscaped area.

**Minor external building alterations (other than a public building)**

- (1) Includes re-cladding roofs or walls.
- (2) Must involve only repair or renovation, or painting, plastering or other decoration of building.
- (3) Must not result in enlargement or extension of building or increase in load-bearing capacity of any load-bearing component of building.
- (4) Any re-cladding must involve only replacing existing materials with similar materials and not involve structural alterations.

**Minor internal building alterations (other than a public building)**

- (1) Must be non-structural alterations to existing building only, such as:
  - (a) replacement of doors, wall, ceiling or floor linings or deteriorated frame members with equivalent or improved quality materials, or
  - (b) inclusion of built-in fixtures.
- (2) Must not affect load-bearing capacity of any load-bearing component of building.
- (3) Alterations must not compromise fire safety or affect accessibility of any fire exit.

**Rainwater tanks (above ground)**

- (1) Must meet the development standards specified in clause 2.64 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (other than clause 2.64 (1) (a), (b) and (k)).
- (2) Must be located at least 10 metres from each lot boundary.
- (3) Must not have a capacity greater than:
  - (a) 25,000 litres in the case of a tank on land used for the purposes of an educational establishment, or
  - (b) 10,000 litres in any other case.

**Rainwater tanks (below ground)**

Must meet the development standards specified in clause 2.66 of *State Environmental*

*Planning Policy (Exempt and Complying Development Codes) 2008* (other than clause 2.66 (1) (e)).

**Sheds, cool rooms or greenhouses used solely for agricultural purposes**

- (1) Must not have a floor area greater than 30m<sup>2</sup>.
- (2) Must not be higher than 3m above ground level (existing).
- (3) Must be located:
  - (a) at least 20m from any boundary of the lot adjoining a road to which the front of a dwelling house, or a main building, on the lot faces or is proposed to face, and
  - (b) at least 10m from any other lot boundary.
- (4) Must not be a shipping container.
- (5) Must be constructed or installed so that roof water is disposed of without causing a nuisance to adjoining owners.
- (6) Must not be constructed or installed within 50m of a dwelling on an adjoining property.
- (7) If it is located on bush fire prone land and is less than 5m from a dwelling—must be constructed of non-combustible material.
- (8) If it is located adjacent to another building—must be located so that it does not interfere with the entry to, or exit from, or the fire safety measures contained within, that building.
- (9) Must be located at least 50m from a waterbody (natural).
- (10) To the extent that it is comprised of metal components—must be designed by, and constructed in accordance with the specifications of, a professional engineer.
- (11) Must not result in more than 2 such developments per lot.

**Signage (associated with the use of road infrastructure)**

No standards are specified for this development.

**Signage (identification, directional, community information or safety signs but not including roof-top signs or commercial advertising or signs associated with the use of road infrastructure)**

- (1) Surface area must not exceed 100m<sup>2</sup>.
- (2) Obtrusive effects of outdoor lighting must be controlled in accordance with AS 4282-1997, *Control of the obtrusive effects of outdoor lighting*.

- (3) Must be carried out by or on behalf of a public authority.

**Signage (real estate signs on land or premises being advertised for lease or sale)**

Surface area must not exceed 4.5m<sup>2</sup>.

**Signage (temporary, advertising an event and associated relevant details including sponsorship of the event)**

- (1) Surface area must not exceed 100m<sup>2</sup>.
- (2) Must not be displayed earlier than 28 days before the event and must be removed within 14 days after the event.
- (3) Obtrusive effects of outdoor lighting must be controlled in accordance with AS 4282-1997, *Control of the obtrusive effects of outdoor lighting*.

**Temporary structures (other than tents and marquees), and temporary alterations or additions to buildings or works, solely for filming purposes**

Must meet the development standards specified in clause 2.78B of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

**Temporary use of land**

- (1) Maximum period of 182 days (whether or not consecutive days) in any period of 12 months.
- (2) Must not prejudice the subsequent carrying out of development on the land in accordance with this Policy.
- (3) Must not adversely impact on any adjoining land or the amenity of the neighbourhood.
- (4) Must not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land.
- (5) Must, at the end of the temporary use period, restore the site, as far as is practicable, to the condition in which it was before the commencement of the temporary use.

**Tents or marquees used solely for filming purposes**

Must meet the development standards specified in clause 2.78F of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

**Schedule 3 (Repealed)**