

# State Environmental Planning Policy (Precincts—Western Parkland City) 2021

[2021-728]



New South Wales

## Status Information

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### Provisions in force

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### Notes—

- **Does not include amendments by**  
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### Authorisation

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# State Environmental Planning Policy (Precincts—Western Parkland City) 2021



New South Wales

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# State Environmental Planning Policy (Precincts—Western Parkland City) 2021



New South Wales

## Chapter 1 Preliminary

### 1.1 Name of Policy

This Policy is *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*.

### 1.2 Commencement

This Policy commences on 1 March 2022 and is required to be published on the NSW legislation website.

### 1.3 Definitions

In this Policy—

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

**Note—**

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Policy.

### 1.4 Transferred provisions

The *Interpretation Act 1987*, section 30A is taken to apply to the provisions transferred to this Policy on the commencement of this Policy in the same way as it applies to provisions transferred from a statutory rule to another statutory rule.

**Note—**

The *Interpretation Act 1987*, section 30A provides—

- (a) the transfer of a provision does not affect the operation or meaning of the provision, and
- (b) a transferred provision is to be construed as if it had not been transferred.

## Chapter 2 State significant precincts

### Part 2.1 Preliminary

#### 2.1 Aims of Chapter

The aims of this Chapter are as follows—

- (a) to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State,
- (b) to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes.

#### 2.2 Application of Policy—transitional Part 3A projects

- (1) On the repeal of Part 3A of the Act, this Chapter is subject to Schedule 6A to the Act.

**Note—**

Schedule 6A of the Act sets out those projects which will continue as Part 3A projects (**transitional Part 3A projects**) and revokes the declaration of any other Part 3A project.

- (2) The repeal of clauses 6–6C and Schedules 1, 2 and 5 of this Chapter, and the other amendments made to this Chapter, by the *State Environmental Planning Policy (State and Regional Development) 2011* do not affect any of the following—
  - (a) the declaration under this Chapter of a project as a project or a critical infrastructure project under Part 3A, if that project is a transitional Part 3A project,
  - (b) any certificate in force under clause 6C immediately before that repeal.
- (3) Particular development is not a transitional Part 3A project if—
  - (a) another provision of this Chapter or a provision of another environmental planning instrument, whether made before or after this Chapter takes effect, provides that the particular development is exempt or complying development, and
  - (c) the particular development is not carried out as part of or in conjunction with other development that is a transitional Part 3A project.

#### 2.3 Definitions and key concepts

- (1) In this Chapter—

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

**Note—**

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Chapter.

- (2) Words and expressions used in this Chapter have the same meaning as they have in Schedule 6A to the Act.
- (3) A reference to this Chapter includes a reference to an Appendix made under this Chapter.

## **2.4 Maps**

- (1) A reference in this Chapter to a named map adopted by this Chapter 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 Chapter 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 Chapter, a map may be in, and may be kept and made available in, electronic or paper form, or both.
- (5) A map referred to in an Appendix made under this Chapter is taken to be a map adopted by this Chapter.

## **2.5 Land to which Chapter applies**

This Chapter applies to the State.

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

Subject to section 74(1) of the Act, in the event of an inconsistency between this Chapter and another environmental planning instrument whether made before or after the commencement of this Chapter, this Chapter prevails to the extent of the inconsistency.



## **Part 2.2 State significant precincts**

### **2.7 State significant precincts**

- (1) Each Appendix made under this Chapter describes a State significant precinct.
- (2) The provisions in an Appendix made under this Chapter relating to the carrying out of development on a State significant precinct have effect.

### **2.8 Guidelines for proposals for State significant precinct listing**

- (1) The Minister may publish guidelines for proposals to amend an Appendix made under this Chapter.
- (2) This section does not preclude an amendment of an Appendix made under this Chapter without compliance with those guidelines.

## **Chapter 3 Sydney region growth centres**

### **Part 3.1 Preliminary**

#### **3.1 Aims of Chapter**

The aims of this Chapter are (in conjunction with amendments to the regulations under the Act relating to precinct planning) as follows—

- (a) to co-ordinate the release of land for residential, employment and other urban development in the South West Growth Centre, the Wilton Growth Area and the Greater Macarthur Growth Area,
- (b) to enable the Minister from time to time to designate land in growth centres as ready for release for development,
- (c) to provide for comprehensive planning for growth centres,
- (d) to enable the establishment of vibrant, sustainable and liveable neighbourhoods that provide for community well-being and high quality local amenity,
- (e) to provide controls for the sustainability of land in growth centres that has conservation value,
- (f) to provide for the orderly and economic provision of infrastructure in and to growth centres,
- (g) to provide development controls in order to protect the health of the waterways in growth centres,
- (h) to protect and enhance land with natural and cultural heritage value,

- (i) to provide land use and development controls that will contribute to the conservation of biodiversity.

### 3.2 Interpretation

- (1) In this Chapter—

**flood prone and major creeks land** means the land in a growth centre precinct shown as flood prone and major creeks land and coloured blue on the [South West Growth Centre Development Control Map](#).

**Greater Macarthur Growth Area** means the Greater Macarthur Growth Area shown on the [Greater Macarthur Growth Area Precinct Boundary Map](#).

**growth centre** means the following—

- (a) the South West Growth Centre,
- (b) the Wilton Growth Area,
- (c) the Greater Macarthur Growth Area.

**growth centre precinct** or **precinct** means a precinct shown on—

- (a) the [South West Growth Centre Precinct Boundary Map](#), or
- (b) the [Wilton Growth Area Precinct Boundary Map](#), or
- (c) the [Greater Macarthur Growth Area Precinct Boundary Map](#).

**growth centre structure plan** means—

- (a) for the South West Growth Centre—the structure plan comprising the explanatory notes and the map identified by the Minister on the commencement of [State Environmental Planning Policy \(Sydney Region Growth Centres\) Amendment \(Miscellaneous\) 2010](#), and
- (b) for the Wilton Growth Area—the document entitled *Wilton 2040: A Plan for the Wilton Growth Area*, dated 28 September 2018 and published on the Department's website, and
- (c) for the Greater Macarthur Growth Area—the document entitled *Greater Macarthur 2040: An interim plan for the Greater Macarthur Growth Area*, dated November 2018 and published on the Department's website.

**South West Growth Centre** means the South West Growth Centre shown on the [South West Growth Centre Precinct Boundary Map](#).

**Note—**

The South West Growth Centre was, but is no longer, a growth centre under the [Growth Centres](#)

*(Development Corporations) Act 1974.*

**Wilton Growth Area** means the Wilton Growth Area shown on the [Wilton Growth Area Precinct Boundary Map](#).

**Precinct Plan** means an Appendix made under this Chapter.

**special area** means land shown as being in a special area on the [Special Areas Map](#).

**Standard Instrument** means the standard instrument set out in the *Standard Instrument (Local Environmental Plans) Order 2006*.

**transitional land** means land in a growth centre precinct shown as transitional land and hatched pink on the [South West Growth Centre Development Control Map](#).

**Note—**

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Chapter.

- (2) A reference in this Chapter to a particular growth centre precinct is a reference to the area shown as the precinct on the [Precinct Boundary Map](#) for the growth centre.
- (3) A reference in this Chapter to a growth centre structure plan is a reference to a plan deposited in the Department.
- (4) A reference to this Chapter includes a reference to an Appendix made under this Chapter.

### **3.3 Application of Standard Instrument land uses and other terms**

- (1) Words used in this Chapter have the same meaning as in the Standard Instrument, unless otherwise defined in this Chapter.
- (2) In this Chapter—

**archaeological site** means an area of land—

- (a) shown on the [Heritage Map](#) as an archaeological site, and
- (b) the location and nature of which is described in a Schedule to a Precinct Plan, and
- (c) that contains one or more relics.

**biosolid waste application** means the application of sludge or other semi-solid products of human sewage treatment plants to land for the purpose of improving land productivity, that is undertaken in accordance with the NSW Environment Protection Authority's guidelines titled *Environmental Guidelines: Use and Disposal of Biosolids Products* (EPA 1997) and *Addendum to Environmental Guidelines: Use and Disposal of Biosolids Products* (EPA 2000a).

**boat repair facility** means a boat building and repair facility within the meaning of the Standard Instrument.

**bulky goods premises** means a building or place used primarily for the sale by retail, wholesale or auction of, or for the hire or display of, bulky goods, being goods that are of a size or weight that requires—

- (a) a large area for handling, display or storage, or
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading the goods into or from their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

**funeral chapel** means premises used to arrange, conduct and cater for funerals and memorial services, and includes facilities for the short-term storage, dressing and viewing of bodies of deceased persons, but does not include premises with mortuary facilities.

**heavy industry** means an industry that—

- (a) requires separation from other land uses because of the nature of the processes involved, or the materials used, stored or produced, and
- (b) may consist of or include a hazardous or offensive industry or involve the use of a hazardous or offensive storage establishment.

**heritage conservation area** means an area of land—

- (a) shown on the [Heritage Map](#) as a heritage conservation area or as a place of Aboriginal heritage significance, and
- (b) the location and nature of which is described in a Schedule to a Precinct Plan, and includes any heritage items situated on or within that area.

**heritage item** means a building, work, archaeological site, 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 a Schedule to a Precinct Plan, and
- (c) specified in an inventory of heritage items that is available at the office of the Council.

**industry** means the manufacturing, production, assembling, altering, formulating,

repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing or adapting, or the research and development of goods, chemical substances, food, agricultural or beverage products, or articles for commercial purposes, but does not include extractive industry or a mine.

**landscape and garden supplies** means a building or place where trees, shrubs, plants, bulbs, seeds and propagating material are offered for sale, whether by retail or wholesale and may include—

- (a) the sale of landscape supplies, including earth products or other landscape and horticulture products, and
- (b) the carrying out of horticulture.

**light industry** means an industry, not being a hazardous or offensive industry or involving use of a hazardous or offensive storage establishment, in which the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of the neighbourhood by noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise.

**manor home** means a 2-storey building containing 4 dwellings, other than a residential flat building or multi dwelling housing, where—

- (a) each storey contains 2 dwellings, and
- (b) each dwelling is on its own lot that is within a strata scheme or community title scheme, and
- (c) access to each dwelling is provided through a common or individual entry at ground level.

**multi dwelling housing** does not include a manor home.

**Note—**

**Multi dwelling housing** is defined in the Standard Instrument.

**place of Aboriginal heritage significance** means an Aboriginal place of heritage significance within the meaning of the Standard Instrument and that may be shown on the [Heritage Map](#).

**remnant native vegetation** has the same meaning as in the [Native Vegetation Act 2003](#), section 9, immediately before its repeal.

**residential accommodation** includes manor homes and studio dwellings.

**Note—**

**Residential accommodation** is defined in the Standard Instrument.

**residential flat building** does not include a manor home.

**Note—**

**Residential flat building** is defined in the Standard Instrument.

**restaurant** means a building or place the principal purpose of which is the provision of food or beverages to people for consumption on the premises, whether or not take away meals and beverages or entertainment are also provided.

**studio dwelling** means a dwelling that is—

- (a) established in conjunction with another dwelling (the **principal dwelling**), and
- (b) erected above a garage that is on the same lot of land as the principal dwelling, whether the garage is attached to, or is separate from, the principal dwelling.

**timber and building supplies** means a building or place used for the display, sale, whether by retail or wholesale, or hire of goods or materials that are used in the construction and maintenance of buildings.

**waste management facility** means a facility used for the storage, treatment, purifying or disposal of waste, whether or not it is also used for the sorting, processing, recycling, recovering, use or reuse of material from the waste, and whether or not the operations are carried out on a commercial basis. It may include but is not limited to—

- (a) an extractive industry ancillary to, required for or associated with the preparation or remediation of the site for the storage, treatment, purifying or disposal, and
- (b) eco-generating works ancillary to or associated with storage, treatment, purifying or disposal.

### 3.4 Consent authority

- (1) Except as provided by a Precinct Plan, the consent authority for the purposes of this Chapter is (subject to the Act) the council of the area in which the land concerned is situated.

**Note—**

The Act enables an environmental planning instrument to specify a Minister or another public authority to be the consent authority for all or any particular kind of development in that zoned land.

- (2) Despite subsection (1), the consent authority for the purposes of this Chapter for land to which [State Environmental Planning Policy \(Western Sydney Parklands\) 2009](#) applies is the consent authority stated in clause 10 of that Policy.

### 3.5 Land to which Chapter applies

This Chapter applies to all land in a growth centre.

### 3.6 Relationship with other environmental planning instruments

- (1) Subject to section 74(1) of the Act, in the event of an inconsistency between this Chapter and another environmental planning instrument whether made before or after the commencement of this Chapter, this Chapter prevails to the extent of the inconsistency.

### 3.7 Maps

- (1) A reference in this Chapter to a named map adopted by this Chapter 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 persons making the instruments 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 Chapter 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 Chapter, a map may be in, and may be kept and made available in, electronic or paper form, or both.
- (5) A map referred to in this Chapter, immediately before the commencement of this section, is taken to be a map approved by the Minister under this section.
- (6) A map referred to in an Appendix made under this Chapter is taken to be a map adopted by this Chapter.

### 3.8 Names of maps adopted by Chapter

In this Chapter—

**Floor Space Ratio Map**, for a precinct in the South West Growth Centre, means the [State Environmental Planning Policy \(Sydney Region Growth Centres\) 2006 South West Growth Centre Floor Space Ratio Map](#).

**Greater Macarthur Growth Area Precinct Boundary Map** means the [State Environmental Planning Policy \(Sydney Region Growth Centres\) 2006 Greater Macarthur Growth Area Precinct Boundary Map](#).

**Height of Buildings Map** means the following—

- (a) for a precinct in the South West Growth Centre—the [State Environmental Planning](#)

Policy (Sydney Region Growth Centres) 2006 South West Growth Centre Height of Buildings Map,

- (b) for a precinct in the Wilton Growth Area—the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Wilton Growth Area Height of Buildings Map.

**Heritage Map** means the following—

- (a) for a precinct in the South West Growth Centre—the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 South West Growth Centre Heritage Map,
- (b) for a precinct in the Wilton Growth Area—the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Wilton Growth Area Heritage Map.

**Land Application Map** means the following—

- (a) for a precinct in the South West Growth Centre—the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 South West Growth Centre Land Application Map,
- (b) for a precinct in the Wilton Growth Area—the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Wilton Growth Area Land Application Map,
- (c) for a precinct in the Greater Macarthur Growth Area—the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Greater Macarthur Growth Area Land Application Map.

**Land Reservation Acquisition Map**, for a precinct in the South West Growth Centre, means the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 South West Growth Centre Land Reservation Acquisition Map.

**Land Zoning Map** means the following—

- (a) for a precinct in the South West Growth Centre—the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 South West Growth Centre Land Zoning Map,
- (b) for a precinct in the Wilton Growth Area—the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Wilton Growth Area Land Zoning Map.

**Lot Size Map** means the following—

- (a) for a precinct in the South West Growth Centre—the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 South West Growth Centre Lot Size Map,
- (b) for a precinct in the Wilton Growth Area—the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Wilton Growth Area Lot Size Map.

**Native Vegetation Protection Map**, for a precinct in the South West Growth Centre,



means the [State Environmental Planning Policy \(Sydney Region Growth Centres\) 2006 South West Growth Centre Native Vegetation Protection Map](#).

**Residential Density Map**, for a precinct in the South West Growth Centre, means the [State Environmental Planning Policy \(Sydney Region Growth Centres\) 2006 South West Growth Centre Residential Density Map](#).

**Riparian Protection Area Map**, for a precinct in the South West Growth Centre, means the [State Environmental Planning Policy \(Sydney Region Growth Centres\) 2006 South West Growth Centre Riparian Protection Area Map](#).

**South West Growth Centre Development Control Map** means the [State Environmental Planning Policy \(Sydney Region Growth Centres\) 2006 South West Growth Centre Development Control Map](#).

**South West Growth Centre Precinct Boundary Map** means the [State Environmental Planning Policy \(Sydney Region Growth Centres\) 2006 South West Growth Centre Precinct Boundary Map](#).

**Special Areas Map**, for a precinct in the South West Growth Centre, means the [State Environmental Planning Policy \(Sydney Region Growth Centres\) 2006 South West Growth Centre Special Areas Map](#).

**Urban Release Area Map**, for a precinct in the Wilton Growth Area, means the [State Environmental Planning Policy \(Sydney Region Growth Centres\) Wilton Growth Area Urban Release Area Map](#).

**Wilton Growth Area Precinct Boundary Map** means the [State Environmental Planning Policy \(Sydney Region Growth Centres\) 2006 Wilton Growth Area Precinct Boundary Map](#).

### **3.9 Savings provision relating to development applications lodged before commencement of [State Environmental Planning Policy Amendment \(Precincts\) 2021](#)**

- (1) A development application for development on land to which this Chapter applies must be determined as if [State Environmental Planning Policy Amendment \(Precincts\) 2021](#), Schedule 2 (**Precincts SEPP**) had not commenced.
- (2) Subsection (1) only applies to a development application that was—
  - (a) lodged before the commencement of the Precincts SEPP, and
  - (b) not finally determined before the commencement of [State Environmental Planning Policy \(Sydney Region Growth Centres\) Amendment \(Savings\) 2022](#).

## **Part 3.2 Land use and other development controls resulting from**

## precinct planning

### 3.10 Controls applying to growth centre precincts after finalisation of precinct planning

The provisions applying to the carrying out of development in a growth centre precinct are specified in an Appendix made under this Chapter, as shown in the following Tables—

**Table 1—South West Growth Centre**

<b>Column 1</b>	<b>Column 2</b>
<b>Growth centre precinct</b>	<b>Appendix</b>
Oran Park and Turner Road Precincts	Appendix 2
Austral Precinct	Appendix 4
Leppington North Precinct	Appendix 4, to the extent to which the <i>Liverpool Growth Centres Precinct Plan 2013</i> applies, and Appendix 5, to the extent to which the <i>Camden Growth Centres Precinct Plan 2013</i> applies
East Leppington Precinct	Appendix 4 to the extent to which the <i>Liverpool Growth Centres Precinct Plan 2013</i> applies, Appendix 5, to the extent to which the <i>Camden Growth Centres Precinct Plan 2013</i> applies, and Appendix 6, to the extent to which the <i>Campbelltown Growth Centres Precinct Plan 2013</i> applies
Catherine Fields Precinct	Appendix 5, to the extent to which the <i>Camden Growth Centres Precinct Plan 2013</i> applies
Lowes Creek Maryland Precinct	Appendix 5, to the extent to which the <i>Camden Growth Centres Precinct Plan 2013</i> applies
Leppington Precinct	Appendix 5, to the extent to which the <i>Camden Growth Centres Precinct Plan 2013</i> applies
Pondicherry Precinct	Appendix 5, to the extent to which the <i>Camden Growth Centres Precinct Plan 2013</i> applies

**Table 2—Wilton Growth Area**

<b>Column 1</b>	<b>Column 2</b>
<b>Growth centre precinct</b>	<b>Appendix</b>

South East Wilton Precinct	Appendix 7
North Wilton Precinct	Appendix 8

### 3.11 Controls applying to Edmondson Park, Bingara Gorge, Menangle Park, Mount Gilead and Glenlee Precincts

For the purposes of this Chapter, the provisions applying to the carrying out of development in the following precincts are those specified below for the precincts—

- (a) (Repealed)
- (b) the provisions of *Campbelltown (Urban Area) Local Environmental Plan 2002*, *Liverpool Local Environmental Plan 2008* and Schedule 3 to *State Environmental Planning Policy (Major Development) 2005* are specified for the land within Edmondson Park Precinct within the South West Growth Centre to which those instruments, or parts of instruments, apply,
- (c) the provisions of *Wollondilly Local Environmental Plan 2011* are specified for the land within the Bingara Gorge Precinct within the Wilton Growth Area,
- (d) the provisions of *Campbelltown Local Environmental Plan 2015* are specified for the land within Menangle Park Precinct and Mount Gilead Precinct within the Greater Macarthur Growth Area,
- (e) the provisions of *Camden Local Environmental Plan 2010* and *Campbelltown Local Environmental Plan 2015* are specified for the land within Glenlee Precinct within the Greater Macarthur Growth Area.

### 3.12 Development in growth centres under other environmental planning instruments

Development carried out under any other environmental planning instrument on land that is the **subject land** within the meaning of Part 7 of Schedule 7 to the *Threatened Species Conservation Act 1995* is taken, for the purposes of this Chapter, to be development carried out under this Chapter.

**Note—**

The subject land does not include land in the Wilton Growth Area or the Greater Macarthur Growth Area.

## Part 3.3 Land Use—Environment Conservation and Recreation Zones

### 3.13 Application of Part and of other planning instruments

- (1) This Part applies to land within a growth centre precinct that is zoned under this Part.
- (2) Land that is zoned under this Part is not subject to the provisions of any environmental planning instrument (other than a State environmental planning policy or regional environmental plan) applying to the land concerned, except to the extent that this Chapter otherwise provides.

- (3) This Part does not apply to land to which a Precinct Plan applies or land referred to in section 3.11.

### **3.14 Land use zones**

The land use zones under this Part are as follows—

Environment Conservation

Public Recreation—Regional

Public Recreation—Local

### **3.15 Objectives for development in land use reservation zones**

- (1) The objectives for development in each land use reservation zone are set out in the Table to this section.
- (2) The consent authority must have regard to the objectives for development in any such zone when determining a development application in respect of land within the zone.

#### **Table**

##### **Environment Conservation Zone**

- (a) to protect and restore areas of special ecological, scientific or aesthetic values,
- (b) to conserve biological diversity, native vegetation corridors, aboriginal heritage or cultural values of the land, and its scenic qualities.

##### **Public Recreation—Regional Zone**

- (a) to enhance, restore and protect the natural and cultural heritage values of the land,
- (b) to enable the land to be used for regional open space or recreational purposes that are consistent with the protection of its natural and cultural heritage values.

##### **Public Recreation—Local Zone**

- (a) to enhance, restore and protect the natural and cultural heritage values of the land,
- (b) to enable the land to be used for public open space or recreational purposes that are consistent with the protection of its natural and cultural heritage values.

### **3.16 Zoning of land to which Part applies**

For the purposes of this Part, land is within the land use zones shown on the land zoning map.

### 3.17 Land use table for zones to which Part applies

- (1) The land use table set out at the end of this section specifies the following for each land use zone—
  - (a) development that may be carried out without consent,
  - (b) development that may be carried out only with consent,
  - (c) development that is prohibited.
- (2) This section is subject to the other provisions of this Chapter.
- (3) In the land use table—

**public entertainment** means entertainment to which admission may ordinarily be gained by members of the public on payment of money or other consideration, whether—

- (a) some, but not all, persons are admitted free of charge, or
- (b) the money or other consideration is required as a charge—
  - (i) for a meal or other refreshment before admission is granted, or
  - (ii) for the entertainment after admission is granted.

Land use table

#### Environment Conservation Zone

- (1) **Permitted without consent** Development permitted by or under the [National Parks and Wildlife Act 1974](#) (but only if the land is reserved under that Act); development for the purpose of eradicating noxious weeds in accordance with the [Noxious Weeds Act 1993](#).
- (2) **Permitted with consent** Development for building identification signs, environmental facilities, environmental protection works, flood mitigation works, information and education facilities, kiosks associated with environmental facilities, temporary structures.
- (3) **Prohibited** Any other development.

#### Public Recreation—Regional Zone

- (1) **Permitted without consent** Development permitted by or under the [National Parks and Wildlife Act 1974](#) (but only if the land is reserved under that Act); development for the purpose of eradicating noxious weeds in accordance with the [Noxious Weeds Act 1993](#).

- (2) **Permitted with consent** Development for building identification signs, environmental facilities, environmental protection works, flood mitigation works, information and education facilities, kiosks, public entertainment, recreation areas, recreation facilities (outdoor), temporary structures.
- (3) **Prohibited** Any other development.

**Public Recreation—Local Zone**

- (1) **Permitted without consent** Development permitted by or under the *National Parks and Wildlife Act 1974* (but only if the land is reserved under that Act); development for the purpose of eradicating noxious weeds in accordance with the *Noxious Weeds Act 1993*.
- (2) **Permitted with consent** Development for advertisements, advertising structures, drainage, earthworks, entertainment facilities, environmental protection works, flood mitigation works, kiosks associated with environmental facilities, public entertainment, recreation areas, recreation facilities, telecommunication facilities, telecommunication networks or temporary structures.
- (3) **Prohibited** Any other development.

**3.18 Additional permitted uses**

- (1) Despite anything to the contrary in this Part, development described or referred to in the Table to this section may be carried out on land zoned under this Part—
  - (a) with consent, or
  - (b) if the Table so provides—without consent.
- (2) The consent authority must have regard to the objectives for development in the zone concerned when determining a development application in respect of any such development.

**Table of additional permitted uses**

Property description	Additional use	Type of consent
Rouse Hill Regional Park	Information and education facilities	With development consent

**3.19 Development for previously permitted uses of land**

- (1) Despite anything to the contrary in this Part, the consent authority may grant consent to the carrying out of development on land zoned under this Part that is not otherwise permitted by this Part if—
  - (a) the development is of a kind that could be carried out on the land under an

applicable environmental planning instrument immediately before the commencement of this Chapter, and

(b) the relevant public authority referred to in section 3.20 that may be required to acquire the land grants concurrence to the proposed development, and

(c) the development is consistent with the aims of this Chapter.

(2) In deciding whether to grant concurrence to proposed development under this section, the relevant public authority must take the following matters into consideration—

(a) the need to carry out development on the land for the purposes for which the land is zoned under this Part,

(b) the imminence of acquisition of the land by the public authority,

(c) the likely additional cost to the public authority resulting from the carrying out of the proposed development.

### **3.20 Acquisition of land zoned under this Part**

The authority of the State that will be the relevant authority to acquire any land zoned under this Part, if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991*, is—

(a) in the case of land within the Environment Conservation Zone or the Public Recreation—Regional Zone—the corporation constituted under section 2.5(1) of the Act, or

(b) in the case of land within the Public Recreation—Local Zone—the council of the area in which the land is situated.

## **Part 3.4 Development controls—general**

### **Note—**

Sections 3.21 and 3.22 do not apply to land to which a Precinct Plan applies or to land referred to in section 3.11.

### **3.21 Development applications in growth centres—matters for consideration until finalisation of precinct planning for land**

(1) Until provisions have been specified in a Precinct Plan or in section 3.11 with respect to the development of the land, consent is not to be granted to the carrying out of development on land within a growth centre unless the consent authority has taken into consideration the following—

(a) whether the proposed development will preclude the future urban and employment development land uses identified in the relevant growth centre structure plan,

- (b) whether the extent of the investment in, and the operational and economic life of, the proposed development will result in the effective alienation of the land from those future land uses,
- (c) whether the proposed development will result in further fragmentation of land holdings,
- (d) whether the proposed development is incompatible with desired land uses in any draft environmental planning instrument that proposes to specify provisions in a Precinct Plan or in section 3.11,
- (e) whether the proposed development is consistent with the precinct planning strategies and principles set out in any publicly exhibited document that is relevant to the development,
- (f) whether the proposed development will hinder the orderly and co-ordinated provision of infrastructure that is planned for the growth centre,
- (g) in the case of transitional land—whether (in addition) the proposed development will protect areas of aboriginal heritage, ecological diversity or biological diversity as well as protecting the scenic amenity of the land.

(2) This section does not apply to land zoned under Part 3.3.

### **3.22 Referral to Department after release of precinct**

- (1) This section applies to land within a growth centres precinct that has been released by the Minister under the *Environmental Planning and Assessment Regulation 2021* for urban development, and so applies until provisions have been specified in a Precinct Plan or in section 3.11 with respect to the development of the land.
- (2) The consent authority must, in the case of a development application for the carrying out of development (not being for a single residential dwelling)—
  - (a) with a capital investment value of more than \$500,000, or
  - (b) in respect of land that has an area of more than 2 hectares, or
  - (c) that is a subdivision of land (being a subdivision that creates 2 or more lots),

refer the application to the Planning Secretary for comment.

#### **Note—**

The *Environmental Planning and Assessment Regulation 2000*, section 35 provides that a development application referred to in this subsection cannot be made unless it is accompanied by an assessment of the consistency of the proposed development with the relevant growth centre structure plan.

- (3) The consent authority must take any comments received from the Planning Secretary (within 21 days after the development application was referred to the Planning



Secretary for comment) into consideration when determining whether to grant consent to any such development.

(4) In this section, **capital investment value** of development has the same meaning as in the *Environmental Planning and Assessment Regulation 2021*.

(5), (6) (Repealed)

### 3.23 Water recycling and conservation

**Note—**

This section and sections 3.24 and 3.25 apply to all land to which this State Environmental Planning Policy applies (except as otherwise provided by those sections).

(1) This section applies to land within a growth centre—

(a) that is serviced by a water recycling plant, or

(b) that will be serviced by a water recycling plant as soon as the plant becomes operational.

(2) A consent authority must not grant consent to the carrying out of development on land unless the consent authority is satisfied that recycled water from the water recycling plant will be provided to the development.

(3) However, the consent authority may grant consent if it is satisfied that the development will be provided with recycled water from a water recycling or water conservation system approved by the Minister and specified in the Table to this section.

(4) Despite subsection (1), this section does not apply to land in the Wilton Growth Area.

#### Table of approved systems

**Note—**

On the commencement of this Chapter, the Table was blank.

### 3.24 Public utility undertakings and clearing of native vegetation

(1) Development for public utility undertakings (other than electricity generating works or water recycling facilities) may be carried out without consent on land to which this Chapter applies (subject to subsection (3)).

(2) A public authority, or a person acting on behalf of a public authority, must not carry out development comprising the clearing of native vegetation (within the meaning of the *Native Vegetation Act 2003*) on land that is not **subject land** (within the meaning of clause 17 of Schedule 7 to the *Threatened Species Conservation Act 1995*) unless

the authority or person has—

- (a) given written notice of the intention to carry out the development to the Department of Planning and Infrastructure, and
- (b) taken into consideration any response to the notice that is received from that Department within 21 days after the notice is given.

### **3.25 Electricity generating works and water recycling facilities**

- (1) The consent authority must not grant consent to development for the purpose of electricity generating works or water recycling facilities unless it is satisfied that the development—
  - (a) will be of a small scale, and
  - (b) is likely to have only a minor environmental impact, and
  - (c) is consistent with the principles of ecologically sustainable development.

## **Part 3.5 Development controls—flood prone and major creeks land**

### **3.26 Development on flood prone and major creeks land—additional heads of consideration**

- (1) This section applies to development requiring consent that is carried out on flood prone and major creeks land.
- (2) Consent is not to be granted to the carrying out of development to which this section applies unless the consent authority has taken the following into consideration—
  - (a) whether or not the development will adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties,
  - (b) whether or not the development will alter flow distributions and velocities to the detriment of other properties or the environment of the floodplain,
  - (c) whether the development will enable safe occupation of the flood prone and major creeks land,
  - (d) whether or not the development will detrimentally affect the floodplain environment or cause avoidable erosion, siltation, salinity, destruction of riparian vegetation or a reduction in the stability of the riverbank/watercourse,
  - (e) whether or not the development will be likely to result in unsustainable social and economic costs to the flood affected community or general community, as a consequence of flooding,

- (f) whether or not the development is compatible with the flow conveyance function of the floodway,
- (g) whether or not the development is compatible with the flood hazard,
- (h) in the case of development consisting of the excavation or filling of land, whether or not the development—
  - (i) will detrimentally affect the existing drainage patterns and soil stability in the locality, and
  - (ii) will significantly impact on the likely future use or redevelopment of the land, and
  - (iii) will adversely impact on the existing and likely amenity of adjoining properties, and
  - (iv) will minimise the disturbance of relics, and
  - (v) will adversely impact on any watercourse, drinking water catchment or environmentally sensitive area.

**Note—**

Section 4.15 of the Act requires other matters to be taken into consideration by a consent authority, including any draft environmental planning instrument that is placed on public exhibition during the precinct planning process for the purpose of including relevant land use and other development controls in an Appendix made under this Chapter.

**3.27 (Repealed)**

**Part 3.6 Development controls—vegetation**

**3.28 Land to which Part applies**

- (1) This Part applies to the following land—
  - (a) land zoned under Part 3.3,
  - (b) flood prone and major creeks land,
  - (c) transitional land,
  - (d) land that is—
    - (i) under *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, Chapter 7, in an environmental conservation area shown on the *State Environmental Planning Policy (Western Sydney Parklands) 2009 Environmental Conservation Areas Map*, and
    - (ii) in a growth centre.

- (2) This Part does not apply to land reserved under the *National Parks and Wildlife Act 1974*, unless the land is land mentioned in subsection (1)(d).
- (3) In relation to land in the Oran Park and Turner Road Precincts, this Part applies to land within the Riparian Protection Area shown on the *Riparian Protection Area Map*.
- (4) Despite subsection (1), this Part does not apply to land to which Appendices 4–8 apply.

### 3.29 Vegetation to which Part applies

- (1) This Part applies to native vegetation within the meaning of the *Native Vegetation Act 2003*.
- (2) This Part does not apply to any particular native vegetation that the council of the area concerned is satisfied—
  - (a) is dying or dead and is not required as the habitat of native fauna, or
  - (b) is a risk to human life or property.
- (3) This Part does not apply to any native vegetation—
  - (a) within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
  - (b) declared to be noxious weeds under the *Noxious Weeds Act 1993*.

### 3.30 Consent for clearing native vegetation

- (1) A person must not clear native vegetation on land to which this Part applies without—
  - (a) approval under Part 3A of the Act, or
  - (b) development consent.

For the purposes of this section, **clearing native vegetation** has the same meaning as it has in the *Native Vegetation Act 2003*.

#### Note—

A consent of the relevant consent authority required under this section for the clearing of native vegetation is in addition to any development consent required or granted by the Minister for Natural Resources under the *Native Vegetation Act 2003* in respect of that clearing.

- (2) Development consent under this section is not to be granted unless the consent authority is satisfied of the following in relation to the disturbance of bushland caused by the clearing of the vegetation—
  - (a) that there is no reasonable alternative available to the disturbance of the bushland,

- (b) that as little bushland as possible will be disturbed,
  - (c) that the disturbance of the bushland will not increase salinity,
  - (d) that bushland disturbed for the purposes of construction will be re-instated where possible on completion of construction,
  - (e) that the loss of remnant bushland caused by the disturbance will be compensated by revegetation on or near the land to avoid any net loss of remnant bushland,
  - (f) that no more than 0.5 hectare of bushland will be cleared unless the clearing is essential for a previously permitted use of the land.
- (3) The consent authority must, when determining a development application in respect of the clearing of native vegetation on land within a zone under Part 3, have regard to the objectives for development in that zone.
- (4) This section does not apply to or in respect of action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993*, the *Sydney Water Act 1994* or the *Surveying Act 2002*.

### **3.31 Relationship to tree preservation under other planning instruments**

This Part does not affect any requirement of another environmental planning instrument applying to the land concerned relating to the preservation of trees. However, a development consent granted under this Part that allows any clearing of native vegetation satisfies any requirement under that other instrument for approval of any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree resulting from any such clearing.

## **Chapter 4 Western Sydney Aerotropolis**

### **Part 4.1 Preliminary**

#### **4.1 Aims of Chapter**

The aims of this Chapter are as follows—

- (a) to facilitate development in the Western Sydney Aerotropolis in accordance with the objectives and principles of the Western Sydney Aerotropolis Plan,
- (b) to promote sustainable, orderly and transformational development in the Western Sydney Aerotropolis,
- (c) to ensure development is compatible with the long-term growth and development of the Western Sydney Airport (including in relation to the operation of the Airport 24 hours a day) and other critical transport infrastructure,

- (d) to promote employment and world-class innovation and provide for residential development in suitable locations,
- (e) to recognise the physical and cultural connection of the local Aboriginal community to the land and to incorporate local Aboriginal knowledge, culture and tradition into development,
- (f) to preserve land for future infrastructure development,
- (g) to protect, maintain and enhance, and to minimise the impact of development on, trees and vegetation, soil quality and the health of waterways and to contribute to the conservation of biodiversity,
- (h) to recognise and protect the ecological and cultural value of Wianamatta–South Creek.

## 4.2 Definitions

- (1) The Dictionary defines words used in this Chapter.

### Note—

The *Environment Planning and Assessment Act 1979* and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Chapter.

- (2) Words used in this Chapter have the same meanings as in the standard local environmental planning instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006* unless otherwise defined in this Chapter.

## 4.3 Land to which Chapter applies

- (1) This Chapter applies to land shown on the [Land Application Map](#).
- (2) Section 4.40 and Part 4.7, Division 4 also apply to the Western Sydney Aerotropolis.
- (3) Section 4.13, Part 4.3 and section 4.27 also apply to land that surrounds—
  - (a) land shown on the [Land Application Map](#), and
  - (b) the Western Sydney Aerotropolis.

### Note 1—

The Western Sydney Aerotropolis comprises 9 precincts—Aerotropolis Core, Northern Gateway, Wianamatta–South Creek, Badgerys Creek, Agribusiness, Dwyer Road, Kemps Creek, North Luddenham and Rossmore. On the commencement of this Chapter, the [Land Application Map](#) will include Aerotropolis Core, Northern Gateway, Wianamatta–South Creek, Badgerys Creek and Agribusiness precincts only.

### Note 2—

Part 4.3 contains development controls that relate to Airport safeguards and section 4.27 relates to transport corridors. The provisions apply to surrounding land that—

- (a) is shown on maps referred to in the provisions, and
- (b) extends to up to 30 kilometres from the Airport.

#### **4.4 Relationship with other environmental planning instruments generally**

- (1) In the event of an inconsistency between this Chapter and another environmental planning instrument, whether made before or after the commencement of this Chapter, this Chapter prevails to the extent of the inconsistency.
- (2) A local environmental plan does not apply to land shown on the [Land Application Map](#).

#### **4.5 Application of [State Environmental Planning Policy \(Infrastructure\) 2007](#)**

- (1) The Infrastructure SEPP applies to land shown on the [Land Application Map](#), subject to the modifications set out in this section.
- (2) Part 3, Division 4 of the Infrastructure SEPP does not apply to land in the 3 kilometre zone on the [Wind Turbines Map](#) under section 4.20 of this Chapter.
- (3) Development specified in clause 65(3)(a)(iv) of the Infrastructure SEPP may be carried out by or on behalf of a council under that clause only if the lighting will not adversely affect the safe operation of the Airport.
- (4) Part 3, Division 18A of the Infrastructure SEPP does not apply to land shown on the [Land Application Map](#).
- (5) Development specified in clause 116A of the Infrastructure SEPP is complying development only if it is carried out by or on behalf of a public authority or carrier.
- (6) In this section—

***Infrastructure SEPP*** means [State Environmental Planning Policy \(Infrastructure\) 2007](#).

#### **4.6 Application of [State Environmental Planning Policy \(Sydney Region Growth Centres\) 2006](#)**

- (1) Land in the South West Growth Centre under the Growth Centres SEPP does not cease to be in the Growth Centre merely because it is shown on the [Land Application Map](#) under this Chapter.
- (2) However, clauses 16 and 17 of the Growth Centres SEPP do not apply to land in the South West Growth Centre.
- (3) Part 3 of the Growth Centres SEPP applies to the land shown as “Public Recreation—Regional” on the [Key Sites Map](#) as if the land was not in the Environment and Recreation Zone under the [Land Zoning Map](#) in this Chapter.
- (4) In this section—

**Growth Centres SEPP** means the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

#### **4.7 Application of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007**

Development for the purposes of extractive industries is prohibited on land shown on the [Land Application Map](#) other than in the Enterprise Zone, despite clause 7 of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*.

#### **4.8 Maps**

- (1) A reference in this Chapter to a named map adopted by this Chapter 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 persons making the instruments when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map.
- (3) In that case, a reference in this Chapter to the named map is a reference to the relevant part or aspect of the single map.
- (4) The maps adopted by this Chapter are to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (5) For the purposes of this Chapter, a map may be in, and may be kept and made available in, electronic or paper form, or both.

#### **4.9 Amendment and replacement of existing maps**

The maps adopted by the following are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Chapter—

- (a) *Liverpool Local Environmental Plan 2008*,
- (b) *Penrith Local Environmental Plan 2010*,
- (c) *State Environmental Planning Policy (Western Sydney Employment Area) 2009*.

### **Part 4.2 Permitted or prohibited development**

#### **4.10 Land use zones**

The land use zones under this Chapter are as follows—



Enterprise

Agribusiness

Mixed Use

SP2 Infrastructure

Environment and Recreation

#### **4.11 Zoning of land to which Chapter applies**

For the purposes of this Chapter, land is within the zones shown on the [Land Zoning Map](#).

#### **4.12 Zone objectives and Land Use Table**

- (1) The Land Use Table at the end of this Part specifies for each zone—
  - (a) the objectives for development, and
  - (b) development that may be carried out without development consent, and
  - (c) development that may be carried out only with development consent, and
  - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.
- (3) In the Land Use Table at the end of this Part—
  - (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 this Chapter) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.
- (4) This section is subject to the other provisions of this Chapter.

#### **4.13 Additional permitted uses for particular land**

- (1) Development on particular land that is described or referred to in Schedule 1 may be carried out, in accordance with the conditions (if any) specified in that Schedule in relation to the development—
  - (a) with development consent, or
  - (b) if the Schedule so provides—without development consent.
- (2) This section has effect despite anything to the contrary in the Land Use Table or other

provision of this Chapter.

#### **4.13A Previously permitted development**

- (1) This section applies to development that—
  - (a) is of a kind prohibited under the Land Use Table on particular land, and
  - (b) immediately before 1 October 2020, was of a kind permitted with or without development consent, other than a complying development certificate, on the land.
- (2) The development is permitted with development consent on the land unless the land is in SP2 Infrastructure Zone.
- (3) In deciding whether to grant development consent, the consent authority must consider whether the development—
  - (a) will result in further fragmentation of land holdings, and
  - (b) will intensify a use of the land that is prohibited under the Land Use Table on the land, and
  - (c) is compatible with existing and permitted development on surrounding land.
- (4) This section applies subject to provisions of this Chapter other than the Land Use Table.

#### **4.14 Subdivision**

- (1) Land to which this Chapter applies may be subdivided, but only with development consent.
- (2) Development consent must not be granted for the subdivision of land shown on the [Luddenham Village Minimum Lot Size Map](#) unless the resulting lots are not less than the minimum size shown on that Map in relation to the land.

#### **4.15 Demolition requires development consent**

The demolition of a building or work may be carried out only with development consent.

#### **4.16 Temporary use of land**

- (1) The objective of this section is to provide for the temporary use of land if the use does not compromise future development of the land or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Chapter, development consent may be granted to development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.

- (3) Development consent must not be granted unless the consent authority is satisfied that—
- (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Chapter and any other applicable environmental planning instrument, and
  - (b) the temporary use will not adversely impact on the operation of the Airport or critical transport infrastructure, and
  - (c) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
  - (d) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
  - (e) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subsection (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subsection.
- (5) Subsection (3)(d) does not apply to the temporary use of a dwelling as a sales office mentioned in subsection (4).

## **Land Use Table**

### **Enterprise Zone**

#### **1 Objectives of zone**

- To encourage employment and businesses related to professional services, high technology, aviation, logistics, food production and processing, health, education and creative industries.
- To provide a range of employment uses (including aerospace and defence industries) that are compatible with future technology and work arrangements.
- To encourage development that promotes the efficient use of resources, through waste minimisation, recycling and re-use.
- To ensure an appropriate transition from non-urban land uses and environmental conservation areas in surrounding areas to employment uses in the zone.
- To prevent development that is not compatible with or that may detract from the future commercial uses of the land.

- To provide facilities and services to meet the needs of businesses and workers.

## **2 Permitted without consent**

Nil

## **3 Permitted with consent**

Any development not specified in item 2 or 4

## **4 Prohibited**

Air transport facilities; Airstrips; Camping grounds; Caravan parks; Crematoria; Exhibition homes; Exhibition villages; Forestry; Heavy industrial storage establishments; Heavy industries; Helipads; Intensive livestock agriculture; Mortuaries; Open cut mining; Residential accommodation; Rural industries; Turf farming

## **Agribusiness Zone**

### **1 Objectives of zone**

- To encourage diversity in agribusiness, including related supply chain industries and food production and processing that are appropriate for the area.
- To encourage sustainable and high technology agribusiness, including agricultural produce industries.
- To enable sustainable agritourism.
- To encourage development that is consistent with the character of Luddenham village.
- To maintain the rural landscape character and biodiversity of the area.

### **2 Permitted without consent**

Home occupations

### **3 Permitted with consent**

Rural workers' dwellings; Any other development not specified in item 2 or 4

### **4 Prohibited**

Airstrips; Amusement centres; Boat building and repair facilities; Caravan parks; Centre-based child care facilities; Crematoria; Depots; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Heavy industrial storage establishments; Heavy industries; Helipads; Hotel or motel accommodation; Intensive livestock agriculture; Jetties; Mooring pens; Moorings; Mortuaries; Open cut mining; Port facilities; Recreation facilities (major); Registered clubs; Residential accommodation; Restricted premises; Sawmill or log processing works; Serviced apartments; Sex services premises; Specialised retail

premises; Stock and sale yards; Storage premises; Turf farming; Vehicle sales or hire premises; Waste or resource management facilities; Water recreation structures; Wharf or boating facilities

## **Mixed Use Zone**

### **1 Objectives of zone**

- To integrate a mixture of compatible land uses in accessible locations.
- To promote business, office, retail, entertainment and tourist uses.
- To promote a high standard of public amenity and convenient urban living.
- To provide for residential and other accommodation that includes active non-residential uses at street level.
- To ensure an appropriate transition from non-urban land uses and environmental conservation areas in surrounding areas to urban land uses in the zone.

### **2 Permitted without consent**

Home-based child care; Home businesses; Home occupations

### **3 Permitted with consent**

Any development not specified in item 2 or 4

### **4 Prohibited**

Air transport facilities; Airstrips; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Dual occupancies; Dwelling houses; Exhibition homes; Exhibition villages; Extractive industries; Forestry; General industries; Heavy industrial storage establishments; Heavy industries; Helipads; Highway service centres; Intensive livestock agriculture; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Port facilities; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Semi-detached dwellings; Sewage treatment plants; Timber yards; Transport depots; Truck depots; Turf farming; Warehouse or distribution centres; Waste or resource management facilities; Water treatment facilities; Wharf or boating facilities

## **SP2 Infrastructure Zone**

### **1 Objectives of zone**

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended use and that minimises adverse impacts on surrounding land.

## **2 Permitted without consent**

Nil

## **3 Permitted with consent**

Roads; The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose

## **4 Prohibited**

Any development not specified in item 2 or 3

## **Environment and Recreation Zone**

### **1 Objectives of zone**

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To protect the ecological, scenic and recreation values of waterways, including Wianamatta-South Creek and its tributaries.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and conserve the environment, including threatened and other species of native fauna and flora and their habitats, areas of high biodiversity significance and ecological communities.

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Any development not specified in item 2 or 4

### **4 Prohibited**

Air transport facilities; Airstrips; Amusement centres; Backpackers' accommodation; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Centre-based child care facilities; Charter and tourism boating facilities; Correctional centres; Depots; Educational establishments; Electricity generating works; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Hardware and building supplies; Heavy industrial storage establishments; Helipads; Highway service centres; Hospitals; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Industries; Intensive

livestock agriculture; Jetties; Medical centres; Mooring pens; Moorings; Mortuaries; Office premises; Open cut mining; Port facilities; Public administration buildings; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Service stations; Serviced apartments; Sex services premises; Specialised retail premises; Storage premises; Timber yards; Transport depots; Truck depots; Turf farming; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water treatment facilities; Wholesale supplies

## **Part 4.3 Development controls—Airport safeguards**

### **4.17 Aircraft noise**

- (1) The objectives of this section are—
  - (a) to prevent certain noise sensitive development on land near the Airport, and
  - (b) to minimise the impact of aircraft noise for other noise sensitive development, and
  - (c) to ensure that land use and development near the Airport do not hinder or have other adverse impacts on the ongoing, safe and efficient 24 hours a day operation of the Airport.
- (2) Development consent must not be granted to noise sensitive development if the development is to be located on land that is in an ANEF or ANEC contour of 20 or greater.
- (3) Subsection (2) applies despite the following—
  - (a) Part 2, Divisions 7 and 8 of *State Environmental Planning Policy (Affordable Rental Housing) 2009*,
  - (b) Chapter 3 of *State Environmental Planning Policy (Housing for Seniors or People with Disability) 2004*,
  - (c) *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*.
- (4) Despite subsection (2), development consent may be granted to development for the purposes of dwelling houses on land that is in an ANEF or ANEC contour of 20 or greater if—
  - (a) immediately before the commencement of this Chapter—
    - (i) there were no dwellings on the land, and
    - (ii) development for the purposes of dwelling houses was permitted on the land, and

(b) the consent authority is satisfied that the development will meet the indoor design sound levels.

(4A) Subsection (2) does not apply to development for the purposes of subdivision of land in an ANEF or ANEC contour of 20 or greater if the development application was made before 1 October 2020.

(5) In this section—

**ANEC contour** means a contour on the [Noise Exposure Contour Map](#).

**ANEF contour** means a noise exposure contour shown as an ANEF contour on the [Noise Exposure Forecast Contour Map](#) for the Airport endorsed by Airservices Australia.

**indoor design sound levels** means the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2015, *Acoustics—Aircraft noise intrusion—Building siting and construction*.

**noise sensitive development** means development for the following purposes—

- (a) centre-based child care facilities,
- (b) educational establishments,
- (c) exhibition homes,
- (d) exhibition villages,
- (e) funeral homes,
- (f) hospitals,
- (g) information and education facilities,
- (h) places of public worship,
- (i) residential accommodation,
- (j) respite day care centres,
- (k) school-based child care (other than in an existing school).

#### **4.18 Building wind shear and turbulence**

(1) The objective of this section is to safeguard Airport operations from wind shear and turbulence generated by buildings.

(2) This section applies to development—

- (a) on land shown as the “Windshear Assessment Trigger Area” on the [Lighting](#)



[Intensity and Wind Shear Map](#), and

(b) that penetrates the 1:35 surface.

- (2A) Development consent must not be granted to the development unless the consent authority has consulted the relevant Commonwealth body.
- (3) For the purposes of this section, development penetrates the 1:35 surface if the distance from the runway centreline to the closest point of the building is less than or equal to 35 times the height above runway level of the building.

**Example—**

A building with a height of 10 metres does not penetrate the 1:35 surface if the building is located more than 350 metres from the runway centreline.

**4.19 Wildlife hazards**

- (1) The objective of this section is to regulate development on land surrounding the Airport where wildlife may present a risk to the operation of the Airport.
- (2) Development consent must not be granted to relevant development on land in the 13 km wildlife buffer zone unless the consent authority—
- (a) has consulted the relevant Commonwealth body, and
  - (b) has considered a written assessment of the wildlife that is likely to be present on the land and the risk of the wildlife to the operation of the Airport provided by the applicant, which includes—
    - (i) species, size, quantity, flock behaviour and the particular times of day or year when the wildlife is likely to be present, and
    - (ii) whether any of the wildlife is a threatened species, and
    - (iii) a description of how the assessment was carried out, and
  - (c) is satisfied that the development will mitigate the risk of wildlife to the operation of the Airport, including, for example, measures relating to—
    - (i) waste management, landscaping, grass, fencing, stormwater or water areas, or
    - (ii) the dispersal of wildlife from the land by the removal of food or the use of spikes, wire or nets.
- (3) Despite subsection (2), development for the following purposes is prohibited on land in the 3 km wildlife buffer zone—
- (a) livestock processing industries,
  - (b) turf farming,

- (c) waste or resource management facilities that consist of outdoor processing, storage or handling of organic or putrescible waste.

(4) In this section—

**3 km wildlife buffer zone** means the land shown as the “3 kilometre wildlife buffer zone” on the [Wildlife Buffer Zone Map](#).

**13 km wildlife buffer zone** means the land shown as the “13 kilometre wildlife buffer zone” on the [Wildlife Buffer Zone Map](#) and includes the 3 km wildlife buffer zone.

**relevant development** means development for the following purposes—

- (a) agricultural produce industries,
- (b) aquaculture,
- (c) camping grounds,
- (c1) cemeteries,
- (d) eco-tourist facilities,
- (e) garden centres,
- (f) intensive livestock agriculture,
- (g) intensive plant agriculture,
- (h) livestock processing industries,
- (i) plant nurseries,
- (j) recreation facilities (major),
- (k) recreation facilities (outdoor),
- (l) sewage treatment plants,
- (m) waste or resource management facilities that consist of outdoor processing, storage or handling of organic or putrescible waste,
- (n) water storage facilities.

**Note—**

The 3 km and 13 km wildlife buffer zones are not buffer areas for the purposes of [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#), clause 1.19.

#### 4.20 Wind turbines

- (1) The objective of this section is to regulate the construction of wind turbines and wind monitoring towers on land within 30 kilometres of the Airport.
- (2) Development for the following purposes is prohibited on land in the 3 km zone—
  - (a) electricity generating works comprising a wind turbine,
  - (b) wind monitoring towers that are not ancillary or incidental to the Airport.
- (3) Development consent must not be granted to development for the purposes of a large wind monitoring tower in the 3–30 km zone unless the consent authority has consulted the relevant Commonwealth body.
- (4) Development consent must not be granted to development for the purposes of a electricity generating works comprising a wind turbine on land in the 3–30 km zone unless the consent authority—
  - (a) has consulted the relevant Commonwealth body, and
  - (b) has considered a written assessment of the risk of the development to the safe operation of the Airport provided by the applicant, and
  - (c) is satisfied that the development will adequately mitigate the risk to the safe operation of the Airport.
- (5) In this section—

**3 km zone** means the land shown as the “3 kilometre zone” on the [Wind Turbines Map](#).

**3–30 km zone** means the land shown as the “3–30 kilometre zone” on the [Wind Turbines Map](#).

**large wind monitoring tower** means a wind monitoring tower that measures at least 150 metres from ground level (existing) to the topmost point of the wind monitoring tower.

**Note—**

The 3 km and 3–30 km zones are not buffer areas for the purposes of [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#), clause 1.19.

#### 4.21 Lighting

- (1) The objective of this section is to safeguard Airport operations from the risk of lighting and reflectivity distractions for pilots.
- (2) Development consent must not be granted to development for the following purposes

on land shown as the “6km Lighting Intensity Radius”, a “Light Control Zone” or a “Runway Boundary” on the [Lighting Intensity and Wind Shear Map](#) unless the consent authority has consulted the relevant Commonwealth body—

- (a) installation and operation of external lighting (whether coloured or white lighting) in connection with development for the following purposes—
  - (i) classified roads,
  - (ii) freight transport facilities,
  - (iii) heavy industrial storage establishments,
  - (iv) recreation facilities (major),
  - (v) recreation facilities (outdoor),
- (b) installation and operation of external lighting in connection with construction works that is likely to be obtrusive or create light spill outside the land on which the construction works are carried out.

#### **4.22 Airspace operations**

- (1) The objectives of this section are—
  - (a) to provide for the effective and ongoing operation of the Airport by ensuring that its operation is not compromised by development that penetrates the prescribed airspace for the Airport, and
  - (b) the relevant Commonwealth body does not object to the development.
- (2) This section applies to development on land shown on the [Obstacle Limitation Surface Map](#) that is a controlled activity within the meaning of Part 12, Division 4 of the [Airports Act 1996](#) of the Commonwealth.

**Note—**

Controlled activities include the construction or alteration of buildings or other structures that penetrate the prescribed airspace. Controlled activities cannot be carried out without an approval under Part 12, Division 4 of the [Airports Act 1996](#) of the Commonwealth.

- (3) Development consent must not be granted to development to which this section applies unless—
  - (a) the consent authority has consulted the relevant Commonwealth body, and
  - (b) the relevant Commonwealth body advises the consent authority that—
    - (i) the development will penetrate the prescribed airspace but it does not object to the development, or
    - (ii) the development will not penetrate the prescribed airspace.

(4) (Repealed)

#### **4.23 Public safety**

(1) The objective of this section is to regulate development on land on which there is an appreciable risk to public safety from the operation of the Airport.

(2) Development for the following purposes is prohibited on land shown as the “public safety area” on the [Public Safety Area Map](#)—

Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Commercial premises; Community facilities; Correctional centres; Crematoria; Eco-tourist facilities; Education establishments; Entertainment facilities; Function centres; Funeral homes; Health services facilities; Heavy industrial storage establishments; Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Service stations; Tourist and visitor accommodation

(3) Development consent must not be granted to development for a purpose not specified in subsection (2) on land shown as the “public safety area” on the [Public Safety Area Map](#) unless the consent authority—

(a) has considered a written assessment of the risk of the development to persons provided by the applicant, which includes—

(i) the risk to persons on the land in the event of an emergency or other incident at or around the Airport, including an incident involving an aircraft landing or taking off from the Airport, and

(ii) the likely number of people who will use or otherwise be present on the land, and

(iii) the compatibility of the development with the risk, including in relation to the number of people who will use or otherwise be present on the land, and

(b) is satisfied that the development will adequately mitigate the risk to persons on the land, including by limiting the number of people or vehicles.

#### **4.23A Operation of certain air transport facilities**

(1) The objective of this section is to regulate development that may impact the operation of certain air transport facilities.

(2) Development consent must not be granted to development on land shown as the “Building Restricted Area” on the [Building Restricted Area Map](#) unless the consent authority—

- (a) has consulted the relevant Commonwealth body, and
- (b) is satisfied that the development will not adversely impact the operation of communication and air traffic control facilities or structures associated with the Airport's air transport facilities.

## **Part 4.4 Development controls—general**

### **4.24 Flood planning**

- (1) The objectives of this section are—
  - (a) to minimise the flood risk to life and property associated with the use of land, and
  - (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, and
  - (c) to avoid significant adverse impacts on flood behaviour and the environment.
- (2) This section applies to—
  - (a) land shown as the “flood planning area” on the [Flood Planning Map](#), and
  - (b) other land that is at or below the flood planning level.
- (3) Development consent must not be granted to development on land to which this section applies unless the development—
  - (a) is compatible with the flood hazard of the land, taking into account projected changes as a result of climate change, 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) will enable safe occupation of and evacuation from flood prone land, and
  - (e) 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
  - (f) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding, and
  - (g) is consistent with any relevant floodplain risk management plan adopted by the council for the land in accordance with the Floodplain Development Manual.
- (4) Development consent may be granted to development on land below the flood

planning level only if the development—

(a) does not involve earthworks that will affect flood storage capacity or flood behaviour, and

(b) is not located on a floodway area or flood storage area.

(4A) Subsection (4) does not apply to development carried out by or on behalf of a public authority.

(5) Words and expressions used in this section have the same meaning as in the Floodplain Development Manual.

(6) In this section—

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

**Floodplain Development Manual** means the NSW Government's *Floodplain Development Manual* published in 2005.

#### **4.25 Preservation of trees and vegetation in Environment and Recreation Zone and Cumberland Plain**

(1) The objectives of this section are—

(a) to preserve the amenity of the Western Sydney Aerotropolis through the preservation of trees and vegetation, and

(b) to promote the conservation of, and minimise the impact of development on, native vegetation.

(2) This section applies to land—

(a) in the Environment and Recreation Zone, or

(b) shown as “existing native vegetation” on the [High Biodiversity Value Areas Map](#).

(3) A person must not clear native vegetation on land to which this section applies without development consent.

(4) Development consent under subsection (3) must not be granted unless the consent authority is satisfied that, in relation to the disturbance of native vegetation caused by the clearing—

(a) there is no reasonable alternative available to the disturbance of the native vegetation, and

(b) any impact of the proposed clearing on biodiversity values is avoided or minimised, and

- (c) the disturbance of the native vegetation will not increase salinity, and
  - (d) native vegetation inadvertently disturbed for the purposes of construction will be re-instated where possible on completion of construction, and
  - (e) the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid a net loss of remnant native vegetation, and
  - (f) the clearing of the vegetation is unlikely to cause or increase soil erosion, salination, land slip, flooding, pollution or other adverse land or water impacts.
- (5) Development for the following purposes is prohibited on land shown as “high biodiversity value” on the [High Biodiversity Value Areas Map](#)—
- (a) information and education facilities,
  - (b) kiosks,
  - (c) recreation areas other than a public park, reserve or garden,
  - (d) recreation facilities (outdoor).
- (6) *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* does not apply to land to which this section applies.
- (7) This section does not authorise the clearing of existing native vegetation within the meaning of the relevant biodiversity measures under Part 7 of Schedule 7 to the repealed *Threatened Species Conservation Act 1995*.

**Note—**

Clause 43 of the *Biodiversity Conservation (Savings and Transitional) Regulation 2017* provides that the repeal of the *Threatened Species Conservation Act 1995* does not affect the operation of Part 7 or 8 of Schedule 7 to that Act. Land to which this section applies is affected by the biodiversity certification provisions of that Act and provisions of *State Environmental Planning Policy (Sydney Region Growth Centres) Policy 2006*.

#### **4.25A Clearing of native vegetation**

- (1) This section applies to land shown as “existing native vegetation” on the [High Biodiversity Value Areas Map](#).
- (2) Development consent must not be granted to development on the land unless the consent authority is satisfied that the development will not result in clearing of native vegetation.
- (3) Development for public utility undertakings, other than electricity generating works and water recycling facilities, may be carried out without development consent on the land.



- (4) A public authority, or a person acting on behalf of a public authority, must not carry out development comprising the clearing of native vegetation on the land unless the authority or person—
- (a) has given written notice to the Planning Secretary, and
  - (b) considered submissions received from the Planning Secretary within 21 days after the notice is given.

#### 4.26 Heritage conservation

**Note—**

Heritage items (if any) are listed and described in Schedule 2. Heritage conservation areas (if any) are shown on the [Heritage Map](#) as well as being described in Schedule 2.

- (1) The objectives of this section are—
- (a) to conserve the environmental heritage of the land to which this Chapter applies, and
  - (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, and
  - (c) to conserve archaeological sites, and
  - (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.
- (2) **Requirement for consent** Development consent is required for the following—
- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—
    - (i) a heritage item,
    - (ii) an Aboriginal object,
    - (iii) a building, work, relic or tree within a heritage conservation area,
  - (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 2 in relation to the item,
  - (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
  - (d) disturbing or excavating an Aboriginal place of heritage significance,
  - (e) erecting a building on land—

- (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land—
  - (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.
- (3) **When consent not required** However, development consent under this section 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, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
    - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, 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, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
  - (c) the development is limited to the removal of a tree or other vegetation that the relevant council is satisfied is a risk to human life or property, or
  - (d) the development is exempt development.
- (4) **Effect of proposed development on heritage significance** The consent authority must, before granting consent under this section in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.

- (5) Subsection (4) applies regardless of whether a heritage management document is prepared under subsection (6) or a heritage conservation management plan is submitted under subsection (7).
- (6) **Heritage assessment** The consent authority may, before granting consent to development—
- (a) on land on which a heritage item is located, or
  - (b) on land that is within a heritage conservation area, or
  - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
- require a heritage management document 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 or heritage conservation area concerned.
- (7) **Heritage conservation management plans** The consent authority may require, after considering the heritage 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 section.
- (8) **Archaeological sites** The consent authority must, before granting consent under this section to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the [Heritage Act 1977](#) applies)—
- (a) notify the Heritage Council of its intention to grant consent, and
  - (b) take into consideration a response received from the Heritage Council within 28 days after the notice is sent.
- (9) **Aboriginal places of heritage significance** The consent authority must, before granting consent under this section to the carrying out of development in an Aboriginal place of heritage significance—
- (a) consider the effect of the proposed development on the heritage significance of the place and an Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
  - (b) notify the local Aboriginal communities, in writing or other appropriate manner, about the application and take into consideration a response received within 28 days after the notice is sent.
- (10) **Demolition of nominated State heritage items** The consent authority must, before granting consent under this section for the demolition of a nominated State heritage item—

- (a) notify the Heritage Council about the application, and
- (b) take into consideration a response received from the Heritage Council within 28 days after the notice is sent.

(11) **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, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Chapter, if the consent authority is satisfied that—

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage management document 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 management document is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the proposed development would not have a significant adverse effect on the amenity of the surrounding area.

#### **4.27 Transport corridors**

- (1) Development consent must not be granted to the following development unless the consent authority has obtained the concurrence of Transport for NSW—
  - (a) development on transport corridor land with a capital investment value of more than \$200,000,
  - (b) development that involves the penetration of ground to a depth of at least 2 metres below ground level (existing) on land within 25 metres (measured horizontally) of transport corridor land.
- (2) In deciding whether to grant concurrence, Transport for NSW must take into account the following—
  - (a) the appropriateness of the development in relation to planned infrastructure on transport corridor land, including the service capability of planned infrastructure and the provision of sustainable transport options,
  - (b) the timing of the carrying out of the proposed development and the timing for

constructing infrastructure on transport corridor land,

(c) the effect of the development on planned infrastructure, including the additional costs of constructing infrastructure on transport corridor land if the development is carried out.

(3) Development consent must not be granted to development with a capital investment value of more than \$200,000 on land in the 400 metre zone unless the consent authority has consulted Sydney Metro about the following—

(a) the appropriateness of the development in relation to planned train stations, including the service capability of planned train stations and the provision of sustainable transport options,

(b) the timing of the carrying out of the proposed development and the timing for constructing train stations,

(c) the effect of the development on planned train stations.

(4) In this section—

**400 metre zone** means the land within 400 metres of a train station as shown on the [Transport Corridors Map](#).

**transport corridor land** means land shown as “transport corridor land” on the [Transport Corridors Map](#).

#### 4.28 Warragamba Pipelines

Development consent must not be granted to development on land shown as “Warragamba Pipeline” on the [Warragamba Pipelines Map](#) unless the consent authority—

(a) has obtained the concurrence of Water NSW, and

(b) is satisfied that the development will not adversely affect—

(i) the quantity or quality of water in the Warragamba Pipelines controlled area (declared under the [Water NSW Act 2014](#)), or

(ii) the operation and security of water supply pipelines from Warragamba Dam to Prospect Reservoir and associated infrastructure.

**Note—**

Water NSW has issued guidelines entitled *Guidelines for Development Adjacent to the Upper Canal and Warragamba Pipelines*, published in February 2020, that are relevant to development in the area to which this section applies.

#### 4.28A Sydney Science Park

(1) This section applies to land identified as “Sydney Science Park” on the [Sydney](#)

### Science Park Map.

- (2) Development consent must not be granted to development for the purposes of residential accommodation on the land if the development will result in—
- (a) the total number of dwellings on the land being more than a number specified in Column 1 of the following table, and
  - (b) the gross floor area of all buildings on the land used for purposes other than exhibition homes, exhibition villages and residential accommodation being less than the area specified opposite that number in Column 2.

Column 1	Column 2
0	10,000m <sup>2</sup>
750	35,000m <sup>2</sup>
1,500	75,000m <sup>2</sup>
2,250	150,000m <sup>2</sup>

- (3) Development consent must not be granted to development on the land if the development will result in more than 3,400 dwellings on the land.
- (4) Development consent must not be granted to development on the land if the development will result in the gross floor area of all buildings on the land used for the purposes of retail premises being more than 30,000m<sup>2</sup>.

#### **4.28B Aboriginal cultural guidelines**

Development consent must not be granted to development on land to which this Policy applies unless the consent authority has considered *Recognise Country: Draft Guidelines for development in the Aerotropolis* published in October 2021 on the Department's website.

## **Part 4.5 Design excellence**

### **4.29 Objectives**

The objectives of this Part are—

- (a) to ensure development in the Western Sydney Aerotropolis is consistent with the policy entitled *Better Placed*, published by the Government Architect NSW in May 2017, and
- (b) to deliver the highest standard of architectural, urban and landscape design.

#### 4.30 Application of Part

- (1) This Part does not apply to complying development.
- (2) This Part does not apply to development on land to which a master plan applies if the consent authority is satisfied that the master plan adequately provides for assessment of the design quality of the development.

#### 4.31 Design review panel

- (1) This section applies to the following development—
  - (a) State significant development,
  - (b) development with a capital investment value of more than \$30 million,
  - (c) development with a site area of at least 10,000m<sup>2</sup>,
  - (d) development in relation to a building that has, or will have, 3 or more storeys above ground level (existing).
- (2) Development consent must not be granted to the development unless—
  - (a) a design review panel reviews the development, and
  - (b) the consent authority takes into account the findings of the design review panel, and
  - (c) the consent authority is of the opinion that the development exhibits design excellence.

- (3) In this section—

***design review panel*** means a panel of 3 or more persons established for the purposes of this section and approved by the Government Architect NSW.

#### 4.32 Architectural design competition

- (1) This section applies to development in relation to a building that has, or will have, a height above ground level (existing) greater than 40m or 12 storeys.
- (2) Development consent must not be granted to the development unless—
  - (a) an architectural design competition approved by the Government Architect NSW is held, and
  - (b) the design of the development is the winner of the architectural design competition, and
  - (c) the consent authority is of the opinion that the development exhibits design excellence.

- (3) Section (2) does not apply to development if the consent authority—
  - (a) has consulted the Government Architect NSW, and
  - (b) is satisfied it is appropriate in the circumstances, taking into account the following—
    - (i) the impact of the development on view corridors,
    - (ii) the location of the development in relation to major roads,
    - (iii) the visual prominence of the development.

#### **4.33 Consideration of design excellence**

- (1) In considering whether development exhibits design excellence for the purposes of this Part, the consent authority must have regard to the following matters—
  - (a) whether the development responds to the physical and cultural connection of the local Aboriginal community to the land,
  - (b) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
  - (c) whether the form and external appearance of the development will improve the quality and amenity of the public domain,
  - (d) whether the development detrimentally impacts on view corridors.
- (2) The consent authority must also have regard to how the development addresses the following matters—
  - (a) the suitability of the land for development,
  - (b) the existing and proposed uses and use mix,
  - (c) Aboriginal heritage,
  - (d) the relationship of the development with other buildings (existing or proposed) on the same site or neighbouring sites in terms of separation, setbacks, amenity and urban form,
  - (e) the bulk, massing and modulation of buildings,
  - (f) street frontage heights,
  - (g) environmental performance and amenity standards, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,



- (h) the achievement of the principles of ecologically sustainable development,
- (i) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of pedestrian networks,
- (j) the impact on, and proposed improvements to, the public domain,
- (k) the impact on special character areas,
- (l) achieving appropriate interfaces at ground level between the building and the public domain,
- (m) architectural diversity where the development is to consist of more than 2 buildings.

## Part 4.6 Exempt and complying development

### Division 1 Preliminary

#### 4.34 Application of Codes SEPP

- (1) The Codes SEPP does not apply to land to which this Chapter applies, except as provided by this Part.
- (2) In this Part—

**applicable land** means land shown on the [Land Application Map](#), other than land in SP2 Infrastructure Zone.

**Codes SEPP** means *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

**relevant land** means land shown on the [Land Application Map](#), other than land shown as “high biodiversity value” on the [High Biodiversity Value Areas Map](#).

### Division 2 Exempt development

#### 4.35 Application of Part 2, Division 1 of Codes SEPP

- (1) Development specified in Part 2, Division 1, other than Subdivisions 16A, 16B, 21, 21AA or 41, of the Codes SEPP is exempt development if carried out on relevant land, subject to the modifications set out in this section.
- (2) Development specified in Part 2, Division 1, Subdivision 2 of the Codes SEPP is exempt development only if the development is attached to an existing building as specified in clause 2.4(1)(a) of the Codes SEPP.
- (3) Development specified in Part 2, Division 1, Subdivision 3A of the Codes SEPP is exempt development only if the animal shelter does not have a floor area of more

than 5 square metres.

- (4) Development specified in Part 2, Division 1, Subdivision 4 of the Codes SEPP is exempt development even if the development does not satisfy the development standards in clause 2.8(1)(b), (c), (d) or (g1) of the Codes SEPP, but only if the aviary—
  - (a) does not have a floor area of more than 10 square metres, and
  - (b) is not higher than 2.4 metres above ground level (existing), and
  - (c) is located in the rear yard and at least 900 millimetres from each side and rear boundary, and
  - (d) to the extent it is comprised of metal components—is constructed of low reflective, factory pre-coloured materials.
- (5) Development specified in Part 2, Division 1, Subdivision 10 of the Codes SEPP is exempt development only if there is no more than 1 carport per lot.
- (6) Development specified in Part 2, Division 1, Subdivisions 17 and 17A of the Codes SEPP is exempt development only if carried out on land in the Mixed Use Zone.
- (7) Development specified in Part 2, Division 1, Subdivision 18 of the Codes SEPP is exempt development only if carried out on land in the Agribusiness or Environment and Recreation Zone.
- (8) Development specified in Part 2, Division 1, Subdivision 19 of the Codes SEPP is exempt development only if carried out on land in the Enterprise Zone.
- (9) Development specified in Part 2, Division 1, Subdivision 28 of the Codes SEPP is exempt development if the development satisfies the development standards in clause 2.56(a)–(c) of the Codes SEPP.
- (9A) For the purposes of subsection (9), land in a zone under this Chapter is taken to be in a residential zone.
- (10) Development specified in Part 2, Division 1, Subdivision 32 of the Codes SEPP is exempt development even if the development does not satisfy the development standards in clause 2.64(1)(a), (b) or (e) of the Codes SEPP, but only if the tank—
  - (a) does not have a capacity of more than 5,000 litres, and
  - (b) does not require cut and fill of more than 600 millimetres below or above ground level (existing).
- (11) Development specified in Part 2, Division 1, Subdivision 33 of the Codes SEPP is exempt development only if carried out on land in the Agribusiness Zone.
- (12) Development specified in Part 2, Division 1, Subdivision 36 of the Codes SEPP is

exempt development even if the development does not satisfy the development standards in clause 2.72(b) of the Codes SEPP, but only if the shade structure does not have an area more than—

- (a) for residential uses—20 square metres, or
- (b) for a centre-based child care facility—40 square metres, or
- (c) for any other use—30 square metres.

(13) Development specified in Part 2, Division 1, Subdivision 36B is exempt development only if carried out on land in the Agribusiness or Enterprise Zone.

(14) Development specified in the Codes SEPP, Part 2, Division 1, Subdivision 39B is exempt development only if carried out on land in the Agribusiness Zone.

#### **4.36 Application of Part 2, Division 2 of Codes SEPP**

- (1) Development specified in Part 2, Division 2 of the Codes SEPP is exempt development if carried out on relevant land subject to the modifications set out in subsection (2).
- (2) Development specified in Part 2, Division 2, Subdivision 3 of the Codes SEPP is exempt development even if the development does not satisfy the development standards in clause 2.87(c)–(e) of the Codes SEPP, but only if the sign is—
  - (a) for a home business, home industry or home occupation, and
  - (b) not more than 1 square metre in area.

#### **4.37 Application of Part 2, Division 3 of Codes SEPP**

Development specified in Part 2, Division 3 of the Codes SEPP is exempt development if carried out on relevant land.

### **Division 3 Complying development**

#### **4.37A General requirements**

To be complying development under this Division, the development must not be development in relation to which the consent authority must consult with the relevant Commonwealth body under Part 4.3 before granting development consent.

#### **4.37B Application of Codes SEPP, Parts 3 and 4**

- (1) Development specified in the Codes SEPP, Part 3 is complying development if it—
  - (a) is carried out on applicable land, and
  - (b) does not result in an increase to the gross floor area of the existing building.

- (2) Development specified in the Codes SEPP, Part 4 is complying development if it—
  - (a) is carried out on applicable land, and
  - (b) does not result in the increase to the gross floor area of the existing building, and
  - (c) does not result in additional dwellings.

**4.37C Application of Codes SEPP, Parts 4A, 5 and 5B**

- (1) Development specified in the following provisions of the Codes SEPP is complying development if carried out on applicable land—
  - (a) Part 4A, Division 1, Subdivisions 1 and 2,
  - (b) Part 5, Division 1, Subdivisions 5, 6 and 12.
- (2) Development specified in the following provisions of the Codes SEPP is complying development if carried out in the Western Sydney Aerotropolis—
  - (a) Part 4A, Division 1, Subdivision 6,
  - (b) Part 5, Division 1, Subdivisions 1 and 9.
- (3) Development specified in the Codes SEPP, Part 5, Division 1, Subdivisions 2 and 3 is complying development if the development—
  - (a) is carried out in the Western Sydney Aerotropolis, and
  - (b) is not carried out on land in the 13 km wildlife buffer zone under section 4.19, and
  - (c) is not relevant development within the meaning of that section.
- (4) Development specified under the Codes SEPP, Part 5, Division 1, Subdivision 4 is complying development if the development—
  - (a) is carried out in the Western Sydney Aerotropolis, and
  - (b) does not cause plumes with a peak vertical velocity of more than 4.3m per second, and
  - (c) does not emit flares.
- (5) Development specified under the Codes SEPP, Part 5, Division 1, Subdivision 11 is complying development if the development—
  - (a) is carried out in the Western Sydney Aerotropolis, and
  - (b) does not require a cut or fill greater than 1m from ground level (existing).
- (6) Development specified under the Codes SEPP, Part 5B is complying development if

the development—

- (a) is carried out in the Western Sydney Aerotropolis, and
- (b) the container recycling facility is fully enclosed, to ensure the risks to the operation of the Airport from wildlife are mitigated.

#### **4.37D Application of Codes SEPP, Parts 6-8**

- (1) Development specified in the Codes SEPP, Part 6, Division 1 is complying development if the development is carried out on applicable land.
- (2) Development specified in the Codes SEPP, Parts 7 and 8 is complying development if carried out on land shown on the [Land Application Map](#).
- (3) For the purposes of subsection (1), the Western Sydney Aerotropolis is taken to be in a zone to which the Codes SEPP, Part 5B applies.

#### **4.37E Application of Codes SEPP, Parts 4A and 5 with lighting restrictions**

- (1) Development specified in the Codes SEPP, Part 4A, Division 1, Subdivision 3 is complying development if carried out on applicable land.
- (2) Development specified in the Codes SEPP, Part 4A, Division 1, Subdivision 4 is complying development if carried out in the Western Sydney Aerotropolis.
- (3) Development specified under the Codes SEPP, Part 5, Division 1, Subdivision 7 is complying development if the development is carried out on land in the Enterprise, Agribusiness or Mixed Use Zone.
- (4) Subsections (1)–(3) apply to development carried out on land within the “6km Lighting Intensity Area” shown on the [Lighting Intensity and Wind Shear Map](#) subject to the following modifications—
  - (a) for land in “Zone A” shown on the [Lighting Intensity and Wind Shear Map](#)—there must not be external lighting,
  - (b) the external lighting must not exceed the following intensity—
    - (i) for land in “Zone B” shown on the [Lighting Intensity and Wind Shear Map](#)—50 candelas,
    - (ii) for land in “Zone C” shown on the [Lighting Intensity and Wind Shear Map](#)—150 candelas,
    - (iii) for land in “Zone D” shown on the [Lighting Intensity and Wind Shear Map](#)—450 candelas,
  - (c) the external lighting must consist of shielded light fittings that do not permit light

to shine above the horizontal plane.

## **Part 4.7 Precinct plans and master plans**

### **Division 1 Precinct plans**

#### **4.38 Precinct plans**

- (1) A precinct plan is to be prepared by the Planning Secretary and must be approved by the Minister.
- (2) A precinct plan is to apply to specified land (a **precinct**) to which this Chapter applies.
- (3) A precinct plan must contain the following—
  - (a) the strategic vision and general objectives for the precinct,
  - (b) a map showing proposed land uses for land in the precinct,
  - (c) the performance criteria for development on land in the precinct,
  - (d) proposals for public utility infrastructure, roads and transport on land in the precinct,
  - (e) proposals for total water cycle management for the precinct.
- (3A) A precinct plan may contain other matters the Planning Secretary considers appropriate.
- (4) A precinct plan must be consistent with this Chapter.
- (5) A draft precinct plan is to be published on the NSW planning portal for at least 28 days before it is approved by the Minister.
- (5A) Before approving a precinct plan, the Minister must consult the Western Parkland City Authority about the following matters—
  - (a) whether the plan appropriately provides for creating active, vibrant and sustainable communities and locations that support—
    - (i) national and global business, and
    - (ii) the Airport,
  - (b) whether the plan appropriately supports the economic growth and development of the Western Sydney Aerotropolis by—
    - (i) encouraging investment, and
    - (ii) providing for land uses that generate employment opportunities,

(c) whether the infrastructure proposed by the plan is likely to be developed in an efficient and timely way.

(6) A precinct plan approved by the Minister must be published on the NSW planning portal and takes effect on the day it is so published.

(7) A precinct plan may be amended and this section applies to the amendment of the precinct plan in the same way as it applies to a precinct plan.

(8) In this section—

**Western Parkland City Authority** means the Western Parkland City Authority constituted by the [Western Parkland City Authority Act 2018](#).

#### **4.39 Development must be consistent with precinct plan**

(1) Development consent must not be granted to development on land to which a precinct plan applies unless the consent authority is satisfied that the development is consistent with the precinct plan.

(2) Subsection (1) does not apply if—

(a) the consent authority has considered a written request from the applicant that seeks to justify an inconsistency by demonstrating that—

(i) the inconsistency is minor, and

(ii) consistency with the plan is unreasonable or unnecessary in the circumstances, and

(iii) sufficient environmental planning grounds justify the inconsistency, and

(b) the consent authority is satisfied that—

(i) the applicant's written request adequately addresses the matters required to be demonstrated by paragraph (a), and

(ii) the development is consistent with the strategic vision and general objectives for the precinct.

(3) The consent authority must keep a written record of its assessment of the matters in the applicant's written request that were required to be demonstrated by subsection (2)(a).

#### **4.40 Development prior to precinct plan**

(1) This section applies to development on land in the Western Sydney Aerotropolis if there is no precinct plan in force for the land.

(2) However, this section does not apply to development that has a capital investment

value of less than \$1 million and relates to an existing or permitted use.

- (3) Development consent must not be granted to development to which this section applies, unless the consent authority has considered whether the development—
  - (a) is consistent with the aims of this Chapter, and
  - (b) will result in further fragmentation of land holdings, and
  - (c) will hinder the orderly and co-ordinated provision of infrastructure that is planned for the land to which this Chapter applies, and
  - (d) is incompatible with, or will adversely affect, the long-term operations and development of the Airport, and
  - (e) appropriately takes into account the development and infrastructure in areas adjacent to the development, and
  - (f) will be adequately serviced by public utility infrastructure.

## **Division 2 Master plans and complying development**

### **4.41 Master plans**

- (1) The Minister may approve a master plan that applies to specified land to which this Chapter applies.
  - (1A) A master plan may only apply to land to which a precinct plan applies.
- (2) A master plan must—
  - (a) (Repealed)
  - (b) specify the particular development that may be carried out as complying development on the land to which the master plan applies, and
  - (c) contain development controls for the complying development, and
  - (d) contain the matters required by the master plan guidelines.
- (3) The Minister may approve a master plan only—
  - (a) with the consent of the owner of land to which the master plan applies, and
  - (b) if satisfied that the master plan is consistent with the master plan guidelines, and
  - (c) if the Minister has considered whether the master plan is consistent with a development control plan or draft development control plan that applies to the land, and



(d) if satisfied that—

- (i) the master plan is consistent with a precinct plan that applies to the land, or
- (ii) the inconsistency is appropriate, taking into account the master plan guidelines.

(4) A draft master plan is to be published on the NSW planning portal for at least 28 days before it is approved by the Minister.

(5) A master plan approved by the Minister must be published on the NSW planning portal and takes effect on the day it is so published.

(6) A master plan has effect for 5 years from the date it is approved by the Minister or a longer period approved by the Minister.

(6A) A master plan may be amended and this section applies to the amendment of the master plan in the same way as it applies to a master plan.

(7) In this section—

**master plan guidelines** means the guidelines issued by the Planning Secretary for the purposes of this section on 24 December 2021 that are available on the NSW planning portal.

#### 4.42 Consent authority to consider master plan

Development consent must not be granted to development on the following land unless the consent authority has considered the master plan or draft master plan—

- (a) land to which a master plan applies or is proposed to apply,
- (b) land shown on the [Land Application Map](#) that is adjacent to land to which a master plan applies or is proposed to apply.

#### 4.43 Complying development

Development that is permitted with development consent under this Chapter is complying development if the development—

- (a) is specified in a master plan as complying development, and
- (b) is consistent with the master plan, and
- (c) meets the relevant provisions of the *Building Code of Australia*, and
- (d) is not carried out on land on which a heritage item or Aboriginal object is located or that is within a heritage conservation area or Aboriginal place of heritage significance, and

- (e) is not for the purpose of remediation work within the meaning of *State Environmental Planning Policy No 55—Remediation of Land*.

**Note—**

Development specified as complying development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* is not complying development for the purposes of this Chapter.

## **Division 3 Aerotropolis certificates**

**Note—**

Under the *Environmental Planning and Assessment Regulation 2000*, an Aerotropolis certificate is required to accompany an application for a complying development certificate if the development is on land to which this Chapter applies and there is a master plan in force for the land.

### **4.44 Applications for Aerotropolis certificates**

- (1) An application for an Aerotropolis certificate for proposed development on land to which this Chapter applies may be made to the Planning Secretary.
- (2) An application may be made only by the person who proposes to carry out the development with the consent of the owner of the land on which the development is to be carried out.
- (3) An application must be in the form approved by the Planning Secretary and include the following information—
  - (a) the name and address of the applicant,
  - (b) the address, and particulars of title, of the subject land,
  - (c) a description of the development.

### **4.45 Determination of applications for Aerotropolis certificates**

- (1) The Planning Secretary must determine an application for an Aerotropolis certificate by issuing or refusing to issue a certificate.
- (2) The Planning Secretary must determine an application within 30 days of the application being made.

**Note—**

There is no right of review or appeal in relation to a determination of, or a failure to determine, an application for an Aerotropolis certificate.

- (3) The Planning Secretary must not issue an Aerotropolis certificate unless—
  - (a) there is a master plan that applies to the land on which the development is to be carried out, and
  - (b) the Planning Secretary is satisfied that the development is consistent with the

master plan.

- (4) If the Planning Secretary is not satisfied that the development is consistent with the master plan, the Planning Secretary is to give the applicant an opportunity to modify the application to ensure that it is consistent.
- (5) The Planning Secretary must provide reasons for refusing to issue an Aerotropolis certificate.

#### **4.46 Duration of Aerotropolis certificates**

An Aerotropolis certificate remains in force for 5 years after it is issued.

### **Division 4 Infrastructure**

#### **4.47 Development to which Division applies**

This Division applies to the following development on land in the Western Sydney Aerotropolis—

- (a) development to which section 4.40 applies,
- (b) development for commercial or industrial purposes,
- (c) development for residential purposes that results in an increase in the number of dwellings on the land.

#### **4.48 Concurrence of Planning Secretary**

- (1) Development consent to development to which this Division applies must not be granted unless the consent authority has obtained the concurrence of the Planning Secretary.
- (2) In deciding whether to grant concurrence, the Planning Secretary must consider the following—
  - (a) the impact of the development on—
    - (i) existing designated State public infrastructure, and
    - (ii) the need for additional designated State public infrastructure,
  - (b) the cumulative impact of the development with other development that has, or is likely to be, carried out in surrounding areas on—
    - (i) existing designated State public infrastructure, and
    - (ii) the need for additional designated State public infrastructure,
  - (c) the steps taken to address those impacts, including whether a planning

agreement has been, or will be, entered into contributing to designated State public infrastructure.

- (3) In deciding whether to grant concurrence, the Planning Secretary must also consult the public authorities that the Planning Secretary considers relevant to the development.
- (4) This section does not apply to development if all or part of the land on which the development is to be carried out is in a special contributions area to which a determination under section 7.23 of the Act applies.
- (5) In this section—

**designated State public infrastructure** means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of the financial or in-kind contribution by the State) of the following kinds—

- (a) State and regional roads,
- (b) bus interchanges and bus lanes,
- (c) rail infrastructure and land,
- (d) regional parks and public space,
- (e) social infrastructure and facilities (including schools, hospitals, emergency services and justice facilities).

#### **4.49 Public utility infrastructure**

- (1) Development consent must not be granted to development to which this Division applies unless the consent authority is satisfied that—
  - (a) public utility infrastructure that is essential for the development is available, or
  - (b) the public utility infrastructure will be available when required.
- (2) In this section—

**public utility infrastructure** includes infrastructure for the following—

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage.

## Part 4.8 Miscellaneous

### 4.50 Relevant acquisition authority

- (1) The objective of this section is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Part 2, Division 3 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.

- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the [Land Reservation Acquisition Map](#) (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

Type of land shown on Map	Authority of the State
Land marked “Stormwater Infrastructure”	Sydney Water Corporation
Land marked “Regional park”	Planning Ministerial Corporation
Land in SP2 Infrastructure Zone and marked “Transport corridor”	Transport for NSW
Land marked “Local Open Space and Drainage”	Relevant council

- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

### 4.51 Savings and transitional provisions

- (1) A development application for development on land to which this Chapter applies that was lodged and not finally determined before the commencement of this Chapter is to be determined as if this Chapter had not commenced.
- (2) (Repealed)
- (3) The amendments to this Chapter made by *State Environmental Planning Policy (Biodiversity and Conservation) Amendment (Strategic Conservation Planning) 2022* do not apply to a development application made, and not finally determined, before

the commencement of that Policy.

(4), (5) (Repealed)

## **Chapter 5 Penrith Lakes Scheme**

### **Part 5.1 Preliminary**

#### **5.1 Aims of Chapter**

The aims of this Chapter are as follows—

- (a) to provide a development control process that ensures that environmental and technical matters are considered in the implementation of the Penrith Lakes Scheme,
- (b) to identify and protect items of the environmental heritage,
- (c) to identify certain land that may be rezoned for employment, environmental, parkland, residential, tourism and waterway purposes and land that will be rezoned as unzoned land,
- (d) to permit interim development that will not detrimentally impact on the implementation of the Penrith Lakes Scheme,
- (e) to ensure that the implementation of the Penrith Lakes Scheme does not detrimentally impact on the ongoing operation and use of olympic legacy infrastructure, including the Sydney International Regatta Centre and the Penrith Whitewater Stadium.

#### **5.2 Land to which Chapter applies**

This Chapter applies to the land shown edged heavy black on the structure plan.

#### **5.3 Maps**

- (1) A reference in this Chapter to a named map adopted by this Chapter 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 Chapter 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 Chapter, a map may be in, and may be kept and made available in, electronic or paper form, or both.

#### **5.4 Amendment of the structure plan**

- (1) The Minister may from time to time amend the structure plan, but only in relation to—
  - (a) the size and shape of a lake or lakes, or
  - (b) the proposed route of the road to replace Castlereagh Road.
- (2) The Minister may only amend the structure plan in accordance with subsection (1)(a) if—
  - (a) the proposed size and shape of the lake or lakes is generally in accordance with the structure plan before its amendment, or
  - (b) the Minister is of the opinion that the proposed size and shape is in the public interest and will not significantly reduce the public enjoyment or use of the Penrith Lakes Scheme on completion.
- (3) An amendment of the structure plan may not extend the land to which this Chapter applies.

#### **5.5 Relationship with other State environmental planning policies**

- (1) If there is an inconsistency between this Chapter and any other environmental planning instrument, whether made before or after the commencement of this Chapter, this Chapter prevails to the extent of the inconsistency.
- (2) *State Environmental Planning Policy (Affordable Rental Housing) 2009* does not apply to land zoned Employment, Residential or Tourism under this Chapter.
- (3) *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* does not apply to unzoned land or land zoned Environment, Parkland or Waterway under this Chapter.
- (4) *State Environmental Planning Policy No 1—Development Standards* does not apply to land to which this Chapter applies.

#### **5.6 Definitions**

- (1) In this Chapter, except in so far as the context or subject-matter otherwise indicates or requires—

**agriculture** has the meaning ascribed to it in section 514A of the *Local Government Act 1919*.

**council** means the council of the area in which development is, or is proposed to be, carried out.

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

**heritage item** means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 3.

**Land Zoning Map** means the [State Environmental Planning Policy \(Penrith Lakes Scheme\) 1989 Land Zoning Map](#).

**Penrith Lakes Scheme** means the scheme described in Schedule 1.

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

**the structure plan** means the map marked “Sydney Regional Environmental Plan No 11—Penrith Lakes Scheme (Amendment No 4)”.

**unzoned land** means land identified as “Unzoned” on the [Land Zoning Map](#).

**urban release area** means land in any of the following zones—

- (a) Employment,
- (b) Residential,
- (c) Tourism.

**Note—**

The Act and the [Interpretation Act 1987](#) contain definitions and other provisions that affect the interpretation and application of this Chapter.

- (2) A word or expression used in this Chapter has the same meaning as it has in the standard local environmental planning instrument prescribed by the [Standard Instrument \(Local Environmental Plans\) Order 2006](#) unless it is otherwise defined in this Chapter.
- (3) Notes included in this Chapter do not form part of this Chapter.

## **5.7 Consent authority**

The consent authority for the purposes of this Chapter is (subject to the Act)—

- (a) for unzoned land and land zoned Employment, Environment, Parkland, Tourism or Waterway—the Minister, and
- (b) for any other land to which this Chapter applies—the council.



## 5.8 Savings provision relating to certain applications

If a development application or an application to modify a development consent or a transitional Part 3A project has been made before the commencement of this section in relation to land to which this Chapter applies and the application has not been finally determined before that commencement, the application must be determined as if this section had not commenced.

### Note—

However, under Division 4B of Part 3 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant development is appropriately amended or if a new instrument, including an appropriate principal environmental planning instrument, is made, the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.

## 5.9 Suspension of covenants, agreements and instruments

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Chapter or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This section does not apply—
  - (a) to a covenant imposed by the council or that the council requires to be imposed, or
  - (b) to any relevant instrument within the meaning of section 13.4 of the *Crown Land Management Act 2016*, or
  - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
  - (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
  - (e) to any property vegetation plan that was approved under the *Native Vegetation Act 2003* before the repeal of that Act and that was in force on that repeal, or
  - (f) to any biodiversity stewardship agreement within the meaning of the *Biodiversity Conservation Act 2016*, or
  - (g) to any planning agreement within the meaning of Division 7.1 of the Act, or
  - (h) to any heritage agreement or interim heritage order within the meaning of the *Heritage Act 1977*.
- (3) This section does not affect the rights or interests of any public authority under any registered instrument.

- (4) Under section 3.16 of the Act, the Governor, before the making of this section, approved of subsections (1)–(3).

### **5.10 Review of Policy**

The Minister must, in consultation with the Penrith City Council and any relevant landowners, review the provisions of this Chapter as soon as practicable after the third anniversary of the commencement of this section.

## **Part 5.2 Development control**

### **5.11 Development generally**

A person shall not carry out development on land to which this Chapter applies except development authorised by or under this Chapter.

### **5.12 Development for the purposes of implementing the Penrith Lakes Scheme**

- (1) Development for the purposes of implementing the Penrith Lakes Scheme may, with development consent, be carried out on land to which this Chapter applies.
- (2) The consent authority shall grant consent to development to which this section applies unless—
- (a) the consent authority is of the opinion that the development the subject of the application—
    - (i) does not fully implement the Penrith Lakes Scheme on the land to which the application for development relates,
    - (ii) will not ensure the satisfactory implementation of the Penrith Lakes Scheme, or
    - (iii) is not generally in accordance with the structure plan, and
  - (b) in the case of an application to carry out development which includes an extractive industry, the consent authority is of the opinion that—
    - (i) development should not be carried out until other land to which this Chapter applies is developed for purposes which include an extractive industry,
    - (ii) the land, the subject of the application, will not be rehabilitated and reconstructed—
      - (A) generally in accordance with the structure plan, or
      - (B) to ensure the satisfactory implementation of the Penrith Lakes Scheme, or
    - (iii) the person (including any person related, connected or otherwise associated to or with that person) proposing to carry out that development has not

complied with the conditions of a consent previously granted to carry out development which included an extractive industry in respect of other land to which this Chapter applies.

- (3) The consent authority shall not consent to the carrying out of development for the purposes of implementing the Penrith Lakes Scheme unless the person making the application has submitted a statement of the environmental effects of the proposed development containing the matters specified in section 1 of Schedule 5 and addressing the matters specified in section 2 of that Schedule.
- (4) In determining an application to carry out development to implement the Penrith Lakes Scheme, the consent authority shall take into consideration the following matters—
  - (a) the Penrith Lakes Scheme Regional Environmental Study,
  - (b) the recommendations, if any, of such technical working parties as may be established from time to time by the consent authority,
  - (c) the statement of environmental effects accompanying the application,
  - (d) the proposed sequence of extraction and rehabilitation,
  - (e) whether the land is to be dedicated to the Crown and, if not, the proposed control and management of the land,
  - (f) the management and control of water resources including—
    - (i) the source of water in order to fill any lake (including the quality and quantity of water from that source),
    - (ii) water reticulation systems from the Nepean River to any lake, from lake to lake and from any lake to the Nepean River,
    - (iii) the water quality of any lake (including the aquatic ecosystem),
    - (iv) water treatment facilities,
    - (v) water depth of any lake,
    - (vi) flood control,
    - (vii) storm water control,
    - (viii) the effect that development would have upon the quantity and quality of the existing groundwater, the level of the existing water table and groundwater movement,
    - (ix) lake usage,

- (x) staged development of the lakes and their usage during stage development,
  - (xi) the need to monitor the water quality of the lakes having regard to their intended use, and
  - (xii) the effect upon the Hawkesbury/Nepean River system,
- (g) the rehabilitation and reconstruction of the land including—
- (i) landscape design,
  - (ii) the structural stability and soil compaction of landforms (including, where appropriate, the land shown on the structure plan as future urban),
  - (iii) the stability and impermeability of the Nepean River embankment,
  - (iv) soil conservation, and
  - (v) revegetation,
- (h) access to, the supply of water from any existing source to, and the supply of and access to municipal and utility services to, land to which this Chapter applies, other than that part of that land the subject of the application,
- (i) any item of the environmental heritage listed in Schedule 6,
- (j) the effect upon a locality, place or building not listed in Schedule 6 having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations, and
- (k) the need and frequency to monitor the implementation of the subject development.
- (5) This section has effect despite anything to the contrary in the Land Use Table or any other provision of this Chapter.

### **5.13 Interim development on unzoned land**

- (1) Development may be carried out on unzoned land—
- (a) for the purpose of agriculture, without the necessity for development consent, or
  - (b) for any other purpose, with development consent, if the consent authority is satisfied that the carrying out of development for that purpose will not adversely affect the implementation of the Penrith Lakes Scheme,
- pending the completion of the Penrith Lakes Scheme in, and the use as a public recreational lake system of, that part of the land.

**Note—**

The consent authority will also consider the aims of this Chapter in determining whether the interim development will adversely affect the implementation of the Penrith Lakes Scheme.

- (2) Despite any other provision of this Chapter, any other environmental planning instrument that applies to unzoned land continues to have effect in relation to that land.

**Note—**

This Chapter prevails to the extent of any inconsistency between this Chapter and any other environmental planning instrument (see section 5.5).

#### **5.14 Development for the purposes of a community facility**

- (1) Nothing in this Chapter prevents a person, with the Minister’s consent, from carrying out subdivision and other development, for the purposes of a community facility, on Lots 2 and 4 DP 579006 Cranebrook Road, Cranebrook, as shown edged heavy black on the map marked “[Sydney Regional Environmental Plan No 11—Penrith Lakes Scheme \(Amendment No 5\)](#)”.
- (2) When determining an application to carry out subdivision or other development for the purposes of a community facility, the consent authority must take into consideration the implementation of the Penrith Lakes Scheme and the structure plan.

### **Part 5.3 Permitted or prohibited development on zoned land**

#### **5.15 Land use zones**

The land use zones under this Chapter are as follows—

Employment

Environment

Parkland

Residential

Tourism

Waterway

#### **5.16 Zoning of land to which Chapter applies**

For the purposes of this Chapter, land is within the zones shown on the [Land Zoning Map](#).

#### **5.17 Zone objectives and Land Use Table**

- (1) The Land Use Table at the end of this Part specifies for each zone—
  - (a) the objectives for development, and

- (b) development that may be carried out without development consent, and
  - (c) development that may be carried out only with development consent, and
  - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.
- (3) In the Land Use Table at the end of this Part—
- (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 adopted by this Chapter) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.
- (4) This section is subject to the other provisions of this Chapter.

#### **5.18 Subdivision—consent requirements**

Land to which this Chapter applies may be subdivided, but only with development consent.

#### **5.19 Demolition requires development consent**

The demolition of a building or work may be carried out only with development consent.

#### **5.20 Temporary use of land**

- (1) The objective of this section is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Chapter, development consent may be granted for development on any land for a temporary use for a maximum period of 180 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that—
- (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Chapter and any other applicable environmental planning instrument, and
  - (b) the temporary use will not adversely impact on any adjoining land, the implementation of the Penrith Lakes Scheme or the operation or use of the Sydney International Regatta Centre or the Penrith Whitewater Stadium, and

- (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
- (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

### **5.21 Exceptions to development standards**

- (1) The objectives of this section are as follows—
  - (a) to provide an appropriate degree of flexibility in applying certain development standards to development on land to which this Chapter applies,
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this section, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this section does not apply to a development standard that is expressly excluded from the operation of this section.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—
  - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless—
  - (a) the consent authority is satisfied that—
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subsection (3), and
    - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
  - (b) the concurrence of the Planning Secretary has been obtained.

- (5) In deciding whether to grant concurrence, the Planning Secretary must consider—
  - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
  - (b) the public benefit of maintaining the development standard, and
  - (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.
- (6) Development consent must not be granted under this section for a subdivision of land zoned Residential if—
  - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
  - (b) the subdivision will result in at least 1 lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) After determining a development application made pursuant to this section, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant’s written request referred to in subsection (3).
- (8) This section does not allow development consent to be granted for development that would contravene any of the following—
  - (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for land on which such a building is situated,
  - (c) section 5.30(1).

## **5.22 Conversion of fire alarms**

- (1) This section applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.
- (2) The following development may be carried out, but only with development consent—
  - (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
  - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,



- (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) Development to which subsection (2) applies is complying development if it consists only of—
- (a) internal alterations to a building, or
- (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.
- (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.
- (5) In this section—

***private service provider*** means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

## Land Use Table

### Employment

#### 1 Objectives of zone

- To provide a range of office and light industrial uses and to provide employment opportunities relating to health, high order technology, culture and sports.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To provide for a range of higher order job opportunities including health, cultural and high technology industries.
- To incorporate appropriate water quality management measures to ensure that development does not detrimentally impact on the implementation of the Penrith Lakes Scheme and the operation and use of olympic legacy infrastructure, including the Sydney International Regatta Centre and the Penrith Whitewater Stadium.
- To encourage the development of business incubators, and other employment opportunities relating to tourism and water-based sport and recreation.

#### 2 Permitted without consent

Nil

### **3 Permitted with consent**

Business premises; Car parks; Community facilities; Educational establishments; Environmental protection works; Flood mitigation works; Food and drink premises; Function centres; Garden centres; Hardware and building supplies; Health services facilities; Industrial retail outlets; Industrial training facilities; Information and education facilities; Kiosks; Light industries; Markets; Neighbourhood shops; Office premises; Passenger transport facilities; Recreation areas; Roads; Signage; Warehouse or distribution centres

### **4 Prohibited**

Any development not specified in item 2 or 3

## **Environment**

### **1 Objectives of zone**

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic value.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To protect, manage, restore and enhance the ecology, hydrology and scenic values of riparian corridors and waterways, wetlands, groundwater resources, biodiversity corridors, areas of remnant indigenous vegetation and dependent ecosystems.
- To allow for low impact passive recreational and ancillary land uses that are consistent with the retention of the natural ecological significance.

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Environmental facilities; Environmental protection works; Flood mitigation works; Recreation areas; Roads

### **4 Prohibited**

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

## **Parkland**

### **1 Objectives of zone**

- To enable land to be used for open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Building identification signs; Caravan parks; Community facilities; Environmental facilities; Environmental protection works; Function centres; Hotel or motel accommodation; Information and education facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Restaurants or cafes; Roads

### **4 Prohibited**

Any development not specified in item 2 or 3

## **Residential**

### **1 Objectives of zone**

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic value.
- To ensure that residential development does not have an adverse effect on those values.
- To minimise the potential for conflict between development in residential areas and land uses within adjoining zones.
- To ensure that land uses are compatible with the available infrastructure, services and facilities and with the environmental capabilities of the land.
- To preserve and improve natural resources through appropriate land and water quality management practices.

### **2 Permitted without consent**

Home occupations

### **3 Permitted with consent**

Building identification signs; Business identification signs; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Flood mitigation works; Home businesses; Home industries; Information and education facilities; Recreation areas;

## Roads

### **4 Prohibited**

Industries; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

## **Tourism**

### **1 Objectives of zone**

- To provide for a variety of tourist-oriented development and related uses.
- To provide for diverse tourist and visitor accommodation and activities that are compatible with the promotion of tourism in Penrith that utilises the public assets of the Penrith Lakes Scheme.
- To create an appropriate scale that maintains important views to and from the Nepean River as well as to the Blue Mountains escarpment, while also improving important connections to the Penrith City Centre and the Nepean River.

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Amusement centres; Boat launching ramps; Boat sheds; Car parks; Charter and tourism boating facilities; Community facilities; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Function centres; Health services facilities; Helipads; Information and education facilities; Jetties; Kiosks; Markets; Neighbourhood shops; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Roads; Service stations; Signage; Tourist and visitor accommodation; Water recreation structures

### **4 Prohibited**

Any development not specified in item 2 or 3

## **Waterway**

### **1 Objectives of zone**

- To protect the ecological, scenic and recreation values of recreational waterways.
- To allow for water-based recreation and related uses.
- To provide for sustainable fishing industries and recreational fishing.

- To minimise conflict between land uses within this zone and land uses within adjoining zones.

## **2 Permitted without consent**

Nil

## **3 Permitted with consent**

Boat sheds; Charter and tourism boating facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Jetties; Kiosks; Marinas; Mooring pens; Recreation areas; Recreation facilities (outdoor); Water recreation structures

## **4 Prohibited**

Industries; Multi dwelling housing; Residential flat buildings; Seniors housing; Warehouse or distribution centres; Any other development not specified in item 2 or 3

# **Part 5.4 Development standards for certain zoned land**

## **5.23 Minimum subdivision lot size for land zoned Residential**

- (1) This section applies to a subdivision of any land zoned Residential that requires development consent and that is carried out after the commencement of this section.
- (2) The size of any lot resulting from a subdivision of land to which this section applies is not to be less than 2 hectares.

## **5.24 Development near zone boundaries**

- (1) The objective of this section is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This section applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 100 metres.
- (3) This section does not apply to unzoned land.
- (4) Despite the provisions of this Chapter relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this section applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—
  - (a) the development is not inconsistent with the objectives for development in both zones, and
  - (b) the carrying out of the development is desirable due to compatible land use

planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

### 5.25 Controls relating to miscellaneous permissible uses

- (1) **Home businesses** If development for the purposes of a home business is permitted under this Chapter, the carrying on of the business must not involve the use of more than 30 square metres of floor area.
- (2) **Home industries** If development for the purposes of a home industry is permitted under this Chapter, the carrying on of the home industry must not involve the use of more than 50 square metres of floor area.
- (3) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Chapter, the retail floor area must not exceed—
  - (a) 25% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
  - (b) 400 square metres,whichever is the lesser.
- (4) **Kiosks** If development for the purposes of a kiosk is permitted under this Chapter, the gross floor area must not exceed 50 square metres.
- (5) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Chapter, the retail floor area must not exceed 200 square metres.
- (6) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Chapter, the gross floor area must not exceed 20 square metres.

### 5.26 Preservation of trees or vegetation

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

**Note—**

A development control plan may prescribe the trees or other vegetation to which this section 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.
- (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 section does not apply to a tree or other vegetation that the Planning Secretary is satisfied is dying or dead and is not required as the habitat of native fauna.
- (6) This section does not apply to a tree or other vegetation that the Planning Secretary is satisfied is a risk to human life or property.
- (7) A permit under this section cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation—
- (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
  - (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance,
- unless the Planning Secretary is satisfied that the proposed activity—
- (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
  - (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Note—**

As a consequence of this subsection, the activities concerned will require development consent. The heritage provisions of section 5.33 will be applicable to any such consent.

- (8) This section does not apply to or in respect of—
- (a) the clearing of native vegetation—
    - (i) approved under Division 6 of Part 5A of the *Local Land Services Act 2013*, or
    - (ii) in accordance with a permit or approval under *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*, or
    - (iii) authorised by a development consent or a property vegetation plant that was approved under the *Native Vegetation Act 2003* before the repeal of that Act and that was in force on that repeal, or

- (b) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 2012*, or
- (c) 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
- (d) a weed identified in a local strategic plan (approved by the Minister under Division 2 of Part 4 of the *Local Land Services Act 2013*) for a region that includes land to which this Chapter applies, as a weed that is or should be prevented, managed, controlled or eradicated in the region.

**Note—**

Permissibility may be a matter that is determined by or under any of these Acts.

## **Part 5.5 Additional provisions for zoned land**

**Note—**

The Planning Secretary may prepare a development control plan for zoned land in accordance with Division 3.6 of the Act. A development control plan may contain additional matters for consideration for development on zoned land.

### **5.27 Development on land zoned Employment**

Development consent must not be granted for development on land zoned Employment unless the consent authority has considered the following—

- (a) a water quality management plan and water operations plan for the Penrith Lakes Scheme that are endorsed by the Planning Secretary as being appropriate for the Scheme,
- (b) a traffic and transportation plan that includes proposals about the management of traffic impacts caused by the development,
- (c) whether a stable foundation exists or can be developed for the development,
- (d) whether the existing development platform (including subgrade) is or can be adequately protected from scour by the discharge of a 1:100 ARI (average recurrence interval) flood event,
- (e) whether the proposed development appropriately allows for potential differential settlement given the existing geotechnical conditions and the proposed foundation and for the geotechnical conditions present at the site to prevent excessive total and differential settlement.

### **5.28 Development on land zoned Environment**

Development consent must not be granted for development on land zoned Environment unless the consent authority has considered the following—



- (a) whether the development is consistent with a plan of management (if any) for the Penrith Lakes Scheme that is endorsed by the Planning Secretary as being appropriate for the Scheme,
- (b) an Aboriginal cultural heritage assessment for the land (being a written report detailing the results of the assessment and recommendations for actions to be taken before, during and after an activity to manage and protect Aboriginal objects and declared Aboriginal places identified by the investigation and assessment) that has been prepared by a suitably qualified person.

### **5.29 Development on land zoned Parkland**

Development consent must not be granted for development on land zoned Parkland unless the consent authority has considered the following—

- (a) whether the development is consistent with a plan of management (if any) for the Penrith Lakes Scheme that is endorsed by the Planning Secretary as being appropriate for the Scheme,
- (b) whether the development interferes with the operation or use of the Sydney International Regatta Centre or the Penrith Whitewater Stadium,
- (c) a traffic and transportation plan that includes proposals about the management of traffic impacts caused by the development,
- (d) an Aboriginal cultural heritage assessment for the land (being a written report detailing the results of the assessment and recommendations for actions to be taken before, during and after an activity to manage and protect Aboriginal objects and declared Aboriginal places identified by the investigation and assessment) that has been prepared by a suitably qualified person.

### **5.30 Development on land zoned Residential**

- (1) Development consent must not be granted for development on land zoned Residential unless the consent authority is satisfied that the number of dwellings on all land zoned Residential will not exceed 38.
- (2) Development consent must not be granted for development on land zoned Residential unless the consent authority has considered the following—
  - (a) an Aboriginal cultural heritage assessment for the land (being a written report detailing the results of the assessment and recommendations for actions to be taken before, during and after an activity to manage and protect Aboriginal objects and declared Aboriginal places identified by the investigation and assessment) that has been prepared by a suitably qualified person,
  - (b) a geotechnical assessment that has been prepared by a suitably qualified person and demonstrates that a stable development platform exists for the development.

- (3) Development consent must not be granted for development on land zoned Residential for the purposes of a dual occupancy unless the consent authority is satisfied that—
- (a) the size of the lot is not less than 2 hectares, and
  - (b) the dual occupancy will be erected on an area of land on the lot that is above the level of the probable maximum flood (based on the natural surface level and not a level achieved by filling).

**Note—**

Section 5.38 provides for development on land that is at or below the flood planning level.

- (4) In this section—

**probable maximum flood** has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

**Note—**

The probable maximum flood is the largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation.

### 5.31 Development on land zoned Tourism

Development consent must not be granted for development on land zoned Tourism unless the consent authority has considered the following—

- (a) a traffic and transportation plan that includes proposals about the management of traffic impacts caused by the development,
- (b) if the development involves or is near a heritage item—
  - (i) a heritage conservation management plan prepared in relation to that heritage item and approved by the Planning Secretary, and
  - (ii) whether the development is consistent with that plan,
- (c) whether a stable foundation exists or can be developed for the development,
- (d) whether the existing development platform (including subgrade) can be adequately protected from scour by the discharge of a 1:100 ARI (average recurrence interval) flood event,
- (e) whether the proposed development appropriately allows for potential differential settlement given the existing geotechnical conditions and the proposed foundation and for the geotechnical conditions present at the site to prevent excessive total and differential settlement.

### 5.32 Development on land zoned Waterway

Development consent must not be granted for development on land zoned Waterway unless the consent authority has considered whether the development is consistent with a plan of management (if any) for the Penrith Lakes Scheme that is endorsed by the Planning Secretary as being appropriate for the Scheme.

## Part 5.6 Miscellaneous provisions

### 5.33 Heritage conservation

**Note—**

Heritage items (if any) are listed and described in Schedule 6. Heritage conservation areas (if any) are described in Schedule 6.

(1) **Objectives** The objectives of this section are as follows—

- (a) to conserve the environmental heritage of Penrith,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) **Requirement for consent** Development consent is required for any of the following—

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—
  - (i) a heritage item,
  - (ii) an Aboriginal object,
  - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 6 in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land—

- (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land—
  - (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.
- (3) **When consent not required** However, development consent under this section 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, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
    - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, 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, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, 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 exempt development.
- (4) **Effect of proposed development on heritage significance** The consent authority must, before granting consent under this section in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subsection applies regardless of

whether a heritage management document is prepared under subsection (5) or a heritage conservation management plan is submitted under subsection (6).

- (5) **Heritage assessment** The consent authority may, before granting consent to any development—
- (a) on land on which a heritage item is located, or
  - (b) on land that is within a heritage conservation area, or
  - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
- require a heritage management document 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 or heritage conservation area concerned.
- (6) **Heritage conservation management plans** The consent authority may require, after considering the heritage 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 section.
- (7) **Archaeological sites** The consent authority must, before granting consent under this section to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the [Heritage Act 1977](#) applies)—
- (a) notify the Heritage Council of its intention to grant consent, and
  - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (8) **Aboriginal places of heritage significance** The consent authority must, before granting consent under this section to the carrying out of development in an Aboriginal place of heritage significance—
- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
  - (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.
- (9) **Demolition of nominated State heritage items** The consent authority must, before granting consent under this section for the demolition of a nominated State heritage item—

- (a) notify the Heritage Council about the application, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) **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, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Chapter, if the consent authority is satisfied that—

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage management document 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 management document is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

### **5.34 Bush fire hazard reduction**

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

**Note—**

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

### **5.35 Infrastructure development and use of existing buildings of the Crown**

- (1) This Chapter does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under *State Environmental Planning Policy (Infrastructure) 2007*.
- (2) This Chapter does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

### 5.36 Earthworks

- (1) The objective of this section is 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.
- (2) Development consent is required for earthworks unless—
  - (a) the earthworks are exempt development under an applicable environmental planning instrument, or
  - (b) the earthworks are ancillary to development that is permitted without consent under this Chapter or to development for which development consent has been given.
- (3) Before granting development consent for earthworks (or for development involving ancillary 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 of the development,
  - (b) the effect of the 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 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 waterway, 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.

### 5.37 Council infrastructure development

- (1) Development may be carried out by or on behalf of a public authority or the council without development consent on any land, other than land in a heritage conservation area or land containing a heritage item.

- (2) Subsection (1) does not apply to the following development—
- (a) the erection of a class 1–9 building under the *Building Code of Australia*,
  - (b) development that is not exempt development under *State Environmental Planning Policy (Infrastructure) 2007* and has a capital value of more than \$1,000,000.

### **5.38 Flood planning**

- (1) The objectives of this section are as follows—
- (a) to minimise the flood risk to life and property associated with the use of the 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) Development consent must not be granted for development on land to which this Chapter applies that is at or below the flood planning level 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.
- (3) Development consent must not be granted for development on land zoned Employment, Residential or Tourism unless the consent authority is satisfied that the development will not adversely affect the safe and effective evacuation of the land and the surrounding area.
- (4) A word or expression used in this section has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this Chapter.



## Part 5.7 Urban release areas

### 5.39 Arrangements for designated State public infrastructure

- (1) The objective of this section is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.
- (2) Development consent must not be granted for the subdivision of land in an urban release area unless the Planning Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that land.
- (3) Subsection (2) does not apply to—
  - (a) a lot identified in the certificate as a residue lot, or
  - (b) a lot to be created by a subdivision of land that was the subject of a previous development consent granted in accordance with this section, or
  - (c) a lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, education facilities or another public purpose, or
  - (d) a subdivision for the purpose only of rectifying an encroachment on an existing lot.
- (4) This section does not apply to a development application to carry out development on land in an intensive urban development area if all or any part of the land to which the application applies is in a special contributions area (as defined by section 7.1 of the Act).
- (5) In this section—

**designated State public infrastructure** means public facilities or services that are provided or financed by the State (or, if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds—

- (a) State and regional roads,
- (b) bus interchanges and bus lanes,
- (c) land required for regional open space,
- (d) social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).

#### 5.40 Public utility infrastructure

- (1) Development consent must not be granted for development on land in an urban release area unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.
- (2) This section does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.
- (3) In this section—

***public utility infrastructure***, in relation to an urban release area, includes infrastructure for any of the following—

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage.

#### 5.41 Development control plan

- (1) The objective of this section is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.
- (2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subsection (3) has been prepared for the land.
- (3) The development control plan must provide for all of the following—
  - (a) a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,
  - (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,
  - (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,
  - (d) a network of active and passive recreation areas,
  - (e) stormwater and water quality management controls,

- (f) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,
  - (g) detailed urban design controls for significant development sites,
  - (h) measures to accommodate and control appropriate neighbourhood commercial and retail uses,
  - (i) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.
- (4) Subsection (2) does not apply to any of the following developments—
- (a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,
  - (b) a subdivision of land if all of the lots proposed to be created are to be reserved or dedicated for public open space, public roads or any other public or environmental protection purpose,
  - (c) a subdivision of land in a zone in which the erection of structures is prohibited,
  - (d) proposed development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone in which the land is situated.

#### **5.42 Relationship between Part and remainder of Policy**

A provision of this Part prevails over any other provision of this Chapter to the extent of any inconsistency.

## **Chapter 6 St Marys**

### **Part 6.1 Introduction**

#### **6.1 Area covered by this Chapter**

- (1) This Chapter applies to certain land in the region declared under the Act that is known as the Sydney Region and is within the Blacktown City and Penrith City local government areas.
- (2) The location and boundaries of the land are shown on the Zoning Map.
- (3) Despite subsections (1) and (2), this Chapter does not apply to land referred to on the Zoning Map as “DEFERRED MATTER”.

## 6.2 Aims of this Chapter

The aims of this Chapter are to—

- (a) support the *St Marys Environmental Planning Strategy, 2000* of the Department of Urban Affairs and Planning by providing a framework for the sustainable development and management of the land to which this Chapter applies, and
- (b) rezone certain land for urban and employment-generating development, and
- (c) rezone land for conservation purposes and conserve the significant heritage values of the land to which this Chapter applies, and
- (d) ensure that urban development on the land achieves desirable environmental, social and economic outcomes, and
- (e) provide opportunities for recreation facilities that meet the needs of the regional and local community, and
- (f) ensure that development of the land to which this Chapter applies is integrated with established surrounding areas.

## 6.3 Effect of other environmental planning instruments

- (1) In the event of an inconsistency between this Chapter and another environmental planning instrument (whether made before, on or after the date on which this Chapter takes effect), this Chapter prevails to the extent of the inconsistency, subject to section 36 of the Act.
- (2) *Penrith Local Environmental Plan No 201 (Rural Lands)* and *Blacktown Local Environmental Plan 1988* do not apply to the land to which this Chapter applies.
- (3) *Penrith Local Environmental Plan No 255—Exempt and Complying Development* does not apply to the land to which this Chapter applies, except as provided by section 6.43 (Exempt and complying development) of this Chapter.

## 6.4 Interpretation and application of this Chapter

- (1) Words used in this Chapter that are defined in Schedule 1 have the meanings given to them in that Schedule.
- (2) Notes in this Chapter and the list of contents of this Chapter are not part of this Chapter.
- (3) Nothing in this Chapter prohibits, restricts, requires development consent for or allows a condition of development consent to prohibit or restrict—
  - (a) the carrying out of any development listed in Schedule 1 to the *Environmental Planning and Assessment Model Provisions 1980* (the references to public utility

undertakings in which are, for the purposes of this paragraph, taken to be references to utility undertakings, as defined in Schedule 1 to this Chapter), or

(b) the use of existing buildings of the Crown by the Crown.

## **6.5 Development structure**

The general pattern of development proposed for the land to which this Chapter applies is shown on the Structure Plan.

## **Part 6.2 Development staging**

### **6.6 Minister to declare land as a release area**

- (1) The Minister may, by notice in writing given to the relevant council for the land concerned, declare a precinct to be a release area.
- (2) The Minister is not to make a declaration under this section unless the following matters have been considered—
  - (a) the views, if any, of the relevant council and of such other public authorities as the Minister may decide to consult, provided to the Minister within 40 days of the Department having requested them (which period may have commenced or expired before the commencement of this Chapter),
  - (b) the degree to which the requirements of any development agreement that relates to any previous release areas comprised of land to which this Chapter applies have been met,
  - (c) the degree to which development in any previous release area has achieved the performance objectives contained in Part 5 of this Chapter.

#### **Note—**

Clause 274 of the *Environmental Planning and Assessment Regulation 2000* provides that a person cannot apply to a consent authority for consent to carry out development on land zoned “Employment” or “Urban” under this Chapter unless it is, or is part of, land declared to be a release area by the Minister. This restriction does not apply to development referred to in section 6.20(3) or (4) or 6.49.

## **Part 6.3 Precinct plans**

### **6.7 What is a precinct plan?**

A precinct plan is a document (consisting of written information, maps and diagrams) containing provisions relating to the development of land within the precinct to which it applies.

### **6.8 Preparing draft precinct plans**

- (1) A draft precinct plan may be prepared by or on behalf of the relevant council, an

owner of land within the precinct, or a lessee of land within the precinct with the consent of the owner of the land.

- (2) The first precinct plan for a release area must apply to all of the land within the release area (being all of the land within the precinct concerned).

### **6.9 Content of draft precinct plans**

- (1) Each draft precinct plan is to illustrate a proposed pattern of development for land within the precinct and explain how each proposed development type and form meets the requirements of this Chapter and the environmental planning strategy.
- (2) A draft precinct plan is to include proposals for, and information about, the following, for the land to which it applies—
  - (a) phasing of development, in general terms,
  - (b) distribution of major land uses, including location of retail centres, non-residential uses and areas for higher density housing,
  - (c) trunk public transport routes, pedestrian, cycle and road access and circulation networks, and flood evacuation routes,
  - (d) an indicative subdivision road pattern,
  - (e) drainage systems and flooding issues, including an assessment of the risk of flooding and damage likely to result,
  - (f) location of public facilities,
  - (g) location of open space, its function and landscaping intent,
  - (h) management of the potential impacts of development on the existing physical and environmental characteristics of the land, including significant native flora and fauna habitat and soil characteristics. The information is to include specific details of those characteristics and to explain how development should be planned and configured to minimise adverse impacts on areas of significance for biodiversity,
  - (i) guidelines for the design, siting and construction of buildings,
  - (j) management within the precinct of Aboriginal heritage relating to the land to which this Chapter applies,
  - (k) any items of non-Aboriginal heritage significance or of archaeological significance on land to which this Chapter applies and any potential impacts on these,
  - (l) design principles drawn from an analysis of the land to which this Chapter applies and its context,

- (m) the impact of the proposed development on any adjoining land that is zoned Regional Park or Regional Open Space,
- (n) any other major infrastructure, such as above- or below-ground trunk electrical systems, trunk sewerage or water supply lines,
- (o) management of remnant contamination risk,
- (p) any other matter required to be addressed by the relevant council or notified to the relevant council by the Minister.

#### **6.10 Matters to be considered in assessing precinct plans**

A precinct plan must not be approved unless the relevant council—

- (a) has sent a copy of a draft of the plan to the Director-General of National Parks and Wildlife, any public authority which (in the opinion of the relevant council) could be required to provide facilities or services to support the development of the land to which it applies and any public authority which (in the opinion of the relevant council) has a responsibility relevant to the development of that land and considered all responses received within 28 days of the copy being sent, and
- (b) is satisfied that the plan is consistent with the performance objectives, zone objectives and requirements prescribed by this Chapter and with the proposed development controls contained in the environmental planning strategy, and

##### **Editorial note—**

The *St Marys Environmental Planning Strategy, 2000* has been structured so that the matters to be considered in assessing precinct plans and development applications are clearly identified within each relevant Chapter under the heading “Development controls”.

- (c) is satisfied that the plan is substantially in accordance with the Structure Plan, and
- (d) has considered any potential impacts on items of Aboriginal heritage, including known Aboriginal relics and places, and land of archaeological significance to which this Chapter applies, and
- (e) is satisfied that the plan is consistent with the terms of any relevant development agreement, and
- (f) is satisfied that any proposal for retail or commercial development included in the plan will not undermine the regional and district retail and commercial centre hierarchy.

#### **6.11 Additional matters to be considered in relation to Ninth Avenue**

The relevant council is not to approve a precinct plan that contains any proposal for development, other than for the purpose of a public road, that would enable direct vehicular access to Ninth Avenue unless it has considered the following matters—

- (a) the capacity of Ninth Avenue to accommodate any vehicular traffic resulting from the proposed development,
- (b) the effect any such vehicular traffic may have on the existing road hierarchy in the vicinity of the proposed development,
- (c) any adverse impact of the proposed development on the rural character of Ninth Avenue or its surrounds.

#### **6.12 Submission of draft precinct plan for adoption**

- (1) A draft precinct plan that is not prepared by the relevant council is to be submitted to the relevant council for adoption.
- (2) The first draft precinct plan for each release area should be prepared and submitted by the land owner within 12 months of the declaration of the release area.
- (3) If the first draft precinct plan has not been submitted within 12 months of the declaration of the first release area, the relevant council may prepare the first draft precinct plan.

#### **6.13 Additional information**

The relevant council may request that additional information be provided before a draft precinct plan is placed on public exhibition in accordance with section 6.14.

#### **6.14 Consultation and exhibition**

- (1) Clauses 18, 19 and 20 of the [Environmental Planning and Assessment Regulation 2000](#) apply to a draft precinct plan in the same way as they apply to a draft development control plan.
- (2) The relevant council must provide the land owner with a summary of matters raised in submissions made in response to exhibition within 28 days of the end of the exhibition of a draft precinct plan. The council may provide the land owner with comments on the matters raised in submissions.

#### **6.15 Adoption of draft precinct plan**

- (1) The relevant council may—
  - (a) adopt a draft precinct plan in the form in which it was publicly exhibited, or
  - (b) adopt a draft precinct plan with amendments as agreed to by the proponent of the draft precinct plan or as proposed by the proponent in response to submissions, or
  - (c) adopt a draft precinct plan with amendments not agreed to by the proponent, but only with the agreement of the Minister, or



- (d) subject to subsection (2), refuse to adopt a draft precinct plan.
- (2) The relevant council must not refuse to adopt a draft precinct plan which has been submitted by or on behalf of the owner of land within the precinct unless it has obtained the agreement of the Minister to the refusal.
- (3) If the relevant council has not adopted a draft precinct plan within 6 months after the date on which the original form of the draft precinct plan was submitted to it by the land owner for adoption, the Minister may adopt the draft precinct plan, with or without such amendments as the Minister considers appropriate.
- (4) The Minister must seek the views of the relevant council concerning the draft precinct plan before the Minister adopts it.
- (5) A precinct plan may be adopted only in respect of land that has been declared a release area under Part 2.

#### **6.16 Effect of adoption of draft precinct plan**

A draft precinct plan becomes a precinct plan for the purposes of this Chapter on its adoption by the relevant council or the Minister.

#### **6.17 Amendment of precinct plans**

A precinct plan may be amended or revoked by a subsequent precinct plan which may apply to all or part of the land in a release area.

#### **6.18 Availability of precinct plans**

A copy of a precinct plan must be available for inspection at the office of the relevant council during ordinary office hours.

### **Part 6.4 Development applications**

#### **6.19 Consent authority**

- (1) For the purposes of this Chapter, the consent authority for development applications relating to land to which this Chapter applies is the Council of the City of Penrith, if the land is within the City of Penrith, or the Council of the City of Blacktown, if the land is within the City of Blacktown.
- (2) This section is subject to the Act.

#### **6.20 Development consent restrictions**

- (1) Development consent must not be granted with respect to any development on land to which this Chapter applies unless the consent authority—
  - (a) is satisfied that the proposed development will not be inconsistent with

achievement of the performance objectives, and the zone objectives and other requirements prescribed by this Chapter, and

- (b) has considered the development control strategies contained in the environmental planning strategy, in so far as they relate to the proposed development.
- (2) Consent must not be granted for development within a precinct unless—
- (a) there is a precinct plan for the precinct and the consent authority has taken that precinct plan into account, and
  - (b) the consent authority has taken into account whether the proposed development is consistent with the terms of any relevant development agreement.
- (3) However, consent may be granted for the following development, whether or not the land concerned is within a release area declared under Part 2 or there is a precinct plan relating to the land—
- (a) on or with respect to land identified by the words “educational establishment” on the Structure Plan—development for the purpose of an educational establishment, including a subdivision to create a separate allotment for the educational establishment, and development for the purpose of related servicing infrastructure, such as roads, drainage and sewerage works, or
  - (b) on or with respect to any land—development that, in the opinion of the consent authority, is of a minor nature.
- (4) Consent may also be granted for carrying out development for the purpose of any servicing infrastructure, such as roads, drainage and sewerage works, required to enable development of land in any precinct for which there is a precinct plan, whether or not the land concerned is within a release area declared under Part 2.

## **Part 6.5 Performance objectives**

### **6.21 Required outcomes for any development**

The performance objectives set out in this Part describe the desired environmental, social and economic outcomes for development on the land.

### **6.22 Ecologically sustainable development**

Development on the land to which this Chapter applies is to be planned and carried out so that it supports the goal of ecologically sustainable development within the region declared under the Act and known as the Sydney Region.

### **6.23 Air quality**

- (1) Adverse impact on the air quality of the Blacktown City and Penrith City local government areas is to be minimised through the implementation of appropriate

measures as part of any development.

- (2) Development on the land to which this Chapter applies should contribute to improved regional air quality by containing growth in vehicle kilometres travelled, by achieving higher than normal public transport use, encouraging walking and cycling, and promoting energy-efficient businesses and homes.

#### **6.24 Conservation**

- (1) A representative and significant proportion of the natural values of the land are to be conserved within a regional park in order to protect the variety of Western Sydney vegetation communities, native flora and fauna species and fauna habitat.
- (2) Urban design and site planning in the Employment and Urban zones are to have regard to significant stands of trees and, where practicable, retain those trees.
- (3) Adverse impacts on the vegetation and fauna habitats within the Regional Park and Regional Open Space zones resulting from the development of areas zoned Employment or Urban are to be minimised.
- (4) Infrastructure is to be designed and located to minimise potential adverse impacts on the conservation values of the land.
- (5) Infrastructure and recreational facilities within the regional park are to be sited and constructed to minimise adverse impact on the park's natural values.

#### **6.25 Heritage**

- (1) Regard for, and education and understanding of, the identified items of environmental heritage on the land to which this Chapter applies are to be promoted.
- (2) Development is not to adversely affect the heritage significance of items of environmental heritage and their settings.
- (3) The Aboriginal community is to be given the opportunity to comment regarding any potential impacts of development on, and proposals for mechanisms for the management of, items of Aboriginal heritage significance.

#### **6.26 Community services**

- (1) Development of the land to which this Chapter applies is to integrate community services with land use planning.
- (2) The full range of human services and community facilities infrastructure appropriate to the changing needs of the community is to be provided in a timely manner, including the provision of basic or core services and facilities in the early stages of the development of each precinct.

- (3) The amenity of the Blacktown City and Penrith City local government areas is to be promoted through the provision of on-site services and facilities, and through complementing or augmenting existing service networks.
- (4) Equitable access to services and facilities is to be promoted for all groups and individuals in the community.
- (5) Community participation is to be encouraged in the identification of community service and facility needs.

#### **6.27 Open space and recreation**

- (1) A range of open space and recreation areas and facilities for passive and active recreation is to be provided, including local playgrounds and neighbourhood parks.
- (2) The accessibility and utility of open space areas are to be maximised to allow use by the community.
- (3) Recreational activities and facilities within each precinct are to be located and designed to maximise conservation of the cultural and natural environmental values of buildings, works and places within the precinct.

#### **6.28 Watercycle**

- (1) During and following construction, impacts upon water quality are to be minimised, through the utilisation of effective erosion and sediment control measures in accordance with industry standards.
- (2) The use of the land to which this Chapter applies is to incorporate stormwater management measures that ensure there is no net adverse impact upon the water quality (nutrients and suspended solids) in South Creek and Hawkesbury-Nepean catchments.
- (3) Water usage on and the importation of potable water on to the land to which this Chapter applies are to be minimised.
- (4) Development is to be designed and carried out so as to ensure that there is no significant increase in the water table level and that adverse salinity impacts will not result.
- (5) There is to be only minimal impact upon flood levels upstream or downstream of the land to which this Chapter applies as a consequence of its development.
- (6) Drainage lines are to be constructed and vegetated so that they approximate as natural a state as possible. Where it is necessary to modify existing drainage lines to accommodate increased stormwater runoff from urban areas, this should be done in a manner which maximises the conservation of indigenous flora in and around the drainage lines.

- (7) Development is to be carried out in a manner that minimises flood risk to both people and property.
- (8) Changes in local flow regimes due to development are to be minimised for rainfall events up to the 50% AEP rainfall event.
- (9) Gross pollutants are to be collected at, or as close as possible to, their source or at all stormwater outlets, or at both of those places, so that there is no increase in sediment/litter entering the creeks as a result of development.

### **6.29 Soils**

Development is to have regard to soil constraints to ensure that the risk of adverse environmental and economic impacts is minimised.

### **6.30 Transport**

- (1) Development should support creation of effective public transport and bicycle links to the dominant centres and major transport nodes in the Blacktown City and Penrith City local government areas.
- (2) Public transport is to be provided early in the development of the land to which this Chapter applies to establish use patterns.
- (3) Development of the land to which this Chapter applies is to maximise accessibility to services and facilities for people who do not have access to a private car.
- (4) Development of the land to which this Chapter applies is to effectively link that land into the surrounding road network and traffic generated by the development is to be catered for at a satisfactory level of service.
- (5) Provision of transport infrastructure and services is to be coordinated with the staging of development on the land.
- (6) Urban form is to maximise the potential for public transport, walking and cycling to replace car travel, with an overall net neighbourhood density target of at least 15 dwellings per hectare.
- (7) High trip-generating uses such as employment development, retailing and multi-unit housing are to be concentrated adjacent to major public transport routes and nodes.
- (8) The overall development of land to which this Chapter applies is to include a range of land uses sufficient to minimise demand for travel outside the land to which this Chapter applies.
- (9) Public transport infrastructure and services are to be provided to a level sufficient to achieve a significantly higher use of public transport compared to other similar development in the Blacktown City and Penrith City local government areas.

### **6.31 Urban form**

- (1) Development of the land to which this Chapter applies is to result in an attractive and safe built environment which satisfies a diverse range of community needs.
- (2) Development is to integrate the new community with existing adjoining communities.
- (3) Development on the land to which this Chapter applies is to include—
  - (a) a diverse range of building types and designs, and
  - (b) residences in close proximity (that is, a comfortable walking distance) to public transport, human services and retail, community and recreation facilities, and
  - (c) clearly distinguished public and private spaces, and
  - (d) a legible street layout.
- (4) The overall development of the land to which this Chapter applies is to incorporate urban design measures to discourage crime and facilitate safety and access for disabled persons.

### **6.32 Employment and business development**

- (1) The total number of jobs generated by development on land to which this Chapter applies (including jobs generated on the surrounding land) is to approximate the number of workers who will be resident on the land to which this Chapter applies after the development has been carried out.
- (2) Retail and commercial development on the land to which this Chapter applies is not to undermine the regional and district retail and commercial centre hierarchy.
- (3) Local retail services are to be provided in the early stages of the development of each precinct.
- (4) Noise conflict between employment or business-related development and nearby residential development is to be minimised.

### **6.33 Housing**

- (1) Residential development on the land to which this Chapter applies will provide for a choice of housing and allotment types and sizes, including multi-unit housing, attached housing and detached housing.
- (2) The residential buildings in each precinct are to contain a range of housing styles and densities.

### **6.34 Energy efficiency**

Development on the land to which this Chapter applies is to incorporate best practice

energy management and implement energy efficient principles wherever possible.

### **6.35 Waste management**

- (1) Buildings are to be designed and constructed in a way that minimises the production of unnecessary waste.
- (2) Development is to facilitate appropriately designed and scaled local activities which reuse, recycle and reprocess wastes.

## **Part 6.6 Zoning**

### **6.36 Zoning**

- (1) Land to which this Chapter applies is within one of the following zones—
  - (a) Regional Park
  - (b) Regional Open Space
  - (c) Employment
  - (d) Urban
  - (e) Road and Road Widening
  - (f) Drainage
- (2) The zoning of land is shown on the Zoning Map.

### **6.37 Regional Park zone**

- (1) The objectives of the Regional Park zone are—
  - (a) to identify land that is to be or is reserved or dedicated under the *National Parks and Wildlife Act 1974*, and
  - (b) to conserve and enhance the range and variety of ecological communities, native flora and fauna species and plant and animal habitats within the area, and
  - (c) with regard to the views of local Aboriginal communities, to conserve the Aboriginal values of the area to ensure they are available for interpretation to future generations, and
  - (d) to provide recreational facilities that are consistent with the natural and cultural values of the land to which this Chapter applies.
- (2) In the Regional Park zone—
  - (a) development for the purpose of any land use authorised by or under the *National Parks and Wildlife Act 1974* and any land use ordinarily incidental or ancillary to

any such land use may be carried out without development consent, and

(b) any other development is prohibited.

### **6.38 Regional Open Space zone**

(1) The objectives of the Regional Open Space zone are—

(a) to identify land that is to be or is held by the corporation as regional open space where recreational opportunities for the general community may be provided, and

(b) to identify a strip of land between the Regional Park zone and the Central Precinct which potentially may be used for the erection of an electricity transmission line.

(2) In the Regional Open Space zone—

(a) development for the purpose of the following is allowed with the consent of the consent authority—

advertisements, drains, parking areas, recreation establishments, recreation facilities, roads, utility installations (other than generating works), and

(b) any other development (except that identified by this Chapter as exempt or complying) is prohibited.

### **6.39 Employment zone**

(1) The objectives of the Employment zone are—

(a) to provide land for employment-generating land uses in locations which are compatible with surrounding development and which are accessible from within and outside the land to which this Chapter applies, and

(b) to provide for a wide range of employment development on land which will complement established employment areas and retail and commercial centres in the Blacktown City and Penrith City local government areas, and

(c) to accommodate uses which generate business activity and employment opportunities in the Blacktown City and Penrith City local government areas, and

(d) to ensure that development adjacent to the Regional Park zone does not have a negative impact on the biodiversity or conservation values of land within that zone.

(2) In the Employment zone—

(a) any development (except that identified by this Chapter as exempt or by paragraph (b) as prohibited) is allowed only with the consent of the consent authority, and



(b) development for the purpose of the following is prohibited—

agriculture, airline terminals, amusement centres, bed and breakfast establishments, bulky goods retailing, caravan parks, commercial premises (except where ancillary to buildings or land uses not specified in this paragraph), educational establishments (other than colleges, technical colleges, academies or lecture halls), exhibition homes, exhibition villages, extractive industries, forestry, generating works, hazardous industries, hazardous storage establishments, helipads, heliports, hospitals, hotels, housing (except where ancillary to buildings or land uses not specified in this paragraph), institutions, intensive livestock keeping establishments, intensive plant agriculture, liquid fuel depots, local retail or commercial premises, mines, mineral sand mines, nursing homes, offensive industries, offensive storage establishments, roadside stalls, rural industries, sawmills, shops (including a retail shop which is ancillary or incidental to another form of development but not including shops which serve the daily convenience needs of the workforce employed within the zone), stock and sale yards, timberyards, waste disposal.

#### **6.40 Urban zone**

(1) The objectives of the Urban zone are—

- (a) to ensure that buildings and works within the zone are primarily used for residential purposes and associated facilities, and
- (b) to limit the range and scale of non-residential uses to ensure that they are compatible with residential amenity and primarily serve local residents, and
- (c) to provide for local retailing and related services, including supermarkets, which will complement established centres in the Blacktown City and Penrith City local government areas and not have a significant adverse effect on the viability of established retail centres, and
- (d) to provide for medium density residential development in locations which provide optimum access to employment, public transport and services, while ensuring residential amenity, and
- (e) to promote home based industries where such activities are unlikely to adversely affect the living environment of neighbours, and
- (f) to ensure that development adjacent to the Regional Park zone does not have a negative impact on biodiversity or conservation within that zone.

(2) In the Urban zone—

- (a) development for the purpose of the following is allowed with the consent of the consent authority—

advertisements, amusement centres, backpackers' hostels, bed and breakfast establishments, boarding houses, bush fire hazard reduction, centre-based child care facilities, clubs, community facilities, drains, educational establishments, essential community services, exhibition homes, exhibition villages, fast food take-away restaurants, flood mitigation works, general stores, guesthouses, home activities, home businesses, hospitals, hotels, housing, local retail or commercial premises, medical centres, motels, nursing homes, parks, places of assembly, places of worship, professional consulting rooms, public buildings, recreation establishments, recreation facilities, regeneration activities, restaurants, retail plant nurseries, roads, service stations, shops.

- (b) any other development (except that identified by this Chapter as exempt or complying) is prohibited.

#### **6.41 Road and Road Widening zone**

- (1) The objective of the Road and Road Widening zone is to identify certain land that will be required for the purpose of a road.
- (2) In the Road and Road Widening zone—
- (a) development for the purpose of the following is allowed only with the consent of the consent authority—
- drains, parks, regeneration activities, roads, utility installations, and
- (b) any other development (except that identified by this Chapter as exempt or complying) is prohibited.

#### **6.42 Drainage zone**

- (1) The objectives of the Drainage zone are—
- (a) to enable certain land that adjoins or is substantially surrounded by land within the Regional Park zone to be used for the purpose of stormwater management, and
- (b) to permit development for the purpose of stormwater management, as well as development which is compatible with both the use of land for stormwater management and with the conservation objectives of the adjoining land zoned Regional Park.
- (2) In the Drainage zone—
- (a) development for the purpose of the following is allowed only with the consent of the consent authority—
- advertisements, drains, land uses authorised by or under the *National Parks*

*and Wildlife Act 1974* and any use ordinarily incidental or ancillary to any such use, parks, regeneration activities, roads, utility installations (other than generating works), and

- (b) any other development (except that identified by this Chapter as exempt or complying development) is prohibited.

#### **6.43 Exempt and complying development**

- (1) This section applies only to land within a release area declared under Part 2 for which a precinct plan has been approved.
- (2) On land to which this section applies that is within the City of Blacktown, development which is exempt or complying development if carried out on land within a zone identified in Column 2 of the Table in Schedule 2 is exempt or complying development, as the case may be, if carried out on land within the corresponding zone identified in Column 1 of the Table, but only if the development is not prohibited on the land by this Chapter.
- (3) On land to which this section applies that is within the City of Penrith, development that is exempt or complying development if carried out on land within a zone identified in Column 3 of the Table in Schedule 2 is exempt or complying development, as the case may be, if carried out on land within the corresponding zone identified in Column 1 of the Table, but only if the development is not prohibited on the land by this Chapter.
- (4) Despite subsections (2) and (3), development—
  - (a) is not exempt development if it is proposed to be carried out on the site of an item of environmental heritage that—
    - (i) is identified as such in this or any other environmental planning instrument applying to the land, or
    - (ii) is listed on the State Heritage Register under the *Heritage Act 1977*, or
    - (iii) is subject to an interim heritage order under the *Heritage Act 1977*, and
  - (b) is not complying development if it is proposed to be carried out on land that is below the PMF level.

## **Part 6.7 Development controls**

### **6.44 Consultation with National Parks and Wildlife Service**

- (1) This section applies to the following—
  - (a) development of land adjoining land within the Regional Park zone, and

- (b) development for the purpose of a road or public utility undertaking on land zoned Regional Park that is subject to an existing easement, where the application is lodged prior to the land being reserved or dedicated under the *National Parks and Wildlife Act 1974*.
- (2) The consent authority must not grant development consent for development unless it has referred a copy of the development application to the Director-General of National Parks and Wildlife.
- (3) Where a copy of a development application has been forwarded to the Director-General of National Parks and Wildlife pursuant to this section, the consent authority must not grant consent to the application until—
  - (a) it has received and considered advice with respect to the application from that Director-General, or
  - (b) the consent authority has been notified that that Director-General does not wish to submit any advice with respect to the application, or
  - (c) 28 days have elapsed after the date on which the application was referred to the Director-General,whichever occurs first.

#### **6.45 Subdivision**

A person may subdivide land to which this Chapter applies, but only with the consent of the consent authority.

#### **6.46 Subdivision for residential purposes**

The consent authority must not grant consent to the subdivision of land for residential purposes within the Central Precinct unless the consent authority is satisfied that—

- (a) a range of dwelling types is provided for within the Precinct, and
- (b) the total number of dwellings within the Precinct will not exceed 2,000 dwellings.

#### **6.47 Development near zone boundaries**

- (1) Development that (in the absence of this section) would be prohibited in a zone may be carried out with development consent within 30 metres of the boundary between that zone and another zone if it is allowed in the other zone either with or without development consent.
- (2) However, this section does not allow consent to be granted for development within the Regional Park zone.

#### **6.48 Demolition**

A person may demolish, in part or in whole, a building on land to which this Chapter applies, but only with the consent of the consent authority.

#### **6.49 Interim uses**

- (1) Despite Parts 4 and 6, development may be carried out on land to which this Chapter applies with development consent for any purpose, but only if the consent authority is satisfied that—
  - (a) the development will not prevent achievement of the aims of this Chapter, and
  - (b) the development will not make the eventual development of the land in accordance with the zone objectives more difficult than it would be if the development had not been carried out, and
  - (c) appropriate arrangements have been or will be made for the reinstatement of the land affected by the development so that it may be used in accordance with the zone objectives, and
  - (d) the development will not adversely affect residential amenity or result in a land use conflict in relation to other development allowed in accordance with this Chapter on other land in the locality.
- (2) Consent must not be granted for development as provided by this section unless conditions of the consent—
  - (a) require that the development ceases by a specified time occurring no later than 5 years after the date from which the consent operates, and
  - (b) provide for the consent to lapse if the development it allows to be carried out is not commenced within 2 years after that date.
- (3) Nothing in this section allows consent to be granted for—
  - (a) subdivision or development for the purpose of retailing, commercial premises or housing, or
  - (b) development on any land after a precinct plan that applies to the land has been approved, or
  - (c) development on land within the Regional Park zone, after the land has been reserved or dedicated under the [National Parks and Wildlife Act 1974](#), or
  - (d) development on land within the Regional Open Space zone, Road and Road Widening zone or Drainage zone after the land has been vested in the corporation or the relevant council.

### **6.50 Land below the PMF level**

- (1) Development may be carried out on land below the PMF level only with the consent of the consent authority.
- (2) The consent authority must not grant consent to development for residential or industrial purposes on land identified as being affected by the 1% Annual Exceedence Probability (AEP) flood on the Structure Plan unless it is satisfied that, following development, the land will be above the 1% AEP flood level.
- (3) The erection of a building for the purpose of an essential community service, and the carrying out of a work for that purpose, are prohibited on land below the PMF level.
- (4) Before granting consent for development of land zoned Urban or Employment that is below the PMF level, the consent authority must have regard to a merit based assessment undertaken in accordance with the principles and guidelines set out in the *Floodplain Development Manual* (NSW Government, December 1986) or any document approved by the Director as replacing that document for the purposes of this Chapter.
- (5) Road systems on land which would be affected by the PMF are to be designed to facilitate safe evacuation during flood events.

### **6.51 Filling of land**

- (1) Filling of land that is below the level of the PMF before it is filled is prohibited.
- (2) However, the consent authority may grant consent to the filling of land where it is satisfied that—
  - (a) the proposed development will not be inconsistent with the principles set out in the manual entitled *Floodplain Development Manual: the management of flood liable land* published by the New South Wales Government, and
  - (b) in the case of land identified on the Structure Plan as “potential fill area”, the proposed development will not be inconsistent with the performance objectives of this Chapter, and
  - (c) in the case of land not identified on the Structure Plan as “potential fill area” but within the Regional Open Space zone or the Road and Road Widening zone, the proposed development is necessary as part of development to be carried out on the land.

### **6.52 Salinity and highly erodible soils**

- (1) The consent authority must not grant consent to the development of any land unless it has considered—

- (a) a detailed soil assessment which includes a finding of whether or not the land is at risk from salinity or contains soils which are highly erodible, and
  - (b) whether the proposed development incorporates appropriate building materials, techniques and land management measures to mitigate adverse environmental and economic impacts.
- (2) The consent authority must not consent to the development of land so found to be at risk or affected, unless it is satisfied that appropriate measures have been incorporated or are able to mitigate the potential impacts.

### **6.53 Tree preservation**

- (1) A person must not ringbark, cut down, lop, top, remove, injure or wilfully destroy any tree, or cause any tree 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 the tree), except with the consent of the consent authority.
- (2) Despite subsection (1), consent is not required where—
- (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 as dying, in poor condition or potentially dangerous by a qualified arborist, or
  - (d) the action to the tree is taken for the purpose of bush fire hazard reduction in accordance with an approved local bush fire management plan referred to in section 52 of the *Rural Fires Act 1997*, or
  - (e) the tree is less than five metres from a building or work for which consent has been granted or which has been approved by the consent authority, or
  - (f) the action to the tree is taken in accordance with a permit issued by the consent authority.
- (3) before granting a consent or permit referred to in this section, the consent authority must make an assessment of the importance of the tree or trees concerned in relation to the following—
- (a) soil stability and prevention of land degradation,
  - (b) preservation of scenic and environmental amenity,
  - (c) maintenance of vegetation systems and natural wildlife habitats and corridors,
  - (d) prevention of soil salinity and a rising water table.

- (4) This section does not apply to the lopping of trees in accordance with Part 9 of the *Electricity Supply (General) Regulation 1996* or section 48 of the *Electricity Supply Act 1995*, or to any trees under the control of the National Parks and Wildlife Service.

#### **6.54 Items of environmental heritage**

Items of environmental heritage are identified on the Heritage Map.

#### **6.55 General heritage considerations**

Consent must not be granted for development of, or in the vicinity of, an item of environmental heritage unless the consent authority has made an assessment of the effect the carrying out of that development will have on the heritage significance of the item and its setting.

#### **6.56 Conservation of items of environmental heritage**

- (1) A person must not, in respect of a building, place, work or relic that is an item of 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 the building, work or relic is situated or the land which comprises the place, or
  - (e) subdivide the land on which the building, work or relic is situated or the land which comprises the place,
- except with the consent of the consent authority.
- (2) The consent authority must not grant consent to a development application made in pursuance of subsection (1) unless it has made an assessment of—
- (a) the significance of the item as an item of environmental heritage of the St Marys area, 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.



- (3) The consent authority must not consent to development involving an item of environmental heritage unless it has considered a statement of heritage impact or a conservation plan relating to the item and the proposed development.
- (4) The consent authority may grant consent to development involving the excavation or filling of land or the erection on land (involving disturbance of the land) or demolition of buildings on land that is the site of an item of environmental heritage that is of non-Aboriginal heritage significance only if it has considered a statement of heritage impact or a conservation plan relating to the item and the proposed development.

#### **6.57 Conservation of Aboriginal sites and items and relics of Aboriginal cultural significance**

- (1) This section applies to development that—
  - (a) is likely to have an impact on an Aboriginal place, or
  - (b) will be carried out on—
    - (i) an archaeological site that has Aboriginal cultural significance, or
    - (ii) a potential archaeological site that is reasonably likely to have Aboriginal cultural significance.
- (2) Before granting consent to the development, the consent authority must consider a heritage impact statement explaining how the proposed development would affect the conservation of—
  - (a) the place or site, and
  - (b) any relic known, or reasonably likely, to be at the place or site.

#### **6.58 Access**

- (1) Development, other than for the purpose of a public road, that would enable vehicular access to The Northern Road, Palmyra Avenue or Forrester Road is prohibited.
- (2) The consent authority must not grant development consent for development, other than for the purpose of a public road, that would enable direct vehicular access to Ninth Avenue unless it has considered the following matters—
  - (a) the capacity of Ninth Avenue to accommodate any vehicular traffic resulting from the proposed development,
  - (b) the effect any such vehicular traffic may have on the existing road hierarchy in the vicinity of the proposed development,
  - (c) any adverse impact of the proposed development on the rural character of Ninth Avenue or its surrounds.

- (3) This section does not apply to land identified as “educational establishment” on the Structure Plan.

#### **6.59 Certain development prohibited**

Regardless of any other provision of this Chapter—

- (a) development described in Schedule 3 is prohibited on land shown hatched on the Zoning Map, and
- (b) development for the purpose of housing is prohibited on land that is less than 400 metres from the land in Lot 1 DP 31910, Lot 1 DP 223888 or Lot 1 DP 803832.

#### **6.60 Retail and commercial development restricted**

- (1) The consent authority must not grant consent to development described in Schedule 4 on land zoned Urban unless—
- (a) the proposed development is located on land identified as suitable for use for the purpose of a retail centre by a precinct plan, and
- (b) the consent authority is satisfied that, if the proposed development is carried out, the total gross floor area of all buildings on land to which this Chapter applies that may be used for the purpose of shops will not exceed 13,000 square metres approximately divided as follows—
- (i) Western Precinct—7,500 square metres,
- (ii) Central, Dunheved North and Dunheved South Precincts (combined)—2,500 square metres,
- (iii) Eastern and Ropes Creek Precincts (combined)—3,000 square metres.
- (2) However, subsection (1) (b) does not apply if the consent authority is satisfied that, after the proposed development is carried out, the total gross floor area (including the gross floor area of all other buildings used for retailing in the locality) will not be greater than the total required to reasonably service the local residential community and workforce.
- (3) Subsection (1) does not apply to the granting of consent for general stores.

#### **6.61 Services**

Development must not be carried out on any land to which this Chapter applies until arrangements have been made for the supply of water, sewerage, drainage and underground power that are satisfactory to the consent authority.

#### **6.62 Subdivision without consent**

Despite any other provision of this Chapter, consent is not required—

- (a) for a subdivision for the purpose of creating the proposed regional park and regional open space, with boundaries in accordance with the Zoning Map, or
- (b) for a subdivision primarily for the purpose of providing land or an interest in land as a security in favour of a public authority in accordance with the terms of a development agreement within the meaning of this Chapter.

### **6.63 Bush fire hazard reduction works**

Except as required by section 6.53 (Tree preservation), nothing in this Chapter requires that development consent be obtained to carry out bush fire hazard reduction works on land for which a precinct plan has been approved.

### **6.64 Temporary use of land**

- (1) The objective of this section is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Chapter, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that—
  - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Chapter and any other applicable environmental planning instrument, and
  - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
  - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
  - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subsection (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subsection.
- (5) Subsection (3)(d) does not apply to the temporary use of a dwelling as a sales office mentioned in subsection (4).

### 6.65 Conversion of fire alarms

- (1) This section applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.
- (2) The following development may be carried out, but only with development consent—
  - (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
  - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
  - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) Development to which subsection (2) applies is complying development if it consists only of—
  - (a) internal alterations to a building, or
  - (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.
- (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.
- (5) In this section—

**private service provider** means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

### 6.66 Concurrence of Planning Secretary—intensive urban development

- (1) This section applies to development—
  - (a) on land in an intensive urban development area, and
  - (b) that results in an increase in the number of dwellings on the land.
- (2) Development consent must not be granted to the development unless the consent authority has obtained the concurrence of the Planning Secretary.
- (3) In deciding whether to grant concurrence, the Planning Secretary must consider the

following—

- (a) the impact of the development on—
    - (i) existing designated State public infrastructure, and
    - (ii) the need for additional designated State public infrastructure.
  - (b) the cumulative impact of the development with other development that has been, or is likely to be, carried out in the intensive urban development area on—
    - (i) existing designated State public infrastructure, and
    - (ii) the need for additional designated State public infrastructure,
  - (c) the steps taken to address those impacts, including whether a planning agreement has been, or will be, entered into that contributes to designated State public infrastructure.
- (4) This section does not apply to development on land if all or part of the land is in a special contributions area to which a determination under section 7.23 of the Act applies.

#### **6.67 Public utility infrastructure**

- (1) Development consent must not be granted for development on land in an intensive urban development area unless the consent authority is satisfied that—
  - (a) public utility infrastructure that is essential for the development is available, or
  - (b) the public utility infrastructure will be available when required.
- (2) In this section—

**public utility infrastructure** includes infrastructure for the following—

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage.

#### **6.68 Emergency evacuation management plan**

- (1) The object of this section is to ensure that provision is made for the safe evacuation of residents of the Central Precinct in an emergency.
- (2) Development consent must not be granted to the subdivision of land in the Central Precinct unless the consent authority is satisfied that—
  - (a) an emergency evacuation management plan will be prepared in consultation with

the relevant Local Emergency Management Committee under the [State Emergency and Rescue Management Act 1989](#), and

- (b) the plan will be prepared and implemented before the land is used for residential purposes, and
- (c) the plan will adequately provide for the safe evacuation of persons residing in the Central Precinct in an emergency.

#### **6.69 Subsidence risk**

- (1) The objectives of this section are to ensure that development in areas of subsidence risk—
  - (a) does not disturb the underlying geotechnical conditions of the land, and
  - (b) is restricted on unsuitable land, and
  - (c) does not endanger life or property.
- (2) This section applies to land shown as “Subsidence Risk Area” on [the Zoning Map](#).
- (3) Before determining a development application for specified development on land to which this section applies, the consent authority must consider the following matters to decide whether or not the development is responsive to the risk of subsidence—
  - (a) the development’s design and construction methods,
  - (b) the specific geotechnical constraints of the site,
  - (c) wastewater management, stormwater and drainage across the site.
- (4) Development consent must not be granted to specified development on land to which this section applies unless the consent authority is satisfied that—
  - (a) the development is designed, sited and will be managed to avoid any significant adverse impact on the development and the land surrounding the development, and
  - (b) the consent authority is satisfied that the development will appropriately manage wastewater, stormwater and drainage across the site so as to not affect the rate, volume and quality of water leaving the land.
- (5) In this section—

***specified development*** means—

  - (a) development under section 6.20(4), 6.45 or 6.51, or
  - (b) development for any of the following purposes—

- (i) community facilities,
- (ii) drains,
- (iii) essential community services,
- (iv) flood mitigation works,
- (v) parks,
- (vi) recreation facilities,
- (vii) public roads or private roads within the meaning of the *Roads Act 1993*, and including classified roads.

## **Chapter 7 Western Sydney Parklands**

### **Part 7.1 Preliminary**

#### **7.1 Aim of Chapter**

The aim of this Chapter 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.

## 7.2 Land to which Chapter applies

This Chapter applies to the Western Parklands.

## 7.3 Interpretation—general

(1) In this Chapter—

**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 11.

**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](#).

**Note—**

The Act and the [Interpretation Act 1987](#) contain definitions and other provisions that affect the interpretation and application of this Chapter.

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

**7.4 Interpretation—references to maps**

- (1) A reference in this Chapter to a named map adopted by this Chapter 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 Chapter 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 Chapter, a map may be in, and may be kept and made available in, electronic or paper form, or both.

### **7.5 Relationship to other planning instruments**

- (1) The following environmental planning instruments do not apply to the Western Parklands—
  - (a) *State Environmental Planning Policy (Housing) 2021*, Chapter 3, Parts 8 and 9
  - (b) *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*,
  - (c) *State Environmental Planning Policy (Industry and Employment) 2021*, Chapter 3.
- (2) If there is an inconsistency between this Chapter and any of the following provisions, the other provision prevails to the extent of the inconsistency—
  - (a) *State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 4
  - (b) *State Environmental Planning Policy (Resources and Energy) 2021*, Chapters 2 and 3,
  - (c) *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, Chapter 3.
- (3) Except as otherwise provided by this section or section 7.5A, this Chapter prevails to the extent of an inconsistency between this Chapter and another provision of this Policy or another environmental planning instrument, whether made before or after the commencement of this Chapter.

### **7.5A Application of State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 2**

- (1) *State Environmental Planning Policy (Transport and Infrastructure) 2021*, sections 2.73(3) and 2.74(1) do not apply to the Western Parklands.
- (2) Western Parklands is taken to be a prescribed zone for the purposes of *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Part 2.3.
- (3) If there is an inconsistency between this Chapter and *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2—
  - (a) this Chapter prevails to the extent the inconsistency relates to section 7.19, and
  - (b) otherwise—*State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2 prevails to the extent of the inconsistency.

## 7.6 Development control plans

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

## 7.7 Savings provision relating to development applications

- (1) Subsection (2) applies to a development application—
  - (a) made before the commencement of this Chapter 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 Chapter is in the Western Parklands, and
  - (b) not finally determined before the commencement.
- (2) The application must be determined as if this Chapter had not commenced.

## Part 7.2 Land uses and provisions applying to development

### 7.8 Land use zones

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

#### Note—

Land that before the commencement of this Chapter 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.

### 7.9 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.
- (2) 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.

- (3) Any development not specified in subsection (1) or (4), or permitted without consent by subsection (2), may be carried out in the Western Parklands only with consent.
- (4) Development for the purposes of residential accommodation is prohibited in the Western Parklands.
- (5) In this section—
  - (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 Chapter) a reference to a type of building or other thing referred to separately in this section.
- (6) This section is subject to the other provisions of this Chapter.

#### **7.10 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 Chapter, as set out in section 7.1,
- (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.

#### **7.11 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.

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

- (1) This section 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 section 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.

### 7.13 Flood planning

- (1) The objectives of this section 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 section 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 section 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 section 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 Chapter.

### 7.14 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 section 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 section 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 section, consider the effect of the proposed development on the heritage significance of the heritage item concerned. This subsection applies regardless of whether a heritage impact statement is prepared under subsection (5) or a heritage conservation management plan is submitted under subsection (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 section.
- (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 Chapter, 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.

### 7.15 Signage

- (1) This section 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 section—

**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.

#### **7.16 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 Chapter,
- (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.

#### **7.17 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.

#### **7.18 Earthworks**

(1) The objectives of this section 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 Chapter 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 7.3 Exempt development**

### **7.19 Exempt development**

**Note—**

Under section 4.1 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 12 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 Chapter, 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 section—

***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 7.4 Miscellaneous provisions

### 7.20 Acquisition of land by corporation

For the purposes of section 3.15 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.

### 7.21 Preservation of trees or vegetation

- (1) The objective of this section is to preserve the amenity of the Western Parklands, including biodiversity values, through the preservation of trees and other vegetation.
- (2) This section applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this section 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 section 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 section 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 section 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 section 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 subsection, the activities concerned will require development consent. The heritage provisions of section 7.14 will be applicable to any such consent.

- (8) This section 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 Chapter 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.

## 7.22 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.

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

- (1) The repeal of clause 10 of this Chapter, by the *State Environmental Planning Policy (State and Regional Development) 2011* does not affect the declaration under this Chapter 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 section have the same meaning as they have in Schedule 6A to the Act.

## Appendix 1 State significant precinct—Edmondson Park South site

section 2.7

### Part 1 Preliminary

#### 1 Land to which Appendix applies

This Appendix applies to the land identified on the [Land Application Map](#), referred to in this Appendix as the **Edmondson Park South site**.

#### 2 Interpretation

- (1) In this Appendix—

**Flood Planning Map** means the [State Environmental Planning Policy \(Major Development\) 2005 Edmondson Park South Flood Planning Map](#).

**Floor Space Ratio Map** means the [State Environmental Planning Policy \(Major Development\) 2005 Edmondson Park South Floor Space Ratio Map](#).

**Height of Buildings Map** means the [State Environmental Planning Policy \(Major Development\) 2005 Edmondson Park South Height of Buildings Map](#).

**heritage conservation area** means an area of land shown on the [Heritage Map](#) as a heritage conservation area or as a place of Aboriginal heritage significance.

**heritage item** means a building, work, archaeological site, tree, place or Aboriginal object—

- (a) shown on the [Heritage Map](#) as a heritage item, or
- (b) described in the Table to section 33.

**Heritage Map** means the [State Environmental Planning Policy \(Major Development\) 2005 Edmondson Park South Heritage Map](#).

**Land Application Map** means the [State Environmental Planning Policy \(Major Development\) 2005 Edmondson Park South Land Application Map](#).

**Land Reservation Acquisition Map** means the [State Environmental Planning Policy \(Major Development\) 2005 Edmondson Park South Land Reservation Acquisition Map](#).

**Land Zoning Map** means the [State Environmental Planning Policy \(Major Development\) 2005 Edmondson Park South Land Zoning Map](#).

**Lot Size Map** means the [State Environmental Planning Policy \(Major Development\) 2005 Edmondson Park South Lot Size Map](#).

**Native Vegetation Protection Map** means the [State Environmental Planning Policy \(Major Development\) 2005 Edmondson Park South Native Vegetation Protection Map](#).

**relevant council**, in relation to land, means the council of the local government area in which the land is situated.

- (2) A word or expression used in this Appendix has the same meaning as it has in the standard instrument prescribed by the [Standard Instrument \(Local Environmental Plans\) Order 2006](#) unless it is otherwise defined in this Appendix.

### 3 Consent authority

The consent authority for development on land within the Edmondson Park South site, other than development that is a transitional Part 3A project, is the relevant council.

### 5 Relationship with other environmental planning instruments

- (1) The only environmental planning instruments that apply, according to their terms, to land within the Edmondson Park South site are—
  - (a) Chapter 2, and
  - (b) all other State environmental planning policies.
- (2) In the event of any inconsistency between this Appendix and [State Environmental](#)

*Planning Policy (Sydney Region Growth Centres) 2006*, this Appendix prevails to the extent of the inconsistency.

## **Part 2 Provisions relating to development in Edmondson Park South site**

### **6 Application of Part**

- (1) This Part applies to development on land within the Edmondson Park South site, except as provided by subsection (2).
- (2) Sections 8–14, 16, 21–24, 26, 28, 31–34 and 36 do not apply to development to the extent that it is a transitional Part 3A project.

### **7 Land use zones**

For the purposes of Chapter 2, land within the Edmondson Park South site is in one of the following zones if the land is shown on the [Land Zoning Map](#) as being within that zone—

- (a) Zone R1 General Residential,
- (b) Zone B4 Mixed Use,
- (c) Zone SP2 Infrastructure,
- (d) Zone RE1 Public Recreation,
- (e) Zone E1 National Parks and Nature Reserves,
- (f) Zone E4 Environmental Living.

### **8 Objectives of land use zones to be taken into account**

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

### **9 Zone R1 General Residential**

- (1) The objectives of Zone R1 General Residential are as follows—
  - (a) to provide for the housing needs of the community,
  - (b) to provide for a variety of housing types and densities,
  - (c) to enable other land uses that provide facilities or services to meet the day to day needs of residents.
- (2) Development for any of the following purposes is permitted without development consent on land within Zone R1 General Residential—  
environmental protection works; home occupations.



- (3) Development for any of the following purposes is permitted only with development consent on land within Zone R1 General Residential—

attached dwellings; boarding houses; centre-based child care facilities; community facilities; dwelling houses; earthworks; food and drink premises; group homes; hostels; kiosks; markets; multi dwelling housing; neighbourhood shops; places of public worship; residential flat buildings; roads; semi-detached dwellings; shop top housing; signage; any other development not specified in subsection (2) or (4)

- (4) Except as otherwise provided by this Appendix, development for any of the following purposes is prohibited on land within Zone R1 General Residential—

agriculture; air transport facilities; amusement centres; backpackers' accommodation; boat repair facilities; boat sheds; caravan parks; charter and tourism boat facilities; commercial premises; correctional centres; crematoria; depots; entertainment facilities; extractive industries; farm stay accommodation; forestry; freight transport facilities; function centres; highway service centres; home occupations (sex services); hotel or motel accommodation; industrial retail outlets; industries; marinas; passenger transport facilities; port facilities; public administration buildings; recreation facilities (major); registered clubs; research stations; restricted premises; restriction facilities; rural industries; service stations; sex service premises; specialised retail premises; storage premises; transport depots; truck depots; vehicle body repair workshops; vehicle repair stations; warehouse or distribution centres; waste or resource management facilities; wholesale supplies.

## **10 Zone B4 Mixed Use**

- (1) The objectives of Zone B4 Mixed Use are as follows—

- (a) to provide a mixture of compatible land uses,
- (b) to integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

- (2) Development for any of the following purposes is permitted without development consent on land within Zone B4 Mixed Use—

environmental protection works.

- (3) Development for any of the following purposes is permitted only with development consent on land within Zone B4 Mixed Use—

boarding houses; business premises; centre-based child care facilities; community facilities; earthworks; educational establishments; entertainment facilities; function centres; hotel or motel accommodation; information and education facilities; office premises; passenger transport facilities; recreation facilities

(indoor); registered clubs; retail premises; roads; seniors housing; shop top housing; any other development not specified in subsection (2) or (4).

- (4) Except as otherwise provided by this Appendix, development for any of the following purposes is prohibited on land within Zone B4 Mixed Use—

agriculture; air transport facilities; caravan parks; cemeteries; correctional centres; crematoria; depots; dual occupancies; dwelling houses; extractive industries; forestry; freight transport facilities; home occupations (sex services); industrial retail outlets; industries; landscaping material supplies; restricted premises; restriction facilities; rural industries; rural workers' dwellings; sex service premises; storage premises; timber yards; transport depots; truck depots; vehicle body repair shops; waste or resource management facilities.

### **11 Zone SP2 Infrastructure**

- (1) The objectives of Zone SP2 Infrastructure are as follows—

- (a) to provide for infrastructure and related uses,
- (b) to prevent development that is not compatible with or that may detract from the provision of infrastructure,
- (c) to reserve land for the provision of infrastructure.

- (2) Development for any of the following purposes is permitted without development consent on land within Zone SP2 Infrastructure—

nil.

- (3) Development for any of the following purposes is permitted only with development consent on land within Zone SP2 Infrastructure—

earthworks; the purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose; roads.

- (4) Except as otherwise provided by this Appendix, development is prohibited on land within Zone SP2 Infrastructure unless it is permitted by subsection (2) or (3).

### **12 Zone RE1 Public Recreation**

- (1) The objectives of Zone RE1 Public Recreation are as follows—

- (a) to enable land to be used for public open space or recreational purposes,
- (b) to provide a range of recreational settings and activities and compatible land uses,
- (c) to protect and enhance the natural environment for recreational purposes,

(d) to provide a sufficient and equitable distribution of public open space to meet the needs of residents.

(2) Development for any of the following purposes is permitted without development consent on land within Zone RE1 Public Recreation—  
environmental protection works.

(3) Development for any of the following purposes is permitted only with development consent on land within Zone RE1 Public Recreation—  
building identification signs; business identification signs; centre-based child care facilities; community facilities; earthworks; flood mitigation works; information and education facilities; kiosks; markets; recreation areas; recreation facilities (indoor); recreation facilities (outdoor); restaurants; roads.

(4) Except as otherwise provided by this Appendix, development is prohibited on land within Zone RE1 Public Recreation unless it is permitted by subsection (2) or (3).

### **13 Zone E1 National Parks and Nature Reserves**

(1) The objectives of Zone E1 National Parks and Nature Reserves are as follows—

(a) to enable the management and appropriate use of land that is reserved under the *National Parks and Wildlife Act 1974* or that is acquired under Part 11 of that Act,

(b) to enable uses authorised under the *National Parks and Wildlife Act 1974*,

(c) to identify land that is to be reserved under the *National Parks and Wildlife Act 1974* and to protect the environmental significance of that land.

(2) Development for any of the following purposes is permitted without development consent on land within Zone E1 National Parks and Nature Reserves—  
uses authorised under the *National Parks and Wildlife Act 1974*.

(3) Development for any of the following purposes is permitted only with development consent on land within Zone E1 National Parks and Nature Reserves—  
nil.

(4) Except as otherwise provided by this Appendix, development is prohibited on land within Zone E1 National Parks and Nature Reserves unless it is permitted by subsection (2) or (3).

### **14 Zone E4 Environmental Living**

(1) The objectives of Zone E4 Environmental Living are as follows—

(a) to provide for low-impact residential development in areas with special ecological,

scientific, cultural or aesthetic values,

(b) to ensure that residential development does not have an adverse effect on those values.

(2) Development for any of the following purposes is permitted without development consent on land within Zone E4 Environmental Living—

home occupations.

(3) Development for any of the following purposes is permitted only with development consent on land within Zone E4 Environmental Living—

bed and breakfast accommodation; dual occupancies; dwelling houses; earthworks; environmental facilities; environmental protection works; flood mitigation works; group homes; health consulting rooms; home-based child care; horticulture; recreation areas; recreation facilities (outdoor); roads; secondary dwellings; signage; swimming pools; water recreation structures; water recycling facilities; waterbodies (artificial).

(4) Except as otherwise provided by this Appendix, development for any of the following purposes is prohibited on land within Zone E4 Environmental Living—

industries; service stations; warehouse or distribution centres; any other development not specified in subsection (2) or (3).

## **15 Prohibited development**

Development on land within the Edmondson Park South site that is part of a transitional Part 3A project is prohibited if it would be prohibited were it development to which Part 4 of the Act applies.

## **16 Subdivision—consent requirements**

(1) Land within the Edmondson Park South site may be subdivided, but only with development consent.

### **Note—**

*State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies certain subdivision development as exempt development.

## **17 Minimum subdivision lot size**

(1) The objectives of this section are as follows—

(a) to establish minimum lot sizes for residential development,

(b) to ensure that residential development has adequate usable areas for buildings and open space,

- (c) to facilitate and encourage the provision of a range of dwelling types.
- (2) This section applies to a subdivision of any land shown on the [Lot Size Map](#) that requires development consent and that is carried out after the commencement of this Appendix.
- (3) The size of any lot resulting from a subdivision of land to which this section applies must not be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) Despite subsection (3) and the [Lot Size Map](#)—
  - (a) the size of any lot resulting from a subdivision of land for dwelling houses must not be less than 200m<sup>2</sup>, and
  - (b) the size of any lot resulting from a subdivision of land for semi-detached dwellings must not be less than 200m<sup>2</sup>, and
  - (c) the size of any lot resulting from a subdivision of land for dual occupancies must not be less than 500m<sup>2</sup>, and
  - (d) the size of any lot resulting from a subdivision of land for secondary dwellings must not be less than 250m<sup>2</sup>, and
  - (e) the size of any lot resulting from a subdivision of land for attached dwellings must not be less than 125m<sup>2</sup>, and
  - (f) the size of any lot resulting from a subdivision of land for multi dwelling housing must not be less than 1,500m<sup>2</sup>, and
  - (g) the size of any lot resulting from a subdivision of land for residential flat dwellings must not be less than 1,500m<sup>2</sup>.
- (5) This section does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

## **18 Height of buildings**

The height of a building on any land within the Edmondson Park South site is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).

## **19 Floor space ratio**

- (1) The objectives of this section are as follows—
  - (a) to establish standards for the maximum development density and intensity of land use,
  - (b) to control building density and bulk in relation to site area,

(c) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain.

(2) The maximum floor space ratio of a building on any land within the Edmondson Park South site is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#).

## 20 Calculation of floor space ratio and site area

(1) **Objectives** The objectives of this section are as follows—

(a) to define **floor space ratio**,

(b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to—

(i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and

(ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and

(iii) require community land and public places to be dealt with separately.

(2) **Definition of “floor space ratio”** The **floor space ratio** of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) **Site area** In determining the site area of proposed development for the purpose of applying a floor space ratio, the **site area** is taken to be—

(a) if the proposed development is to be carried out on only one lot, the area of that lot, or

(b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subsections (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

(4) **Exclusions from site area** The following land must be excluded from the site area—

(a) land on which the proposed development is prohibited, whether under this Plan or any other law,

(b) community land or a public place (except as provided by subsection (7)).

(5) **Strata subdivisions** The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the

extent that it does not overlap with another lot already included in the site area calculation.

- (6) **Only significant development to be included** The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.
- (7) **Certain public land to be separately considered** For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.
- (8) **Existing buildings** The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.
- (9) **Covenants to prevent “double dipping”** When consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.
- (10) **Covenants affect consolidated sites** If—
- (a) a covenant of the kind referred to in subsection (9) applies to any land (**affected land**), and
  - (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,
- the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Appendix is reduced by the quantity of floor space area the covenant prevents being created on the affected land.
- (11) **Definition** In this section, **public place** has the same meaning as it has in the [Local Government Act 1993](#).

## 21 Temporary use of land

- (1) The objective of this section is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.

- (2) Despite any other provision of this Appendix, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that—
  - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Appendix and any other applicable environmental planning instrument, and
  - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
  - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
  - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subsection (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subsection.
- (5) Subsection (3)(d) does not apply to the temporary use of a dwelling as a sales office mentioned in subsection (4).

## **22 Interim land use for exhibition and sales office**

- (1) Despite any other provision of this Appendix, development consent may be granted for development on land in Zone R1 General Residential for an exhibition and sales office for a maximum period of 6 years from the date of consent.
- (2) Development consent must not be granted unless the consent authority is satisfied that—
  - (a) the use will not prejudice the subsequent carrying out of development on the land in accordance with this Appendix and any other applicable environmental planning instrument, and
  - (b) the use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
  - (c) the use and location of any structures related to the use will not adversely impact on environmental attributes, heritage significance, or features of the land, or increase the risk of natural hazards that may affect the land.



(3) In this section—

**exhibition and sales office** means a building or place, used for house and land sales, site offices, advisory services, car parking and other associated purposes.

### 23 Demolition requires consent

The demolition of a building or work may be carried out only with consent.

**Note—**

If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Appendix or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, as exempt development, the Act enables it to be carried out without consent.

### 24 Development near zone boundaries

- (1) The objective of this section is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This section applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 25 metres from any zone boundary.
- (3) This section does not apply to—
  - (a) land in Zone RE1 Public Recreation or Zone E1 National Parks and Nature Reserves, or
  - (b) land proposed to be developed for the purpose of sex services or restricted premises.
- (4) Despite the provisions of this Appendix relating to the purposes for which development may be carried out, consent may be granted to development of land to which this section applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—
  - (a) the development is not inconsistent with the objectives for development in both zones, and
  - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (5) This section does not prescribe a development standard that may be varied under this Appendix.

## 25 Bush fire hazard reduction

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

**Note—**

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

## 26 Flood planning

(1) The objectives of this section 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 section applies to—

- (a) land that is shown as “Flood planning area” on the [Flood Planning Map](#), and
- (b) other land at or below the flood planning level.

(3) Development consent must not be granted to development on land to which this section 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 section has the same meaning as it has in the NSW Government's *Floodplain Development Manual* published in 2005, unless it is otherwise defined in this section.

(5) In this section—

***flood planning level*** means the level of a 1:100 ARI (average recurrent interval)

flood event plus 0.5 metre freeboard.

## **27 Exceptions to development standards—transitional Part 3A projects**

- (1) A development standard imposed by this or any other environmental planning instrument on development that is part of a transitional Part 3A project, and is on land within the Edmondson Park South site, does not apply to that development if the Secretary is satisfied, and issues a certificate to the effect, that—
  - (a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) there are sufficient environmental planning grounds to justify exempting the development from that development standard.
- (2) In deciding whether to issue a certificate, the Secretary must consider—
  - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
  - (b) the public benefit of maintaining the development standard, and
  - (c) any other matters required to be taken into consideration by the Secretary.

## **28 Exceptions to development standards—other development**

- (1) This section applies to development on land within the Edmondson Park South site, other than development that is part of a transitional Part 3A project.
- (2) The objectives of this section are—
  - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (3) Development consent may, subject to this section, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this section does not apply to a development standard that is expressly excluded from the operation of this section.
- (4) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—
  - (a) that compliance with the development standard is unreasonable or unnecessary in

- the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (5) Development consent must not be granted for development that contravenes a development standard unless—
- (a) the consent authority is satisfied that—
- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subsection (4), and
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
- (b) the concurrence of the Secretary has been obtained.
- (6) In deciding whether to grant concurrence, the Secretary must consider—
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
- (b) the public benefit of maintaining the development standard, and
- (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.
- (7) Development consent must not be granted under this section for a subdivision of land in Zone E4 Environmental Living if—
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (8) After determining a development application made pursuant to this section, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subsection (4).
- (9) This section does not allow development consent to be granted for development that would contravene any of the following—
- (a) a development standard for complying development,
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which

*State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated.

## **29 Controls relating to miscellaneous permissible uses**

- (1) **Bed and breakfast accommodation** If development for the purposes of bed and breakfast accommodation is permitted under this Appendix, the accommodation that is provided to guests must consist of no more than 4 bedrooms.
- (2) **Home businesses** If development for the purposes of a home business is permitted under this Appendix, the carrying on of the business must not involve the use of more than 50 square metres of floor area.
- (3) **Kiosks** If development for the purposes of a kiosk is permitted under this Appendix, the gross floor area must not exceed 30 square metres.
- (4) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Appendix, the retail floor area must not exceed 100 square metres.
- (5) **Secondary dwellings** If development for the purposes of a secondary dwelling is permitted under this Appendix, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—
  - (a) 60 square metres,
  - (b) 20% of the total floor area of both the self-contained dwelling and the principal dwelling.

## **30 Architectural roof features**

- (1) The objectives of this section are as follows—
  - (a) to permit variations to maximum building height standards for roof features of visual interest,
  - (b) to ensure that roof features are decorative elements and that the majority of the roof is contained within the maximum building height standard.
- (2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by section 18 may be carried out, but only with consent.
- (3) Development consent must not be granted to any such development unless the consent authority is satisfied that—
  - (a) the architectural roof feature—
    - (i) comprises a decorative element on the uppermost portion of a building, and

- (ii) is not an advertising structure, and
  - (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
  - (iv) will cause minimal overshadowing, and
- (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

### **31 Preservation of trees or vegetation**

- (1) The objective of this section is to preserve the amenity of the area through the preservation of trees and other vegetation.
- (2) This section applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this section by a development control plan made by the relevant council.

**Note—**

A development control plan may prescribe the trees or other vegetation to which this section 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 relevant council.
- (4) The refusal by the relevant 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 relevant council to grant consent for the carrying out of the activity for which a permit was sought.
- (5) This section does not apply to a tree or other vegetation that the relevant council is satisfied is dying or dead and is not required as the habitat of native fauna.
- (6) This section does not apply to a tree or other vegetation that the relevant council is satisfied is a risk to human life or property.
- (7) A permit under this section cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation—
  - (a) that is or forms part of a heritage item, or
  - (b) that is within a heritage conservation area.

**Note—**

As a consequence of this subsection, the activities concerned will require development consent. The heritage provisions of section 33 will be applicable to any such consent.

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

**32 Native vegetation areas**

- (1) The objective of this section is to protect and manage native vegetation areas.
- (2) This section applies to land within a native vegetation area as shown on the *Native Vegetation Protection Map*.
- (3) This section does not apply to any vegetation declared to be noxious weeds under the *Noxious Weeds Act 1993*.
- (4) The consent authority must not grant development consent for development on land to which this section applies unless the consent authority is satisfied that the proposed development will not result in the clearing of any native vegetation (within the meaning of the *Native Vegetation Act 2003*).

**32A Conversion of fire alarms**

- (1) This section applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.
- (2) The following development may be carried out, but only with development consent—
  - (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,

- (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
  - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) Development to which subsection (2) applies is complying development if it consists only of—
- (a) internal alterations to a building, or
  - (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.
- (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.
- (5) In this section—

***private service provider*** means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

### 33 Heritage conservation

- (1) **Objectives** The objectives of this section are—
- (a) to conserve the environmental heritage of the Edmondson Park South site, and
  - (b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and
  - (c) to conserve archaeological sites, and
  - (d) to conserve places of Aboriginal heritage significance.
- (2) **Requirement for consent** Development consent is required for any of the following—
- (a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area,
  - (b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior,



- (c) altering a heritage item that is a building by making structural changes to its interior,
- (d) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (e) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance,
- (f) erecting a building on land on which a heritage item is located or that is within a heritage conservation area,
- (g) subdividing land on which a heritage item is located or that is within a heritage conservation area.

(3) **When consent not required** However, consent under this section 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, archaeological site, or a building, work, relic, tree or place within a heritage conservation area, and
  - (ii) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area, 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, Aboriginal objects in the form of grave goods, or to a place of Aboriginal heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the relevant council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

(4) **Effect on heritage significance** The consent authority must, before granting consent under this section, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned. This subsection applies regardless of whether a heritage impact statement is prepared

under subsection (5) or a heritage conservation management plan is submitted under subsection (6).

- (5) **Heritage impact assessment** The consent authority may, before granting consent to any development on land—
- (a) on which a heritage item is situated, or
  - (b) within a heritage conservation area, or
  - (c) within the vicinity of land referred to in paragraph (a) or (b),
- 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 or heritage conservation area concerned.
- (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 section.
- (7) **Archaeological sites** The consent authority must, before granting consent under this section to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the [Heritage Act 1977](#) applies)—
- (a) notify the Heritage Council of its intention to grant consent, and
  - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (8) **Places of Aboriginal heritage significance** The consent authority must, before granting consent under this section to the carrying out of development in a place of Aboriginal heritage significance—
- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and
  - (b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.
- (9) **Demolition of item of State significance** The consent authority must, before granting consent for the demolition of a heritage item identified on the [Heritage Map](#) as being of State significance (other than an item listed on the State Heritage Register or to which an interim heritage order under the [Heritage Act 1977](#) applies)—

- (a) notify the Heritage Council about the application, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) **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 Appendix, 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.

(11) For the purposes of the definition of heritage item in section 2(1), the location and nature of a heritage item is specified in the following table—

**Table—heritage items**

<b>Item description</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Ingleburn Village site—three Riley-Newsum pre-fabricated cottages (moveable items)	Bass Road	Part Lot 1, DP 831152	Local	3
Ingleburn Military Heritage Precinct	Campbelltown Road	Part Lot 2, DP 831152	State	2
Mont St Quentin Oval, including entry gates	Campbelltown Road	Part Lot 2, 831550	State	1

### **34 Public utility infrastructure**

- (1) Development consent must not be granted for development on land within the Edmondson Park South site unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.
- (2) This section does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.
- (3) In this section, **public utility infrastructure** includes infrastructure for any of the following—
  - (a) the supply of water,
  - (b) the supply of electricity or gas,
  - (c) the disposal and management of sewage.

### **35 Infrastructure development and use of existing buildings of the Crown**

- (1) This Appendix does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development that is permitted to be carried out with or without consent or that is exempt development under the [State Environmental Planning Policy \(Infrastructure\) 2007](#).
- (2) This Appendix does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

### **36 Development control plan**

- (1) The objective of this section is to ensure that development on land within the Edmondson Park South site occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.
- (2) Development consent must not be granted for development on land within the Edmondson Park South site unless a development control plan that provides for the matters specified in subsection (3) has been prepared for the land.
- (3) The development control plan must provide for all of the following—
  - (a) a staging plan for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing,
  - (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,

- (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,
  - (d) a network of passive and active recreational areas,
  - (e) stormwater and water quality management controls,
  - (f) amelioration of natural and environmental hazards, including bushfire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,
  - (g) detailed urban design controls for significant development sites,
  - (h) measures to encourage higher density living around transport, open space and service nodes,
  - (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,
  - (j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.
- (4) Subsection (2) does not apply to any of the following development—
- (a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,
  - (b) a subdivision of land if any of the lots proposed to be created is to be reserved or dedicated for public open space, public roads or any other public or environmental protection purpose,
  - (c) a subdivision of land in a zone in which the erection of structures is prohibited,
  - (d) proposed development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone in which the land is situated.

### **37 Relevant acquisition authority**

- (1) The objective of this section is to identify, for the purposes of section 3.15 of the Act, the authority of the State that 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.

- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the [Land Reservation Acquisition Map](#) (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

<b>Type of land shown on Map</b>	<b>Authority of the State</b>
Zone RE1 Public Recreation and marked “Local Open Space”	Relevant council
Zone SP2 Infrastructure and marked “Local Road”	Relevant council
Zone SP2 Infrastructure and marked “Classified Road”	Roads and Traffic Authority
Zone SP2 Infrastructure and marked “Railway”	The corporation constituted under section 2.5 of the Act
Zone E1 National Parks and Nature Reserves and marked “National Park”	Minister administering the <a href="#">National Parks and Wildlife Act 1974</a>

- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

### **38 Suspension of covenants, agreements and instruments**

- (1) For the purpose of enabling development on land within the Edmondson Park South site to be carried out in accordance with this Appendix or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This section does not apply—
- to a covenant imposed by the relevant council or that the relevant council requires to be imposed, or
  - to any relevant instrument within the meaning of section 13.4 of the [Crown Land Management Act 2016](#), or
  - to any conservation agreement within the meaning of the [National Parks and Wildlife Act 1974](#), or
  - to any Trust agreement within the meaning of the [Nature Conservation Trust Act](#)

2001, or

(e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or

(f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or

(g) to any planning agreement within the meaning of Division 7.1 of the Act.

(3) This section does not affect the rights or interests of any public authority under any registered instrument.

(4) Under section 28 of the Act, the Governor, before the making of this section, approved of subsections (1)–(3).

**Note—**

This section does not affect the operation of any conservation agreement between the Commonwealth and this State made under the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth.

## Appendix 2 Oran Park and Turner Road Precinct Plan

section 3.10

### Part 1 Preliminary

**Note—**

The *Standard Instrument (Local Environmental Plans) Order 2006* sets out matters to be included in standard local environmental plans. While this Precinct Plan is not a standard local environmental plan, it is generally consistent with standard plans. A number of clauses from the *Standard Instrument (Local Environmental Plans) Order 2006* have been included in this Precinct Plan and the clause numbering from that order has been retained. This means that the numbering in this Precinct Plan may contain some gaps. Additional provisions have been inserted and are numbered accordingly.

#### 1.1 Name of Precinct Plan

This Plan is the *Oran Park and Turner Road Precinct Plan 2007*.

#### 1.2 Aims of Precinct Plan

The aims of this Precinct Plan are—

(a) to make development controls for land in the Oran Park and Turner Road Precincts within the South West Growth Centre that will ensure the creation of quality environments and good design outcomes, and

(b) to protect and enhance the environmentally sensitive areas and natural and cultural heritage of those Precincts, and

(c) to provide for recreational opportunities, and

- (d) to provide for multifunctional and innovative communities in those Precincts that encourage employment and economic growth, and
- (e) to promote housing choice and affordability in those Precincts, and
- (f) to provide for the sustainable development of those Precincts, and
- (g) to promote pedestrian and vehicle connectivity, and
- (h) to minimise the impact on existing and future communities of the full range of risks posed by natural hazards such as bushfires and flooding.

### 1.3 Land to which Precinct Plan applies

This Precinct Plan applies to land within the Oran Park and Turner Road Precincts.

### 1.4 Definitions

In this Precinct Plan—

**Additional Permitted Uses Map** means the [State Environmental Planning Policy \(Precincts—Western Parkland City\) 2021—South West Growth Centre Additional Permitted Uses Map](#).

**Council** means the Camden Council.

**materials recycling or recovery centre** means a building or place used for the recycling or recovery of resource materials, excluding sludge-like material, from waste materials, and that involves separating and sorting, processing, such as baling, crushing, shredding and composting, transferring and the sale of recycled or recovered material, but that does not involve the re-manufacture, chemical manufacture or incineration of the material.

**Oran Park Precinct Development Control Plan** means the *Oran Park Precinct Development Control Plan* published by the Department on 4 December 2007.

**Turner Road Precinct Development Control Plan** means the *Turner Road Precinct Development Control Plan* published by the Department on 4 December 2007.

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

**waste disposal land fill operation** means use of land for the purpose of disposing of industrial, trade or domestic waste on that land.

### 1.5 Notes

Notes in this Precinct Plan are provided for guidance and do not form part of this Plan.



### **1.6 Consent authority**

The consent authority for the purposes of this Precinct Plan is (subject to the Act) the council of the area in which the land concerned is situated.

### **1.8 Repeal of other local planning instruments applying to land**

- (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Precinct Plan applies are repealed.
- (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Precinct Plan applies and to other land cease to apply to the land to which this Precinct Plan applies.

**Note—**

*Camden Local Environmental Plan 2010* ceases to apply to the land to which this Precinct Plan applies.

- (3) This section does not affect the operation of other provisions of this State Environmental Planning Policy.

### **1.9 Application of SEPPs**

- (1) This Precinct Plan is subject to the provisions of any State environmental planning policy that prevails over this State Environmental Planning Policy as provided by section 3.28 of the Act.

**Note—**

section 3.28 of the Act generally provides that SEPPs prevail over LEPs. However, a LEP may (by an additional provision included in the LEP) displace or amend a SEPP to deal specifically with the relationship between this Precinct Plan and the SEPP.

- (2) *State Environmental Planning Policy No 1—Development Standards* does not apply to the land to which this Precinct Plan applies.
- (3) If there is an inconsistency between this Precinct Plan and another provision of this or another environmental planning instrument whether made before or after the commencement of this Precinct Plan, this Precinct Plan prevails to the extent of the inconsistency.

**Note—**

The other provisions of this State Environmental Planning Policy also contains provisions applying development controls to the South West Growth Centre, including the Oran Park and Turner Road Precincts.

### **1.9A Suspension of covenants, agreements and instruments**

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Precinct Plan or with a development consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.

- (2) This section does not apply—
- (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
  - (b) to any relevant instrument within the meaning of section 13.4 of the *Crown Land Management Act 2016*, or
  - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
  - (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
  - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
  - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or
  - (g) to any planning agreement within the meaning of Division 7.1 of the Act.
- (3) This section does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 28 of the Act, the Governor, before the making of this section, approved of subsections (1)–(3).

## **Part 2 Permitted or prohibited development**

### **2.1 Land use zones**

The land use zones under this Precinct Plan are as follows—

#### **Residential Zones**

- R1 General Residential
- R3 Medium Density Residential

#### **Business Zones**

- B1 Neighbourhood Centre
- B2 Local Centre
- B4 Mixed Use
- B5 Business Development

**Industrial Zones**

IN1 General Industrial

**Special Purpose Zones**

SP2 Infrastructure

**Recreation Zones**

RE1 Public Recreation

RE2 Private Recreation

**Environment Protection Zones**

E2 Environmental Conservation

E4 Environmental Living

**Note—**

At the commencement of this Precinct Plan, land within the Oran Park Precinct was within the Medium Density Residential Zone, the Neighbourhood Centre Zone, the Local Centre Zone, the General Industrial Zone, the Infrastructure Zone, the Public Recreation Zone, the Private Recreation Zone and the Environmental Living Zone. Land within the Turner Road Precinct was within the General Residential Zone, the Neighbourhood Centre Zone, the Mixed Use Zone, the Business Development Zone, the General Industrial Zone, the Public Recreation Zone and the Private Recreation Zone.

**2.2 Zoning of land to which Precinct Plan applies**

For the purposes of this Precinct Plan, land is within the zones shown on the [Land Zoning Map](#).

**2.3 Zone objectives and land use table**

- (1) The Land Use Table at the end of this Part specifies for each zone—
  - (a) the objectives for development, and
  - (b) development that may be carried out without consent, and
  - (c) development that may be carried out only with consent, and
  - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.
- (3) In the Land Use Table at the end of this Part—
  - (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 this Precinct Plan) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.

(4) This section is subject to the other provisions of this Part.

**Notes—**

- 1 Schedule 1 sets out additional permitted uses for particular land.
- 2 Section 2.6 requires consent for subdivision of land.
- 3 Part 5 contains other provisions that require consent for particular development.

## 2.5 Additional permitted uses for particular land

(1) Development on particular land that is described or referred to in Schedule 1 may be carried out—

(a) with consent, or

(b) if the Schedule so provides—without consent,

in accordance with the conditions (if any) specified in that Schedule in relation to that development.

(2) This section has effect despite anything to the contrary in the Land Use Table at the end of this Part or other provision of this Precinct Plan.

## 2.6 Subdivision—consent requirements

(1) Land to which this Precinct Plan applies may be subdivided, but only with consent.

**Notes—**

- 1 If a subdivision is specified as **exempt development** in an applicable environmental planning instrument, for example this Precinct Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Act enables it to be carried out without development consent.
- 2 *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, Part 6 provides that the strata subdivision of a building in certain circumstances is **complying development**.

### 2.6A Demolition

The demolition of a building or work may be carried out only with consent.

**Note—**

The demolition of certain buildings and works is identified in the *Oran Park Precinct Development Control Plan*, the *Turner Road Precinct Development Control Plan* and *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* as exempt or complying development.

## 2.8 Temporary use of land

(1) The objective of this section is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.

- (2) Despite any other provision of this Precinct Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days, whether or not consecutive days, in a period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied—
  - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Precinct Plan and other applicable environmental planning instruments, and
  - (b) the temporary use will not adversely impact on adjoining land or the amenity of the neighbourhood, and
  - (c) the temporary use and location of structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
  - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subsection (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subsection.
- (5) Subsection (3)(d) does not apply to the temporary use of a dwelling as a sales office mentioned in subsection (4).
- (6) This section does not prescribe a development standard that may be varied under this Precinct Plan.

## **Land Use Table**

### **Zone R1 General Residential**

#### **1 Objectives of zone**

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To support the well being of the community, including educational, recreational, community, religious and other activities and, where appropriate, neighbourhood shops if there will be no adverse effect on the amenity of proposed or existing nearby residential development.

- To allow for small scale kiosks, function centres, restaurants and markets that support the primary function and use of recreation areas, public open space and recreation facilities located within residential areas.
- To allow for small scale intensity tourist and visitor accommodation that does not interfere with residential amenity.
- To provide for a variety of recreational uses within open space areas.

## **2 Permitted without consent**

Nil

## **3 Permitted with consent**

Any other development not specified in item 2 or 4

## **4 Prohibited**

Agriculture; Airports; Airstrips; Biosolid waste applications; Bulky goods premises; Business premises; Car parks; Cemeteries; Correctional centres; Crematoria; Dairies (pasture-based); Depots; Entertainment facilities; Extractive industries; Farm buildings; Freight transport facilities; Function centres (other than those within recreation areas or operated in conjunction with recreation areas or recreation facilities); Hazardous storage establishments; Helipads; Heliports; Home occupations (sex services); Industrial retail outlets; Industries; Landscape and garden supplies; Liquid fuel depots; Manor homes; Materials recycling or recovery centres; Mines; Mortuaries; Offensive storage establishments; Office premises; Passenger transport facilities; Public administration buildings; Registered clubs; Retail premises (other than neighbourhood shops and other than kiosks, markets, restaurants or take away food and drink premises within recreation areas or operated in conjunction with recreation areas or recreation facilities); Restricted premises; Restriction facilities; Roadside stalls; Rural industries; Rural workers' dwellings; Sawmill or log processing works; Service stations; Sewage treatment works; Sex services premises; Stock and sale yards; Storage premises; Timber and building supplies; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Waste disposal land fill operations; Waste management facilities; Wholesale supplies

## **Zone R3 Medium Density Residential**

## **1 Objectives of zone**

- To provide for the housing needs of the community within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To support the well being of the community, including educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.
- To provide for a variety of recreational uses within open space areas.
- To allow for small scale kiosks, function centres, restaurants and markets that support the primary function and use of recreation areas, public open space and recreation facilities located within residential areas.

## **2 Permitted without consent**

Nil

## **3 Permitted with consent**

Any other development not specified in item 2 or 4

## **4 Prohibited**

Agriculture; Airports; Airstrips; Biosolid waste applications; Bulky goods premises; Business premises; Car parks; Caravan parks; Cemeteries; Correctional centres; Crematoria; Dairies (pasture-based); Depots; Entertainment facilities; Exhibition homes; Extractive industries; Farm buildings; Freight transport facilities; Function centres (other than those within recreation areas or operated in conjunction with recreation areas or recreation facilities); Hazardous storage establishments; Helipads; Heliports; Home occupations (sex services); Industrial retail outlets; Industries; Landscape and garden supplies; Liquid fuel depots; Materials recycling or recovery centres; Mines; Mortuaries; Offensive storage establishments; Office premises; Passenger transport facilities; Public administration buildings; Registered clubs; Restricted premises; Restriction facilities; Retail premises (other than neighbourhood shops and other than kiosks, markets, restaurants or take away food and drink premises within recreation areas or operated in conjunction with recreation areas or recreation facilities); Roadside stalls; Rural industries; Rural workers' dwellings; Sawmill or log processing works; Service stations; Sewage treatment works; Sex

services premises; Stock and sale yards; Storage premises; Timber and building supplies; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Waste disposal land fill operations; Waste management facilities

## **Zone B1 Neighbourhood Centre**

### **1 Objectives of zone**

- To provide a range of small-scale retail, business and community uses which serve the needs of people who live or work in the surrounding neighbourhood and, in relation to the Turner Road Precinct, of a scale and nature that serves the wider community.
- To ensure the scale and type of business development is compatible with the amenity of surrounding areas.
- To allow for residential development that contributes to the economic and social vitality of the neighbourhood centre.
- To ensure that residential development does not preclude the provision of active retail, business and community uses at street level.
- To ensure that residential development does not detract from the primary function of the zone which is to provide for retail, business and convenience uses to serve the community.
- To promote retail activities in accessible locations that encourage walking.
- To promote a sense of place and focal points for the local community.
- To ensure retail development does not adversely impact on the viability of retail development in the Local Centre Zone.

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Any other development not specified in item 2 or 4

### **4 Prohibited**

Agriculture; Airports; Airstrips; Biosolid waste applications; Bulky goods premises; Caravan parks; Cemeteries; Correctional centres; Crematoria; Dairies



(pasture-based); Depots; Extractive industries; Farm buildings; Freight transport facilities; Hazardous storage establishments; Helipads; Heliports; Home occupations (sex services); Industrial retail outlets; Industries; Liquid fuel depots; Materials recycling or recovery centres; Mines; Offensive storage establishments; Passenger transport facilities; Recreation facilities (major); Residential flat buildings (other than as shop top housing); Restricted premises; Restriction facilities; Roadside stalls; Rural industries; Rural workers' dwellings; Sawmill or log processing works; Seniors housing (other than as shop top housing); Sewage treatment works; Sex services premises; Stock and sale yards; Storage premises; Timber and building supplies; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle sales or hire premises; Warehouse or distribution centres; Waste disposal land fill operations; Waste management facilities; Wholesale supplies

## **Zone B2 Local Centre**

### **1 Objectives of zone**

- To provide a range of retail, business, entertainment and community uses which serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To ensure that residential development does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.
- To ensure that residential development does not preclude the provision of active uses at street level.
- To provide for land uses of a higher order and density within the Local Centre Zone than are permitted within the Neighbourhood Centre Zone or the Mixed Use Zone.
- To provide for residential development that contributes to the vitality of the local centre.

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Any other development not specified in item 2 or 4

### **4 Prohibited**

Agriculture; Airports; Airstrips; Biosolid waste applications; Bulky goods premises; Caravan parks; Cemeteries; Correctional centres; Crematoria; Dairies (pasture-based); Depots; Dual occupancies; Dwelling houses; Extractive industries; Farm buildings; Freight transport facilities; Hazardous storage establishments; Helipads; Heliports; Home occupations (sex services); Industrial retail outlets; Industries; Liquid fuel depots; Materials recycling or recovery centres; Mines; Offensive storage establishments; Restricted premises; Restriction facilities; Roadside stalls; Rural industries; Rural workers' dwellings; Sawmill or log processing works; Sewage treatment works; Sex services premises; Stock and sale yards; Storage premises; Timber and building supplies; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste disposal land fill operations; Waste management facilities; Wholesale supplies

## **Zone B4 Mixed Use**

### **1 Objectives of zone**

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To encourage development that supports or complements the primary office and retail functions of the Neighbourhood Centre Zone and the Local Centre Zone.
- To encourage development providing services to the surrounding community.
- To permit development that adds to the vitality and diversity of commercial and retail centres while not prejudicing their principal function.

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Any other development not specified in item 2 or 4

### **4 Prohibited**

Agriculture; Airports; Airstrips; Biosolid waste applications; Bulky goods premises; Caravan parks; Correctional centres; Dairies (pasture-based); Depots; Dual occupancies; Dwelling houses; Extractive industries; Farm buildings; Freight transport facilities; Hazardous storage establishments; Helipads; Heliports; Home occupations (sex services); Industrial retail outlets; Industries; Liquid fuel depots; Materials recycling or recovery centres; Mines; Offensive storage establishments; Public administration buildings; Restricted premises; Restriction facilities; Roadside stalls; Rural industries; Rural workers' dwellings; Sawmill or log processing works; Semi detached dwellings; Sex services premises; Stock and sale yards; Storage premises; Transport depots; Truck depots; Warehouse or distribution centres; Waste disposal land fill operations; Waste management facilities; Wholesale supplies

## **Zone B5 Business development**

### **1 Objectives of zone**

- To enable a mix of business and warehouse uses and specialised retail uses that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To provide for a wide range of employment generating development.
- To provide for a mix of ancillary uses to support the primary function of providing employment generating development.
- To maintain the economic strength of centres by limiting the retailing of food, clothing and convenience shopping.
- To provide for a range of uses, including recreational uses and function centres, that complement other permissible employment generating land uses within the zone.

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Light industries; Vehicle body repair workshops; Vehicle repair stations; Any other development not specified in item 2 or 4

### **4 Prohibited**

Agriculture; Airports; Airstrips; Amusement centres; Attached dwellings; Biosolid waste applications; Boarding houses; Caravan parks; Correctional centres; Dairies (pasture-based); Depots; Dual occupancies; Dwelling houses; Extractive industries; Farm buildings; Freight transport facilities; Group homes; Hazardous storage establishments; Helipads; Heliports; Home occupations (sex services); Hostels; Industries; Liquid fuel depots; Materials recycling or recovery centres; Mines; Multi dwelling housing; Offensive storage establishments; Office premises; Residential flat buildings; Restricted premises; Restriction facilities; Roadside stalls; Rural industries; Rural workers' dwellings; Sawmill or log processing works; Semi detached dwellings; Seniors housing; Sex services premises; Shop top housing; Stock and sale yards; Tourist and visitor accommodation (other than hotel or motel accommodation); Transport depots; Truck depots; Warehouse or distribution centres; Waste disposal land fill operations; Waste management facilities; Wholesale supplies

## **Zone IN1 General Industrial**

### **1 Objectives of zone**

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable development for the purpose of commercial offices only where it is associated with, and ancillary to, another permissible use on the same land.
- To enable development for the purpose of retail premises only where it serves convenience needs, or where the goods or materials sold are of a type and nature consistent with construction and maintenance of buildings.

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Any other development not otherwise specified in item 2 or 4

### **4 Prohibited**

Agriculture; Airports; Airstrips; Attached dwellings; Biosolid waste applications; Boarding houses; Bulky goods premises; Business premises; Caravan parks; Cemeteries; Community facilities; Correctional centres; Dairies (pasture-based); Dual occupancies; Dwelling houses; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Function centres; Group homes; Hazardous industries; Hazardous storage establishments; Health consulting rooms; Heavy industries; Heliports; Home-based child care; Home businesses; Home industries; Home occupations; Home occupations (sex services); Hospitals; Hostels; Information and education facilities; Mines; Multi dwelling housing; Offensive industries; Offensive storage establishments; Office premises; Public administration buildings; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential care facilities; Residential flat buildings; Restriction facilities; Retail premises (other than neighbourhood shops and take away food and drink premises); Roadside stalls; Rural industries; Rural workers' dwellings; Sawmill or log processing works; Secondary dwellings; Semi detached dwellings; Seniors housing; Shop top housing; Stock and sale yards; Tourist and visitor accommodation; Waste disposal land fill operations

## **Zone SP2 Infrastructure**

### **1 Objectives of zone**

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose; Drainage; Earthworks; Electricity generating works; Environmental protection works; Flood mitigation works; Roads; Telecommunications facilities; Temporary structures;

Water recycling facilities; Waterbodies (artificial)

#### **4 Prohibited**

Any other development not specified in item 2 or 3

### **Zone RE1 Public Recreation**

#### **1 Objectives of zone**

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

#### **2 Permitted without consent**

Nil

#### **3 Permitted with consent**

Community facilities; Drainage; Earthworks; Electricity generating works; Environmental facilities; Environmental protection works; Flood mitigation works; Kiosks; Recreation areas; Recreation facilities (outdoor); Roads; Telecommunications facilities; Temporary structures; Utility installations; Water recycling facilities; Waterbodies

#### **4 Prohibited**

Any other development not specified in item 2 or 3

### **Zone RE2 Private Recreation**

#### **1 Objectives of zone**

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To preserve and maintain the natural values of core riparian areas and to allow development where it can be demonstrated that the development will not destroy, damage or have any other adverse effect on those values.

- To ensure that residential development does not have an adverse effect on those values.

**2 Permitted without consent**

Nil

**3 Permitted with consent**

Community facilities; Drainage; Earthworks; Electricity generating works; Environmental facilities; Environmental protection works; Flood mitigation works; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads; Telecommunications facilities; Temporary structures; Utility installations; Water recycling facilities; Waterbodies

**4 Prohibited**

Any other development not specified in item 2 or 3

**Zone E2 Environmental Conservation**

**1 Objectives of zone**

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

**2 Permitted without consent**

Nil

**3 Permitted with consent**

Drainage; Earthworks; Environmental facilities; Environmental protection works; Flood mitigation works; Recreation areas; Roads; Sewage reticulation systems; Water recycling facilities; Water supply systems; Waterbodies (natural)

**4 Prohibited**

Any development not specified in item 2 or 3

**Zone E4 Environmental Living**

**1 Objectives of zone**

- To provide for low-impact residential development in areas with special

ecological, scientific or aesthetic values.

- To ensure that residential development does not have an adverse effect on those values.
- To preserve and maintain the natural values of core riparian areas and to allow development where it can be demonstrated that the development will not destroy, damage or have any other adverse effect on those values.
- To ensure that flood prone land is used in a manner appropriate to its environmental characteristics.

## **2 Permitted without consent**

Nil

## **3 Permitted with consent**

Bed and breakfast accommodation; Drainage; Dwelling houses; Earthworks; Electricity generating works; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Horticulture; Recreation areas; Recreation facilities (outdoor); Roads; Telecommunications facilities; Temporary structures; Water recreation structures; Water recycling facilities; Waterbodies (artificial)

## **4 Prohibited**

Any other development not otherwise specified in item 2 or 3

# **Part 4 Principal development standards**

## **4.1 Minimum subdivision lot size**

- (1) The objectives of this section are as follows—
  - (a) to ensure that the minimum size for lots is sufficient for the provision of usable areas for building and open space,
  - (b) to facilitate and encourage a range of residential lot types, in particular, small lot housing,
  - (c) to encourage the efficient use of land for residential purposes.
- (2) This section applies to a subdivision of any land shown on the [Lot Size Map](#) that requires development consent and that is carried out after the commencement of this Precinct Plan.



- (3) The size of any lot resulting from any such subdivision of land to which this section applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) This section does not apply to the subdivision of land—
  - (a) by the registration of a strata plan or strata plan of subdivision under the [Strata Schemes Development Act 2015](#), or
  - (b) by subdivision under the [Community Land Development Act 1989](#).

#### **4.1AA Subdivision resulting in lots between 225-300m<sup>2</sup>**

- (1) This section applies to land in the following zones—
  - (a) Zone R1 General Residential,
  - (b) Zone R3 Medium Density Residential.
- (2) Development consent may be granted to the subdivision of land to which this section applies resulting in the creation of a lot that has an area of less than 300m<sup>2</sup> (but not less than 225m<sup>2</sup>), if the consent authority is satisfied that the lot will contain a sufficient building envelope to enable the erection of a dwelling house on the lot under section 4.1AC, 4.1AD or 4.1AE.
- (3) This section does not apply to a subdivision that is the subject of a development application under section 4.1AC(2)(b), 4.1AD(2)(b) or 4.1AE.

#### **4.1A Minimum lot sizes for other development**

- (1) Development must not be carried out on a lot in Zone R1 General Residential or Zone R3 Medium Density Residential for any of the following purposes if the area of the lot is less than the area specified below in relation to those purposes—
  - (a) dwelling house—300m<sup>2</sup>,
  - (b) dual occupancy—500m<sup>2</sup>,
  - (c) attached dwelling—125m<sup>2</sup>,
  - (d) residential flat building—1,000m<sup>2</sup>,
  - (e) semi-detached dwelling—200m<sup>2</sup>,
  - (f) manor home—600m<sup>2</sup>,
  - (g) multi dwelling housing—1,500m<sup>2</sup>.
- (2) Development must not be carried out on a lot in Zone B1 Neighbourhood Centre, Zone B2 Local Centre or Zone B4 Mixed Use for any of the following purposes if the area of

the lot is less than the area specified below in relation to those purposes—

- (a) dwelling house—250m<sup>2</sup>,
- (b) dual occupancy—600m<sup>2</sup>,
- (c) attached dwelling—125m<sup>2</sup>,
- (d) residential flat building—1,000m<sup>2</sup>.

- (3) Development must not be carried out on a lot within Zone E4 Environmental Living for the purposes of a dwelling house if the area of the lot is less than 1,000m<sup>2</sup>.
- (4) Development for the purposes of multi dwelling housing must not be carried out on a lot in the following zones if the area provided for each dwelling is less than 125m<sup>2</sup>—
  - (a) Zone R1 General Residential,
  - (b) Zone R3 Medium Density Residential,
  - (c) Zone B1 Neighbourhood Centre,
  - (d) Zone B2 Local Centre,
  - (e) Zone B4 Mixed Use.

**4.1AB Minimum lot sizes for secondary dwellings in Zone R1 General Residential and Zone R3 Medium Density Residential**

- (1) This section applies to land in the following zones—
  - (a) Zone R1 General Residential,
  - (b) Zone R3 Medium Density Residential.
- (2) The minimum lot size for a secondary dwelling on land in Zone R1 General Residential is 450m<sup>2</sup>.
- (3) The minimum lot size for a secondary dwelling on land in Zone R3 Medium Density Residential is the minimum lot size for the principal dwelling in conjunction with which the secondary dwelling is established, determined in accordance with section 4.1A(1), 4.1AC or 4.1AE.

**4.1AC Exceptions to minimum lot sizes for dwelling houses**

- (1) This section applies to the following—
  - (a) a lot in Zone R1 General Residential that has an area of less than 300m<sup>2</sup> (but not less than 250m<sup>2</sup>),
  - (b) a lot in Zone R3 Medium Density Residential that has an area of less than 300m<sup>2</sup>

(but not less than 225m<sup>2</sup>).

- (2) Despite section 4.1A(1), development consent may be granted to the erection of a dwelling house on a lot to which this section applies if—
- (a) the lot results from a subdivision to which development consent has been granted in accordance with section 4.1AA and, in determining the development application for the erection of the dwelling house, the consent authority considers any information that it considered for the purposes of that section in determining the development application for the subdivision, or
  - (b) the development application is a single development application for development consisting of both of the following—
    - (i) the subdivision of land into 2 or more lots,
    - (ii) the erection of the dwelling house on one of the lots resulting from the subdivision.

**4.1AD Exceptions to minimum lot sizes for dwelling houses on other lots in Zone R1 General Residential**

- (1) This section applies to a lot in Zone R1 General Residential that has an area of less than 250m<sup>2</sup> (but not less 225m<sup>2</sup>).
- (2) Despite section 4.1A(1), development consent may be granted to the erection of a dwelling house on a lot to which this section applies if the lot meets the requirements of subsection (3) and—
- (a) the lot results from a subdivision to which development consent has been granted in accordance with section 4.1AA and, in determining the development application for the erection of the dwelling house, the consent authority considers any information that it considered for the purposes of that section in determining the development application for that subdivision, or
  - (b) the development application is a single development application for development consisting of both of the following—
    - (i) the subdivision of land into 2 or more lots,
    - (ii) the erection of the dwelling house on one of the lots resulting from the subdivision.
- (3) A lot meets the requirements of this subsection if—
- (a) the lot adjoins land that is set aside for open space or recreation purposes, or is separated from that land only by a public road, or
  - (b) the lot adjoins land in Zone B1 Neighbourhood Centre, Zone B2 Local Centre or

Zone B4 Mixed Use, or is separated from land in any of those zones only by a public road, or

- (c) the lot is within 400m of land in Zone B1 Neighbourhood Centre or Zone B2 Local Centre and the lot—
  - (i) adjoins land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes, or
  - (ii) is separated from land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes only by a public road.
- (4) Despite subsection (2), development consent must not be granted to the erection of a dwelling house on a lot to which this section applies unless the consent authority is satisfied that the dwelling house—
  - (a) will not adversely impact on the amenity of adjoining residential properties, and
  - (b) will be designed and orientated to provide active frontages to and surveillance of the public recreation or drainage land, and
  - (c) will not adversely impact on or limit solar access to adjoining residential or public open space land.

#### **4.1AE Exceptions to minimum lot sizes for dwelling houses on small lots**

- (1) This section applies to a lot in Zone R3 Medium Density Residential that has an area of less than 225m<sup>2</sup> (but not less than 125m<sup>2</sup>).
- (2) Despite section 4.1A(1), development consent may be granted to the erection of a dwelling house on a lot to which this section applies if the development application is a single development application for development consisting of both of the following—
  - (a) the subdivision of land into 2 or more lots,
  - (b) the erection of the dwelling house on one of the lots resulting from the subdivision.

#### **4.1AF Exceptions to minimum lot sizes for multi dwelling housing in Zone R1 General Residential**

- (1) This section applies to a lot in Zone R1 General Residential that has an area of less than 1,500m<sup>2</sup> (but not less than 375m<sup>2</sup>).
- (2) Despite section 4.1A(1), development consent may be granted to development for the purpose of multi dwelling housing on a lot to which this section applies if the lot meets the requirements of subsection (3).
- (3) A lot meets the requirements of this subsection if—

- (a) the lot adjoins land that is set aside for open space or recreation purposes, or is separated from that land only by a public road, or
  - (b) the lot adjoins land in Zone B1 Neighbourhood Centre, Zone B2 Local Centre or Zone B4 Mixed Use, or is separated from land in any of those zones only by a public road, or
  - (c) the lot is within 400m of land in Zone B1 Neighbourhood Centre or Zone B2 Local Centre and—
    - (i) adjoins land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes, or
    - (ii) is separated from land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes only by a public road.
- (4) Despite subsection (2), development consent must not be granted to development for the purpose of multi dwelling housing on a lot to which this section applies unless the consent authority is satisfied that the multi dwelling housing—
- (a) will not adversely impact on the amenity of adjoining residential properties, and
  - (b) will be designed and orientated to provide active frontages to and surveillance of the public recreation or drainage land, and
  - (c) will not adversely impact on or limit solar access to adjoining residential or public open space land.

#### **4.1AG Exceptions to minimum lot sizes for multi dwelling housing in Zone R3 Medium Density Residential**

- (1) This section applies to a lot in Zone R3 Medium Density Residential that has an area of less than 1,500m<sup>2</sup> (but not less than 375m<sup>2</sup>).
- (2) Despite section 4.1A(1), development consent may be granted to development for the purpose of multi dwelling housing on a lot to which this section applies.

#### **4.1AH Minimum lot sizes in split zones**

- (1) This section applies to each lot that contains land in Zone R1 General Residential or Zone R3 Medium Density Residential and land in any other zone.
- (2) For the purposes of sections 4.1AB-4.1AG, a reference to the area of a lot—
  - (a) in relation to land in Zone R1 General Residential, means the area of that part of the lot that is in Zone R1 General Residential, and
  - (b) in relation to land in Zone R3 Medium Density Residential, means the area of that part of the lot that is in Zone R3 Medium Density Residential, and

(c) does not include any part of the lot that is in any other zone.

#### **4.1B Residential density—Oran Park Precinct**

- (1) The objective of this section is to make provision with respect to the delivery of 7,540 new dwellings in the Oran Park Precinct.
- (2) Development consent must not be granted to the subdivision of land intended to be used for residential purposes within the Oran Park Precinct unless the consent authority is satisfied that—
  - (a) a development control plan has been prepared providing for not less than 7,540 new dwellings within the Precinct and containing provisions to encourage a mix of dwelling types to be provided, and
  - (b) the granting of consent would not preclude or impede that number of dwellings within the Precinct.

#### **4.1C Residential density—Turner Road Precinct**

- (1) The objective of this section is to make provision with respect to the delivery of 4,020 new dwellings in the Turner Road Precinct.
- (2) Development consent must not be granted to the subdivision of land intended to be used for residential purposes within the Turner Road Precinct unless the consent authority is satisfied that—
  - (a) a development control plan has been prepared providing for not less than 4,020 new dwellings within the Precinct and containing provisions to encourage a mix of dwelling types to be provided, and
  - (b) the granting of consent would not preclude or impede that number of dwellings within the Precinct.

#### **4.1E Shops—Turner Road Precinct**

- (1) The total area used for shops on all land within Zone B5 Business Development in the Turner Road Precinct must not exceed 2,500m<sup>2</sup>.
- (2) The total area used for shops in a particular development for that purpose on land within Zone B5 Business Development in the Turner Road Precinct must not exceed 500m<sup>2</sup>.

#### **4.3 Height of buildings**

- (1) The objectives of this section are as follows—
  - (a) to preserve the amenity of adjoining development in terms of solar access to dwellings, private open space and bulk and scale,

- (b) to provide for a range of residential building heights in appropriate locations that provide a high quality urban form,
  - (c) to facilitate higher density neighbourhood and town centres while minimising impacts on adjacent residential areas,
  - (d) to provide appropriate height controls for commercial and industrial development.
- (2) Except as provided by this section, the height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).
- (3) If the [Height of Buildings Map](#) specifies, in relation to any land shown on that map, a Reduced Level for any building on that land, any such building is not to exceed that specified Reduced Level.
- (4) The consent authority may grant development consent for development for the purpose of attached housing, a dwelling house, dual occupancy, multi dwelling housing or a semi-detached dwelling on land within Zone R1 General Residential or Zone R3 Medium Density Residential, or a dwelling house within Zone E4 Environmental Living, that exceeds 9.5m in height above ground level (existing), if the consent authority is satisfied that the development—
- (a) is located—
    - (i) on a prominent street corner, or
    - (ii) adjacent to a neighbourhood or local centre or public open space, or
    - (iii) on land with a finished ground level slope equal to or more than 15%, and
  - (b) is not likely to have an adverse impact on the existing or future amenity of any adjoining land on which residential development is permitted, having regard to over shadowing, visual impact and any impact on privacy.
- (5) The consent authority may grant development consent for development on land within Zone B5 Business Development or Zone IN1 General Industrial, that does not exceed 15 metres in height above ground level (existing), if the land has frontage to—
- (a) the following land as shown in the Oran Park Precinct Development Control Plan or the Turner Road Precinct Development Control Plan—
    - (i) Gregory Hills Drive,
    - (ii) Camden Valley Way,
    - (iii) The Northern Road,
    - (iv) Dick Johnson Drive, or

- (b) land within Zone RE1 Public Recreation or Zone RE2 Private Recreation.

#### **4.6 Exceptions to development standards**

- (1) The objectives of this section are—
  - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Consent may, subject to this section, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this section does not apply to a development standard that is expressly excluded from the operation of this section.
- (3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—
  - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Consent must not be granted for development that contravenes a development standard unless—
  - (a) the consent authority is satisfied that—
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subsection (3), and
    - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
  - (b) the concurrence of the Planning Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Planning Secretary must consider—
  - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
  - (b) the public benefit of maintaining the development standard, and



- (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.
- (6) Consent must not be granted under this section for a subdivision of land within Zone E4 Environmental Living if—
  - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
  - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) After determining a development application made pursuant to this section, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subsection (3).
- (8) This section does not allow consent to be granted for development that would contravene any of the following—
  - (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated listed in the table to this section,
  - (c) a development standard listed in the table to this section.

**Note—**

At the time this Precinct Plan was made, no exclusions were listed in a table to this section.

## **Part 5 Miscellaneous provisions**

### **5.1 Relevant acquisition authority**

- (1) The objective of this section is to identify, for the purposes of section 3.15 of the Act, the authority of the State that 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.

- (2) The authority of the State that will be the relevant authority to acquire land, if the

land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the [Land Reservation Acquisition Map](#) (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

<b>Type of land shown on Map</b>	<b>Authority of the State</b>
Local open space	Council

- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

## **5.2 Classification and reclassification of public land**

- (1) The objective of this section is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the [Local Government Act 1993](#).

### **Note—**

Under the [Local Government Act 1993](#), “public land” is generally land vested in or under the control of a council (other than roads and certain Crown land). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the [Local Government Act 1993](#). Section 30 of that Act enables this Precinct Plan to discharge trusts on which public reserves are held if the land is reclassified under this Precinct Plan as operational land.

- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the [Local Government Act 1993](#).
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the [Local Government Act 1993](#).
- (4) The public land described in Part 1 of Schedule 4—
- (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
  - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except—
- (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and

- (b) any reservations that except land out of the Crown grant relating to the land, and
- (c) reservations of minerals (within the meaning of the *Crown Land Management Act 2016*).

**Note—**

In accordance with section 30(2) of the *Local Government Act 1993*, the approval of the Governor to subsection (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4.

### **5.3 Development near zone boundaries**

- (1) The objective of this section is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This section applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 50 metres.
- (3) This section does not apply to—
  - (a) land zoned RE1 Public Recreation, E2 Environmental Conservation or E4 Environmental Living, or
  - (b) land within the coastal zone, or
  - (c) land proposed to be developed for the purpose of sex services or restricted premises.
- (4) Despite the provisions of this Precinct Plan relating to the purposes for which development may be carried out, consent may be granted to development of land to which this section applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—
  - (a) the development is not inconsistent with the objectives for development in both zones, and
  - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (5) The section does not prescribe a development standard that may be varied under this Precinct Plan.

### **5.4 Controls relating to miscellaneous permissible uses**

- (1) If development for the purposes of bed and breakfast accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of

no more than 3 bedrooms.

**Note—**

Development providing for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.

- (2) If development for the purposes of a home business is permitted under this Precinct Plan, the carrying out of the business must not involve the use of more than 50m<sup>2</sup> of floor space.
- (3) If development for the purposes of a home industry is permitted under this Precinct Plan, the carrying out of the business must not involve the use of more than 50m<sup>2</sup> of floor space.
- (4) If development for the purposes of an industrial retail outlet is permitted under this Precinct Plan, the gross floor area of the outlet must not exceed—
  - (a) 40 per cent of the combined gross floor area of the outlet or place and the building or place on which the industry is carried out, or
  - (b) 400m<sup>2</sup>,whichever is the lesser.
- (5) If development for the purposes of farm stay accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.
- (6) If development for the purposes of a kiosk is permitted under this Precinct Plan, the gross floor area must not exceed 20m<sup>2</sup>.
- (7) If development for the purposes of a neighbourhood shop is permitted under this Precinct Plan, the retail floor area must not exceed 80m<sup>2</sup>.
- (8) If development for the purposes of a roadside stall is permitted under this Precinct Plan, the gross floor area must not exceed 20m<sup>2</sup>.
- (9) If development for the purposes of a secondary dwelling is permitted under this Precinct Plan, the total gross floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—
  - (a) 75 square metres,
  - (b) 30% of the total gross floor area of both the self-contained dwelling and the principal dwelling.

## **5.8 Conversion of fire alarms**

- (1) This section applies to a fire alarm system that can be monitored by New South Wales

Fire Brigades or by a private service provider.

(2) The following development may be carried out, but only with consent—

- (a) converting a fire alarm system from connection with the alarm monitoring system of New South Wales Fire Brigades to connection with the alarm monitoring system of a private service provider,
- (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
- (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.

(3) In this section—

**private service provider** means a person or body that has entered into an agreement that is in force with New South Wales Fire Brigades to monitor fire alarm systems.

### 5.9 Preservation of trees or vegetation

- (1) The objective of this section is to preserve the amenity of the area through the preservation of trees and other vegetation.
- (2) This section applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this section by a development control plan made by the Planning Secretary.

**Note—**

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

- (3) The section does not apply to native vegetation to which section 3.30 of this State Environmental Planning Policy applies.
- (4) 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.
- (5) 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.

- (6) This section 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.
- (7) This section does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.
- (8) A permit under this section cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation—
  - (a) that is or forms part of a heritage item, or
  - (b) that is within a heritage conservation area.

**Note—**

As a consequence of this subsection, the activities concerned will require development consent. The heritage provisions of section 5.10 will be applicable to any such consent.

- (9) This section does not apply to or in respect of—
  - (a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the [Native Vegetation Act 2003](#) or 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 [Sydney Water Act 1994](#), the [Roads Act 1993](#) or the [Surveying Act 2002](#), or
  - (e) plants declared to be noxious weeds under the [Noxious Weeds Act 1993](#).

## 5.10 Heritage conservation

**Note—**

Heritage items, heritage conservation areas and archaeological sites (if any) are shown on the [Heritage Map](#). The location and nature of any such item, area or site is also described in Schedule 5 to this Precinct Plan.

- (1) **Objectives** The objectives of this section are—
  - (a) to conserve the environmental heritage of the Oran Park Precinct and the Turner Road Precinct, and
  - (b) to conserve the heritage significance of heritage items and heritage conservation

areas including associated fabric, settings and views, and

- (c) to conserve archaeological sites, and
- (d) to conserve places of Aboriginal heritage significance.

(2) **Requirement for consent** Development consent is required for any of the following—

- (a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior,
- (c) altering a heritage item that is a building by making structural changes to its interior,
- (d) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (e) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance,
- (f) erecting a building on land on which a heritage item is located or that is within a heritage conservation area,
- (g) subdividing land on which a heritage item is located or that is within a heritage conservation area.

(3) **When consent not required** However, consent under this section 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, archaeological site, or a building, work, relic, tree or place within a heritage conservation area, and
  - (ii) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area, 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, Aboriginal objects in the form of grave goods, or to a place of Aboriginal heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

- (4) **Effect on heritage significance** The consent authority must, before granting consent under this section, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned. This subsection applies regardless of whether a heritage impact statement is prepared under subsection (4) or a heritage conservation management plan is submitted under subsection (5).

**Note—**

The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

- (5) **Heritage impact assessment** The consent authority may, before granting consent to any development on land—
- (a) on which a heritage item is situated, or
  - (b) within a heritage conservation area, or
  - (c) within the vicinity of land referred to in paragraph (a) or (b),
- 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 or heritage conservation area concerned.
- (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 section.
- (7) **Archaeological sites** The consent authority must, before granting consent under this section to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register under the [Heritage Act 1977](#) or to which an interim heritage order applies), be satisfied that any necessary excavation permit required by the [Heritage Act 1977](#) has been granted.
- (8) **Places of Aboriginal heritage significance** The consent authority must, before granting consent under this section to the carrying out of development in a place of Aboriginal



heritage significance—

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and
- (b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 21 days after the notice is sent, and
- (c) be satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.

(9) **Conservation incentives** The consent authority may grant development 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 Precinct Plan 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.

### **5.11 Bush fire hazard reduction**

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

**Note—**

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

#### **5.11A Development for group homes**

(1) The objective of this section is to facilitate the establishment of—

- (a) permanent group homes in which disabled persons or socially disadvantaged persons may live in an ordinary residential household environment instead of an

institutional environment, and

- (b) transitional group homes that provide temporary accommodation for disabled persons or socially disadvantaged persons in an ordinary residential household environment instead of an institutional environment for such purposes as alcohol or drug rehabilitation and half-way rehabilitation for persons formerly living in institutions and refuges for men, women or young persons.
- (2) If development for the purpose of a dwelling house or a dwelling in a residential flat building may lawfully be carried out in accordance with this Precinct Plan, development for the purposes of a group home may, subject to this section, be carried out.
- (3) Consent is required to carry out development for the purposes of a transitional group home.
- (4) Consent is required to carry out development for the purposes of a permanent group home that contains more than 5 bedrooms.
- (5) Consent is required to carry out development for the purposes of a permanent group home that contains 5 or less bedrooms and that is occupied by more residents (including any resident staff) than the number equal to the number calculated by multiplying the number of bedrooms in that home by 2.
- (6) Consent may not be refused under this section unless an assessment has been made of the need for the group home concerned.
- (7) Nothing in this section requires consent to be obtained by the Department of Housing (or by a person acting jointly with the Department of Housing) to carry out development for the purposes of a transitional group home.

#### **5.12 Infrastructure development and use of existing buildings of the Crown**

- (1) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without consent, or that is exempt development, under the [State Environmental Planning Policy \(Infrastructure\) 2007](#).
- (2) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

### **Part 6 Additional local provisions**

#### **6.1 Public utility infrastructure**

- (1) The consent authority must not grant development consent to development on land to which this Precinct Plan applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that

adequate arrangements have been made to make that infrastructure available when required.

- (2) In this section, **public utility infrastructure** includes infrastructure for any of the following—
  - (a) the supply of water,
  - (b) the supply of electricity,
  - (c) the disposal and management of sewage.
- (3) This section does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this section.

## **6.2 Registered clubs**

Despite any other provision of this Precinct Plan, the consent authority may grant development consent to development for the purposes of a registered club associated with a golf club on land within the Turner Road Precinct that is, or is proposed to be, used for a golf course.

## **6.3 Environment protection works in Zones RE1 Public Recreation and RE2 Private Recreation**

Despite any other provision of this Precinct Plan, development for the purposes of environment protection works may be carried out without development consent on land within Zone RE1 Public Recreation or RE2 Private Recreation if the development is consistent with the *Oran Park and Turner Road Waterfront Land Strategy 2009*, published in the Gazette on 17 July 2009.

## **6.4 Dual occupancies**

Despite any other provision of this Precinct Plan, the consent authority must not grant development consent for the purposes of a dual occupancy on a lot of land that is less than the minimum size specified on the [Lot Size Map](#) unless—

- (a) the dual occupancy comprises one dwelling located substantially above the other dwelling, or
- (b) one of the dwellings has a floor area that does not exceed 60m<sup>2</sup> and is located above a garage, carport or similar structure for the principal dwelling.

## **6.5 Sex services premises**

- (1) Despite any other provision of this Precinct Plan, the consent authority must not grant development consent for the purposes of sex services premises if the premises are to be located on land that adjoins, or that is separated by a road only, from land—

- (a) used for the purposes of residential accommodation or community, school or church uses, or
  - (b) within Zone RE1 Public Recreation or Zone RE2 Private Recreation.
- (2) The consent authority must, in deciding whether to grant development consent to development for the purposes of sex services premises, take into account the impact the proposed development would have on any place that adjoins or is within view of the proposed development and is regularly used by children for educational, recreational or cultural activities.

### **6.6 Development in special areas**

- (1) This section applies to land shown as being in a special area on the [Special Areas Map](#).
- (2) The consent authority must not grant development consent for development on land in a special area unless a development control plan that provides for detailed development controls has been prepared for the land.
- (3) Without limiting subsection (2), the development control plan is to provide for the following—
- (a) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,
  - (b) a strategy for the protection and enhancement of riparian areas and detailed landscaping requirements for public and private domain,
  - (c) a network of passive and recreational areas,
  - (d) stormwater and water quality management controls,
  - (e) detailed urban design controls.
- (4) Subsection (2) does not apply for the following development—
- (a) a subdivision of land that does not further fragment the land,
  - (b) a subdivision of land for the purpose only of defining the boundary of a special area, retaining a riparian protection area in one lot or for dedicating land for environmental protection purposes,
  - (c) a subdivision of land that only provides for a public purpose, including a public road or open space,
  - (d) a subdivision of land that is not for the purpose of enabling the construction of structures,

- (e) development on land that is a riparian protection area owned by a public authority,
- (f) development the consent authority is satisfied is minor or will not affect future development outcomes, including the remediation of land, for special areas.

(5) In this section—

**remediation of land** includes environmental protection works and the remediation of contaminated land.

**riparian protection area** means a riparian protection area shown on the [Riparian Protection Area Map](#).

## 6.7 Studio dwellings

- (1) Development consent must not be granted to development for the purposes of studio dwellings unless the consent authority is satisfied—
  - (a) the garage above which the studio dwelling will be erected is located at the rear of the lot, and
  - (b) there will be direct access to the studio dwelling from a street or lane.
- (2) In deciding whether to grant development consent, the consent authority must consider the visual impact of the studio dwelling on the surrounding streetscape.

## Schedule 1 Additional permitted uses

(Section 2.5)

### 1 Use of particular land adjacent to Oran Park Town Centre

- (1) This section applies to land in Zone R3 Medium Density Residential adjacent to Oran Park Town Centre and shown hatched red on Sheet LZN 004 of the [Land Zoning Map](#).
- (2) Development for the purpose of exhibition homes is permitted with consent.

### 2 Use of certain land at Oran Park

- (1) This clause applies to Lot 51, DP 1259061, 600H The Northern Road, Oran Park, identified as 'clause 2' on the Additional Permitted Uses Map.
- (2) Development for the following purposes is permitted with development consent—
  - (a) garden centres,
  - (b) hardware and building supplies,
  - (c) landscape and garden supplies,

- (d) landscaping material supplies,
- (e) timber and building supplies,
- (f) vehicle sales or hire premises.

## Schedule 4 Classification and reclassification of public land

(Section 5.2)

### Part 1 Land classified, or reclassified, as operational land—no interests changed

Column 1	Column 2
Locality	Description

### Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged

### Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description

## Schedule 5 Environmental heritage

(Section 5.10)

### Heritage items

Precinct	Item name	Address	Significance
Oran Park	Denbigh (including homestead, grounds and gardens, slab outbuildings, coach house, stable, dairy and sheds)	421 The Northern Road, Bringelly	State

## Appendix 3 (Repealed)

## Appendix 4 Liverpool Growth Centres Precinct Plan

section 3.10

### Part 1 Preliminary

#### Note—

The [Standard Instrument \(Local Environmental Plans\) Order 2006](#) sets out matters to be included in standard local environmental plans. While this Precinct Plan is not a standard local environmental plan, it is generally consistent with standard plans. A number of clauses from the [Standard Instrument \(Local Environmental Plans\) Order 2006](#) have been included in this Precinct Plan and the clause numbering from that Order has been retained. This means that the numbering in this Precinct Plan may contain some gaps. Additional provisions have been inserted and are numbered accordingly.

#### 1.1 Name of Precinct Plan

This Precinct Plan is the *Liverpool Growth Centres Precinct Plan 2013*.

#### 1.2 Aims of Precinct Plan

The aims of this Precinct Plan are as follows—

- (a) to make development controls that will ensure the creation of quality environments and good design outcomes,
- (b) to protect and enhance environmentally sensitive natural areas and cultural heritage,
- (c) to provide for recreational opportunities,
- (d) to provide for multifunctional and innovative development that encourages employment and economic growth,
- (e) to promote housing choice and affordability,
- (f) to provide for sustainable development,
- (g) to promote pedestrian and vehicle connectivity.

#### 1.3 Land to which Precinct Plan applies

This Precinct Plan applies to land within the Austral Precinct, East Leppington Precinct and Leppington North Precinct as shown on the [Land Application Map](#).

#### Note—

The [Land Application Map](#) differs from the [Precinct Boundary Map](#) and, as such, this Precinct Plan does not apply to all the land within the Leppington North Precinct or East Leppington Precinct (as shown on the [Precinct Boundary Map](#)).

#### 1.4 Definition

In this Precinct Plan, **Council** means Liverpool City Council.

#### Note—

The Dictionary at the end of this State environmental planning policy defines words and expressions for the purposes of this Precinct Plan, including the relevant maps.

### **1.5 Notes**

Notes in this Precinct Plan are provided for guidance and do not form part of this Plan.

### **1.6 Consent authority**

The consent authority for the purposes of this Precinct Plan is (subject to the Act) the Council.

### **1.8 Repeal of other local planning instruments applying to land**

- (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Precinct Plan applies are repealed.
- (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Precinct Plan applies and to other land cease to apply to the land to which this Precinct Plan applies.

**Note—**

*Liverpool Local Environmental Plan 2008* ceases to apply to the land to which this Precinct Plan applies.

- (3) This section does not affect the operation of other provisions of this State environmental planning policy.

#### **1.8A Savings provision relating to pending development applications**

If a development application has been made before the commencement of this Precinct Plan in relation to land to which this Precinct Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Precinct Plan had not commenced.

### **1.9 Application of SEPPs**

- (1) This Precinct Plan is subject to the provisions of any State environmental planning policy that prevails over this Precinct Plan as provided by section 3.28 of the Act.
- (2) *State Environmental Planning Policy No 1—Development Standards* does not apply to the land to which this Precinct Plan applies.

#### **1.9A Suspension of covenants, agreements and instruments**

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Precinct Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This section does not apply—



- (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
  - (b) to any relevant instrument within the meaning of section 13.4 of the *Crown Land Management Act 2016*, or
  - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
  - (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
  - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
  - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or
  - (g) to any planning agreement within the meaning of Division 7.1 of the Act.
- (3) This section does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 28 of the Act, the Governor, before the making of this section, approved of subsections (1)–(3).

## **Part 2 Permitted or prohibited development**

### **2.1 Land use zones**

The land use zones under this Precinct Plan are as follows—

#### **Rural Zones**

RU6 Transition

#### **Residential Zones**

R2 Low Density Residential

R3 Medium Density Residential

#### **Business Zones**

B1 Neighbourhood Centre

B2 Local Centre

B5 Business Development

**Industrial Zones**

IN2 Light Industrial

**Special Purpose Zones**

SP2 Infrastructure

**Recreation Zones**

RE1 Public Recreation

**Environment Protection Zones**

E2 Environmental Conservation

E4 Environmental Living

**2.2 Zoning of land to which Precinct Plan applies**

For the purposes of this Precinct Plan, land is within the zones shown on the [Land Zoning Map](#).

**2.3 Zone objectives and Land Use Table**

- (1) The Land Use Table at the end of this Part specifies for each zone—
  - (a) the objectives for development, and
  - (b) development that may be carried out without consent, and
  - (c) development that may be carried out only with consent, and
  - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.
- (3) In the Land Use Table at the end of this Part—
  - (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 Chapter 3) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.
- (4) This section is subject to the other provisions of this Precinct Plan.

**Notes—**

- 1 Schedule 1 sets out additional permitted uses for particular land.
- 2 Section 2.6 requires consent for subdivision of land.

- 3 Part 5 contains other provisions that require consent for particular development.
- 4 Part 6 sets out additional permitted uses for particular land.

## 2.4 Unzoned land

- (1) Development may be carried out on unzoned land only with consent.
- (2) Before granting development consent, the consent authority—
  - (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
  - (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

## 2.5 Additional permitted uses for particular land

- (1) Development on particular land that is described or referred to in Schedule 1 to this Appendix may be carried out—
  - (a) with consent, or
  - (b) if the Schedule so provides—without development consent,in accordance with the conditions (if any) specified in that Schedule in relation to that development.
- (2) This section has effect despite anything to the contrary in the Land Use Table at the end of this Part or any other provision of this Precinct Plan.

## 2.6 Subdivision—consent requirements

Land to which this Precinct Plan applies may be subdivided, but only with development consent.

**Note—**

*State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies certain subdivision development as exempt development.

## 2.7 Demolition

The demolition of a building or work may be carried out only with development consent.

**Note—**

The demolition of certain buildings and works is identified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* as exempt development.

## 2.8 Temporary use of land

- (1) The objective of this section is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social,

amenity or environmental effects on the land.

- (2) Despite any other provision of this Precinct Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that—
  - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Precinct Plan and this or any other applicable environmental planning instrument, and
  - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
  - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
  - (d) at the end of the temporary use period, the site will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subsection (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subsection.
- (5) Subsection (3)(d) does not apply to the temporary use of a dwelling as a sales office mentioned in subsection (4).
- (6) This section does not prescribe a development standard that may be varied under this Precinct Plan.

## **Land Use Table**

### **Zone RU6 Transition**

#### **1 Objectives of zone**

- To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

#### **2 Permitted without consent**

Extensive agriculture; Home occupations; Roads

### **3 Permitted with consent**

Agriculture; Dual occupancies; Dwelling houses; Environmental protection works; Home-based child care; Home businesses; Home industries; Horticulture; Secondary dwellings; Any other development not specified in item 2 or 4

### **4 Prohibited**

Air transport facilities; Amusement centres; Biosolids treatment facilities; Boat repair facilities; Boat sheds; Bulky goods premises; Business premises; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Community facilities; Correctional centres; Crematoria; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Freight transport facilities; Function centres; Hazardous storage establishments; Highway service centres; Home occupations (sex services); Industries; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Marinas; Moorings; Mortuaries; Office premises; Passenger transport facilities; Places of public worship; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Residential accommodation; Restricted premises; Retail premises; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Timber and building supplies; Tourist and visitor accommodation; Transport depots; Truck depots

## **Zone R2 Low Density Residential**

### **1 Objectives of zone**

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To allow people to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours.
- To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.

## **2 Permitted without consent**

Home-based child care; Home occupations

## **3 Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Business identification signs; Centre-based child care facilities; Community facilities; Drainage; Dual occupancies; Dwelling houses; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home businesses; Home industries; Multi dwelling housing; Neighbourhood shops; Places of public worship; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Studio dwellings

## **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone R3 Medium Density Residential**

#### **1 Objectives of zone**

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.

#### **2 Permitted without consent**

Home-based child care; Home occupations

#### **3 Permitted with consent**

Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Group homes; Manor homes; Neighbourhood shops; Places of public worship; Residential flat

buildings; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Studio dwellings; Any other development not specified in item 2 or 4

#### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat repair facilities; Boat sheds; Business premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Extractive industries; Freight transport facilities; Function centres; Helipads; Highway service centres; Home occupations (sex services); Industries; Information and education facilities; Marinas; Moorings; Mortuaries; Office premises; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Retail premises; Rural supplies; Service stations; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wholesale supplies

### **Zone B1 Neighbourhood Centre**

#### **1 Objectives of zone**

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.

#### **2 Permitted without consent**

Home-based child care; Home occupations

#### **3 Permitted with consent**

Amusement centres; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Business premises; Centre-based child care facilities; Community facilities; Drainage; Educational establishments; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Kiosks; Medical centres; Neighbourhood shops; Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Roads;

Service stations; Serviced apartments; Shops; Shop top housing; Veterinary hospitals

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone B2 Local Centre**

#### **1 Objectives of zone**

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To provide for residential development that contributes to the vitality of the local centre.
- To ensure that residential development within the centre does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.
- To facilitate active retail, commercial, entertainment and community facility uses at ground level of mixed use developments.
- To encourage development that will contribute to economic growth and the creation of employment opportunities.

#### **2 Permitted without consent**

Home-based child care; Home businesses; Home occupations

#### **3 Permitted with consent**

Boarding houses; Business premises; Car parks; Centre-based child care facilities; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

#### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Boat repair facilities; Boat sheds;



Bulky goods premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Home occupations (sex services); Industries; Marinas; Moorings; Mortuaries; Recreation facilities (major); Research stations; Residential accommodation; Restricted premises; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wholesale supplies

## **Zone B5 Business Development**

### **1 Objectives of zone**

- To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Building identification signs; Bulky goods premises; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Drainage; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Hotel or motel accommodation; Landscaping material supplies; Liquid fuel depots; Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Pubs; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Restaurants; Roads; Self-storage units; Service stations; Timber and building supplies; Vehicle sales or hire premises; Warehouse or distribution centres

### **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone IN2 Light Industrial**

### **1 Objectives of zone**

- To provide a wide range of light industrial, warehouse and related land uses.

- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

## **2 Permitted without consent**

Nil

## **3 Permitted with consent**

Agricultural produce industries; Building identification signs; Business identification signs; Depots; Food and drink premises; Heliports; Hotel or motel accommodation; Landscaping material supplies; Light industries; Neighbourhood shops; Roads; Any other development not specified in item 2 or 4

## **4 Prohibited**

Agriculture; Air transport facilities; Amusement centres; Boat sheds; Bulky goods premises; Business premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Health services facilities; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industries; Marinas; Moorings; Office premises; Public administration buildings; Recreation facilities (major); Research stations; Residential accommodation; Restricted premises; Retail premises; Rural industries; Signage; Tourist and visitor accommodation; Water recreation structures

## **Zone SP2 Infrastructure**

### **1 Objectives of zone**

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

## **2 Permitted without consent**

Roads

## **3 Permitted with consent**

The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose

## **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone RE1 Public Recreation**

#### **1 Objectives of zone**

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

#### **2 Permitted without consent**

Environmental protection works

#### **3 Permitted with consent**

Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Drainage; Environmental facilities; Flood mitigation works; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Restaurants; Roads; Take away food and drink premises; Water recreation structures; Waterbodies (artificial)

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone E2 Environmental Conservation**

#### **1 Objectives of zone**

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.

- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

## **2 Permitted without consent**

Nil

## **3 Permitted with consent**

Drainage; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Kiosks; Recreation areas; Research stations; Roads; Signage; Waterbodies (artificial)

## **4 Prohibited**

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

### **Zone E4 Environmental Living**

#### **1 Objectives of zone**

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.

#### **2 Permitted without consent**

Home-based child care; Home occupations

#### **3 Permitted with consent**

Bed and breakfast accommodation; Centre-based child care facilities; Community facilities; Drainage; Dual occupancies; Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Extensive agriculture; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Horticulture; Places of public worship; Recreation areas; Roads; Secondary dwellings; Waterbodies (artificial)

#### **4 Prohibited**

Industries; Service stations; Warehouse or distribution centres; Any other

development not specified in item 2 or 3

## **Part 4 Principal development standards**

### **4.1 Minimum subdivision lot size**

- (1) The objectives of this section are as follows—
  - (a) to ensure orderly and efficient use of land,
  - (b) to ensure a minimum lot size sufficient for development,
  - (c) to allow for a range of lot sizes that cater for a diversity of land uses and employment activities.
- (2) This section applies to a subdivision of any land shown on the [Lot Size Map](#) that requires development consent and that is carried out after the commencement of this Precinct Plan.
- (3) The size of any lot resulting from any such subdivision of land to which this section applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) This section does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

#### **4.1AA Subdivision resulting in lots between 225-300m<sup>2</sup>**

- (1) This section applies to land in the following zones—
  - (a) Zone R2 Low Density Residential,
  - (b) Zone R3 Medium Density Residential.
- (2) Development consent maybe granted to the subdivision of land to which this section applies resulting in the creation of a lot that has an area of less than 300m<sup>2</sup> (but not less than 225m<sup>2</sup>) if the consent authority is satisfied that the lot will contain a sufficient building envelope to enable the erection of a dwelling house on the lot.
- (3) This section does not apply to a subdivision that is the subject of a development application under section 4.1AD(2)(b), 4.1AE(2)(b) or 4.1AF.

#### **4.1A Minimum lot sizes for residential development in non-residential zones**

- (1) The objectives of this section are as follows—
  - (a) to establish minimum lot sizes for residential development,
  - (b) to ensure that residential development results in the efficient use of land and contributes to the supply of new housing in the South West Growth Centre,

- (c) to ensure that residential development has adequate usable areas for buildings and open space,
  - (d) to ensure that residential development is compatible with the character of the locality and with surrounding residential areas,
  - (e) to facilitate and encourage the provision of a range of dwelling types.
- (2) This section applies to development on land for which no minimum lot size is shown on the [Lot Size Map](#).
- (3) The minimum lot size for certain residential development is set out in the table below.

<b>Dwelling type</b>	<b>Minimum lot size</b>
Dwelling houses (detached)	200 square metres
Semi-detached dwellings	200 square metres
Dual occupancies	500 square metres
Secondary dwellings	450 square metres
Attached dwellings	375 square metres
Multi dwelling housing	1,000 square metres
Residential flat buildings	1,000 square metres

- (4) This section does not apply to land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential.

**4.1AB Minimum lot sizes for residential development in Zone R2 Low Density Residential and Zone R3 Medium Density Residential**

- (1) The objectives of this section are as follows—
- (a) to establish minimum lot sizes for residential development in Zone R2 Low Density Residential and Zone R3 Medium Density Residential,
  - (b) to ensure that residential development in the Austral and Leppington North Precincts results in the efficient use of land and contributes to the supply of new housing in the South West Growth Centre,
  - (c) to ensure that residential development has adequate usable areas for buildings and open space,
  - (d) to ensure that residential development in the Austral and Leppington North Precincts is compatible with the character of the locality and with surrounding residential areas,

- (e) to facilitate and encourage the provision of a range of residential lot types, in particular, small lot housing.
- (2) This section applies to land in the following zones—
    - (a) Zone R2 Low Density Residential,
    - (b) Zone R3 Medium Density Residential.
  - (3) The minimum lot size for a dwelling house is—
    - (a) 360m<sup>2</sup> if the dwelling density (per hectare) shown on the [Residential Density Map](#) in relation to the land is 10, or
    - (b) 300m<sup>2</sup> if the dwelling density (per hectare) shown on the [Residential Density Map](#) in relation to the land is 15, 20 or 25.
  - (4) The minimum lot size for a dual occupancy is—
    - (a) 600m<sup>2</sup> if the dwelling density (per hectare) shown on the [Residential Density Map](#) in relation to the land is 10, or
    - (b) 500m<sup>2</sup> if the dwelling density (per hectare) shown on the [Residential Density Map](#) in relation to the land is 15 or 20, or
    - (c) 400m<sup>2</sup> if the dwelling density (per hectare) shown on the [Residential Density Map](#) in relation to the land is 25.
  - (5) The minimum lot size for a semi-detached dwelling is—
    - (a) 300m<sup>2</sup> if the dwelling density (per hectare) shown on the [Residential Density Map](#) in relation to the land is 10, or
    - (b) 200m<sup>2</sup> if the dwelling density (per hectare) shown on the [Residential Density Map](#) in relation to the land is 15, or
    - (c) 150m<sup>2</sup> if the dwelling density (per hectare) shown on the [Residential Density Map](#) in relation to the land is 20, or
    - (d) 125m<sup>2</sup> if the dwelling density (per hectare) shown on the [Residential Density Map](#) in relation to the land is 25.
  - (6) The minimum lot size for an attached dwelling is—
    - (a) 1,500m<sup>2</sup> if the dwelling density (per hectare) shown on the [Residential Density Map](#) in relation to the land is 15, or
    - (b) 375m<sup>2</sup> if the dwelling density (per hectare) shown on the [Residential Density Map](#) in relation to the land is 20 or 25.

- (7) The minimum lot size for multi dwelling housing is—
  - (a) 1,500m<sup>2</sup> if the dwelling density (per hectare) shown on the [Residential Density Map](#) in relation to the land is 15 or 20, or
  - (b) 375m<sup>2</sup> if the dwelling density (per hectare) shown on the [Residential Density Map](#) in relation to the land is 25.
- (8) The minimum lot size for a manor home is 600m<sup>2</sup> if the dwelling density (per hectare) shown on the [Residential Density Map](#) in relation to the land is 20 or 25.
- (9) The minimum lot size for a residential flat building is 2,000m<sup>2</sup> if the dwelling density (per hectare) shown on the [Residential Density Map](#) in relation to the land is 25.

**4.1AC Minimum lot sizes for secondary dwellings in Zone R2 Low Density Residential and Zone R3 Medium Density Residential**

- (1) This section applies to land in the following zones—
  - (a) Zone R2 Low Density Residential,
  - (b) Zone R3 Medium Density Residential.
- (2) The minimum lot size for a secondary dwelling on land in Zone R2 Low Density Residential is 450m<sup>2</sup> if the dwelling density (per hectare) shown in the [Residential Density Map](#) for the land is 10, 15, or 20.
- (3) The minimum lot size for a secondary dwelling on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential is the minimum lot size for the principal dwelling in conjunction with which the secondary dwelling is established, determined in accordance with section 4.1AB, 4.1AD or 4.1AF if the dwelling density (per hectare) shown in the [Residential Density Map](#) for the land is 25.

**4.1AD Exceptions to minimum lot sizes for dwelling houses**

- (1) This section applies to the following—
  - (a) a lot in Zone R2 Low Density Residential that has an area less than 300m<sup>2</sup> (but not less than 250m<sup>2</sup>) if the dwelling density (per hectare) shown on the [Residential Density Map](#) in relation to the land is 15,
  - (b) a lot in Zone R2 Low Density Residential that has an area less than 300m<sup>2</sup> (but not less than 225m<sup>2</sup>) if the dwelling density (per hectare) shown on the [Residential Density Map](#) in relation to the land is not less than 20,
  - (c) a lot in Zone R3 Medium Density Residential that has an area less than 300m<sup>2</sup> (but not less than 225m<sup>2</sup>).
- (2) Despite section 4.1AB(3), development consent may be granted to the erection of a



dwelling house on a lot to which this section applies if—

- (a) the lot results from a subdivision to which development consent has been granted in accordance with section 4.1AA and, in determining the development application for the erection of the dwelling house, the consent authority considers any information that it considered for the purposes of that section in determining the development application for that subdivision, or
- (b) the development application is a single development application for development consisting of both of the following—
  - (i) the subdivision of land into 2 or more lots,
  - (ii) the erection of the dwelling house on one of the lots resulting from the subdivision.

**4.1AE Exceptions to minimum lot sizes for dwelling houses on other lots in Zone R2 Low Density Residential**

- (1) This section applies to a lot in Zone R2 Low Density Residential that has an area less than 250m<sup>2</sup> (but not less than 225m<sup>2</sup>) if the dwelling density (per hectare) shown on the [Residential Density Map](#) in relation to the land is 15.
- (2) Despite section 4.1AB(3), development consent may be granted to the erection of a dwelling house on a lot to which this section applies if the lot meets the requirements of subsection (3) and—
  - (a) the lot results from a subdivision to which development consent has been granted in accordance with section 4.1AA and, in determining the development application for the erection of the dwelling house, the consent authority considers any information that it considered for the purposes of that section in determining the development application for that subdivision, or
  - (b) the development application is a single development application for development consisting of both of the following—
    - (i) the subdivision of land into 2 or more lots,
    - (ii) the erection of the dwelling house on one of the lots resulting from the subdivision.
- (3) A lot meets the requirements of this subsection if—
  - (a) the lot adjoins land in Zone RE1 Public Recreation, or is separated from land in that zone only by a public road, or
  - (b) the lot adjoins land in Zone B1 Neighbourhood Centre or Zone B2 Local Centre, or is separated from land within any of those zones only by a public road, or

- (c) the lot is within 400m of land in Zone B1 Neighbourhood Centre or Zone B2 Local Centre and—
  - (i) adjoins land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes, or
  - (ii) is separated from land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes only by a public road.
- (4) Despite subsection (2), development consent must not be granted to the erection of a dwelling house to which this section applies unless the consent authority is satisfied that the dwelling house—
  - (a) will not adversely impact on the amenity of adjoining residential properties, and
  - (b) will be designed and orientated to provide active frontages to and surveillance of the public recreation or drainage land, and
  - (c) will not adversely impact on or limit solar access to adjoining residential or public open space land.

#### **4.1AF Exceptions to minimum lot sizes for dwelling houses on small lots**

- (1) This section applies to the following—
  - (a) a lot in Zone R2 Low Density Residential that has an area less than 225m<sup>2</sup> (but not less than 200m<sup>2</sup> but) if the dwelling density (per hectare) shown on the [Residential Density Map](#) in relation to the land is 20,
  - (b) a lot in Zone R2 Low Density Residential that has an area of less than 225m<sup>2</sup> (but not less than 125m<sup>2</sup>) if the dwelling density (per hectare) shown on the [Residential Density Map](#) in relation to the land is 25,
  - (c) a lot in Zone R3 Medium Density Residential that has an area less than 225m<sup>2</sup> (but not less than 125m<sup>2</sup>).
- (2) Despite section 4.1AB, development consent may be granted to the erection of a dwelling house on a small lot if the development application is a single development application for development that is both of the following—
  - (a) the subdivision of land into 2 or more lots,
  - (b) the erection of the dwelling house on one of the lots resulting from the subdivision.

#### **4.1AG Minimum lot sizes in split zones**

- (1) This section applies to each lot that contains land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential and land in any other zone.

- (2) For the purposes of sections 4.1AA–4.1AF, a reference to the area of a lot—
  - (a) in relation to land in Zone R2 Low Density Residential, means the area of that part of the lot that is in Zone R2 Low Density Residential, and
  - (b) in relation to land in Zone R3 Medium Density Residential, means the area of that part of the lot that is in Zone R3 Medium Density Residential, and
  - (c) does not include any part of the lot that is in any other zone.

#### **4.1B Residential density**

- (1) The objectives of this section are—
  - (a) to establish minimum density requirements for residential development, and
  - (b) to ensure that residential development makes efficient use of land and infrastructure, and contributes to the availability of new housing, and
  - (c) to ensure that the scale of residential development is compatible with the character of the precinct and adjoining land.
- (2) This section applies to residential development of the kind referred to in section 4.1AB or 4.1AC that—
  - (a) is carried out on land to which this Precinct Plan applies that is shown on the [Residential Density Map](#), and
  - (b) requires development consent, and
  - (c) is carried out after the commencement of this Precinct Plan.
- (3) The density of any residential development to which this section applies is not to be less than the density shown on the [Residential Density Map](#) in relation to that land.
- (4) In this section—

**density** means the net developable area in hectares of the land on which the development is situated divided by the number of dwellings proposed to be located on that land.

**net developable area** means the land occupied by the development, including internal streets, but excluding land that is not zoned for residential purposes.

#### **4.2 Rural subdivision**

- (1) The objective of this section is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.

- (2) Land in Zone RU6 Transition may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (3) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.
- (4) A dwelling cannot be erected on such a lot.

**Note—**

A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).

#### **4.3 Height of buildings**

- (1) The objectives of this section are as follows—
  - (a) to establish the maximum height of buildings,
  - (b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,
  - (c) to facilitate higher density development in and around commercial centres and major transport routes.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).

#### **4.4 Floor space ratio**

- (1) The objective of this section is to control the bulk and scale of buildings by setting maximum floor space ratios for development.
- (2) The floor space ratio for a building on any land is not to exceed the maximum floor space ratio shown for the land on the [Floor Space Ratio Map](#).

#### **4.5 Calculation of floor space ratio and site area**

- (1) **Objectives** The objectives of this section are as follows—
  - (a) to define ***floor space ratio***,
  - (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to—
    - (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
    - (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
    - (iii) require community land and public places to be dealt with separately.

- (2) **Definition of “floor space ratio”** The **floor space ratio** of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.
- (3) **Site area** In determining the site area of proposed development for the purpose of applying a floor space ratio, the **site area** is taken to be—
- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
  - (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subsections (4)–(7) apply to the calculation of the site area for the purposes of applying a floor space ratio to proposed development.

- (4) **Exclusions from site area** The following land must be excluded from the site area—
- (a) land on which the proposed development is prohibited, whether under this Precinct Plan or any other law,
  - (b) community land or a public place (except as provided by subsection (7)).
- (5) **Strata subdivisions** The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.
- (6) **Only significant development to be included** The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.
- (7) **Certain public land to be separately considered** For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.
- (8) **Existing buildings** The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.
- (9) **Covenants to prevent “double dipping”** When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may

require a covenant to be registered that prevents the creation of floor area on a lot (**the restricted lot**) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.

(10) **Covenants affect consolidated sites** If—

(a) a covenant of the kind referred to in subsection (9) applies to any land (**affected land**), and

(b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Precinct Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

(11) **Definition** In this section, **public place** has the same meaning as it has in the [Local Government Act 1993](#).

#### 4.6 Exceptions to development standards

(1) The objectives of this section are as follows—

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this section, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this section does not apply to a development standard that is expressly excluded from the operation of this section.

(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a

development standard unless—

(a) the consent authority is satisfied that—

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subsection (3), and
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Planning Secretary has been obtained.

(5) In deciding whether to grant concurrence, the Planning Secretary must consider—

- (a) whether contravention of the development standard raises any matter of significance for State environmental planning, and
- (b) the public benefit of maintaining the development standard, and
- (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.

(6) Development consent must not be granted under this section for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

**Note—**

When this Precinct Plan was made it did not include any of these zones other than Zone RU6 Transition, Zone E2 Environmental Conservation and Zone E4 Environmental Living.

(7) After determining a development application made pursuant to this section, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subsection (3).

(8) This section does not allow development consent to be granted for development that would contravene any of the following—

- (a) a development standard for complying development,

- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,
- (c) section 5.4.

## Part 5 Miscellaneous provisions

### 5.1 Relevant acquisition authority

- (1) The objective of this section is to identify, for the purposes of section 3.15 of the Act, the authority of the State that 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.

- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the [Land Reservation Acquisition Map](#) (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

Type of land shown on Map	Authority of the State
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone SP2 Infrastructure and marked "Classified road"	Transport for NSW
Zone SP2 Infrastructure and marked "Local drainage"	Council
Zone SP2 Infrastructure and marked "Railway"	The corporation constituted under section 2.5 of the Act
Zone SP2 Infrastructure and marked "Local road"	Council
Zone SP2 Infrastructure and marked "Educational establishment"	NSW Department of Education and Communities



Zone SP2 Infrastructure and marked  
“Unclassified regional road—Denham Court Transport for NSW  
Road”

Zone B1 Neighbourhood Centre and  
marked “Community facility” Council

Zone B2 Local Centre and marked  
“Community facility” Council

- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

**Note—**

If land, other than land specified in the Table to subsection (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning and Infrastructure is required to take action to enable the designation of the acquiring authority under this Part. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning and Infrastructure (see section 21 of the [Land Acquisition \(Just Terms Compensation\) Act 1991](#)).

## 5.2 Classification and reclassification of public land

- (1) The objective of this section is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the [Local Government Act 1993](#).

**Note—**

Under the [Local Government Act 1993](#), “public land” is generally land vested in or under the control of a council (other than roads and certain Crown land). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the [Local Government Act 1993](#). Section 30 of that Act enables this Precinct Plan to discharge trusts on which public reserves are held if the land is reclassified under this Precinct Plan as operational land.

- (2) The public land described in Part 1 or Part 2 of Schedule 4 to this Appendix is classified, or reclassified, as operational land for the purposes of the [Local Government Act 1993](#).
- (3) The public land described in Part 3 of Schedule 4 to this Appendix is classified, or reclassified, as community land for the purposes of the [Local Government Act 1993](#).
- (4) The public land described in Part 1 of Schedule 4—
- (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
  - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.

- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except—
- (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
  - (b) any reservations that except land out of the Crown grant relating to the land, and
  - (c) reservations of minerals (within the meaning of the *Crown Land Management Act 2016*).

**Note—**

In accordance with section 30(2) of the *Local Government Act 1993*, the approval of the Governor to subsection (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4 to this Appendix.

### **5.3 Development near zone boundaries**

- (1) The objective of this section is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This section applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is as follows—
- (a) 10 metres between Zone RE1 Public Recreation and any other zone,
  - (b) 10 metres between Zone E2 Environmental Conservation and any other zone,
  - (c) 30 metres between any two zones excluding Zone RE1 Public Recreation and Zone E2 Environmental Conservation.
- (3) This section does not apply to land proposed to be developed for the purpose of sex services premises or restricted premises.
- (4) Despite the provisions of this Precinct Plan relating to the purposes for which development may be carried out, consent may be granted to development of land to which this section applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—
- (a) the development is not inconsistent with the objectives for development in both zones, and
  - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the

efficient and timely development of land.

- (5) This section does not prescribe a development standard that may be varied under this Precinct Plan.

#### 5.4 Controls relating to miscellaneous permissible uses

- (1) **Bed and breakfast accommodation** If development for the purposes of bed and breakfast accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

**Note—**

Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.

- (2) **Home businesses** If development for the purposes of a home business is permitted under this Precinct Plan, the carrying on of the business must not involve the use of more than 50 square metres of gross floor area.
- (3) **Home industries** If development for the purposes of a home industry is permitted under this Precinct Plan, the carrying on of the home industry must not involve the use of more than 30 square metres of gross floor area.
- (4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Precinct Plan, the retail gross floor area must not exceed—
- (a) 40% of the combined gross floor area of the industrial retail outlet and the building or place on which the relevant industry is carried out, or
  - (b) 400 square metres,
- whichever is the lesser.
- (5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.
- (6) **Kiosks** If development for the purposes of a kiosk is permitted under this Precinct Plan, the gross floor area must not exceed 30 square metres.
- (7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Precinct Plan, the retail gross floor area must not exceed 100 square metres.
- (8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Precinct Plan, the gross floor area must not exceed 8 square metres.
- (9) **Secondary dwellings** If development for the purposes of a secondary dwelling is permitted under this Precinct Plan, the total gross floor area of the dwelling (excluding

any area used for parking) must not exceed whichever of the following is the greater—

- (a) 75 square metres,
- (b) 30% of the total gross floor area of both the self-contained dwelling and the principal dwelling.

### **5.6 Architectural roof features**

- (1) The objectives of this section are—
  - (a) to ensure that architectural roof features are decorative elements only, and
  - (b) to ensure that the majority of the roof features are contained within the prescribed building height.
- (2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by section 4.3 may be carried out, but only with consent.
- (3) Development consent must not be granted to any such development unless the consent authority is satisfied that—
  - (a) the architectural roof feature—
    - (i) comprises a decorative element on the uppermost portion of a building, and
    - (ii) is not an advertising structure, and
    - (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
    - (iv) will cause minimal overshadowing, and
  - (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

### **5.8 Conversion of fire alarms**

- (1) This section applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.
- (2) The following development may be carried out, but only with development consent—
  - (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
  - (b) converting a fire alarm system from connection with the alarm monitoring system

of a private service provider to connection with the alarm monitoring system of another private service provider,

- (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.

- (3) In this section—

***private service provider*** means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

### 5.9 Preservation of trees or vegetation

- (1) The objective of this section is to preserve the amenity of the area through the preservation of trees and other vegetation.
- (2) This section applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this section by a development control plan made by the Planning Secretary.

**Note—**

A development control plan may prescribe the trees or other vegetation to which this section 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.
- (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 section 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 section does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.
- (7) This section does not apply to or in respect of—
  - (a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003* or 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*, or
- (f) native vegetation retention areas to which section 6.2 of this Precinct Plan applies, or
- (g) existing native vegetation areas to which section 6.3 of this Precinct Plan applies.

### 5.10 Heritage conservation

#### Note—

Heritage items (if any) are listed and described in Schedule 5 to this Precinct Plan. Heritage conservation areas (if any) are shown on the [Heritage Map](#) as well as being described in Schedule 5.

(1) **Objectives** The objectives of this section are as follows—

- (a) to conserve environmental heritage,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) **Requirement for consent** Development consent is required for any of the following—

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—
  - (i) a heritage item,
  - (ii) an Aboriginal object,
  - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 to this Precinct Plan in relation to the item,

- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
  - (d) disturbing or excavating an Aboriginal place of heritage significance,
  - (e) erecting a building on land—
    - (i) on which a heritage item is located or that is within a heritage conservation area, or
    - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
  - (f) subdividing land—
    - (i) on which a heritage item is located or that is within a heritage conservation area, or
    - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.
- (3) **When consent not required** However, development consent under this section 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, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
    - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, 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, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
  - (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or

(d) the development is exempt development.

- (4) **Effect of proposed development on heritage significance** The consent authority must, before granting consent under this section in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subsection applies regardless of whether a heritage management document is prepared under subsection (5) or a heritage conservation management plan is submitted under subsection (6).
- (5) **Heritage assessment** The consent authority may, before granting consent to any development—
- (a) on land on which a heritage item is located, or
  - (b) on land that is within a heritage conservation area, or
  - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
- require a heritage management document 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 or heritage conservation area concerned.
- (6) **Heritage conservation management plans** The consent authority may require, after considering the heritage 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 section.
- (7) **Archaeological sites** The consent authority must, before granting consent under this section to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the [Heritage Act 1977](#) applies)—
- (a) notify the Heritage Council of its intention to grant consent, and
  - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (8) **Aboriginal places of heritage significance** The consent authority must, before granting consent under this section to the carrying out of development in an Aboriginal place of heritage significance—
- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
  - (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response



received within 28 days after the notice is sent.

- (9) **Demolition of nominated State heritage items** The consent authority must, before granting consent under this section for the demolition of a nominated State heritage item—
- (a) notify the Heritage Council about the application, and
  - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (10) **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, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Precinct Plan, if the consent authority is satisfied that—
- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
  - (b) the proposed development is in accordance with a heritage management document 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 management document is carried out, and
  - (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
  - (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

### 5.11 Bush fire hazard reduction

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

**Note—**

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

### 5.12 Infrastructure development and use of existing buildings of the Crown

- (1) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out without consent under *State Environmental Planning Policy (Infrastructure) 2007*.

- (2) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

### **5.13 Dwelling house or secondary dwelling affected by natural disaster**

- (1) The objective of this section is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This section applies to land within the Austral Precinct, East Leppington Precinct and Leppington North Precinct.
- (3) This section applies to land in the following zones—
  - (a) RU6 Transition,
  - (b) R2 Low Density Residential,
  - (c) R3 Medium Density Residential,
  - (d) RE1 Public Recreation,
  - (e) E4 Environmental Living.
- (4) Despite the other provisions of this Plan, development consent may be granted to development on land to which this section applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
  - (a) the dwelling house or secondary dwelling was lawfully erected, and
  - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

## **Part 6 Additional local provisions**

### **6.1 Public utility infrastructure**

- (1) The consent authority must not grant development consent to development on land to which this Precinct Plan applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.
- (2) In this section, **public utility infrastructure** includes infrastructure for any of the following—
  - (a) the supply of water,

- (b) the supply of electricity,
  - (c) the disposal and management of sewage.
- (3) This section does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this section.

## **6.2 Development controls—native vegetation retention areas**

- (1) The objective of this section is to prevent the clearing of certain native vegetation.
- (2) This section applies to land within a native vegetation retention area as shown on the [Native Vegetation Protection Map](#).
- (3) This section does not apply to native vegetation that the Council is satisfied—
- (a) is dying or dead and is not required as the habitat of native fauna, or
  - (b) is a risk to human life or property.
- (4) This section does not apply to any native vegetation—
- (a) within a State forest, or within land reserved from sale as a timber or forest reserve under the [Forestry Act 1916](#), or
  - (b) declared to be noxious weeds under the [Noxious Weeds Act 1993](#).
- (5) A person must not clear native vegetation on land to which this section applies without—
- (a) approval under Part 3A of the Act, or
  - (b) development consent.
- (6) Development consent under this section is not to be granted unless the consent authority is satisfied of the following in relation to the disturbance of native vegetation—
- (a) that there is no reasonable alternative available to the disturbance of the native vegetation,
  - (b) that as little native vegetation as possible will be disturbed,
  - (c) that the disturbance of the native vegetation will not increase salinity,
  - (d) that native vegetation disturbed for the purposes of construction will be reinstated where possible on completion of construction,
  - (e) that the loss of remnant native vegetation caused by the disturbance will be

compensated by revegetation on or near the land to avoid any net loss of remnant native vegetation,

- (f) that no more than 0.5 hectare of native vegetation will be cleared unless the clearing is essential for a previously permitted use of the land.
- (7) The consent authority must, when determining a development application in respect of the clearing of native vegetation on land within a zone under this Precinct Plan, have regard to the objectives for development in that zone.
- (8) This section does not apply to or in respect of action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993*, the *Surveying and Spatial Information Act 2002* or the *Sydney Water Act 1994*.

### **6.3 Development controls—existing native vegetation**

- (1) The objective of this section is to manage existing native vegetation in accordance with the relevant biodiversity measures under Part 7 of Schedule 7 to the *Threatened Species Conservation Act 1995*.
- (2) This section applies to land within an existing native vegetation area as shown on the [Native Vegetation Protection Map](#).
- (3) This section does not apply to any vegetation declared to be noxious weeds under the *Noxious Weeds Act 1993*.
- (4) The consent authority must not grant development consent for development on land to which this section applies unless it is satisfied that the proposed development will not result in the clearing of any existing native vegetation (within the meaning of the relevant biodiversity measures under Part 7 of Schedule 7 to the *Threatened Species Conservation Act 1995*).

### **6.4 Maximum gross floor area for retail premises in Zone B1 in East Leppington Precinct**

Despite any other provision of this Precinct Plan, the total gross floor area of all retail premises on land in Zone B1 Neighbourhood Centre within the East Leppington Precinct must not exceed 4,800m<sup>2</sup>.

### **6.5 Vehicular access to service stations and food and drink premises in Zone B1 in East Leppington Precinct**

- (1) The objectives of this section are as follows—
  - (a) to limit direct access to Camden Valley Way from land within Zone B1 Neighbourhood Centre,
  - (b) to support the efficient operation of Camden Valley Way,
  - (c) to support the design and operation of the neighbourhood centre.

- (2) This section applies to land in Zone B1 Neighbourhood Centre in the East Leppington Precinct.
- (3) Despite any other provision of this Precinct Plan, development consent for development for the purposes of a service station or a food and drink premises with direct vehicular access to Camden Valley Way must not be granted unless the consent authority is satisfied that vehicular access will be restricted to left in and left out vehicular movement (that is, where the turning movements of vehicles leaving the premises onto Camden Valley Way are limited to left turns and the turning movements of vehicles leaving Camden Valley Way to enter the premises are limited to left turns).

#### **6.6 Attached dwellings, manor homes and multi dwelling housing in Zone R2 Low Density Residential**

- (1) The objectives of this section are as follows—
  - (a) to permit, with development consent, attached dwellings, manor homes and multi dwelling housing in Zone R2 Low Density Residential in limited circumstances,
  - (b) to provide location and development criteria that must be satisfied before development consent can be granted.
- (2) Development for the purposes of attached dwellings or multi dwelling housing is permissible with development consent on land in Zone R2 Low Density Residential if the dwelling density (per hectare) shown on the [Residential Density Map](#) in relation to the land is 15 and the land—
  - (a) adjoins land in Zone RE1 Public Recreation, or is separated from land in that zone only by a public road, or
  - (b) adjoins land in Zone B1 Neighbourhood Centre or Zone B2 Local Centre, or is separated from land in any of those zones only by a public road, or
  - (c) is within 400m of land in Zone B1 Neighbourhood Centre or Zone B2 Local Centre and—
    - (i) adjoins land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes, or
    - (ii) is separated from land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes only by a public road.
- (3) Development for the purposes of attached dwellings or multi dwelling housing is permissible with development consent on land in Zone R2 Low Density Residential if the dwelling density (per hectare) shown on the [Residential Density Map](#) in relation to the land is not less than 20.
- (4) Development for the purposes of manor homes is permissible with development

consent on land in Zone R2 Low Density Residential if—

- (a) the dwelling density (per hectare) shown on the [Residential Density Map](#) in relation to the land is 25, or
  - (b) the dwelling density (per hectare) shown on the [Residential Density Map](#) in relation to the land is 20 and the land is located on the corner of 2 streets.
- (5) Development must not be granted under this section unless the consent authority is satisfied that—
- (a) the attached dwellings, manor homes or multi dwelling housing will not adversely impact on the amenity of any adjoining residential properties, and
  - (b) the attached dwellings or multi dwelling housing will be designed and orientated to provide active frontages to and surveillance of the public recreation drainage land, and
  - (c) the attached dwellings, manor homes or multi dwelling housing will not adversely impact on or limit solar access to adjoining residential or public open space land.
- (6) This section has effect despite anything to the contrary in the Land Use Table or any other provision of this Precinct Plan.

## Schedule 1 Additional permitted uses

(Section 2.5)

When this Precinct Plan was made this Schedule was blank.

## Schedule 4 Classification and reclassification of public land

(Section 5.2)

### Part 1 Land classified, or reclassified, as operational land—no interests changed

Column 1	Column 2
Locality	Description
Nil	

### Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Nil		

## Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
Nil	

## Schedule 5 Environmental heritage

(Section 5.10)

### Part 1 Heritage items

Precinct	Item name	Address	Property description	Significance	Item no
Austral	Hellenic monument		Part of Lot 10, DP 771080	Local	8
Austral	Ian's Hardware and House	256 Edmondson Avenue	Lot E, DP 385534	Local	7
Austral	H J Starr Progress Hall	264 Edmondson Avenue	Lot A, DP 340916	Local	3
Austral	Brick house and garden	275 Edmondson Avenue	Lot 2, DP 258224	Local	5
Leppington North	Bringelly Road—cultural landscape	Between Camden Valley Way and Kemps Creek	Road reserve	Local	17
Leppington North, East Leppington	Upper Nepean Scheme—Upper Canal	Between Bringelly Road and Denham Court Road	Lot 1, DP 725231; Lots 1 and 2, DP 596351	State	16
Leppington North	The Brown Memorial and water trough	145 Bringelly Road	Lot 1, DP 725231	Local	11
Leppington North	Row of 3 Bunya pines	145 Bringelly Road	Lot 1, DP 725231 and adjacent road reserve	State	14
Leppington North	W V Scott War Memorial and park	380 Bringelly Road	Lot 1173, DP 2475; Lot 1174, DP 1066228; Lot 1138, DP 2475	Local	6
Leppington North	Cement-rendered house	40 Browns Road (60 Fifth Avenue)	Part of Lot 4, DP 126820	Local	1
Leppington North	House and garden	170 Edmondson Avenue (125 Eighth Avenue)	Lot 926, DP 2475	Local	10

Leppington North	Cowpasture Road—cultural landscape	Old Cowpasture Road (between Cowpasture and Bringelly Roads)	Disused road reserve (south of Bringelly Road)	Local	2
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## Part 2 Heritage conservation areas

Name of heritage conservation area	Identification on <a href="#">Heritage Map</a>	Significance
Austral Town Centre Conservation Area	Shown by green hatching and labelled “C1”	Local

## Part 3 Archaeological sites

Precinct	Item name	Address	Property description	Significance	Item no
Austral	Former blacksmith’s workshop site	240 Fifteenth Avenue	Part of Lot 433, DP 2475	Local	13
Austral	Weatherboard house site	305 Fifteenth Avenue	Lots 354 and 355, DP 2475	Local	4
Leppington North	Forest home site	1720–1726 Camden Valley Way	Lot 6, DP 205472	Local	12

## Appendix 5 Camden Growth Centres Precinct Plan

section 3.10

### Part 1 Preliminary

#### Note—

The [Standard Instrument \(Local Environmental Plans\) Order 2006](#) sets out matters to be included in standard local environmental plans. While this Precinct Plan is not a standard local environmental plan, it is generally consistent with standard plans. A number of clauses from the [Standard Instrument \(Local Environmental Plans\) Order 2006](#) have been included in this Precinct Plan and the clause numbering from that Order has been retained. This means that the numbering in this Precinct Plan may contain some gaps. Additional provisions have been inserted and are numbered accordingly.

#### 1.1 Name of Precinct Plan

This Precinct Plan is the *Camden Growth Centres Precinct Plan 2013*.

#### 1.2 Aims of Precinct Plan

The aims of this Precinct Plan are as follows—

- (a) to make development controls that will ensure the creation of quality environments and good design outcomes,
- (b) to protect and enhance environmentally sensitive natural areas and cultural heritage,



- (c) to provide for recreational opportunities,
- (d) to provide for multifunctional and innovative development that encourages employment and economic growth,
- (e) to promote housing choice and affordability,
- (f) to provide for sustainable development,
- (g) to promote pedestrian and vehicle connectivity,
- (h) to minimise the impact on existing and future communities of the full range of risks posed by natural hazards such as bushfires and flooding.

### 1.3 Land to which Precinct Plan applies

This Precinct Plan applies to land within the Catherine Fields Precinct, East Leppington Precinct, Leppington North Precinct, Leppington Precinct, Pondicherry Precinct and Lowes Creek Maryland Precinct as shown on the [Land Application Map](#).

#### **Note—**

The [Land Application Map](#) differs from the [Precinct Boundary Map](#) and, as such, this Precinct Plan does not apply to all the land within the Catherine Fields Precinct, East Leppington Precinct, Leppington North Precinct, Leppington Precinct or Lowes Creek Maryland Precinct (as shown on the [Precinct Boundary Map](#)).

### 1.4 Definitions

In this Precinct Plan—

**Council** means Camden Council.

**Maximum Dwellings Map** means the [State Environmental Planning Policy \(Sydney Region Growth Centres\) 2006 South West Growth Centre Maximum Dwellings Map](#).

### 1.5 Notes

Notes in this Plan are provided for guidance and do not form part of this Plan.

### 1.6 Consent authority

The consent authority for the purposes of this Precinct Plan is (subject to the Act) the Council.

### 1.8 Repeal of other local planning instruments applying to land

- (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Precinct Plan applies are repealed.
- (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Precinct Plan applies and to other land cease to apply to the land to which this Precinct Plan applies.

**Note—**

*Camden Local Environmental Plan 2010* ceases to apply to the land to which this Precinct Plan applies.

- (3) This section does not affect the operation of other provisions of this State environmental planning policy.

**1.8A Savings provision relating to pending development applications**

If a development application has been made before the commencement of this Precinct Plan in relation to land to which this Precinct Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Precinct Plan had not commenced.

**1.9 Application of SEPPs**

- (1) This Precinct Plan is subject to the provisions of any State environmental planning policy that prevails over this Precinct Plan as provided by section 3.28 of the Act.
- (2) *State Environmental Planning Policy No 1—Development Standards* does not apply to the land to which this Precinct Plan applies.

**1.9A Suspension of covenants, agreements and instruments**

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Precinct Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This section does not apply—
- (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
  - (b) to any relevant instrument within the meaning of section 13.4 of the *Crown Land Management Act 2016*, or
  - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
  - (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
  - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
  - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or
  - (g) to any planning agreement within the meaning of Division 7.1 of the Act.

- (3) This section does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 28 of the Act, the Governor, before the making of this section, approved of subsections (1)–(3).

## **Part 2 Permitted or prohibited development**

### **2.1 Land use zones**

The land use zones under this Precinct Plan are as follows—

#### **Rural Zones**

RU6 Transition

#### **Residential Zones**

R2 Low Density Residential

R3 Medium Density Residential

#### **Business Zones**

B1 Neighbourhood Centre

B2 Local Centre

B3 Commercial Core

B4 Mixed Use

B5 Business Development

B7 Business Park

#### **Industrial Zones**

IN2 Light Industrial

#### **Special Purpose Zones**

SP2 Infrastructure

#### **Recreation Zones**

RE1 Public Recreation

RE2 Private Recreation

#### **Environment Protection Zones**

E2 Environmental Conservation

## E4 Environmental Living

### 2.2 Zoning of land to which Precinct Plan applies

For the purposes of this Precinct Plan, land is within the zones shown on the [Land Zoning Map](#).

### 2.3 Zone objectives and Land Use Table

- (1) The Land Use Table at the end of this Part specifies for each zone—
  - (a) the objectives for development, and
  - (b) development that may be carried out without consent, and
  - (c) development that may be carried out only with consent, and
  - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.
- (3) In the Land Use Table at the end of this Part—
  - (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 Chapter 3) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.
- (4) This section is subject to the other provisions of this Precinct Plan.

#### Notes—

- 1 Schedule 1 sets out additional permitted uses for particular land.
- 2 Section 2.6 requires consent for subdivision of land.
- 3 Part 5 contains other provisions that require consent for particular development.
- 4 Part 6 sets out additional permitted uses for particular land.

### 2.4 Unzoned land

- (1) Development may be carried out on unzoned land only with consent.
- (2) Before granting development consent, the consent authority—
  - (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
  - (b) must be satisfied that the development is appropriate and is compatible with

permissible land uses in any such adjoining land.

## 2.5 Additional permitted uses for particular land

- (1) Development on particular land that is described or referred to in Schedule 1 to this Appendix may be carried out—
  - (a) with consent, or
  - (b) if the Schedule so provides—without development consent,in accordance with the conditions (if any) specified in that Schedule in relation to that development.
- (2) This section has effect despite anything to the contrary in the Land Use Table at the end of this Part or other provision of this Precinct Plan.

## 2.6 Subdivision—consent requirements

Land to which this Precinct Plan applies may be subdivided, but only with development consent.

### Notes—

- 1 If a subdivision is specified as **exempt development** in an applicable environmental planning instrument, for example this Precinct Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Act enables it to be carried out without development consent.
- 2 *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, Part 6 provides that the strata subdivision of a building in certain circumstances is **complying development**.

## 2.7 Demolition

The demolition of a building or work may be carried out only with development consent.

### Note—

The demolition of certain buildings and works is identified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* as exempt development.

## 2.8 Temporary use of land

- (1) The objective of this section is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Precinct Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that—
  - (a) the temporary use will not prejudice the subsequent carrying out of development

on the land in accordance with this Precinct Plan and this or any other applicable environmental planning instrument, and

- (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
  - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
  - (d) at the end of the temporary use period, the site will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subsection (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subsection.
- (5) Subsection (3)(d) does not apply to the temporary use of a dwelling as a sales office mentioned in subsection (4).
- (6) This section does not prescribe a development standard that may be varied under this Precinct Plan.

## **Land Use Table**

### **Zone RU6 Transition**

#### **1 Objectives of zone**

- To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

#### **2 Permitted without consent**

Extensive agriculture; Home occupations; Roads

#### **3 Permitted with consent**

Agriculture; Dual occupancies; Dwelling houses; Environmental protection works; Home-based child care; Home businesses; Home industries; Horticulture; Secondary dwellings; Any other development not specified in item 2 or 4

#### **4 Prohibited**

Air transport facilities; Amusement centres; Biosolids treatment facilities; Boat

repair facilities; Boat sheds; Bulky goods premises; Business premises; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Community facilities; Correctional centres; Crematoria; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Freight transport facilities; Function centres; Hazardous storage establishments; Highway service centres; Home occupations (sex services); Industries; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Marinas; Moorings; Mortuaries; Office premises; Passenger transport facilities; Places of public worship; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Residential accommodation; Restricted premises; Retail premises; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Timber and building supplies; Tourist and visitor accommodation; Transport depots; Truck depots

## **Zone R2 Low Density Residential**

### **1 Objectives of zone**

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To allow people to carry out a reasonable range of activities from their homes where such activities are not likely to adversely affect the living environment of neighbours.
- To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.
- To provide a diverse range of housing types to meet community housing needs within a low density residential environment.

### **2 Permitted without consent**

Home-based child care; Home occupations

### **3 Permitted with consent**

Bed and breakfast accommodation; Boarding houses; Business identification signs; Centre-based child care facilities; Community facilities; Drainage; Dual

occupancies; Dwelling houses; Earthworks; Educational establishments; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Information and education facilities; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Studio dwellings; Veterinary hospitals; Waterbodies (artificial)

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone R3 Medium Density Residential**

#### **1 Objectives of zone**

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.

#### **2 Permitted without consent**

Home-based child care; Home occupations

#### **3 Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Group homes; Manor homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Studio dwellings; Any other development not specified in item 2 or 4



## **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat repair facilities; Boat sheds; Business premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Extractive industries; Freight transport facilities; Function centres; Helipads; Highway service centres; Home occupations (sex services); Industries; Information and education facilities; Marinas; Moorings; Mortuaries; Office premises; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Retail premises; Rural supplies; Service stations; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wholesale supplies

### **Zone B1 Neighbourhood Centre**

#### **1 Objectives of zone**

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.

#### **2 Permitted without consent**

Home-based child care; Home occupations

#### **3 Permitted with consent**

Amusement centres; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Business premises; Centre-based child care facilities; Community facilities; Drainage; Earthworks; Educational establishments; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Hostels; Hotel or motel accommodation; Kiosks; Medical centres; Neighbourhood shops; Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Respite day care centres; Roads; Service stations; Serviced apartments; Shop top housing; Shops; Veterinary hospitals

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone B2 Local Centre**

#### **1 Objectives of zone**

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To provide for residential development that contributes to the vitality of the local centre.
- To ensure that residential development within the centre does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.
- To facilitate active retail, commercial, entertainment and community facility uses at the ground level of mixed use development.
- To encourage development that will contribute to economic growth and the creation of employment opportunities.

#### **2 Permitted without consent**

Home-based child care; Home businesses; Home occupations

#### **3 Permitted with consent**

Boarding houses; Business premises; Car parks; Centre-based child care facilities; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

#### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Boat repair facilities; Boat sheds; Bulky goods premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating

works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Home occupations (sex services); Industries; Marinas; Moorings; Mortuaries; Recreation facilities (major); Research stations; Residential accommodation; Restricted premises; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wholesale supplies

## **Zone B3 Commercial Core**

### **1 Objectives of zone**

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Amusement centres; Building identification signs; Business identification signs; Business premises; Centre-based child care facilities; Community facilities; Drainage; Educational establishments; Emergency services facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Group homes; Helipads; Heliports; Hotel or motel accommodation; Information and education facilities; Medical centres; Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Restricted premises; Retail premises; Roads; Shop top housing; Veterinary hospitals; Water recreation structures; Water recycling facilities; Waterbodies (artificial)

### **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone B4 Mixed Use**

## **1 Objectives of zone**

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To facilitate active retail, commercial, entertainment and community uses at ground level of mixed use developments.
- To provide for residential development that contributes to the vitality of the local centre.
- To ensure that residential development adjacent to the centre does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.

## **2 Permitted without consent**

Home-based child care; Home occupations

## **3 Permitted with consent**

Backpackers' accommodation; Boarding houses; Business premises; Centre-based child care facilities; Community facilities; Educational establishments; Entertainment facilities; Exhibition homes; Function centres; Health services facilities; Hostels; Hotel or motel accommodation; Information and education facilities; Multi dwelling housing; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Retail premises; Roads; Seniors housing; Serviced apartments; Shop top housing; Any other development not specified in item 2 or 4

## **4 Prohibited**

Agriculture; Air transport facilities; Boat repair facilities; Boat sheds; Bulky goods premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Extractive industries; Forestry; Freight transport facilities; Home occupations (sex services); Industries; Mortuaries; Recreation areas; Recreation facilities (major); Research stations; Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Waste or resource management facilities; Water recreation structures; Wholesale supplies

## **Zone B5 Business Development**

### **1 Objectives of zone**

- To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Building identification signs; Bulky goods premises; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Drainage; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Hotel or motel accommodation; Landscaping material supplies; Liquid fuel depots; Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Pubs; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Restaurants; Roads; Self-storage units; Service stations; Timber and building supplies; Vehicle sales or hire premises; Warehouse or distribution centres

### **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone B7 Business Park**

### **1 Objectives of zone**

- To provide a range of office and light industrial uses.
- To encourage employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Building identification signs; Business identification signs; Centre-based child

care facilities; Food and drink premises; Helipads; Heliports; Hotel or motel accommodation; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Roads; Serviced apartments; Any other development not specified in item 2 or 4

#### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat repair facilities; Boat sheds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Industries; Landscaping material supplies; Liquid fuel depots; Marinas; Moorings; Mortuaries; Port facilities; Recreation facilities (major); Residential accommodation; Restricted premises; Retail premises; Rural industries; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Timber and building supplies; Transport depots; Truck depots; Waste or resource management facilities; Water recreation structures

### **Zone IN2 Light Industrial**

#### **1 Objectives of zone**

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

#### **2 Permitted without consent**

Nil

#### **3 Permitted with consent**

Agricultural produce industries; Building identification signs; Business identification signs; Depots; Food and drink premises; Heliports; Hotel or motel accommodation; Industrial training facilities; Landscaping material supplies; Light industries; Neighbourhood shops; Roads; Any other development not specified in item 2 or 4

#### **4 Prohibited**

Agriculture; Air transport facilities; Amusement centres; Boat sheds; Bulky goods premises; Business premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Health services facilities; Heavy industrial storage establishments; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industries; Marinas; Moorings; Office premises; Public administration buildings; Recreation facilities (major); Research stations; Residential accommodation; Restricted premises; Retail premises; Rural industries; Sex services premises; Signage; Tourist and visitor accommodation; Water recreation structures

#### **Zone SP2 Infrastructure**

##### **1 Objectives of zone**

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

##### **2 Permitted without consent**

Roads

##### **3 Permitted with consent**

The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose

##### **4 Prohibited**

Any development not specified in item 2 or 3

#### **Zone RE1 Public Recreation**

##### **1 Objectives of zone**

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

## **2 Permitted without consent**

Environmental protection works

## **3 Permitted with consent**

Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Drainage; Environmental facilities; Flood mitigation works; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Restaurants; Roads; Take away food and drink premises; Water recreation structures; Waterbodies (artificial)

## **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone RE2 Private Recreation**

#### **1 Objectives of zone**

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

#### **2 Permitted without consent**

Nil

#### **3 Permitted with consent**

Caravan parks; Community facilities; Drainage; Electricity generating works; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Restaurants; Roads; Signage; Water recycling facilities; Waterbodies (artificial)

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone E2 Environmental Conservation**



### **1 Objectives of zone**

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Drainage; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Kiosks; Recreation areas; Research stations; Roads; Signage; Waterbodies (artificial)

### **4 Prohibited**

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

## **Zone E4 Environmental Living**

### **1 Objectives of zone**

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.

### **2 Permitted without consent**

Home-based child care; Home occupations

### **3 Permitted with consent**

Bed and breakfast accommodation; Centre-based child care facilities; Community facilities; Drainage; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Extensive agriculture; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Recreation areas; Respite day care centres;

Roads; Secondary dwellings; Waterbodies (artificial)

#### **4 Prohibited**

Industries; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

### **Part 4 Principal development standards**

#### **4.1 Minimum subdivision lot size**

- (1) The objectives of this section are as follows—
  - (a) to ensure orderly and efficient use of land,
  - (b) to ensure a minimum lot size sufficient for development,
  - (c) to allow for a range of lot sizes that cater for a diversity of land uses and employment activities.
- (2) This section applies to a subdivision of any land shown on the [Lot Size Map](#) that requires development consent and that is carried out after the commencement of this Precinct Plan.
- (3) The size of any lot resulting from any such subdivision of land to which this section applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) This section does not apply to the subdivision of land—
  - (a) by the registration of a strata plan or strata plan of subdivision under the [Strata Schemes Development Act 2015](#), or
  - (b) by subdivision under the [Community Land Development Act 1989](#).

#### **4.1AA Subdivision resulting in lots between 225-300m<sup>2</sup>**

- (1) This section applies to land in the following zones—
  - (a) Zone R2 Low Density Residential,
  - (b) Zone R3 Medium Density Residential.
- (2) Development consent may be granted to the subdivision of land to which this section applies resulting in the creation of a lot that has an area of less than 300m<sup>2</sup> (but not less than 225m<sup>2</sup>), if the consent authority is satisfied that the lot will contain a sufficient building envelope to enable the erection of a dwelling house on the lot.
- (3) This section does not apply to a subdivision that is the subject of a development application under section 4.1AD(2)(b), 4.1AE(2)(b) or 4.1AF.

#### **4.1A Minimum lot sizes for residential development in non-residential zones**

- (1) The objectives of this section are as follows—
  - (a) to establish minimum lot sizes for residential development,
  - (b) to ensure that residential development results in the efficient use of land and contributes to the supply of new housing in the South West Growth Centre,
  - (c) to ensure that residential development has adequate usable areas for buildings and open space,
  - (d) to ensure that residential development is compatible with the character of the locality and with surrounding residential areas,
  - (e) to facilitate and encourage the provision of a range of dwelling types.
- (2) This section applies to development on land for which no minimum lot size is shown on the [Lot Size Map](#).
- (3) The minimum lot size for certain residential development is set out in the table below.

<b>Dwelling type</b>	<b>Minimum lot size</b>
Dwelling houses (detached)	200 square metres
Semi-detached dwellings	200 square metres
Dual occupancies	500 square metres
Secondary dwellings	450 square metres
Attached dwellings	375 square metres
Multi dwelling housing	1,000 square metres
Residential flat buildings	1,000 square metres

- (4) This section does not apply to the land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential.

#### **4.1AB Minimum lot sizes for residential development in Zone R2 Low Density Residential and Zone R3 Medium Density Residential**

- (1) The objectives of this section are as follows—
  - (a) to establish minimum lot sizes for residential development in Zone R2 Low Density Residential and Zone R3 Medium Density Residential,
  - (b) to ensure that residential development in the Catherine Fields, East Leppington, Leppington North, Leppington and Lowes Creek Maryland Precincts results in the efficient use of land and contributes to the supply of new housing in the South

West Growth Centre,

- (c) to ensure that residential development has adequate usable areas for buildings and open space,
  - (d) to ensure that residential development in the Catherine Fields, East Leppington, Leppington North, Leppington and Lowes Creek Maryland Precincts is compatible with the character of the locality and with surrounding residential areas,
  - (e) to facilitate and encourage the provision of a range of residential lot types, in particular, small lot housing.
- (2) This section applies to land in the following zones—
- (a) Zone R2 Low Density Residential,
  - (b) Zone R3 Medium Density Residential.
- (3) The minimum lot size for a dwelling house is 300m<sup>2</sup> if, on the [Residential Density Map](#)—
- (a) the dwelling density (per hectare) in relation to the land is 15, 20 or 25, or
  - (b) the dwelling density range (per hectare) in relation to the land is 10-20, 20-25, 25-35 or 35-60.
- (4) The minimum lot size for a dual occupancy is—
- (a) 500m<sup>2</sup> if, on the [Residential Density Map](#)—
    - (i) the dwelling density (per hectare) in relation to the land is 15 or 20, or
    - (ii) the dwelling density range (per hectare) in relation to the land is 10-20 or 20-25, or
  - (b) 400m<sup>2</sup> if, on the [Residential Density Map](#)—
    - (i) the dwelling density (per hectare) in relation to the land is 25, or
    - (ii) the dwelling density range (per hectare) in relation to the land is 25-35.
- (5) The minimum lot size for a semi-detached dwelling is—
- (a) 200m<sup>2</sup> if, on the [Residential Density Map](#)—
    - (i) the dwelling density (per hectare) in relation to the land is 15, or
    - (ii) the dwelling density range (per hectare) in relation to the land is 10-20, or
  - (b) 150m<sup>2</sup> if, on the [Residential Density Map](#)—
    - (i) the dwelling density (per hectare) in relation to the land is 20, or

- (ii) the dwelling density range (per hectare) in relation to the land is 20–25, or
- (c) 125m<sup>2</sup> if, on the [Residential Density Map](#)—
  - (i) the dwelling density (per hectare) in relation to the land is 25, or
  - (ii) the dwelling density range (per hectare) in relation to the land is 25–35 or 35–60.
- (6) The minimum lot size for an attached dwelling is—
  - (a) 1,500m<sup>2</sup> if, on the [Residential Density Map](#)—
    - (i) the dwelling density (per hectare) in relation to the land is 15, or
    - (ii) the dwelling density range (per hectare) in relation to the land is 10–20, or
  - (b) 375m<sup>2</sup> if, on the [Residential Density Map](#)—
    - (i) the dwelling density (per hectare) in relation to the land is 20 or 25, or
    - (ii) the dwelling density range (per hectare) in relation to the land is 20–25, 25–35 or 35–60.
- (7) The minimum lot size for multi dwelling housing is—
  - (a) 1,500m<sup>2</sup> if, on the [Residential Density Map](#)—
    - (i) the dwelling density (per hectare) in relation to the land is 15 or 20, or
    - (ii) the dwelling density range (per hectare) in relation to the land is 10–20 or 20–25, or
  - (b) 375m<sup>2</sup> if, on the [Residential Density Map](#)—
    - (i) the dwelling density (per hectare) in relation to the land is 25, or
    - (ii) the dwelling density range (per hectare) in relation to the land is 25–35 or 35–60.
- (8) The minimum lot size for a manor home is 600m<sup>2</sup> if, on the [Residential Density Map](#)—
  - (a) the dwelling density (per hectare) in relation to the land is 20 or 25, or
  - (b) the dwelling density range (per hectare) in relation to the land is 20–25, 25–35 or 35–60.
- (9) The minimum lot size for a residential flat building is—
  - (a) 2,000m<sup>2</sup>, if on the [Residential Density Map](#)—
    - (i) the dwelling density (per hectare) in relation to the land is 25, or

- (ii) the dwelling density range (per hectare) in relation to the land is 25–35, or
- (b) 1,000m<sup>2</sup>, if on the [Residential Density Map](#)—
  - (i) the dwelling density (per hectare) in relation to the land is 35, or
  - (ii) the dwelling density range (per hectare) in relation to the land is 35–60.

**4.1AC Minimum lot sizes for secondary dwellings in Zone R2 Low Density Residential and Zone R3 Medium Density Residential**

- (1) This section applies to land in the following zones—
  - (a) Zone R2 Low Density Residential,
  - (b) Zone R3 Medium Density Residential.
- (2) The minimum lot size for a secondary dwelling on land in Zone R2 Low Density Residential is 450m<sup>2</sup>.
- (3) The minimum lot size for a secondary dwelling on land in Zone R3 Medium Density Residential is the minimum lot size for the principal dwelling in conjunction with which the secondary dwelling is established, determined in accordance with section 4.1AB.

**4.1AD Exceptions to minimum lot sizes for dwelling houses**

- (1) This section applies to the following—
  - (a) a lot in Zone R2 Low Density Residential that has an area less than 300m<sup>2</sup> (but not less than 250m<sup>2</sup>) if, on the [Residential Density Map](#)—
    - (i) the dwelling density (per hectare) in relation to the land is 15, or
    - (ii) the dwelling density range (per hectare) in relation to the land is 10–20,
  - (b) a lot in Zone R2 Low Density Residential that has an area less than 300m<sup>2</sup> (but not less than 225m<sup>2</sup>) if, on the [Residential Density Map](#)—,
    - (i) the dwelling density (per hectare) in relation to the land is 20, or
    - (ii) the dwelling density range (per hectare) in relation to the land is 20–25,
  - (c) a lot in Zone R3 Medium Density Residential that has an area less than 300m<sup>2</sup> (but not less than 225m<sup>2</sup>).
- (2) Despite section 4.1AB(3), development consent may be granted to the erection of a dwelling house on a lot to which this section applies if—
  - (a) the lot results from a subdivision to which development consent has been granted in accordance with section 4.1AA and, in determining the development application for the erection of the dwelling house, the consent authority considers any

information that it considered for the purposes of that section in determining the development application for that subdivision, or

- (b) the development application is a single development application for development consisting of both of the following—
  - (i) the subdivision of land into 2 or more lots,
  - (ii) the erection of the dwelling house on one of the lots resulting from the subdivision.

**4.1AE Exceptions to minimum lot sizes for dwelling houses on other lots in Zone R2 Low Density Residential**

- (1) This section applies to a lot in Zone R2 Low Density Residential that has an area of less than 250m<sup>2</sup> (but not less than 225m<sup>2</sup>) if, on the [Residential Density Map](#)—
  - (a) the dwelling density (per hectare) in relation to the land is 15, or
  - (b) the dwelling density range (per hectare) in relation to the land is 10-20.
- (2) Despite section 4.1AB(3), development consent may be granted to the erection of a dwelling house on a lot to which this section applies if the lot meets the requirements of subsection (3) and—
  - (a) the lot results from a subdivision to which development consent has been granted in accordance with section 4.1AA and, in determining the development application for the erection of the dwelling house, the consent authority considers any information that it considered for the purposes of that section in determining the development application for that subdivision, or
  - (b) the development application is a single development application for development consisting of both of the following—
    - (i) the subdivision of land into 2 or more lots,
    - (ii) the erection of the dwelling house on one of the lots resulting from the subdivision.
- (3) A lot meets the requirements of this subsection if—
  - (a) the lot adjoins land in Zone RE1 Public Recreation or land that is set aside for open space or recreation purposes, or is separated from land in that zone only by a public road, or
  - (b) the lot adjoins land in Zone B1 Neighbourhood Centre, Zone B2 Local Centre or Zone B4 Mixed Use, or is separated from land in any of those zones only by a public road, or

- (c) the lot is within 400m of land in Zone B1 Neighbourhood Centre or Zone B2 Local Centre and—
  - (i) adjoins land in Zone SP2 Infrastructure that is set aside for drainage or education purposes, or
  - (ii) is separated from land in Zone SP2 Infrastructure that is set aside for drainage or education purposes only by a public road.
- (4) Despite subsection (2), development consent must not be granted to the erection of a dwelling house to which this section applies unless the consent authority is satisfied that the dwelling house—
  - (a) will not adversely impact on the amenity of adjoining residential properties, and
  - (b) will be designed and orientated to provide active frontages to and surveillance of the public recreation or drainage land, and
  - (c) will not adversely impact on or limit solar access to adjoining residential or public open space land.

#### **4.1AF Exceptions to minimum lot sizes for dwelling houses on small lots**

- (1) This section applies to the following lots—
  - (a) a lot in Zone R2 Low Density Residential that has an area less than 225m<sup>2</sup> (but not less than 200m<sup>2</sup>) if, on the [Residential Density Map](#)—
    - (i) the dwelling density (per hectare) in relation to the land is 20, or
    - (ii) the dwelling density range (per hectare) in relation to the land is 20–25,
  - (b) a lot in Zone R3 Medium Density Residential that has an area less than 225m<sup>2</sup> (but not less than 125m<sup>2</sup>).
- (2) Despite section 4.1AB(3), development consent may be granted to the erection of a dwelling house on a lot to which this section applies if the development application is a single development application for development consisting of both of the following—
  - (a) the subdivision of land into 2 or more lots,
  - (b) the erection of the dwelling house on one of the lots resulting from the subdivision.

#### **4.1AG Minimum lot sizes in split zones**

- (1) This section applies to each lot that contains land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential and land in any other zone.
- (2) For the purposes of sections 4.1AA–4.1AF, a reference to the area of a lot—



- (a) in relation to land in Zone R2 Low Density Residential, means the area of that part of the lot that is in Zone R2 Low Density Residential, and
- (b) in relation to land in Zone R3 Medium Density Residential, means the area of that part of the lot that is in Zone R3 Medium Density Residential, and
- (c) does not include any part of the lot that is in any other zone.

#### **4.1B Residential density**

- (1) The objectives of this section are—
  - (a) to establish density requirements for residential development, and
  - (b) to ensure residential development makes efficient use of land and infrastructure and contributes to the availability of new housing, and
  - (c) to ensure the scale of residential development is compatible with the character of the precinct and adjoining land.
- (2) The consent authority must not grant development consent to residential development on land for which a dwelling density range is shown on the [Residential Density Map](#) if the development will result in the density of dwellings on the land being—
  - (a) less than the minimum density specified by the dwelling density range, or
  - (b) more than the maximum density specified by the dwelling density range.
- (3) The consent authority must not grant development consent for the subdivision of land for which a dwelling density range is shown on the [Residential Density Map](#) if the subdivision would result in the dwelling density on a resultant lot being greater than the maximum dwelling density specified for the land by the dwelling density range.
- (4) Subsection (3) does not prevent a subdivision that provides for individual dwellings to be on separate lots if the consent authority is satisfied the subdivision does not also involve the creation of additional dwelling entitlements.
- (5) This section has effect despite anything to the contrary in another provision of this Precinct Plan.
- (6) In this section—

**density** means the ratio of the number of dwellings to the area of the land to be occupied by the residential development, including internal streets and half the width of the roads adjoining the development that provide vehicular access to the development, but excluding land that is not zoned for residential purposes.

#### **4.1BA Maximum number of dwellings on land—Leppington Precinct**

- (1) This section applies to land in the Leppington Precinct if a maximum number of dwellings is shown for the land on the [Maximum Dwellings Map](#).
- (2) Development consent must not be granted to development that would result in the number of dwellings on land being more than the maximum number of dwellings shown for the land on the [Maximum Dwellings Map](#).

#### **4.2 Rural subdivision**

- (1) The objective of this section is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.
- (2) Land in Zone RU6 Transition may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (3) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.
- (4) A dwelling cannot be erected on such a lot.

**Note—**

A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).

#### **4.3 Height of buildings**

- (1) The objectives of this section are as follows—
  - (a) to establish the maximum height of buildings,
  - (b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,
  - (c) to facilitate higher density development in and around commercial centres and major transport routes.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).

#### **4.4 Floor space ratio**

- (1) The objective of this section is to control the bulk and scale of buildings by setting maximum floor space ratios for development.
- (2) The floor space ratio for a building on any land is not to exceed the maximum floor space ratio shown for the land on the [Floor Space Ratio Map](#).

#### 4.5 Calculation of floor space ratio and site area

(1) **Objectives** The objectives of this section are as follows—

- (a) to define **floor space ratio**,
- (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to—
  - (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
  - (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
  - (iii) require community land and public places to be dealt with separately.

(2) **Definition of “floor space ratio”** The **floor space ratio** of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) **Site area** In determining the site area of proposed development for the purpose of applying a floor space ratio, the **site area** is taken to be—

- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
- (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subsections (4)–(7) apply to the calculation of the site area for the purposes of applying a floor space ratio to proposed development.

(4) **Exclusions from site area** The following land must be excluded from the site area—

- (a) land on which the proposed development is prohibited, whether under this Precinct Plan or any other law,
- (b) community land or a public place (except as provided by subsection (7)).

(5) **Strata subdivisions** The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

(6) **Only significant development to be included** The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

- (7) **Certain public land to be separately considered** For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.
- (8) **Existing buildings** The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.
- (9) **Covenants to prevent “double dipping”** When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (**the restricted lot**) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.
- (10) **Covenants affect consolidated sites** If—
- (a) a covenant of the kind referred to in subsection (9) applies to any land (**affected land**), and
  - (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,
- the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Precinct Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.
- (11) **Definition** In this section, **public place** has the same meaning as it has in the [Local Government Act 1993](#).

#### 4.5A Shops—total gross floor area

- (1) The total gross floor area used for the purpose of shops (including neighbourhood shops) on all land within Zone B7 Business Park must not exceed 3,500 square metres.
- (2) The total gross floor area used for the purpose of shops in a particular development on land within Zone B7 Business Park must not exceed 500 square metres.

#### 4.6 Exceptions to development standards

- (1) The objectives of this section are as follows—
  - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this section, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this section does not apply to a development standard that is expressly excluded from the operation of this section.
- (3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—
  - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless—
  - (a) the consent authority is satisfied that—
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subsection (3), and
    - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
  - (b) the concurrence of the Planning Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Planning Secretary must consider—
  - (a) whether contravention of the development standard raises any matter of significance for State environmental planning, and
  - (b) the public benefit of maintaining the development standard, and
  - (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.
- (6) Development consent must not be granted under this section for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot

Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

**Note—**

When this Precinct Plan was made it did not include any of these zones other than Zone RU6 Transition and Zone E2 Environmental Conservation.

- (7) After determining a development application made pursuant to this section, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subsection (3).
- (8) This section does not allow development consent to be granted for development that would contravene any of the following—
  - (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,
  - (c) section 4.1B,
  - (d) section 5.4.

## Part 5 Miscellaneous provisions

### 5.1 Relevant acquisition authority

- (1) The objective of this section is to identify, for the purposes of section 3.15 of the Act, the authority of the State that 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.

- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the [Land](#)

[Reservation Acquisition Map](#) (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

<b>Type of land shown on Map</b>	<b>Authority of the State</b>
Zone RE1 Public Recreation and marked “Community facility”	Council
Zone RE1 Public Recreation and marked “Local open space”	Council
Zone SP2 Infrastructure and marked “Classified road”	Transport for NSW
Zone SP2 Infrastructure and marked “Local drainage”	Council
Zone SP2 Infrastructure and marked “Railway”	The corporation constituted under section 2.5 of the Act
Zone SP2 Infrastructure and marked “Local road”	Council
Zone B4 Mixed Use and marked “Educational establishment”	Department of Education
Zone B4 Mixed Use and marked “Community facility”	Council
Zone B4 Mixed Use and marked “Health services facility”	Ministry of Health

- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

**Note—**

If land, other than land specified in the Table to subsection (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning and Infrastructure is required to take action to enable the designation of the acquiring authority under this Part. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning and Infrastructure (see section 21 of the [Land Acquisition \(Just Terms Compensation\) Act 1991](#)).

**5.2 Classification and reclassification of public land**

- (1) The objective of this section is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the [Local Government Act 1993](#).

**Note—**

Under the *Local Government Act 1993*, “public land” is generally land vested in or under the control of a council (other than roads and certain Crown land). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this Precinct Plan to discharge trusts on which public reserves are held if the land is reclassified under this Precinct Plan as operational land.

- (2) The public land described in Part 1 or Part 2 of Schedule 4 to this Appendix is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 to this Appendix is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4—
  - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
  - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except—
  - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
  - (b) any reservations that except land out of the Crown grant relating to the land, and
  - (c) reservations of minerals (within the meaning of the *Crown Land Management Act 2016*).

**Note—**

In accordance with section 30(2) of the *Local Government Act 1993*, the approval of the Governor to subsection (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4 to this Appendix.

### **5.3 Development near zone boundaries**

- (1) The objective of this section is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This section applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is as follows—



- (a) 10 metres between Zone RE1 Public Recreation and any other zone,
  - (b) 10 metres between Zone E2 Environmental Conservation and any other zone,
  - (c) 30 metres between any two zones excluding Zone RE1 Public Recreation and Zone E2 Environmental Conservation,
  - (d) despite paragraphs (a)–(c), 50 metres if any part of the land is within the East Leppington Precinct.
- (3) This section does not apply to land proposed to be developed for the purpose of sex services premises or restricted premises.
- (4) Despite the provisions of this Precinct Plan relating to the purposes for which development may be carried out, consent may be granted to development of land to which this section applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—
- (a) the development is not inconsistent with the objectives for development in both zones, and
  - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land, and
  - (c) if any part of the land is in Zone RE1 Public Recreation and within the East Leppington Precinct, the relevant acquisition authority for any land marked “Local open space” on the [Land Reservation Acquisition Map](#) consents to the development being on that land.
- (5) This section does not prescribe a development standard that may be varied under this Precinct Plan.

#### 5.4 Controls relating to miscellaneous permissible uses

- (1) **Bed and breakfast accommodation** If development for the purposes of bed and breakfast accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

**Note—**

Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.

- (2) **Home businesses** If development for the purposes of a home business is permitted under this Precinct Plan, the carrying on of the business must not involve the use of more than 50 square metres of gross floor area.
- (3) **Home industries** If development for the purposes of a home industry is permitted under this Precinct Plan, the carrying on of the home industry must not involve the use of

more than 30 square metres of gross floor area.

- (4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Precinct Plan, the retail gross floor area must not exceed—
  - (a) 40% of the combined gross floor area of the industrial retail outlet and the building or place on which the relevant industry is carried out, or
  - (b) 400 square metres,whichever is the lesser.
- (5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.
- (6) **Kiosks** If development for the purposes of a kiosk is permitted under this Precinct Plan, the gross floor area must not exceed 30 square metres.
- (7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Precinct Plan, the retail gross floor area must not exceed 100 square metres.
- (8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Precinct Plan, the gross floor area must not exceed 8 square metres.
- (9) **Secondary dwellings** If development for the purposes of a secondary dwelling is permitted under this Precinct Plan, the total gross floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—
  - (a) 75 square metres,
  - (b) 30% of the total gross floor area of both the self-contained dwelling and the principal dwelling.

## 5.6 Architectural roof features

- (1) The objectives of this section are—
  - (a) to ensure that architectural roof features are decorative elements only, and
  - (b) to ensure that the majority of the roof features are contained within the prescribed building height.
- (2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by section 4.3 may be carried out, but only with consent.
- (3) Development consent must not be granted to any such development unless the

consent authority is satisfied that—

(a) the architectural roof feature—

- (i) comprises a decorative element on the uppermost portion of a building, and
- (ii) is not an advertising structure, and
- (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
- (iv) will cause minimal overshadowing, and

(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

### 5.8 Conversion of fire alarms

- (1) This section applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.
- (2) The following development may be carried out, but only with development consent—
  - (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
  - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
  - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.

(3) In this section—

***private service provider*** means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

### 5.9 Preservation of trees or vegetation

- (1) The objective of this section is to preserve the amenity of the area through the preservation of trees and other vegetation.
- (2) This section applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this section by a development control plan made by the Planning Secretary.

**Note—**

A development control plan may prescribe the trees or other vegetation to which this section 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.
- (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 section 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 section does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.
- (7) This section does not apply to or in respect of—
  - (a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003* or 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*, or
  - (f) native vegetation retention areas to which section 6.2 of this Precinct Plan applies, or
  - (g) existing native vegetation areas to which section 6.3 of this Precinct Plan applies.

### 5.10 Heritage conservation

**Note—**

Heritage items (if any) are listed and described in Schedule 5 to this Precinct Plan. Heritage conservation areas

(if any) are shown on the [Heritage Map](#) as well as being described in Schedule 5.

(1) **Objectives** The objectives of this section are as follows—

- (a) to conserve environmental heritage,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) **Requirement for consent** Development consent is required for any of the following—

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—
  - (i) a heritage item,
  - (ii) an Aboriginal object,
  - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 to this Precinct Plan in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land—
  - (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land—
  - (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

- (3) **When consent not required** However, development consent under this section 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, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
    - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, 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, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
  - (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
  - (d) the development is exempt development.
- (4) **Effect of proposed development on heritage significance** The consent authority must, before granting consent under this section in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subsection applies regardless of whether a heritage management document is prepared under subsection (5) or a heritage conservation management plan is submitted under subsection (6).
- (5) **Heritage assessment** The consent authority may, before granting consent to any development—
- (a) on land on which a heritage item is located, or
  - (b) on land that is within a heritage conservation area, or
  - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
- require a heritage management document 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 or heritage conservation area concerned.

- (6) **Heritage conservation management plans** The consent authority may require, after considering the heritage 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 section.
- (7) **Archaeological sites** The consent authority must, before granting consent under this section to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the [Heritage Act 1977](#) applies)—
- (a) notify the Heritage Council of its intention to grant consent, and
  - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (8) **Aboriginal places of heritage significance** The consent authority must, before granting consent under this section to the carrying out of development in an Aboriginal place of heritage significance—
- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
  - (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.
- (9) **Demolition of nominated State heritage items** The consent authority must, before granting consent under this section for the demolition of a nominated State heritage item—
- (a) notify the Heritage Council about the application, and
  - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (10) **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, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Precinct Plan, if the consent authority is satisfied that—
- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and

- (b) the proposed development is in accordance with a heritage management document 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 management document is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

### 5.11 Bush fire hazard reduction

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

**Note—**

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

### 5.12 Infrastructure development and use of existing buildings of the Crown

- (1) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out without consent under *State Environmental Planning Policy (Infrastructure) 2007*.
- (2) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

## Part 6 Additional local provisions

### 6.1 Public utility infrastructure

- (1) The consent authority must not grant development consent to development on land to which this Precinct Plan applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.
- (2) In this section, **public utility infrastructure** includes infrastructure for any of the following—
  - (a) the supply of water,
  - (b) the supply of electricity,



(c) the disposal and management of sewage.

(3) This section does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this section.

## **6.2 Development controls—native vegetation retention areas and riparian protection areas**

(1) The objective of this section is to prevent the clearing of certain native vegetation.

(2) This section applies to land—

(a) in a native vegetation retention area as shown on the [Native Vegetation Protection Map](#), or

(a) in a riparian protection area as shown on the [Riparian Protection Area Map](#).

(3) This section does not apply to native vegetation that the Council is satisfied—

(a) is dying or dead and is not required as the habitat of native fauna, or

(b) is a risk to human life or property.

(4) This section does not apply to any native vegetation—

(a) within a State forest, or within land reserved from sale as a timber or forest reserve under the [Forestry Act 1916](#), or

(b) declared to be noxious weeds under the [Noxious Weeds Act 1993](#).

(5) A person must not clear native vegetation on land to which this section applies without—

(a) approval under Part 3A of the Act, or

(b) development consent.

(6) Development consent under this section is not to be granted unless the consent authority is satisfied of the following in relation to the disturbance of native vegetation—

(a) that there is no reasonable alternative available to the disturbance of the native vegetation,

(b) that as little native vegetation as possible will be disturbed,

(c) that the disturbance of the native vegetation will not increase salinity,

(d) that native vegetation disturbed for the purposes of construction will be reinstated where possible on completion of construction,

- (e) that the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid any net loss of remnant native vegetation,
  - (f) that no more than 0.5 hectares of native vegetation will be cleared unless the clearing is essential for a previously permitted use of the land.
- (7) The consent authority must, when determining a development application in respect of the clearing of native vegetation on land within a zone under this Precinct Plan, have regard to the objectives for development in that zone.
- (8) This section does not apply to or in respect of action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993*, the *Surveying and Spatial Information Act 2002* or the *Sydney Water Act 1994*.

### **6.3 Development controls—existing native vegetation**

- (1) The objective of this section is to manage existing native vegetation in accordance with the relevant biodiversity measures under Part 7 of Schedule 7 to the *Threatened Species Conservation Act 1995*.
- (2) This section applies to land within an existing native vegetation area as shown on the [Native Vegetation Protection Map](#).
- (3) This section does not apply to any vegetation declared to be noxious weeds under the *Noxious Weeds Act 1993*.
- (4) The consent authority must not grant development consent for development on land to which this section applies unless it is satisfied that the proposed development will not result in the clearing of any existing native vegetation (within the meaning of the relevant biodiversity measures under Part 7 of Schedule 7 to the *Threatened Species Conservation Act 1995*).

### **6.5 Restricted premises**

- (1) Development consent must not be granted to development for the purposes of restricted premises if the premises will be located on land that abuts, or is separated only by a road from land—
- (a) in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or
  - (b) used for the purposes of a community facility, school or place of public worship.
- (2) In deciding whether to grant consent to development for the purposes of restricted premises, the consent authority must consider—
- (a) the impact of the proposed development on places of high pedestrian activity, and

(b) the impact of the proposed development on land frequented by children for care, recreational or cultural purposes, and

(c) whether the appearance of the restricted premises is sufficiently discreet.

### **6.6 Maximum gross floor area for retail premises in Zone B2**

Despite any other provision of this Precinct Plan, the gross floor area of all development for the purpose of retail premises on land that is within both the East Leppington Precinct and Zone B2 Local Centre must not exceed 16,500 square metres.

### **6.6A Maximum gross floor area for certain development in Lowes Creek Maryland Precinct and Zone B1**

(1) This section applies to land that is in both the Lowes Creek Maryland Precinct and Zone B1 Neighbourhood Centre.

(2) Development consent must not be granted for development for the purposes of food and drink premises or shops if the gross floor area of the food and drink premises or shop exceeds 500 square metres.

(3) Development consent must not be granted for development for the purposes of business premises or community facilities if the gross floor area of the business premises or community facility exceeds 1,000 square metres.

### **6.7 Attached dwellings, manor homes and multi dwelling housing in Zone R2 Low Density Residential**

(1) The objectives of this section are—

(a) to permit, with development consent, attached dwellings, manor homes and multi dwelling housing in Zone R2 Low Density Residential in limited circumstances, and

(b) to provide location and development criteria that must be satisfied before development consent can be granted.

(2) Development for the purposes of attached dwellings or multi dwelling housing is permissible with development consent on land in Zone R2 Low Density Residential if, on the [Residential Density Map](#), the dwelling density (per hectare) in relation to the land is 15 or the dwelling density range (per hectare) in relation to the land is 10-20, and if the land—

(a) adjoins land in Zone RE1 Public Recreation or land that is set aside for open space or recreation purposes, or is separated from land in that zone only by a public road, or

(b) adjoins land in Zone B1 Neighbourhood Centre, Zone B2 Local Centre or Zone B4 Mixed Use, or is separated from land in any of those zones only by a public road, or

- (c) is within 400m of land in Zone B1 Neighbourhood Centre or Zone B2 Local Centre and—
  - (i) adjoins land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes, or
  - (ii) is separated from land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes only by a public road.
- (3) Development for the purposes of attached dwellings or multi dwelling housing is permissible with development consent on land in Zone R2 Low Density Residential if the dwelling density (per hectare) shown on the [Residential Density Map](#) in relation to the land is not less than 20.
- (4) Development for the purposes of manor homes is permissible with development consent on land in Zone R2 Low Density Residential if—
  - (a) on the [Residential Density Map](#)—
    - (i) the dwelling density (per hectare) in relation to the land is 20, or
    - (ii) the dwelling density range (per hectare) in relation to the land is 20–25, and
  - (b) the land is located on the corner of 2 streets.
- (5) Development must not be granted under this section unless the consent authority is satisfied that—
  - (a) the attached dwellings, manor homes or multi dwelling housing will not adversely impact on the amenity of any adjoining residential properties, and
  - (b) the attached dwellings or multi dwelling housing will be designed and orientated to provide active frontages to and surveillance of the public recreation drainage land, and
  - (c) the attached dwellings, manor homes or multi dwelling housing will not adversely impact on or limit solar access to adjoining residential or public open space land.
- (6) This section has effect despite anything to the contrary in the Land Use Table or any other provision of this Precinct Plan.

## **6.8 Studio dwellings**

- (1) Development consent must not be granted to development for the purposes of studio dwellings unless the consent authority is satisfied—
  - (a) the garage above which the studio dwelling will be erected is located at the rear of the lot, and
  - (b) there will be direct access to the studio dwelling from a street or lane.

- (2) In deciding whether to grant development consent, the consent authority must consider the visual impact of the studio dwelling on the surrounding streetscape.

## Schedule 1 Additional permitted uses

(Section 2.5)

### 1 Use of land in Zone B2

- (1) This section applies to land that is within both the East Leppington Precinct and Zone B2 Local Centre.
- (2) Development for the purpose of attached dwellings is permitted with development consent but only as part of a mixed use development that includes retail premises.

### 2 Use of land in Zone SP2

- (1) This section applies to land that is within both the East Leppington Precinct and Zone SP2 Infrastructure and marked “Community facility” on the [Land Reservation Acquisition Map](#).
- (2) Development for the purpose of an information and education facility is permitted with development consent.

### 3 Use of certain land at 1423 Camden Valley Way, Leppington

- (1) This section applies to land at 1423 Camden Valley Way, Leppington, being Lot 81, DP 656970.
- (2) Development for the purposes of a pub, hotel or motel accommodation and a bottle shop is permitted with development consent on land that is within Zone R3 Medium Density Residential.
- (3) In this section—  
**bottle shop** means retail premises, being licensed premises under the [Liquor Act 2007](#), the principal purpose of which is the retail sale of liquor in sealed containers for consumption away from the premises.

### 4 Use of certain land at Birling 1937, 975 The Northern Road, Bringelly

- (1) This section applies to land known as Birling 1937, 975 The Northern Road, Bringelly, being part of Lot 4, DP 1218798 and part of Lot 20, DP 1227094.
- (2) Development for the following purposes is permitted with development consent—
  - (a) food and drink premises,
  - (b) function centres,

- (c) industrial retail outlets,
- (d) neighbourhood shops,
- (e) places of public worship.

**5 Use of certain land at Gatehouse, 773 The Northern Road, Bringelly**

- (1) This section applies to land known as Gatehouse, 773 The Northern Road, Bringelly, being part of Lot 12, DP 1218155 and part of Lot 1, DP 218779.
- (2) Development for the purposes of food and drink premises is permitted with development consent.

**6 Use of certain land at Maryland Homestead, 773 The Northern Road, Bringelly**

- (1) This section applies to land known as Maryland Homestead, 773 The Northern Road, Bringelly, being Lot 1, DP 218779 and part of Lot 13, DP 1218155.
- (2) Development for the following purposes is permitted with development consent—
  - (a) bed and breakfast accommodation,
  - (b) cellar door premises,
  - (c) food and drink premises,
  - (d) function centres,
  - (e) industrial retail outlets,
  - (f) neighbourhood shops,
  - (g) places of public worship.

**7 Use of certain land in Zone B5**

- (1) This section applies to land that is in both the Lowes Creek Maryland Precinct and Zone B5 Business Development.
- (2) Development for the purposes of shops is permitted with development consent if the gross floor area of the shop does not exceed 3,500 square metres.

**Schedule 4 Classification and reclassification of public land**

(Section 5.2)

**Part 1 Land classified, or reclassified, as operational land—no interests changed**

**Column 1**

**Column 2**

**Locality Description**

Nil

**Part 2 Land classified, or reclassified, as operational land—interests changed**

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged

Nil

**Part 3 Land classified, or reclassified, as community land**

Column 1	Column 2
Locality	Description

Nil

**Schedule 5 Environmental heritage**

(Section 5.10)

Precinct	Item name	Address	Property description	Significance	Item no
Catherine Fields	Oran Park, including homestead, gardens, outbuildings, old cottage, silo, stable building, carriage house, drive and circular carriage drive	931 Cobbitty Road	Part Lot 27, DP 213330 and Part Lot 7, DP 1173813	State	18
Leppington	Cottage and landscaping	125 Heath Road	Part of Lot 100, DP 1031121	Local	23
Leppington	Cottage and landscaping	168 Heath Road	Lot 201, DP 616618	Local	22
Leppington	Leppington Progress Hall	123 Ingleburn Road	Lot 1, DP 341680	Local	19
Leppington	Cottage	43 Rickard Road	Lot A, DP 331010	Local	21
Leppington	Cottage	66 Rickard Road	Lot 72, DP 8979	Local	20
Leppington North	Bringelly Road—cultural landscape	Between Cowpasture Road and Kemps Creek	Road reserve	Local	17

Leppington North	Leppington Public School	142-144 Rickard Road	Lots 38E and 39C, DP 8979	Local	9
Lowes Creek Maryland	Maryland Homestead, including homestead, grounds, outbuildings, stone cottage, former winery, stone store and gatekeeper's cottage	773 The Northern Road, Bringelly	Lot 1, DP 218779; part of Lot 13, DP 1218155	State	1
Lowes Creek Maryland	Birling 1812	975 The Northern Road, Bringelly	Part of Lot 20, DP 1227094	Local	23
Lowes Creek Maryland	Birling 1937	975 The Northern Road, Bringelly	Part of Lot 4, DP 1218798; part of Lot 20, DP 1227094	Local	24

## Appendix 6 Campbelltown Growth Centres Precinct Plan

section 3.10

### Part 1 Preliminary

#### Note—

The *Standard Instrument (Local Environmental Plans) Order 2006* sets out matters to be included in standard local environmental plans. While this Precinct Plan is not a standard local environmental plan, it is generally consistent with standard plans. A number of clauses from the *Standard Instrument (Local Environmental Plans) Order 2006* have been included in this Precinct Plan and the clause numbering from that Order has been retained. This means that the numbering in this Precinct Plan may contain some gaps. Additional provisions have been inserted and are numbered accordingly.

#### 1.1 Name of Precinct Plan

This Precinct Plan is the *Campbelltown Growth Centres Precinct Plan 2013*.

#### 1.2 Aims of Precinct Plan

The aims of this Precinct Plan are as follows—

- (a) to make development controls for land that will ensure the creation of quality environments and good design outcomes,
- (b) to protect and enhance environmentally sensitive natural areas and cultural heritage,
- (c) to provide for recreational opportunities,
- (d) to provide for multifunctional and innovative development that encourages employment and economic growth,
- (e) to promote housing choice and affordability,



- (f) to provide for sustainable development,
- (g) to promote pedestrian and vehicle connectivity.

### 1.3 Land to which Precinct Plan applies

This Precinct Plan applies to land within the East Leppington Precinct as shown on the [Land Application Map](#).

**Note—**

The [Land Application Map](#) differs from the [Precinct Boundary Map](#) and, as such, this Precinct Plan does not apply to all the land within the East Leppington Precinct (as shown on the [Precinct Boundary Map](#)).

### 1.4 Definition

In this Precinct Plan, **Council** means Campbelltown City Council.

**Note—**

The Dictionary at the end of this State environmental planning policy defines words and expressions for the purposes of this Precinct Plan, including the relevant maps.

### 1.5 Notes

Notes in this Precinct Plan are provided for guidance and do not form part of this Plan.

### 1.6 Consent authority

The consent authority for the purposes of this Precinct Plan is (subject to the Act) the Council.

### 1.8 Repeal of other local planning instruments applying to land

- (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Precinct Plan applies are repealed.
- (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Precinct Plan applies and to other land cease to apply to the land to which this Precinct Plan applies.

**Note—**

[Campbelltown Local Environmental Plan—District 8 \(Central Hills Lands\)](#) ceases to apply to the land to which this Precinct Plan applies.

- (3) This section does not affect the operation of other provisions of this State environmental planning policy.

### 1.8A Savings provision relating to pending development applications

If a development application has been made before the commencement of this Precinct Plan in relation to land to which this Precinct Plan applies and the application has not been finally determined before that commencement, the application must be determined as if

this Precinct Plan had not commenced.

### **1.9 Application of SEPPs**

- (1) This Precinct Plan is subject to the provisions of any State environmental planning policy that prevails over this Precinct Plan as provided by section 3.28 of the Act.
- (2) *State Environmental Planning Policy No 1—Development Standards* does not apply to the land to which this Precinct Plan applies.

#### **1.9A Suspension of covenants, agreements and instruments**

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Precinct Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This section does not apply—
  - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
  - (b) to any relevant instrument within the meaning of section 13.4 of the *Crown Land Management Act 2016*, or
  - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
  - (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
  - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
  - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or
  - (g) to any planning agreement within the meaning of Division 7.1 of the Act.
- (3) This section does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 28 of the Act, the Governor, before the making of this section, approved of subsections (1)–(3).

## **Part 2 Permitted or prohibited development**

### **2.1 Land use zones**

The land use zones under this Precinct Plan are as follows—

#### **Residential Zones**

R2 Low Density Residential

R3 Medium Density Residential

#### **Business Zones**

B2 Local Centre

B4 Mixed Use

#### **Special Purpose Zones**

SP2 Infrastructure

#### **Recreation Zones**

RE1 Public Recreation

#### **Environment Protection Zones**

E2 Environmental Conservation

E3 Environmental Management

### **2.2 Zoning of land to which Precinct Plan applies**

For the purposes of this Precinct Plan, land is within the zones shown on the [Land Zoning Map](#).

### **2.3 Zone objectives and Land Use Table**

- (1) The Land Use Table at the end of this Part specifies for each zone—
  - (a) the objectives for development, and
  - (b) development that may be carried out without consent, and
  - (c) development that may be carried out only with consent, and
  - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.
- (3) In the Land Use Table at the end of this Part—

- (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 Chapter 3) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.

(4) This section is subject to the other provisions of this Precinct Plan.

**Notes—**

- 1 Schedule 1 sets out additional permitted uses for particular land.
- 2 Section 2.6 requires consent for subdivision of land.
- 3 Part 5 contains other provisions that require consent for particular development.
- 4 Part 6 sets out additional permitted uses for particular land.

## **2.4 Unzoned land**

- (1) Development may be carried out on unzoned land only with consent.
- (2) Before granting consent, the consent authority—
  - (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
  - (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

## **2.5 Additional permitted uses for particular land**

- (1) Development on particular land that is described or referred to in Schedule 1 to this Appendix may be carried out—
  - (a) with consent, or
  - (b) if the Schedule so provides—without consent,in accordance with the conditions (if any) specified in that Schedule in relation to that development.
- (2) This section has effect despite anything to the contrary in the Land Use Table at the end of this Part or any other provision of this Precinct Plan.

## **2.6 Subdivision—consent requirements**

Land to which this Precinct Plan applies may be subdivided, but only with consent.

**Note—**

*State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies certain subdivision development as exempt development.

## 2.7 Demolition

The demolition of a building or work may be carried out only with consent.

**Note—**

The demolition of certain buildings and works is identified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* as exempt development.

## 2.8 Temporary use of land

- (1) The objective of this section is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Precinct Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that—
  - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Precinct Plan and this or any other applicable environmental planning instrument, and
  - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
  - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
  - (d) at the end of the temporary use period, the site will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subsection (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subsection.
- (5) Subsection (3)(d) does not apply to the temporary use of a dwelling as a sales office mentioned in subsection (4).
- (6) This section does not prescribe a development standard that may be varied under this Precinct Plan.

## Land Use Table

**Note—**

Part 6 of this Precinct Plan sets out local provisions which include additional permissible land uses and heads of consideration for

assessment.

## **Zone R2 Low Density Residential**

### **1 Objectives of zone**

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To allow people to carry out a reasonable range of activities from their homes where such activities are not likely to adversely affect the living environment of neighbours.
- To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.
- To provide a diverse range of housing types to meet community housing needs within a low density residential environment.

### **2 Permitted without consent**

Home-based child care; Home occupations

### **3 Permitted with consent**

Bed and breakfast accommodation; Business identification signs; Centre-based child care facilities; Community facilities; Drainage; Dual occupancies; Dwelling houses; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home businesses; Home industries; Neighbourhood shops; Places of public worship; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Studio dwellings; Veterinary hospitals

### **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone R3 Medium Density Residential**

### **1 Objectives of zone**

- To provide for the housing needs of the community within a medium density residential environment.

- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.
- To provide for a variety of housing types, including residential flat buildings, within a medium density residential environment.

## **2 Permitted without consent**

Home-based child care; Home occupations

## **3 Permitted with consent**

Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Group homes; Manor homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Studio dwellings; Any other development not specified in item 2 or 4

## **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat repair facilities; Boat sheds; Business premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Extractive industries; Freight transport facilities; Function centres; Helipads; Highway service centres; Home occupations (sex services); Industries; Information and education facilities; Marinas; Moorings; Mortuaries; Office premises; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Retail premises; Rural supplies; Service stations; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wholesale supplies

## **Zone B2 Local Centre**

### **1 Objectives of zone**

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To provide for residential development that contributes to the vitality of the local centre.
- To ensure that residential development within the centre does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.
- To facilitate active retail, commercial, entertainment and community facility uses at ground level of mixed use developments.
- To encourage development that will contribute to economic growth and the creation of employment opportunities within the City of Campbelltown.

### **2 Permitted without consent**

Home-based child care; Home businesses; Home occupations

### **3 Permitted with consent**

Boarding houses; Business premises; Car parks; Centre-based child care facilities; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Boat repair facilities; Boat sheds; Bulky goods premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Home occupations (sex services); Industries; Marinas; Moorings; Mortuaries; Recreation facilities



(major); Research stations; Residential accommodation; Restricted premises; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wholesale supplies

## **Zone B4 Mixed Use**

### **1 Objectives of zone**

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To provide for residential development that contributes to the vitality of the local centre.
- To ensure that residential development adjacent to the local centre does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.
- To facilitate active retail, commercial, entertainment and community uses at ground level of mixed use developments.

### **2 Permitted without consent**

Home-based child care; Home occupations

### **3 Permitted with consent**

Backpackers' accommodation; Boarding houses; Business premises; Centre-based child care facilities; Community facilities; Educational establishments; Entertainment facilities; Function centres; Health services facilities; Hostels; Hotel or motel accommodation; Information and education facilities; Multi dwelling housing; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Retail premises; Roads; Seniors housing; Serviced apartments; Shop top housing; Any other development not specified in item 2 or 4

### **4 Prohibited**

Agriculture; Air transport facilities; Boat repair facilities; Boat sheds; Bulky goods premises; Caravan parks; Cemeteries; Charter and tourism boating

facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Exhibition homes; Extractive industries; Forestry; Freight transport facilities; Home occupations (sex services); Industries; Mortuaries; Recreation areas; Recreation facilities (major); Research stations; Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Waste or resource management facilities; Water recreation structures; Wholesale supplies

## **Zone SP2 Infrastructure**

### **1 Objectives of zone**

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Building identification signs; Bush fire hazard reduction works; Car parks; Community facilities; Drainage; Earthworks; Emergency services facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Roads; The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose; Water recycling facilities; Waterbodies (artificial); Water supply systems

### **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone RE1 Public Recreation**

### **1 Objectives of zone**

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

**2 Permitted without consent**

Environmental protection works

**3 Permitted with consent**

Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Drainage; Environmental facilities; Flood mitigation works; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Restaurants; Roads; Take away food and drink premises; Water recreation structures; Waterbodies (artificial)

**4 Prohibited**

Any development not specified in item 2 or 3

**Zone E2 Environmental Conservation**

**1 Objectives of zone**

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

**2 Permitted without consent**

Nil

**3 Permitted with consent**

Building identification signs; Drainage; Environmental facilities; Environmental protection works; Information and education facilities; Kiosks

**4 Prohibited**

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

**Zone E3 Environmental Management**

## **1 Objectives of zone**

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To set aside certain land as protected scenic environment.
- To ensure that such land will remain a rural environment providing visual contrast to the urban areas of Campbelltown.
- To ensure that the residents of Campbelltown will continue to have views of, and access to, a rural environment.
- To preserve existing farming and agricultural research activities.

## **2 Permitted without consent**

Home-based child care; Home occupations

## **3 Permitted with consent**

Agriculture; Dwelling houses; Environmental facilities; Environmental protection works; Flood mitigation works; Home businesses; Home industries; Recreation areas; Roads

## **4 Prohibited**

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

# **Part 4 Principal development standards**

## **4.1 Minimum subdivision lot size**

- (1) The objectives of this section are as follows—
  - (a) to ensure orderly and efficient use of land,
  - (b) to ensure a minimum lot size sufficient for development,
  - (c) to allow for a range of lot sizes that cater for a diversity of land uses and employment activities.
- (2) This section applies to a subdivision of any land shown on the [Lot Size Map](#) that

requires development consent and that is carried out after the commencement of this Precinct Plan.

- (3) The size of any lot resulting from any such subdivision of land to which this section applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) This section does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

#### **4.1AA Subdivision resulting in lots between 225-300m<sup>2</sup>**

- (1) This section applies to land in the following zones—
  - (a) Zone R2 Low Density Residential,
  - (b) Zone R3 Medium Density Residential.
- (2) Development consent may be granted to the subdivision of land to which this section applies resulting in the creation of a lot that has an area of less than 300m<sup>2</sup> (but not less than 225m<sup>2</sup>), if the consent authority is satisfied that the lot will contain a sufficient building envelope to enable the erection of a dwelling house on the lot.
- (3) This section does not apply to a subdivision that is the subject of a development application under section 4.1AD(2)(b), 4.1AE(2)(b) or 4.1AF.

#### **4.1A Minimum lot sizes for residential development in non-residential zones**

- (1) The objectives of this section are as follows—
  - (a) to establish minimum lot sizes for residential development,
  - (b) to ensure that residential development results in the efficient use of land and contributes to the supply of new housing,
  - (c) to ensure that residential development has adequate usable areas for buildings and open space,
  - (d) to ensure that residential development is compatible with the character of the locality and with surrounding residential areas,
  - (e) to facilitate and encourage the provision of a range of dwelling types.
- (2) This section applies to development on land for which no minimum lot size is shown on the [Lot Size Map](#).
- (3) The minimum lot size for certain residential development is set out in the table below.

**Dwelling type**

**Minimum lot size**

Dwelling houses (detached)	250 square metres
Semi-detached dwellings	400 square metres
Dual occupancies	500 square metres
Secondary dwellings	450 square metres
Attached dwellings	375 square metres
Multi dwelling housing	1,500 square metres
Residential flat buildings	2,000 square metres

- (4) This section does not apply to the residential development of land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential.

**4.1AB Minimum lot sizes for residential development in Zone R2 Low Density Residential and Zone R3 Medium Density Residential**

- (1) The objectives of this section are as follows—
- (a) to establish minimum lot sizes for residential development in Zone R2 Low Density Residential and Zone R3 Medium Density Residential,
  - (b) to ensure that residential development in the East Leppington Precinct results in the efficient use of land and contributes to the supply of new housing in the South West Growth Centre,
  - (c) to ensure that residential development has adequate usable areas for buildings and open space,
  - (d) to ensure that residential development in the East Leppington Precinct is compatible with the character of the locality and with surrounding residential areas,
  - (e) to facilitate and encourage the provision of a range of residential lot types, in particular, small lot housing.
- (2) This section applies to land in the following zones—
- (a) Zone R2 Low Density Residential,
  - (b) Zone R3 Medium Density Residential.
- (3) The minimum lot size for a dwelling house is 300m<sup>2</sup> if the dwelling density (per hectare) shown on the [Residential Density Map](#) in relation to the land is 15 or 25.
- (4) The minimum lot size for a dual occupancy is—
- (a) 500m<sup>2</sup> if the dwelling density (per hectare) shown on the [Residential Density Map](#)

- in relation to the land is 15, or
- (b) 400m<sup>2</sup> if the dwelling density (per hectare) shown on the [Residential Density Map](#) in relation to the land is 25.
- (5) The minimum lot size for a semi-detached dwelling is—
- (a) 200m<sup>2</sup> if the dwelling density (per hectare) shown on the [Residential Density Map](#) in relation to the land is 15, or
- (b) 125m<sup>2</sup> if the dwelling density (per hectare) shown on the [Residential Density Map](#) in relation to the land is 25.
- (6) The minimum lot size for an attached dwelling is—
- (a) 1,500m<sup>2</sup> if the dwelling density (per hectare) shown on the [Residential Density Map](#) in relation to the land is 15, or
- (b) 375m<sup>2</sup> if the dwelling density (per hectare) shown on the [Residential Density Map](#) in relation to the land is 25.
- (7) The minimum lot size for multi dwelling housing is—
- (a) 1,500m<sup>2</sup> if the dwelling density (per hectare) shown on the [Residential Density Map](#) in relation to the land is 15, or
- (b) 375m<sup>2</sup> if the dwelling density (per hectare) shown on the [Residential Density Map](#) in relation to the land is 25.
- (8) The minimum lot size for a manor home is 600m<sup>2</sup> if the dwelling density (per hectare) shown on the [Residential Density Map](#) in relation to the land is 20 or 25.
- (9) The minimum lot size for a residential flat building is 2,000m<sup>2</sup> if the dwelling density (per hectare) shown on the [Residential Density Map](#) in relation to the land is 25.

**4.1AC Minimum lot sizes for secondary dwellings in Zone R2 Low Density Residential and Zone R3 Medium Density Residential**

- (1) This section applies to land in the following zones—
- (a) Zone R2 Low Density Residential,
- (b) Zone R3 Medium Density Residential.
- (2) The minimum lot size for a secondary dwelling on land in Zone R2 Low Density Residential is 450m<sup>2</sup>.
- (3) The minimum lot size for a secondary dwelling on land in Zone R3 Medium Density Residential is the minimum lot size for the principal dwelling in conjunction with which the secondary dwelling is established, determined in accordance with section 4.1AB,

4.1AD or 4.1AF.

- (4) For the purposes of this section, a reference to the area of a lot—
- (a) in relation to land in Zone R2 Low Density Residential, means the area of that part of the lot that is in Zone R2 Low Density Residential, and
  - (b) in relation to land in Zone R3 Medium Density Residential, means the area of that part of the lot that is in Zone R3 Medium Density Residential, and
  - (c) does not include the area of that part of the land that is in any other zone.

**4.1AD Exceptions to minimum lot sizes for dwelling houses**

- (1) This section applies to the following—
- (a) a lot in Zone R2 Low Density Residential that has an area of less than 300m<sup>2</sup> (but not less than 250m<sup>2</sup>),
  - (b) a lot in Zone R3 Medium Density Residential that has an area of less than 300m<sup>2</sup> (but not less than 225m<sup>2</sup>).
- (2) Despite section 4.1AB, development consent may be granted to the erection of a dwelling house on a lot to which this section applies if—
- (a) the lot results from a subdivision to which development consent has been granted in accordance with section 4.1AA and, in determining the development application for the erection of the dwelling house, the consent authority considers any information that it considered for the purposes of that section in determining the development application for that subdivision, or
  - (b) the development application is a single development application for development consisting of both of the following—
    - (i) the subdivision of land into 2 or more lots,
    - (ii) the erection of the dwelling house on one of the lots resulting from the subdivision.

**4.1AE Exceptions to minimum lot sizes for dwelling houses on other lots in Zone R2 Low Density Residential**

- (1) This section applies to a lot in Zone R2 Low Density Residential that has an area less than 250m<sup>2</sup> (but not less than 225m<sup>2</sup>) and the dwelling density (per hectare) shown on the [Residential Density Map](#) in relation to the land is 15.
- (2) Despite section 4.1AB(3), development consent may be granted to the erection of a dwelling house on a lot to which this section applies if the lot meets the requirements of subsection (3) and—



- (a) the lot results from a subdivision to which development consent has been granted in accordance with section 4.1AA and, in determining the development application for the erection of the dwelling house, the consent authority considers any information that it considered for the purposes of that section in determining the development application for that subdivision, or
  - (b) the development application is a single development application for development consisting of both of the following—
    - (i) the subdivision of land into 2 or more lots,
    - (ii) the erection of the dwelling house on one of the lots resulting from the subdivision.
- (3) A lot meets the requirements of this subsection if—
- (a) the lot adjoins land in Zone RE1 Public Recreation, or is separated from land within that zone only by a public road, or
  - (b) the lot adjoins land in Zone B1 Neighbourhood Centre, Zone B2 Local Centre or Zone B4 Mixed Use (whether in this or any other Precinct), or is separated from land in any of those zones only by a public road, or
  - (c) the lot is within 400m of land in Zone B2 Local Centre and—
    - (i) adjoins land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes, or
    - (ii) is separated from land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes only by a public road.
- (4) Despite subsection (2), development consent must not be granted to the erection of a dwelling house to which this section applies unless the consent authority is satisfied that the dwelling house—
- (a) will not adversely impact on the amenity of adjoining residential properties, and
  - (b) will be designed and orientated to provide active frontages to and surveillance of the public recreation or drainage land, and
  - (c) will not adversely impact on or limit solar access to adjoining residential or public open space land.

**4.1AF Exceptions to minimum lot sizes for dwelling houses on small lots**

- (1) This section applies to a lot in Zone R3 Medium Density Residential that has an area less than 225m<sup>2</sup> (but not less than 125m<sup>2</sup>).
- (2) Despite section 4.1AB(3), development consent may be granted to the erection of a

dwelling house on a lot to which this section applies if the development application is a single development application for development consisting of is both of the following—

- (a) the subdivision of land into 2 or more lots,
- (b) the erection of the dwelling house on one of the lots resulting from the subdivision.

#### **4.1AG Minimum lot sizes in split zones**

- (1) This section applies to each lot that contains land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential and land in any other zone.
- (2) For the purposes of sections 4.1AA–4.1AF, a reference to the area of a lot—
  - (a) in relation to land in Zone R2 Low Density Residential, means the area of that part of the lot that is in Zone R2 Low Density Residential, and
  - (b) in relation to land in Zone R3 Medium Density Residential, means the area of that part of the lot that is in Zone R3 Medium Density Residential, and
  - (c) does not include any part of the lot that is in any other zone.

#### **4.1B Residential density**

- (1) The objectives of this section are—
  - (a) to establish minimum density requirements for residential development, and
  - (b) to ensure that residential development makes efficient use of land and infrastructure, and contributes to the availability of new housing, and
  - (c) to ensure that the scale of residential development is compatible with the character of the growth centre precinct and adjoining land.
- (2) This section applies to residential development of the kind referred to in section 4.1AB or 4.1AC(1) that—
  - (a) is carried out on land to which this Precinct Plan applies that is shown on the [Residential Density Map](#), and
  - (b) requires development consent, and
  - (c) is carried out after the commencement of this Precinct Plan.
- (3) The density of any residential development to which this section applies is not to be less than the density shown on the [Residential Density Map](#) in relation to that land.
- (4) In this section—

**density** means the net developable area in hectares of the land on which the development is situated divided by the number of dwellings proposed to be located on that land.

**net developable area** means the land occupied by the development, including internal streets, but excluding land that is not zoned for residential purposes.

#### **4.1C Erection of dwelling houses on land in Zone E3 Environmental Management**

- (1) Development consent must not be granted to the erection of a dwelling house on a lot in Zone E3 Environmental Management unless the size of the lot is at least the minimum size shown for the land on the [Lot Size Map](#).

#### **4.3 Height of buildings**

- (1) The objectives of this section are as follows—
  - (a) to establish the maximum height of buildings,
  - (b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,
  - (c) to facilitate higher density development in and around commercial centres and major transport routes.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).

#### **4.6 Exceptions to development standards**

- (1) The objectives of this section are as follows—
  - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this section, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this section does not apply to a development standard that is expressly excluded from the operation of this section.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless—
- (a) the consent authority is satisfied that—
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subsection (3), and
    - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
  - (b) the concurrence of the Planning Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Planning Secretary must consider—
- (a) whether contravention of the development standard raises any matter of significance for State environmental planning, and
  - (b) the public benefit of maintaining the development standard, and
  - (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.
- (6) Development consent must not be granted under this section for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
  - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

**Note—**

When this Precinct Plan was made it did not include any of these zones other than Zone E2 Environmental Conservation and Zone E3 Environmental Management.

- (7) After determining a development application made pursuant to this section, the consent authority must keep a record of its assessment of the factors required to be

addressed in the applicant’s written request referred to in subsection (3).

- (8) This section does not allow development consent to be granted for development that would contravene any of the following—
- (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,
  - (c) section 5.4.

## Part 5 Miscellaneous provisions

### 5.1 Relevant acquisition authority

- (1) The objective of this section is to identify, for the purposes of section 3.15 of the Act, the authority of the State that 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.

- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the [Land Reservation Acquisition Map](#) (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

Type of land shown on Map	Authority of the State
Zone RE1 Public Recreation and marked “Local open space”	Council
Zone SP2 Infrastructure and marked “Local drainage”	Council
Zone SP2 Infrastructure and marked “Local road”	Council
Zone SP2 Infrastructure and marked “Community facility”	Council

Zone SP2 Infrastructure and marked  
“Classified road”

Transport for NSW

Zone SP2 Infrastructure and marked  
“Educational establishment”

NSW Department of Education and  
Communities

- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

**Note—**

If land, other than land specified in the Table to subsection (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning and Infrastructure is required to take action to enable the designation of the acquiring authority under this Part. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning and Infrastructure (see section 21 of the [Land Acquisition \(Just Terms Compensation\) Act 1991](#)).

## 5.2 Classification and reclassification of public land

- (1) The objective of this section is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the [Local Government Act 1993](#).

**Note—**

Under the [Local Government Act 1993](#), “public land” is generally land vested in or under the control of a council (other than roads and certain Crown land). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the [Local Government Act 1993](#). Section 30 of that Act enables this Precinct Plan to discharge trusts on which public reserves are held if the land is reclassified under this Precinct Plan as operational land.

- (2) The public land described in Part 1 or Part 2 of Schedule 4 to this Appendix is classified, or reclassified, as operational land for the purposes of the [Local Government Act 1993](#).
- (3) The public land described in Part 3 of Schedule 4 to this Appendix is classified, or reclassified, as community land for the purposes of the [Local Government Act 1993](#).
- (4) The public land described in Part 1 of Schedule 4 to this Appendix—
- (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
  - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4 to this Appendix, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests,

dedications, conditions, restrictions and covenants affecting the land or any part of the land, except—

- (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
- (b) any reservations that except land out of the Crown grant relating to the land, and
- (c) reservations of minerals (within the meaning of the [Crown Land Management Act 2016](#)).

**Note—**

In accordance with section 30(2) of the [Local Government Act 1993](#), the approval of the Governor to subsection (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4 to this Appendix.

### **5.3 Development near zone boundaries**

- (1) The objective of this section is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This section applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 50 metres.
- (3) This section does not apply to land proposed to be developed for the purpose of sex services premises or restricted premises.
- (4) Despite the provisions of this Precinct Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this section applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—
  - (a) the development is not inconsistent with the objectives for development in both zones, and
  - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land, and
  - (c) if the land is in Zone RE1 Public Recreation, the relevant acquisition authority for any land marked “Local open space” on the [Land Reservation Acquisition Map](#) consents to the development being on that land.
- (5) This section does not prescribe a development standard that may be varied under this Precinct Plan.

#### 5.4 Controls relating to miscellaneous permissible uses

- (1) **Bed and breakfast accommodation** If development for the purposes of bed and breakfast accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

**Note—**

Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.

- (2) **Home businesses** If development for the purposes of a home business is permitted under this Precinct Plan, the carrying on of the business must not involve the use of more than 50 square metres of gross floor area.
- (3) **Home industries** If development for the purposes of a home industry is permitted under this Precinct Plan, the carrying on of the home industry must not involve the use of more than 30 square metres of gross floor area.
- (4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Precinct Plan, the retail gross floor area must not exceed—
- (a) 40% of the combined gross floor area of the industrial retail outlet and the building or place on which the relevant industry is carried out, or
  - (b) 400 square metres,
- whichever is the lesser.
- (5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.
- (6) **Kiosks** If development for the purposes of a kiosk is permitted under this Precinct Plan, the gross floor area must not exceed 30 square metres.
- (7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Precinct Plan, the retail gross floor area must not exceed 100 square metres.
- (8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Precinct Plan, the gross floor area must not exceed 8 square metres.
- (9) **Secondary dwellings** If development for the purposes of a secondary dwelling is permitted under this Precinct Plan, the total gross floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—
- (a) 110 square metres,
  - (b) 30% of the total gross floor area of both the self-contained dwelling and the



principal dwelling.

### **5.6 Architectural roof features**

- (1) The objectives of this section are—
  - (a) to ensure that architectural roof features are decorative elements only, and
  - (b) to ensure that the majority of the roof features are contained within the prescribed building height.
- (2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by section 4.3 may be carried out, but only with consent.
- (3) Development consent must not be granted to any such development unless the consent authority is satisfied that—
  - (a) the architectural roof feature—
    - (i) comprises a decorative element on the uppermost portion of a building, and
    - (ii) is not an advertising structure, and
    - (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
    - (iv) will cause minimal overshadowing, and
  - (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

### **5.8 Conversion of fire alarms**

- (1) This section applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.
- (2) The following development may be carried out, but only with development consent—
  - (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
  - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
  - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring

system of the same private service provider.

(3) In this section—

***private service provider*** means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

### 5.9 Preservation of trees or vegetation

(1) The objective of this section is to preserve the amenity of the area through the preservation of trees and other vegetation.

(2) This section applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this section by a development control plan made by the Planning Secretary.

**Note—**

A development control plan may prescribe the trees or other vegetation to which this section 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.

(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 section 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 section does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) This section does not apply to or in respect of—

(a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the [Native Vegetation Act 2003](#) or 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*, or
- (f) native vegetation retention areas to which section 6.2 of this Precinct Plan applies,  
or
- (g) existing native vegetation to which section 6.3 of this Precinct Plan applies.

### 5.10 Heritage conservation

**Note—**

Heritage items (if any) are listed and described in Schedule 5 to this Precinct Plan. Heritage conservation areas (if any) are shown on the [Heritage Map](#) as well as being described in Schedule 5.

(1) **Objectives** The objectives of this section are as follows—

- (a) to conserve environmental heritage,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) **Requirement for consent** Development consent is required for any of the following—

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—
  - (i) a heritage item,
  - (ii) an Aboriginal object,
  - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 to Chapter 3 in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,

(e) erecting a building on land—

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,

(f) subdividing land—

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) **When consent not required** However, development consent under this section 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, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and

(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, 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, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or

(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or

(d) the development is exempt development.

(4) **Effect of proposed development on heritage significance** The consent authority must, before granting consent under this section in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage

significance of the item or area concerned. This subsection applies regardless of whether a heritage management document is prepared under subsection (5) or a heritage conservation management plan is submitted under subsection (6).

- (5) **Heritage assessment** The consent authority may, before granting consent to any development—
- (a) on land on which a heritage item is located, or
  - (b) on land that is within a heritage conservation area, or
  - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
- require a heritage management document 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 or heritage conservation area concerned.
- (6) **Heritage conservation management plans** The consent authority may require, after considering the heritage 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 section.
- (7) **Archaeological sites** The consent authority must, before granting consent under this section to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the [Heritage Act 1977](#) applies)—
- (a) notify the Heritage Council of its intention to grant consent, and
  - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (8) **Aboriginal places of heritage significance** The consent authority must, before granting consent under this section to the carrying out of development in an Aboriginal place of heritage significance—
- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
  - (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.
- (9) **Demolition of nominated State heritage items** The consent authority must, before granting consent under this section for the demolition of a nominated State heritage item—

- (a) notify the Heritage Council about the application, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) **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, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Precinct Plan, if the consent authority is satisfied that—

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage management document 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 management document is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

### **5.11 Bush fire hazard reduction**

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

**Note—**

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

### **5.12 Infrastructure development and use of existing buildings of the Crown**

- (1) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out without consent under the *State Environmental Planning Policy (Infrastructure) 2007*.
- (2) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

## Part 6 Additional local provisions

### 6.1 Public utility infrastructure

- (1) The consent authority must not grant development consent to development on land to which this Precinct Plan applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.
- (2) In this section, **public utility infrastructure** includes infrastructure for any of the following—
  - (a) the supply of water,
  - (b) the supply of electricity,
  - (c) the disposal and management of sewage.
- (3) This section does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this section.

### 6.2 Development controls—native vegetation retention areas

- (1) The objective of this section is to prevent the clearing of certain native vegetation.
- (2) This section applies to land within a native vegetation retention area as shown on the [Native Vegetation Protection Map](#).
- (3) This section does not apply to native vegetation that the Council is satisfied—
  - (a) is dying or dead and is not required as the habitat of native fauna, or
  - (b) is a risk to human life or property.
- (4) This section does not apply to any native vegetation—
  - (a) within a State forest, or land reserved from sale as a timber or forest reserve under the [Forestry Act 1916](#), or
  - (b) declared to be noxious weeds under the [Noxious Weeds Act 1993](#).
- (5) A person must not clear native vegetation on land to which this section applies without—
  - (a) approval under Part 3A of the Act, or
  - (b) development consent.

- (6) Development consent under this section is not to be granted unless the consent authority is satisfied of the following in relation to the disturbance of native vegetation—
  - (a) that there is no reasonable alternative available to the disturbance of the native vegetation,
  - (b) that as little native vegetation as possible will be disturbed,
  - (c) that the disturbance of the native vegetation will not increase salinity,
  - (d) that native vegetation disturbed for the purposes of construction will be reinstated where possible on completion of construction,
  - (e) that the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid any net loss of remnant native vegetation,
  - (f) that no more than 0.5 hectares of native vegetation will be cleared unless the clearing is essential for a previously permitted use of the land.
- (7) The consent authority must, when determining a development application in respect of the clearing of native vegetation on land within a zone under this Precinct Plan, have regard to the objectives for development in that zone.
- (8) This section does not apply to or in respect of action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993*, the *Surveying and Spatial Information Act 2002* or the *Sydney Water Act 1994*.

### **6.3 Development controls—existing native vegetation**

- (1) The objective of this section is to manage existing native vegetation in accordance with the relevant biodiversity measures under Part 7 of Schedule 7 to the *Threatened Species Conservation Act 1995*.
- (2) This section applies to land within an existing native vegetation area as shown on the *Native Vegetation Protection Map*.
- (3) This section does not apply to any vegetation declared to be noxious weeds under the *Noxious Weeds Act 1993*.
- (4) The consent authority must not grant development consent for development on land to which this section applies unless it is satisfied that the proposed development will not result in the clearing of any existing native vegetation (within the meaning of the relevant biodiversity measures under Part 7 of Schedule 7 to the *Threatened Species Conservation Act 1995*).



#### **6.4 Development controls—flood planning**

- (1) The objectives of this section 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 section applies to land identified as “Flood prone and major creeks land” on the [South West Growth Centre Development Control Map](#).
- (3) Development consent must not be granted to development on land to which this section 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 section has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this section.

#### **6.5 Sex services premises**

- (1) The objective of this section is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.
- (2) Development consent must not be granted to development for the purposes of sex services premises if the premises will be located on land that adjoins, is directly opposite or is separated only by a local road from land—
  - (a) in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or

(b) used for the purposes of a centre-based child care facility, a community facility, a school or a place of public worship.

(3) In deciding whether to grant consent to development for the purposes of sex services premises, the consent authority must consider the impact the proposed development would have on any place likely to be regularly frequented by children.

#### **6.6 Restricted premises**

(1) Development consent must not be granted to development for the purposes of restricted premises if the premises will be located on land that abuts, or is separated only by a road from land—

(a) in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or

(b) used for the purposes of a community facility, school or place of public worship.

(2) In deciding whether to grant consent to development for the purposes of restricted premises, the consent authority must consider—

(a) the impact of the proposed development on places of high pedestrian activity, and

(b) the impact of the proposed development on land frequented by children for care, recreational or cultural purposes, and

(c) whether the appearance of the restricted premises is sufficiently discreet.

#### **6.7 Maximum gross floor area for retail premises in Zone B2**

Despite any other provision of this Precinct Plan, the gross floor area of all development for the purpose of retail premises on land in Zone B2 Local Centre must not exceed 16,500 square metres.

#### **6.8 Attached dwellings and multi dwelling housing in Zone R2 Low Density Residential**

(1) The objectives of this section are—

(a) to permit, with development consent, attached dwellings and multi dwelling housing in Zone R2 Low Density Residential in limited circumstances, and

(b) to provide location and development criteria that must be satisfied before development consent can be granted.

(2) Development for the purposes of attached dwellings or multi dwelling housing is permissible with development consent on land in Zone R2 Low Density Residential that—

(a) adjoins land in Zone RE1 Public Recreation, or is separated from land in that zone only by a public road, or

- (b) adjoins land in Zone B2 Local Centre or Zone B4 Mixed Use, or is separated from land in any of those zones only by a public road, or
- (c) is within 400m of land in Zone B2 Local Centre and—
  - (i) adjoins land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes, or
  - (ii) is separated from land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes only by a public road.
- (3) Development consent must not be granted under this section unless the consent authority is satisfied that—
  - (a) the attached dwellings or multi dwelling housing will not adversely impact on the amenity of any adjoining residential properties, and
  - (b) the attached dwellings or multi dwelling housing will be designed and orientated to provide active frontages to and surveillance of the public recreation drainage land, and
  - (c) the attached dwellings or multi dwelling housing will not adversely impact on or limit solar access to adjoining residential or public open space land.
- (4) This section has effect despite anything to the contrary in the Land Use Table or any other provision of this Precinct Plan.

## **Schedule 1 Additional permitted uses**

(Section 2.5)

### **1 Use of land in Zone B2**

- (1) This section applies to land in Zone B2 Local Centre.
- (2) Development for the purpose of attached dwellings is permitted with development consent but only as part of a mixed use development that includes retail premises.

### **2 Use of land in Zone SP2**

- (1) This section applies to land in Zone SP2 Infrastructure and marked “Community facility”.
- (2) Development for the purpose of an information and education facility is permitted with development consent.

## Schedule 4 Classification and reclassification of public land

(Section 5.2)

### Part 1 Land classified, or reclassified, as operational land—no interests changed

Column 1	Column 2
Locality	Description
Nil	

### Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Nil		

### Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
Nil	

## Schedule 5 Environmental heritage

(Section 5.10)

### Part 1 Heritage items

Precinct	Item name	Address	Property description	Significance	Item no
East Leppington	Upper Nepean Scheme—Upper Canal	Between the south eastern boundary and Denham Court Road	Lot 1, DP 610145	State	16

### Part 3 Archaeological sites

Precinct	Item name	Address	Property description	Significance	Item no
East Leppington	Former Leppington Farm House		Lot 41, DP 1174145	Potential State	A1

## Appendix 7 South East Wilton Precinct Plan

section 3.10

### Part 1 Preliminary

#### Note—

The *Standard Instrument (Local Environmental Plans) Order 2006* sets out matters to be included in standard local environmental plans. While this Precinct Plan is not a standard local environmental plan, a number of clauses from the *Standard Instrument (Local Environmental Plans) Order 2006* have been included in this Precinct Plan and the clause numbering from that Order has been retained. This means that the numbering in this Precinct Plan may contain some gaps. Additional provisions have been inserted and are numbered accordingly.

#### 1.1 Name of Precinct Plan

This Precinct Plan is the *South East Wilton Precinct Plan 2018*.

#### 1.2 Aims of Precinct Plan

The aims of this Precinct Plan are as follows—

- (a) to rezone land to allow for development to occur in the manner envisaged by the South East Wilton structure plans,
- (b) to deliver housing choice and affordability by accommodating a wide range of residential dwelling types that cater for housing diversity,
- (c) to guide the bulk and scale of future development within the South East Wilton Precinct consistent with the South East Wilton structure plans,
- (d) to protect and enhance conservation areas and areas of significant native vegetation and habitat, as well as to establish development controls that require the impact of development on native flora and fauna (including koalas) to be assessed,
- (e) to rezone land to allow for retail and commercial uses to meet the needs of future residents of the South East Wilton Precinct.

#### 1.3 Land to which Precinct Plan applies

This Precinct Plan applies to land within the South East Wilton Precinct as shown on the [Land Application Map](#).

#### 1.4 Definitions

In this Precinct Plan—

**Council** means Wollondilly Shire Council.

**South East Wilton structure plans** means the following, published by the Department on 1 May 2022—

- (a) *Wilton 2040: A Plan for the Wilton Growth Area*,
- (b) the *South East Wilton Precinct Structure Plan*.

**Wilton Growth Area Key Sites Map** means the [State Environmental Planning Policy \(Precincts—Western Parkland City\) 2021—Wilton Growth Area Key Sites Map](#).

### 1.5 Notes

Notes in this Precinct Plan are provided for guidance and do not form part of this Plan.

### 1.6 Consent authority

The consent authority for the purposes of this Precinct Plan is (subject to the Act) the Council.

### 1.8 Repeal of other local planning instruments applying to land

- (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Precinct Plan applies are repealed.
- (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Precinct Plan applies and to other land cease to apply to the land to which this Precinct Plan applies.

**Note—**

[Wollondilly Local Environmental Plan 2011](#) ceases to apply to the land to which this Precinct Plan applies.

- (3) This section does not affect the operation of other provisions of this State environmental planning policy.

### 1.8A Savings provision relating to pending development applications

- (1) If a development application has been made before the commencement of this Precinct Plan in relation to land to which this Precinct Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Precinct Plan had not commenced.
- (2) If a development application has been made before the commencement of [State Environmental Planning Policy \(Sydney Region Growth Centres\) Amendment \(North Wilton Precinct\) 2018](#) in relation to land to which this Precinct Plan applies and the application has not been finally determined before that commencement, the application must be determined as if that Policy had not commenced.
- (3) Despite subsection (2), section 4.3A, as amended by [State Environmental Planning Policy \(Sydney Region Growth Centres\) Amendment \(North Wilton Precinct\) 2018](#), extends to a development application that is made (but not finally determined) before the commencement of that Policy.

- (4) The amendments to this Appendix made by *State Environmental Planning Policy (Biodiversity and Conservation) Amendment (Strategic Conservation Planning) 2022* do not apply to a development application made, and not finally determined, before the commencement of that Policy.

### **1.9 Application of SEPPs**

- (1) This Precinct Plan is subject to the provisions of any State environmental planning policy that prevails over this Precinct Plan as provided by section 3.28 of the Act.

**Note—**

Section 3.28 of the Act generally provides that SEPPs prevail over LEPs and other instruments. However, an environmental planning instrument may (by an additional provision included in the instrument) displace or amend a SEPP or LEP to deal specifically with the relationship between the instrument and the SEPP or LEP.

- (2) *State Environmental Planning Policy No 1—Development Standards* does not apply to the land to which this Precinct Plan applies.
- (3) In the event of an inconsistency between this Precinct Plan and any other provision of this or any other environmental planning instrument, whether made before or after the commencement of this Precinct Plan, this Precinct Plan prevails to the extent of the inconsistency.

**Note—**

The other provisions of this State environmental planning policy also contain provisions applying development controls to the Wilton Growth Area Precinct.

### **1.9A Suspension of covenants, agreements and instruments**

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Precinct Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This section does not apply—
  - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
  - (b) to any biodiversity certification conferred under Part 8 of the *Biodiversity Conservation Act 2016*, or
  - (c) to any private land conservation agreement within the meaning of the *Biodiversity Conservation Act 2016*, or
  - (d) to any relevant instrument within the meaning of section 13.4 of the *Crown Land Management Act 2016*, or
  - (e) to the relevant provisions of a land management (native vegetation) code (and

the necessary mandatory code compliant certificate) with respect to a set aside area under Part 5A of the *Local Land Services Act 2013*, or

(f) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or

(g) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001* that is continued in force by the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*, or

(h) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003* that is continued in force by the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*, or

(i) to any planning agreement within the meaning of Division 7.1 of the Act.

(3) This section does not affect the rights or interests of any public authority under any registered instrument.

(4) Under section 3.16 of the Act, the Governor, before the making of this section, approved of subsections (1)-(3).

## **Part 2 Permitted or prohibited development**

### **2.1 Land use zones**

The land use zones under this Precinct Plan are as follows—

#### **Urban Development Zone**

1 Urban Development

#### **Special Purposes Zones**

SP2 Infrastructure

#### **Conservation Zones**

C2 Environmental Conservation

### **2.2 Zoning of land to which Precinct Plan applies**

For the purposes of this Precinct Plan, land is within the zones shown on the [Land Zoning Map](#).

### **2.3 Zone objectives and Land Use Table**

(1) The Land Use Table at the end of this Part specifies for each zone—

(a) the objectives for development, and

(b) development that may be carried out without consent, and



- (c) development that may be carried out only with consent, and
  - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.
- (3) In the Land Use Table at the end of this Part—
- (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 Chapter 3) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.
- (4) This section is subject to the other provisions of this Precinct Plan.

**Notes—**

- 1** Schedule 1 to this Precinct Plan sets out additional permitted uses for particular land.
- 2** Section 2.6 requires consent for subdivision of land.
- 3** Part 5 of this Precinct Plan contains other provisions which require consent for particular development.

## **2.5 Additional permitted uses for particular land**

- (1) Development on particular land that is described or referred to in Schedule 1 to this Appendix may be carried out—
- (a) with development consent, or
  - (b) if the Schedule so provides—without development consent,
- in accordance with the conditions (if any) specified in that Schedule in relation to that development.
- (2) This section has effect despite anything to the contrary in the Land Use Table at the end of this Part or other provision of this Precinct Plan.

## **2.6 Subdivision—consent requirements**

- (1) Land to which this Precinct Plan applies may be subdivided, but only with development consent.

**Notes—**

- 1** If a subdivision is specified as **exempt development** in an applicable environmental planning instrument, such as this Precinct Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Act enables it to be carried out without development consent.
  - 2** Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that the strata subdivision of a building in certain circumstances is **complying development**.
- (2) Development consent must not be granted for the subdivision of land on which a

secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

**Note—**

The definition of **secondary dwelling** in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.

## 2.7 Demolition

The demolition of a building or work may be carried out only with development consent.

**Note—**

The demolition of certain buildings and works is identified in [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) as exempt development.

## Land Use Table

**Note—**

Parts 6 and 7 of this Precinct Plan set out local provisions which include additional permissible land uses and heads of consideration for assessment.

### Zone 1 Urban Development

#### 1 Objectives of zone

- To manage the transition of land from non-urban uses to urban uses.
- To encourage the development of well-planned and well-serviced new urban communities in accordance with the South East Wilton structure plans.
- To ensure a range of uses, and uses located in a way, that are consistent with the strategic planning for the South East Wilton Precinct.
- To safeguard land used for non-urban purposes from development that could prejudice the use of the land for future urban purposes.
- To ensure that land adjacent to environmental conservation areas is developed in a way that enhances biodiversity outcomes for the Precinct.

#### 2 Permitted without consent

Home occupations

#### 3 Permitted with consent

Any development not specified in item 2 or 4

#### **4 Prohibited**

Air transport facilities; Animal boarding or training establishments; Boat building and repair facilities; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Heavy industries; Home occupations (sex services); Mooring pens; Moorings; Open cut mining; Port facilities; Resource recovery facilities; Rural industries

#### **Zone SP2 Infrastructure**

##### **1 Objectives of zone**

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

##### **2 Permitted without consent**

Nil

##### **3 Permitted with consent**

The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose

##### **4 Prohibited**

Any development not specified in item 2 or 3

#### **Zone C2 Environmental Conservation**

##### **1 Objectives of zone**

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

##### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Environmental facilities: Environmental protection works; Information and education facilities; Kiosks; Recreation areas; Roads

### **4 Prohibited**

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

## **Part 4 Principal development standards**

### **4.1 Minimum subdivision lot size**

- (1) The objectives of this section are as follows—
  - (a) to ensure that the minimum size for lots is sufficient for the provision of usable areas for building and open space,
  - (b) to encourage the efficient use of land for residential purposes.
- (2) This section applies to a subdivision of any land shown on the [Lot Size Map](#) that requires development consent and that is carried out after the commencement of this Precinct Plan.
- (3) The size of any lot resulting from any such subdivision of land to which this section applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) This section does not apply in relation to the subdivision of individual lots in a strata plan.

### **4.3 Height of buildings**

- (1) The objectives of this section are as follows—
  - (a) to establish the maximum height of buildings,
  - (b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,
  - (c) to facilitate higher density development in and around commercial centres and major transport routes.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).

#### 4.3A Residential density

- (1) The consent authority must not grant development consent to development that results in more than 3,600 dwellings on the land to which this Precinct Plan applies.
- (2) The consent authority must not grant development consent to development on land if the development will result in the density of—
  - (a) dwelling houses and dual occupancies being 15 or fewer dwellings per hectare of land or exceeding 25 dwellings per hectare of the land, or
  - (b) residential flat buildings, multi dwelling housing, mixed use development and shop top housing being 25 or fewer dwellings per hectare of the land or exceeding 45 dwellings per hectare of the land, or
  - (c) attached dwellings being 15 or fewer dwellings per hectare of the land or exceeding 45 dwellings per hectare of the land.
- (3) Subsection (2) does not prevent a subdivision that provides for individual dwellings to be on separate lots if the consent authority is satisfied that the subdivision does not also involve the creation of additional dwelling entitlements.
- (4) This section has effect despite anything to the contrary in any other provision of this Precinct Plan.
- (5) In this section—

**density** means the ratio of the number of dwellings to the area of the land to be occupied by the development, including internal streets and half the width of any roads adjoining the development that provide vehicular access to the development but excluding land used for non-residential purposes.

#### 4.3B Retail floor areas

Despite any other provision of this Precinct Plan, the total gross floor area used for the purposes of retail premises on land identified as “Area D” on the [Wilton Growth Area Key Sites Map](#) must not exceed 5,000 square metres.

#### 4.6 Exceptions to development standards

- (1) The objectives of this section are as follows—
  - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this section, be granted for development even

though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this section does not apply to a development standard that is expressly excluded from the operation of this section.

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—
  - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless—
  - (a) the consent authority is satisfied that—
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subsection (3), and
    - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
  - (b) the concurrence of the Planning Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Planning Secretary must consider—
  - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
  - (b) the public benefit of maintaining the development standard, and
  - (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.
- (6) Development consent must not be granted under this section for a subdivision of land in Zone C2 Environmental Conservation if—
  - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
  - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

- (7) After determining a development application made pursuant to this section, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subsection (3).
- (8) This section does not allow development consent to be granted for development that would contravene any of the following—
  - (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,
  - (c) section 5.4,
  - (d) section 6.2 or 7.1.

## Part 5 Miscellaneous provisions

### 5.1A Consideration of development applications

- (1) Development consent must not be granted to the carrying out of development on land within Zone 1 Urban Development unless the consent authority—
  - (a) has notified the Planning Secretary about the proposed development, and
  - (b) has considered any submission made by the Planning Secretary to the consent authority about the proposed development, and
  - (c) is satisfied that the development is consistent with the South East Wilton structure plans.
- (2) If the Planning Secretary fails to make a submission to the consent authority within 14 days of being notified of the proposed development, the consent authority may determine the development application without complying with subsection (1)(b).

**Note—**

Under clause 85 of [State Environmental Planning Policy \(Infrastructure\) 2007](#), the consent authority must notify the rail authority for the Maldon–Dombarton Rail Corridor before considering a development application relating to land that is in or adjacent to that corridor.

### 5.1 Relevant acquisition authority

- (1) The objective of this section is to identify, for the purposes of section 3.15 of the Act, the authority of the State that 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.

- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the [Land Reservation Acquisition Map](#) (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

<b>Type of land shown on Map or on Map for underlying zone for land</b>	<b>Authority of the State</b>
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Zone SP2 Infrastructure and marked “Local drainage”	Council
Zone SP2 Infrastructure and marked “Local road”	Council
Zone SP2 Infrastructure and marked “Classified Road”	Transport for NSW

- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

**Note—**

If land, other than land specified in the table to subsection (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning is required to take action to enable the designation of the acquiring authority under this Part. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning (see section 21 of the [Land Acquisition \(Just Terms Compensation\) Act 1991](#)).

## 5.2 Classification and reclassification of public land

- (1) The objective of this section is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the [Local Government Act 1993](#).

**Note—**

Under the [Local Government Act 1993](#), **public land** is generally land vested in or under the control of a council (other than roads and certain Crown land). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the [Local Government Act 1993](#). Section 30 of that Act enables this Precinct Plan to discharge trusts on which public reserves are held if the land is reclassified under this Precinct Plan as operational land.

- (2) The public land described in Part 1 or Part 2 of Schedule 4 to this Precinct Plan is



classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.

- (3) The public land described in Part 3 of Schedule 4 to this Precinct Plan is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4 to this Precinct Plan—
  - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
  - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4 to this Precinct Plan, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except—
  - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4 to this Precinct Plan, and
  - (b) any reservations that except land out of the Crown grant relating to the land, and
  - (c) reservations of minerals (within the meaning of the *Crown Land Management Act 2016*).

**Note—**

In accordance with section 30(2) of the *Local Government Act 1993*, the approval of the Governor to subsection (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4 to this Precinct Plan.

#### **5.4 Controls relating to miscellaneous permissible uses**

- (1) **Bed and breakfast accommodation** If development for the purposes of bed and breakfast accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

**Note—**

Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.

- (2) **Home businesses** If development for the purposes of a home business is permitted under this Precinct Plan, the carrying on of the business must not involve the use of more than 50 square metres of floor area.
- (3) **Home industries** If development for the purposes of a home industry is permitted under

this Precinct Plan, the carrying on of the home industry must not involve the use of more than 50 square metres of floor area.

- (4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Precinct Plan, the retail floor area must not exceed—
  - (a) 43% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
  - (b) 400 square metres,whichever is the lesser.
- (5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 5 bedrooms.
- (6) **Kiosks** If development for the purposes of a kiosk is permitted under this Precinct Plan, the gross floor area must not exceed 20 square metres.
- (7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Precinct Plan, the retail floor area must not exceed 400 square metres.
- (8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Precinct Plan, the gross floor area must not exceed 75 square metres.
- (9) **Secondary dwellings** If development for the purposes of a secondary dwelling is permitted under this Precinct Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—
  - (a) 60 square metres,
  - (b) 25% of the total floor area of the principal dwelling.

## 5.6 Architectural roof features

- (1) The objectives of this section are as follows—
  - (a) to ensure that architectural roof features are decorative elements only, and
  - (b) to ensure that the majority of the roof features are contained within the prescribed building height.
- (2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by section 4.3 may be carried out, but only with development consent.
- (3) Development consent must not be granted to any such development unless the

consent authority is satisfied that—

(a) the architectural roof feature—

- (i) comprises a decorative element on the uppermost portion of a building, and
- (ii) is not an advertising structure, and
- (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
- (iv) will cause minimal overshadowing, and

(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

### **5.8 Conversion of fire alarms**

- (1) This section applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.
- (2) The following development may be carried out, but only with development consent—
  - (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
  - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
  - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) Development to which subsection (2) applies is complying development if it consists only of—
  - (a) internal alterations to a building, or
  - (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450 mm × 100mm × 100mm.
- (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.

(5) In this section—

***private service provider*** means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

## 5.10 Heritage conservation

### Note—

Heritage items (if any) are listed and described in Schedule 5 to this Precinct Plan. Heritage conservation areas (if any) are shown on the [Heritage Map](#) as well as being described in Schedule 5.

(1) **Objectives** The objectives of this section are as follows—

- (a) to conserve the environmental heritage of the South East Wilton Precinct,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) **Requirement for consent** Development consent is required for any of the following—

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—
  - (i) a heritage item,
  - (ii) an Aboriginal object,
  - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 to this Precinct Plan in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land—
  - (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of

heritage significance,

(f) subdividing land—

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) **When consent not required** However, development consent under this section 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, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and

(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, 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, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or

(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or

(d) the development is exempt development.

(4) **Effect of proposed development on heritage significance** The consent authority must, before granting consent under this section in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subsection applies regardless of whether a heritage management document is prepared under subsection (5) or a heritage conservation management plan is submitted under subsection (6).

(5) **Heritage assessment** The consent authority may, before granting consent to any

development—

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document 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 or heritage conservation area concerned.

- (6) **Heritage conservation management plans** The consent authority may require, after considering the heritage 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 section.
- (7) **Archaeological sites** The consent authority must, before granting consent under this section to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the [Heritage Act 1977](#) applies)—
  - (a) notify the Heritage Council of its intention to grant consent, and
  - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (8) **Aboriginal places of heritage significance** The consent authority must, before granting consent under this section to the carrying out of development in an Aboriginal place of heritage significance—
  - (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
  - (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.
- (9) **Demolition of nominated State heritage items** The consent authority must, before granting consent under this section for the demolition of a nominated State heritage item—
  - (a) notify the Heritage Council about the application, and
  - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

- (10) **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, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Precinct Plan, if the consent authority is satisfied that—
- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
  - (b) the proposed development is in accordance with a heritage management document 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 management document is carried out, and
  - (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
  - (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

### 5.11 Bush fire hazard reduction

Bush fire hazard reduction work authorised by the [Rural Fires Act 1997](#) may be carried out on any land without development consent.

**Note—**

The [Rural Fires Act 1997](#) also makes provision relating to the carrying out of development on bush fire prone land.

### 5.12 Infrastructure development and use of existing buildings of the Crown

- (1) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under [State Environmental Planning Policy \(Infrastructure\) 2007](#).
- (2) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

## Part 6 Urban release areas

### 6.1 Definitions

In this Part—

**designated State public infrastructure** means public facilities or services that are

provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds—

- (a) State and regional roads,
- (b) bus interchanges and bus lanes,
- (c) land required for regional open space,
- (d) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).

**urban release area** means an area of land to which this Precinct Plan applies that is shown hatched and marked “Urban Release Area” on the [Urban Release Area Map](#).

## 6.2 Arrangements for designated State public infrastructure

- (1) The objective of this section is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.
- (2) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Planning Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.
- (3) Subsection (2) does not apply to—
  - (a) any lot identified in the certificate as a residue lot, or
  - (b) any lot to be created by a subdivision of land that was the subject of a previous development consent granted in accordance with this section, or
  - (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or
  - (d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.
- (4) This section does not apply to a development application to carry out development on land in an urban release area if all or any part of the land to which the application applies is in a special contributions area (as defined by section 7.1 of the Act).



### **6.3 Relationship between Part and remainder of Precinct Plan**

A provision of this Part prevails over any other provision of this Precinct Plan to the extent of any inconsistency.

## **Part 7 Additional local provisions**

### **7.1 Public utility infrastructure**

- (1) Development consent must not be granted for development on land to which this Precinct Plan applies unless the council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.
- (2) This section does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this section.
- (3) In this section, **public utility infrastructure** includes infrastructure for any of the following—
  - (a) the supply of water,
  - (b) the supply of electricity,
  - (c) the disposal and management of sewage.

### **7.2 Development in Zone C2 Environmental Conservation**

- (1) This section applies to land within Zone C2 Environmental Conservation (other than any such land owned by a public authority).
- (2) Despite any other provision of this Precinct Plan, the consent authority must not grant development consent for development on land to which this section applies unless it has considered a vegetation management plan that relates to all of that land.
- (3) The vegetation management plan must address, to the satisfaction of the consent authority, the following matters—
  - (a) the environmental values of the land,
  - (b) methods to be used to revegetate and rehabilitate the land,
  - (c) weed control,
  - (d) the monitoring and ongoing management of the land,
  - (e) other measures—

- (i) to control threats to the health of any remnant riparian vegetation on the land, and
- (ii) to increase species diversification and riparian vegetation cover on the land, and
- (iii) to improve the land's resistance to future weed colonisation.

### **7.3 Subdivision of land adjoining Zone C2 Environmental Conservation**

- (1) The objectives of this section are as follows—
  - (a) to ensure the rehabilitation and revegetation of land that is within Zone C2 Environmental Conservation (other than any such land owned by a public authority),
  - (b) to ensure that land within that Zone is managed and conserved in a holistic and sensitive manner.
- (2) This section applies to any lot that includes land within Zone C2 Environmental Conservation and land within another zone.
- (3) Despite any other provision of this Precinct Plan, the consent authority must not grant development consent for subdivision of land to which this section applies or any other development on that land unless it is satisfied that—
  - (a) appropriate arrangements have been made for the revegetation and rehabilitation of that land within Zone C2 Environmental Conservation, and
  - (b) those arrangements—
    - (i) provide for the ongoing monitoring and management of that land, and
    - (ii) will take effect before, or simultaneously with, the proposed subdivision or development concerned, and
    - (iii) are appropriate when considered in conjunction with any vegetation management plan prepared in accordance with section 7.2.

### **7.4 Earthworks**

- (1) The objectives of this section 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 earthworks are exempt development under this Precinct Plan or another applicable environmental planning instrument, or
  - (b) the earthworks are 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, existing drainage patterns and soil stability in the locality,
  - (b) the effect of the 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 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 Aboriginal objects,
  - (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 disturbing or excavating land and Aboriginal objects.

### **7.5 Location of sex services premises**

- (1) The objective of this section is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.
- (2) In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider whether the premises will be located on land that adjoins, is directly opposite or is separated only by a local road from land used for the purposes of a centre-based child care facility, a community facility, a school or a place of public worship.

## 7.6 Restricted premises

- (1) Development consent must not be granted to development for the purposes of restricted premises if the premises will be located on land that abuts or is separated only by a road from land used for the purposes of a community facility, school or place of public worship.
- (2) In deciding whether to grant consent to development for the purposes of restricted premises, the consent authority must consider—
  - (a) the impact of the proposed development on places of high pedestrian activity, and
  - (b) the impact of the proposed development on land frequented by children for care, recreational or cultural purposes, and
  - (c) whether the appearance of the restricted premises is sufficiently discreet.

## Schedule 1 Additional permitted uses

(Section 2.5)

## Schedule 4 Classification and reclassification of public land

(Section 5.2)

### Part 1 Land classified, or reclassified, as operational land—no interests changed

Column 1	Column 2
Locality	Description
Nil	

### Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Nil		

### Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
Nil	

## Schedule 5 Environmental heritage

(Section 5.10)

### Part 1 Heritage items

Precinct	Item name	Address	Property description	Significance	Item no
Wilton	Cottage	1090 Argyle Street	Lot 32, DP 814280	Local	I275

## Appendix 8 North Wilton Precinct Plan

section 3.10

### Part 1 Preliminary

#### Note—

The *Standard Instrument (Local Environmental Plans) Order 2006* sets out matters to be included in standard local environmental plans. While this Precinct Plan is not a standard local environmental plan, a number of clauses from the *Standard Instrument (Local Environmental Plans) Order 2006* have been included in this Precinct Plan and the clause numbering from that Order has been retained. This means that the numbering in this Precinct Plan may contain some gaps. Additional provisions have been inserted and are numbered accordingly.

#### 1.1 Name of Precinct Plan

This Precinct Plan is the *North Wilton Precinct Plan 2018*.

#### 1.2 Aims of Precinct Plan

The aims of this Precinct Plan are as follows—

- to rezone land to allow for development to occur in the manner envisaged by the North Wilton structure plans,
- to deliver housing choice and affordability by accommodating a wide range of residential dwelling types that cater for housing diversity,
- to guide the bulk and scale of future development within the North Wilton Precinct consistent with the North Wilton structure plans,
- to protect and enhance conservation areas and areas of significant native vegetation and habitat, as well as to establish development controls that require the impact of development on native flora and fauna (including koalas) to be assessed,
- to rezone land to allow for retail and commercial uses to meet the needs of future residents of the North Wilton Precinct.

#### 1.3 Land to which Precinct Plan applies

This Precinct Plan applies to land within the North Wilton Precinct as shown on the [Land](#)

## [Application Map.](#)

### **1.4 Definitions**

In this Precinct Plan—

**Council** means Wollondilly Shire Council.

**North Wilton structure plans** means the following, published by the Department on 1 May 2022—

- (a) *Wilton 2040: A Plan for the Wilton Growth Area*,
- (b) the *North Wilton Precinct Structure Plan*.

### **1.5 Notes**

Notes in this Precinct Plan are provided for guidance and do not form part of this Plan.

### **1.6 Consent authority**

The consent authority for the purposes of this Precinct Plan is (subject to the Act) the Council.

### **1.8 Repeal of other local planning instruments applying to land**

- (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Precinct Plan applies are repealed.
- (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Precinct Plan applies and to other land cease to apply to the land to which this Precinct Plan applies.

**Note—**

*Wollondilly Local Environmental Plan 2011* ceases to apply to the land to which this Precinct Plan applies.

- (3) This section does not affect the operation of other provisions of this State environmental planning policy.

### **1.8A Savings provision relating to pending development applications**

- (1) If a development application has been made before the commencement of this Precinct Plan in relation to land to which this Precinct Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Precinct Plan had not commenced.
- (2) The amendments to this Appendix made by *State Environmental Planning Policy (Biodiversity and Conservation) Amendment (Strategic Conservation Planning) 2022* do not apply to a development application made, and not finally determined, before the commencement of that Policy.

## 1.9 Application of SEPPs

- (1) This Precinct Plan is subject to the provisions of any State environmental planning policy that prevails over this Precinct Plan as provided by section 3.28 of the Act.

**Note—**

Section 3.28 of the Act generally provides that SEPPs prevail over LEPs and other instruments. However, an environmental planning instrument may (by an additional provision included in the instrument) displace or amend a SEPP or LEP to deal specifically with the relationship between the instrument and the SEPP or LEP.

- (2) *State Environmental Planning Policy No 1—Development Standards* does not apply to the land to which this Precinct Plan applies.
- (3) In the event of an inconsistency between this Precinct Plan and any other provision of this or any other environmental planning instrument, whether made before or after the commencement of this Precinct Plan, this Precinct Plan prevails to the extent of the inconsistency.

**Note—**

The other provisions of this State environmental planning policy also contain provisions applying development controls to the Wilton Growth Area Precinct.

### 1.9A Suspension of covenants, agreements and instruments

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Precinct Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This section does not apply—
  - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
  - (b) to any biodiversity certification conferred under Part 8 of the *Biodiversity Conservation Act 2016*, or
  - (c) to any private land conservation agreement within the meaning of the *Biodiversity Conservation Act 2016*, or
  - (d) to any relevant instrument within the meaning of section 13.4 of the *Crown Land Management Act 2016*, or
  - (e) to the relevant provisions of a land management (native vegetation) code (and the necessary mandatory code compliant certificate) with respect to a set aside area under Part 5A of the *Local Land Services Act 2013*, or
  - (f) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or

- (g) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001* that is continued in force by the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*, or
  - (h) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003* that is continued in force by the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*, or
  - (i) to any planning agreement within the meaning of Division 7.1 of the Act.
- (3) This section does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 3.16 of the Act, the Governor, before the making of this section, approved of subsections (1)–(3).

## **Part 2 Permitted or prohibited development**

### **2.1 Land use zones**

The land use zones under this Precinct Plan are as follows—

#### **Urban Development Zone**

1 Urban Development

#### **Special Purposes Zones**

SP2 Infrastructure

#### **Conservation Zones**

C2 Environmental Conservation

### **2.2 Zoning of land to which Precinct Plan applies**

For the purposes of this Precinct Plan, land is within the zones shown on the [Land Zoning Map](#).

### **2.3 Zone objectives and Land Use Table**

- (1) The Land Use Table at the end of this Part specifies for each zone—
- (a) the objectives for development, and
  - (b) development that may be carried out without consent, and
  - (c) development that may be carried out only with consent, and
  - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone



when determining a development application in respect of land within the zone.

(3) In the Land Use Table at the end of this Part—

- (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 Chapter 3) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.

(4) This section is subject to the other provisions of this Precinct Plan.

**Notes—**

- 1 Schedule 1 to this Precinct Plan sets out additional permitted uses for particular land.
- 2 Section 2.6 of this Precinct Plan requires consent for the subdivision of land.
- 3 Part 5 of this Precinct Plan contains other provisions which require consent for particular development.

## 2.5 Additional permitted uses for particular land

(1) Development on particular land that is described or referred to in Schedule 1 to this Appendix may be carried out—

- (a) with development consent, or
- (b) if the Schedule so provides—without development consent,

in accordance with the conditions (if any) specified in that Schedule in relation to that development.

(2) This section has effect despite anything to the contrary in the Land Use Table at the end of this Part or any other provision of this Precinct Plan.

## 2.6 Subdivision—consent requirements

(1) Land to which this Precinct Plan applies may be subdivided, but only with development consent.

**Notes—**

- 1 If a subdivision is specified as **exempt development** in an applicable environmental planning instrument, such as this Precinct Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Act enables it to be carried out without development consent.
- 2 Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that the strata subdivision of a building in certain circumstances is **complying development**.

(2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

**Note—**

The definition of **secondary dwelling** in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.

## 2.7 Demolition

The demolition of a building or work may be carried out only with development consent.

### Note—

The demolition of certain buildings and works is identified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* as exempt development.

## Land Use Table

### Note—

Parts 6 and 7 of this Precinct Plan set out local provisions which include additional permissible land uses and heads of consideration for assessment.

## Zone 1 Urban Development

### 1 Objectives of zone

- To manage the transition of land from non-urban uses to urban uses.
- To encourage the development of well-planned and well-serviced new urban communities in accordance with the North Wilton structure plans.
- To ensure a range of uses, and uses located in a way, that are consistent with the strategic planning for the North Wilton Precinct.
- To safeguard land used for non-urban purposes from development that could prejudice the use of the land for future urban purposes.
- To ensure that land adjacent to environmental conservation areas is developed in a way that enhances biodiversity outcomes for the Precinct.

### 2 Permitted without consent

Home occupations

### 3 Permitted with consent

Any development not specified in item 2 or 4

### 4 Prohibited

Air transport facilities; Animal boarding or training establishments; Boat building and repair facilities; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Extractive industries; Farm buildings; Forestry;

Freight transport facilities; Heavy industrial storage establishments; Heavy industries; Home occupations (sex services); Mooring pens; Moorings; Open cut mining; Port facilities; Resource recovery facilities; Rural industries

## **Zone SP2 Infrastructure**

### **1 Objectives of zone**

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose

### **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone C2 Environmental Conservation**

### **1 Objectives of zone**

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Environmental facilities: Environmental protection works; Information and education facilities; Kiosks; Recreation areas; Roads

### **4 Prohibited**

Business premises; Hotel or motel accommodation; Industries; Multi dwelling

housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

## **Part 4 Principal development standards**

### **4.1 Minimum subdivision lot size**

- (1) The objectives of this section are as follows—
  - (a) to ensure that the minimum size for lots is sufficient for the provision of usable areas for building and open space,
  - (b) to encourage the efficient use of land for residential purposes.
- (2) This section applies to a subdivision of any land shown on the [Lot Size Map](#) that requires development consent and that is carried out after the commencement of this Precinct Plan.
- (3) The size of any lot resulting from any such subdivision of land to which this section applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) This section does not apply in relation to the subdivision of individual lots in a strata plan.

### **4.3A Residential density**

- (1) The consent authority must not grant development consent to development that results in more than 5,600 dwellings on the land to which this Precinct Plan applies.
- (2) The consent authority must not grant development consent to development on land if the development will result in the density of—
  - (a) dwelling houses and dual occupancies being 15 or fewer dwellings per hectare of the land or exceeding 25 dwellings per hectare of the land, or
  - (b) residential flat buildings, multi dwelling housing, mixed use development and shop top housing being 25 or fewer dwellings per hectare of the land or exceeding 45 dwellings per hectare of the land, or
  - (c) attached dwellings being 15 or fewer dwellings per hectare of the land or exceeding 45 dwellings per hectare of the land.
- (3) Subsection (2) does not prevent a subdivision that provides for individual dwellings to be on separate lots if the consent authority is satisfied that the subdivision does not also involve the creation of additional dwelling entitlements.
- (4) This section has effect despite anything to the contrary in any other provision of this

Precinct Plan.

(5) In this section—

**density** means the ratio of the number of dwellings to the area of the land to be occupied by the development, including internal streets and half the width of any roads adjoining the development that provide vehicular access to the development but excluding land used for non-residential purposes.

#### 4.6 Exceptions to development standards

(1) The objectives of this section are as follows—

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this section, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this section does not apply to a development standard that is expressly excluded from the operation of this section.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless—

- (a) the consent authority is satisfied that—
  - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subsection (3), and
  - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

- (b) the concurrence of the Planning Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Planning Secretary must consider—
  - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
  - (b) the public benefit of maintaining the development standard, and
  - (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.
- (6) Development consent must not be granted under this section for a subdivision of land in Zone C2 Environmental Conservation if—
  - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
  - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) After determining a development application made pursuant to this section, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subsection (3).
- (8) This section does not allow development consent to be granted for development that would contravene any of the following—
  - (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,
  - (c) section 5.4,
  - (d) section 6.2 or 7.1.

## **Part 5 Miscellaneous provisions**

### **5.1A Consideration of development applications**

- (1) Development consent must not be granted to the carrying out of development on land within Zone 1 Urban Development unless the consent authority—
  - (a) has notified the Planning Secretary about the proposed development, and
  - (b) has considered any submission made by the Planning Secretary to the consent authority about the proposed development, and

(c) is satisfied that the development is consistent with the North Wilton structure plans, and

(d) is satisfied that there is no mining lease (within the meaning of the *Mining Act 1992*) over the land.

- (2) If the Planning Secretary fails to make a submission to the consent authority within 14 days of being notified of the proposed development, the consent authority may determine the development application without complying with subsection (1)(b).

**Note—**

Under clause 85 of *State Environmental Planning Policy (Infrastructure) 2007*, the consent authority must notify the rail authority for the Maldon–Dombarton Rail Corridor before considering a development application relating to land that is in or adjacent to that corridor.

### 5.1 Relevant acquisition authority

- (1) The objective of this section is to identify, for the purposes of section 3.15 of the Act, the authority of the State that 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.

- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the [Land Reservation Acquisition Map](#) (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

<b>Type of land shown on Map or on Map for underlying zone for land</b>	<b>Authority of the State</b>
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Zone SP2 Infrastructure and marked “Local drainage”	Council
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Zone SP2 Infrastructure and marked “Local road”	Council
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Zone SP2 Infrastructure and marked “Classified Road”	Transport for NSW
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- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be

carried out, with development consent, for any purpose.

**Note—**

If land, other than land specified in the table to subsection (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning is required to take action to enable the designation of the acquiring authority under this Part. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning (see section 21 of the *Land Acquisition (Just Terms Compensation) Act 1991*).

**5.2 Classification and reclassification of public land**

- (1) The objective of this section is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.
- (2) The public land described in Part 1 or Part 2 of Schedule 4 to this Precinct Plan is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 to this Precinct Plan is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4 to this Precinct Plan—
  - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
  - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4 to this Precinct Plan, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except—
  - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4 to this Precinct Plan, and
  - (b) any reservations that except land out of the Crown grant relating to the land, and
  - (c) reservations of minerals (within the meaning of the *Crown Land Management Act 2016*).

**Note—**

In accordance with section 30(2) of the *Local Government Act 1993*, the approval of the Governor to subsection (5) applying to the public land concerned is required before the description of the land is



inserted in Part 2 of Schedule 4 to this Precinct Plan.

#### 5.4 Controls relating to miscellaneous permissible uses

- (1) **Bed and breakfast accommodation** If development for the purposes of bed and breakfast accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

**Note—**

Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.

- (2) **Home businesses** If development for the purposes of a home business is permitted under this Precinct Plan, the carrying on of the business must not involve the use of more than 50 square metres of floor area.
- (3) **Home industries** If development for the purposes of a home industry is permitted under this Precinct Plan, the carrying on of the home industry must not involve the use of more than 50 square metres of floor area.
- (4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Precinct Plan, the retail floor area must not exceed—
- (a) 43% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
  - (b) 400 square metres,
- whichever is the lesser.
- (5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 5 bedrooms.
- (6) **Kiosks** If development for the purposes of a kiosk is permitted under this Precinct Plan, the gross floor area must not exceed 20 square metres.
- (7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Precinct Plan, the retail floor area must not exceed 400 square metres.
- (8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Precinct Plan, the gross floor area must not exceed 75 square metres.
- (9) **Secondary dwellings** If development for the purposes of a secondary dwelling is permitted under this Precinct Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—
- (a) 60 square metres,

- (b) 25% of the total floor area of the principal dwelling.

### **5.6 Architectural roof features**

- (1) The objective of this section is to ensure that architectural roof features are decorative elements only.
- (2) Development consent must not be granted to any such development unless the consent authority is satisfied that—
  - (a) the architectural roof feature—
    - (i) comprises a decorative element on the uppermost portion of a building, and
    - (ii) is not an advertising structure, and
    - (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
    - (iv) will cause minimal overshadowing, and
  - (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

### **5.8 Conversion of fire alarms**

- (1) This section applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.
- (2) The following development may be carried out, but only with development consent—
  - (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
  - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
  - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) Development to which subsection (2) applies is complying development if it consists only of—
  - (a) internal alterations to a building, or
  - (b) internal alterations to a building together with the mounting of an antenna, and

any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450 mm × 100mm × 100mm.

(4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.

(5) In this section—

***private service provider*** means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

### 5.10 Heritage conservation

**Note—**

Heritage items (if any) are listed and described in Schedule 5 to this Precinct Plan. Heritage conservation areas (if any) are shown on the [Heritage Map](#) as well as being described in Schedule 5.

(1) **Objectives** The objectives of this section are as follows—

- (a) to conserve the environmental heritage of the North Wilton Precinct,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) **Requirement for consent** Development consent is required for any of the following—

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—
  - (i) a heritage item,
  - (ii) an Aboriginal object,
  - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 to this Precinct Plan in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,

- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land—
  - (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land—
  - (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) **When consent not required** However, development consent under this section 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, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
  - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, 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, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

(4) **Effect of proposed development on heritage significance** The consent authority must,

before granting consent under this section in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subsection applies regardless of whether a heritage management document is prepared under subsection (5) or a heritage conservation management plan is submitted under subsection (6).

- (5) **Heritage assessment** The consent authority may, before granting consent to any development—
- (a) on land on which a heritage item is located, or
  - (b) on land that is within a heritage conservation area, or
  - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
- require a heritage management document 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 or heritage conservation area concerned.
- (6) **Heritage conservation management plans** The consent authority may require, after considering the heritage 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 section.
- (7) **Archaeological sites** The consent authority must, before granting consent under this section to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the [Heritage Act 1977](#) applies)—
- (a) notify the Heritage Council of its intention to grant consent, and
  - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (8) **Aboriginal places of heritage significance** The consent authority must, before granting consent under this section to the carrying out of development in an Aboriginal place of heritage significance—
- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
  - (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.
- (9) **Demolition of nominated State heritage items** The consent authority must, before

granting consent under this section for the demolition of a nominated State heritage item—

- (a) notify the Heritage Council about the application, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) **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, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Precinct Plan, if the consent authority is satisfied that—

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage management document 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 management document is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

### 5.11 Bush fire hazard reduction

Bush fire hazard reduction work authorised by the [Rural Fires Act 1997](#) may be carried out on any land without development consent.

**Note—**

The [Rural Fires Act 1997](#) also makes provision relating to the carrying out of development on bush fire prone land.

### 5.12 Infrastructure development and use of existing buildings of the Crown

- (1) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under [State Environmental Planning Policy \(Infrastructure\) 2007](#).
- (2) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

## Part 6 Urban release areas

### 6.1 Definitions

In this Part—

**designated State public infrastructure** means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds—

- (a) State and regional roads,
- (b) bus interchanges and bus lanes,
- (c) land required for regional open space,
- (d) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).

**urban release area** means an area of land to which this Precinct Plan applies that is shown hatched and marked “Urban Release Area” on the [Urban Release Area Map](#).

### 6.2 Arrangements for designated State public infrastructure

- (1) The objective of this section is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.
- (2) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Planning Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.
- (3) Subsection (2) does not apply to—
  - (a) any lot identified in the certificate as a residue lot, or
  - (b) any lot to be created by a subdivision of land that was the subject of a previous development consent granted in accordance with this section, or
  - (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or
  - (d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.

- (4) This section does not apply to a development application to carry out development on land in an urban release area if all or any part of the land to which the application applies is in a special contributions area (as defined by section 7.1 of the Act).

### **6.3 Relationship between Part and remainder of Precinct Plan**

A provision of this Part prevails over any other provision of this Precinct Plan to the extent of any inconsistency.

## **Part 7 Additional local provisions**

### **7.1 Public utility infrastructure**

- (1) Development consent must not be granted for development on land to which this Precinct Plan applies unless the council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.
- (2) This section does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this section.
- (3) In this section, **public utility infrastructure** includes infrastructure for any of the following—
  - (a) the supply of water,
  - (b) the supply of electricity,
  - (c) the disposal and management of sewage.

### **7.2 Development in Zone C2 Environmental Conservation**

- (1) This section applies to land within Zone C2 Environmental Conservation (other than any such land owned by a public authority).
- (2) Despite any other provision of this Precinct Plan, the consent authority must not grant development consent for development on land to which this section applies unless it has considered a vegetation management plan that relates to all of that land.
- (3) The vegetation management plan must address, to the satisfaction of the consent authority, the following matters—
  - (a) the environmental values of the land,
  - (b) methods to be used to revegetate and rehabilitate the land,
  - (c) weed control,



- (d) the monitoring and ongoing management of the land,
- (e) other measures—
  - (i) to control threats to the health of any remnant riparian vegetation on the land, and
  - (ii) to increase species diversification and riparian vegetation cover on the land, and
  - (iii) to improve the land's resistance to future weed colonisation.

### **7.3 Subdivision of land adjoining Zone C2 Environmental Conservation**

- (1) The objectives of this section are as follows—
  - (a) to ensure the rehabilitation and revegetation of land that is within Zone C2 Environmental Conservation (other than any such land owned by a public authority),
  - (b) to ensure that land within that Zone is managed and conserved in a holistic and sensitive manner.
- (2) This section applies to any lot that includes land within Zone C2 Environmental Conservation and land within another zone.
- (3) Despite any other provision of this Precinct Plan, the consent authority must not grant development consent for the subdivision of land to which this section applies or any other development on that land unless it is satisfied that—
  - (a) appropriate arrangements have been made for the revegetation and rehabilitation of that land within Zone C2 Environmental Conservation, and
  - (b) those arrangements—
    - (i) provide for the ongoing monitoring and management of that land, and
    - (ii) will take effect before, or simultaneously with, the proposed subdivision or development concerned, and
    - (iii) are appropriate when considered in conjunction with any vegetation management plan prepared in accordance with section 7.2.

### **7.4 Earthworks**

- (1) The objectives of this section 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 earthworks are exempt development under this Precinct Plan or another applicable environmental planning instrument, or
  - (b) the earthworks are 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, existing drainage patterns and soil stability in the locality,
  - (b) the effect of the 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 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 Aboriginal objects,
  - (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 disturbing or excavating land and Aboriginal objects.

### **7.5 Location of sex services premises**

- (1) The objective of this section is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.
- (2) In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider whether the premises will be located on land that adjoins, is directly opposite or is separated only by a local road from land used for the purposes of a centre-based child care facility, a community

facility, a school or a place of public worship.

### **7.6 Restricted premises**

- (1) Development consent must not be granted to development for the purposes of restricted premises if the premises will be located on land that abuts or is separated only by a road from land used for the purposes of a community facility, school or place of public worship.
- (2) In deciding whether to grant consent to development for the purposes of restricted premises, the consent authority must consider—
  - (a) the impact of the proposed development on places of high pedestrian activity, and
  - (b) the impact of the proposed development on land frequented by children for care, recreational or cultural purposes, and
  - (c) whether the appearance of the restricted premises is sufficiently discreet.

### **7.7 Retail premises**

Development consent must not be granted to development for the purpose of retail premises on the land to which this Precinct Plan applies unless the consent authority is satisfied that the development will not detrimentally affect existing or future development on—

- (a) the land to which this Precinct Plan applies, or
- (b) land in any nearby business centre.

## **Schedule 1 Additional permitted uses**

(Section 2.5)

## **Schedule 4 Classification and reclassification of public land**

(Section 5.2)

### **Part 1 Land classified, or reclassified, as operational land—no interests changed**

<b>Column 1</b>	<b>Column 2</b>
<b>Locality</b>	<b>Description</b>
Nil	

### **Part 2 Land classified, or reclassified, as operational land—interests**

## changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Nil		

## Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
Nil	

## Schedule 5 Environmental heritage

(Section 5.10)

### Part 1 Heritage items

Precinct	Item name	Address	Property description	Significance Item no
Nil				

## Schedule 1 Additional permitted uses—Western Sydney Aerotropolis

section 4.13

### 1 Use of certain land in Mixed Use Zone

Development for the purposes of exhibition homes is permitted with development consent on land in the Mixed Use Zone if the exhibition homes are for the purposes of the public exhibition and marketing of new dwellings that are permitted with or without development consent in the Mixed Use Zone.

### 2 Use of certain land at Sydney Science Park

- (1) This section applies to land at Sydney Science Park, identified as “Area 1” on the [Additional Permitted Uses Map](#).
- (2) Development for the following purposes is permitted with development consent—
  - (a) agricultural produce industries,
  - (b) biosolids treatment facilities,
  - (c) dual occupancies,

- (d) dwelling houses,
- (e) exhibition homes,
- (f) exhibition villages,
- (g) secondary dwellings,
- (h) semi-detached dwellings,
- (i) sewage treatment plants.

### **3 Use of certain land at Luddenham Village**

- (1) This section applies to land at Luddenham Village, identified as “Area 2” on the [Additional Permitted Uses Map](#).
- (2) Development for the following purposes is permitted with development consent—
  - (a) dual occupancies,
  - (b) dwelling houses,
  - (c) hotel or motel accommodation,
  - (d) registered clubs,
  - (e) secondary dwellings,
  - (f) serviced apartments.
- (3) Subsection (2) applies only if the lot is not less than the minimum lot size for the land shown on the [Luddenham Village Minimum Lot Size Map](#).

### **4 Use of certain land at Adams Road, Luddenham**

- (1) This section applies to Lot 2, DP 623799, 205 Adams Road, Luddenham, identified as “Area 3” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of registered clubs is permitted with development consent.

### **5 Use of certain land at 6 Walmsley Crescent, Silverdale**

- (1) This section applies to Lot 222, DP 1217816, 6 Walmsley Crescent, Silverdale.
- (2) Development for the purposes of a single secondary dwelling is permitted with development consent.

## Schedule 2 Environmental heritage—Western Sydney Aerotropolis

section 4.26

### Part 1 Heritage items

Suburb	Item name	Address	Property description	Significance	Item no
Badgerys Creek	McGarvie Smith Farm	1793-1951 Elizabeth Drive	Lot 63, DP 1087838	Local	I1
Bringelly	Kelvin	30 The Retreat	Lots 2711-2714, DP 1128906	State	I3
Bringelly	Mount Pleasant homestead	3 Shannon Road	Lot 44, DP 581187	Local	I4
Kemps Creek	The Fleurs Radio Telescope site	885(a) Mamre Road	Lot 21, DP 258414	Local	I5
Luddenham	Brick cottage	21-55 Campbell Street	Lot 1, DP 972057	Local	I6
Luddenham	Wilmington reserve	17 Jamison Street	Lot 7004, DP 93052	Local	I7
Luddenham	Lawson's Inn site (former "The Thistle" site)	2155 The Northern Road	Lots 3 and 7, DP 1234822	Local	I9
Luddenham	Luddenham Public School	2158 The Northern Road	Lot 1, DP 194409	Local	I2
Luddenham	Weatherboard cottage	3065-3067 The Northern Road	Lot 1, DP 930372	Local	I10
Luddenham	Weatherboard cottage	3075 The Northern Road	Lot 1, DP 304800	Local	I11
Luddenham	Luddenham Progress hall	3091-3095 The Northern Road	Lot 7, DP 1655	Local	I12
Luddenham	Luddenham Uniting Church and cemetery	3097-3099 The Northern Road	Lot 8, DP 1655	Local	I13
Luddenham	St James Anglican Church and cemetery	3101-3125 The Northern Road	Lot 2, DP 529143	Local	I14
Luddenham	Showground	428-452 Park Road	Lot 1, DP 931631; Lot 2, DP 972057	Local	I15

## Schedule 3 Dictionary for Chapter 4

section 4.2

**Additional Permitted Uses Map** means the [State Environmental Planning Policy \(Precincts—Western Parkland City\) 2021 Additional Permitted Uses Map—Aerotropolis](#).

**Aerotropolis Boundary Map** means the [State Environmental Planning Policy \(Precincts—Western Parkland City\) 2021 Aerotropolis Boundary Map](#).

**Airport** means the Sydney West Airport under the [Airports Act 1996](#) of the Commonwealth, also known as the Western Sydney International (Nancy-Bird Walton) Airport.

**applicable land**, for Part 4.6—see section 4.34.

**Building Restricted Area Map** means the [State Environmental Planning Policy \(Precincts—Western Parkland City\) 2021 Building Restricted Area Map](#).

**capital investment value** has the same meaning as in the [Environmental Planning and Assessment Regulation 2021](#).

**Codes SEPP**, for Part 4.6—see section 4.34.

**Flood Planning Map** means the [State Environmental Planning Policy \(Precincts—Western Parkland City\) 2021 Flood Planning Map—Aerotropolis](#).

**Heritage Map** means the [State Environmental Planning Policy \(Precincts—Western Parkland City\) 2021 Heritage Map—Aerotropolis](#).

**High Biodiversity Value Areas Map** means the [State Environmental Planning Policy \(Precincts—Western Parkland City\) 2021 High Biodiversity Value Areas Map](#).

**Key Sites Map** means the [State Environmental Planning Policy \(Precincts—Western Parkland City\) 2021 Key Sites Map—Aerotropolis](#).

**Land Application Map** means the [State Environmental Planning Policy \(Precincts—Western Parkland City\) 2021 Land Application Map—Aerotropolis](#).

**Land Reservation Acquisition Map** means the [State Environmental Planning Policy \(Precincts—Western Parkland City\) 2021 Land Reservation Acquisition Map—Aerotropolis](#).

**Land Zoning Map** means the [State Environmental Planning Policy \(Precincts—Western Parkland City\) 2021 Land Zoning Map—Aerotropolis](#).

**Lighting Intensity and Wind Shear Map** means the [State Environmental Planning Policy \(Precincts—Western Parkland City\) 2021 Lighting Intensity and Wind Shear Map](#).

**Luddenham Village Minimum Lot Size Map** means the [State Environmental Planning Policy \(Precincts—Western Parkland City\) 2021 Luddenham Village Minimum Lot Size Map](#).

**master plan** means a master plan approved by the Minister under section 4.41.

**Noise Exposure Contour Map** means the [State Environmental Planning Policy \(Precincts—Western](#)

Parkland City) 2021 Noise Exposure Contour Map.

**Obstacle Limitation Surface Map** means the [State Environmental Planning Policy \(Precincts—Western Parkland City\) 2021 Obstacle Limitation Surface Map](#).

**precinct plan** means a precinct plan approved by the Minister under section 4.38.

**prescribed airspace** means the airspace—

- (a) above part of an OLS or PANS-OPS surface, within the meaning of the [Airports \(Protection of Airspace\) Regulations 1996](#) of the Commonwealth, for the Airport, and
- (b) declared, under regulation 5 of the [Airports \(Protection of Airspace\) Regulations 1996](#) of the Commonwealth, to be prescribed airspace.

**Public Safety Area Map** means the [State Environmental Planning Policy \(Precincts—Western Parkland City\) 2021 Public Safety Area Map](#).

**relevant Commonwealth body** means—

- (a) the airport-lessee company for the Airport within the meaning of the [Airports Act 1996](#) of the Commonwealth, or
- (b) if there is no airport-lessee company for the Airport—the Secretary of the body, under Commonwealth legislation, that is responsible for development approvals for development that penetrates the prescribed airspace.

**relevant land**, for Part 4.6—see section 4.34.

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

**Sydney Science Park Map** means the [State Environmental Planning Policy \(Precincts—Western Parkland City\) 2021 Sydney Science Park Map](#).

**Transport Corridors Map** means the [State Environmental Planning Policy \(Precincts—Western Parkland City\) 2021 Transport Corridors Map](#).

**Warragamba Pipelines Map** means the [State Environmental Planning Policy \(Precincts—Western Parkland City\) 2021 Warragamba Pipelines Map](#).

**Western Sydney Aerotropolis** means the land shown on the [Aerotropolis Boundary Map](#).

**Western Sydney Aerotropolis Plan** means the document entitled *Western Sydney Aerotropolis Plan* published by the Department on 1 October 2020 and available on the NSW planning portal.

**Wildlife Buffer Zone Map** means the [State Environmental Planning Policy \(Precincts—Western Parkland City\) 2021 Wildlife Buffer Zone Map](#).

**Wind Turbines Map** means the [State Environmental Planning Policy \(Precincts—Western Parkland City\) 2021 Wind Turbines Map](#).



## Schedule 4 Penrith Lakes Scheme

(Section 5.6)

The Penrith Lakes Scheme is the creation of a regional recreational lake system as shown on the structure plan for the benefit of the public as a result of—

- (a) the staged optimum extraction of sand and gravel reserves,
- (b) the staged rehabilitation, reconstruction and landscaping of the land, and
- (c) the staged formation of a series of interconnected lakes,

and includes the identification of land for possible future urban purposes as a result of the work referred to in paragraphs (a) and (b).

## Schedule 5 Matters to be included in the statement of environmental effects

(Section 5.12)

**1** The following matters—

- (a) justification of the proposed development in the context of *State Environmental Planning Policy (Penrith Lakes Scheme) 1989*,
- (b) a full description of the proposed development,
- (c) a statement of the objectives of the proposed development,
- (d) a full description of the existing environment likely to be affected by the proposed development if carried out,
- (e) identification and analysis of the likely environmental interactions between the proposed development and the environment,
- (f) analysis of the likely environmental impacts or consequences of carrying out the proposed development (including implications for use and conservation of energy),
- (g) justification of the proposed development in terms of environmental, economic and social considerations,
- (h) measures to be taken in conjunction with the proposed development to protect the environment and an assessment of the likely effectiveness of those measures,
- (i) energy requirements of the proposed development,
- (j) any feasible alternatives to the carrying out of the proposed development and the reasons for choosing the latter, and
- (k) the consequences of not carrying out the proposed development.

**2** In addition to the matters listed in section 1, particular regard must be given to the following

matters—

- (a) relationship and extent of the proposed development to the completed scheme,
- (b) where appropriate, the integration of the proposed development with development previously carried out,
- (c) the sequence of extraction and rehabilitation where the proposed development is for or includes an extractive industry,
- (d) unless the land is to be dedicated to the Crown, the proposed control and management of the land,
- (e) the management and control of water resources including—
  - (i) the source of water in order to fill any lake (including the quality and quantity of water from that source),
  - (ii) water reticulation systems from the Nepean River to any lake, from lake to lake and from any lake to the Nepean River,
  - (iii) the water quality of any lake (including the aquatic ecosystem),
  - (iv) water treatment facilities,
  - (v) water depth of any lake,
  - (vi) flood control,
  - (vii) storm water control,
  - (viii) the effect that development would have upon the quantity and quality of the existing groundwater as well as the level of the existing groundwater table,
  - (ix) lake usage,
  - (x) staged development of the lakes and their usage during staged development,
  - (xi) the need to monitor the water quality of the lakes having regard to their intended use, and
  - (xii) the effect upon the Hawkesbury/Nepean River system,
- (f) the rehabilitation and reconstruction of the land including—
  - (i) landscape design,
  - (ii) the structural stability and soil compaction of landforms (including, where appropriate, the land shown on the structure plan as future urban),
  - (iii) the stability and impermeability of the Nepean River embankment,
  - (iv) soil conservation, and
  - (v) revegetation,

- (g) any effect upon a locality, place or building not listed in Schedule 3 having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations,
- (h) measures to be taken to conserve and preserve items of environmental heritage listed in Schedule 3 including, where appropriate, a conservation plan, and
- (i) access to, the supply of water from any existing service to, and the supply of and access to municipal and utility services to, land to which Chapter 5 applies other than that part of that land the subject of the application.

## Schedule 6 Items of the environmental heritage

(Section 5.33)

Hadley Park, lots 1 and 2, MPS (OS) 8807, Parish of Castlereagh, County of Cumberland (shown as Heritage Item No 1 on the structure plan).

Nepean Park, part portion 48, Parish of Castlereagh, County of Cumberland (shown as Heritage Item No 2 on the structure plan).

McCarthys Cemetery, part portion 82, Parish of Castlereagh, County of Cumberland (shown as Heritage Item No 3 on the structure plan).

Upper Castlereagh Methodist Church and Hall, part portion 71, Parish of Castlereagh, County of Cumberland (shown as Heritage Item No 4 on the structure plan).

Upper Castlereagh School and Residence, part portion 54, Parish of Castlereagh, County of Cumberland (shown as Heritage Item No 5 on the structure plan). *Permanent Conservation Order No 339* under the [Heritage Act 1977](#), applies to Upper Castlereagh School.

Methodist Cemetery, part portion 71, Parish of Castlereagh, County of Cumberland (shown as Heritage Item No 6 on the structure plan).

## Schedule 7 Definitions

(Section 6.4)

**AEP** or **annual exceedance probability** means the chance, expressed as a percentage, of a flood occurring in any one year.

**advertisement** means the display of symbols, messages or other devices for promotional purposes or for conveying information, instructions, directions or the like, whether or not the display includes the erection of a structure or the carrying out of a work.

**agriculture** means—

- (a) cultivating fruit, vegetable or flower crops, or
- (b) keeping or breeding livestock, bees or poultry or other birds,

for commercial purposes, but does not include the use of land for an intensive livestock keeping establishment or for intensive plant agriculture.

**airline terminal** means a building or place used for the assembly of passengers and goods prior to the transport of those passengers and goods either to or from an airport or an aerodrome.

**amusement centre** means a building or place in or at which—

- (a) four or more tables are used for playing pool, snooker, billiards or other like games, or
- (b) four or more electrically or mechanically operated amusement devices, such as pinball machines, are played.

**backpackers' hostel** means a building having an average of two or more beds in each room and providing temporary shared accommodation for travellers and tourists who have their principal place of residence elsewhere, but (in Part 6) does not include a building or place specifically defined elsewhere in this Schedule.

**bed and breakfast establishment** means a dwelling house used by its permanent residents to provide short-term paid accommodation (which may include meals) for visitors on a room basis and includes homestay accommodation, but which does not—

- (a) accommodate more than six visitors at any one time, or
- (b) involve the employment of persons other than those residents, or
- (c) interfere with the amenity of the neighbourhood due to the generation of vehicular traffic, the attraction of customers, or the reduction of car parking in the vicinity of the land to which Chapter 6 applies, or
- (d) involve the sale of liquor or sale of goods from the land to which Chapter 6 applies, or
- (e) involve the provision of a reception centre or a recreation facility.

**boarding house** means a building or place—

- (a) where accommodation, meals and laundry facilities are provided to residents of the building or place, and
- (b) which is not licensed to sell liquor within the meaning of the [Liquor Act 1982](#).

**brothel** means premises used for the purposes of prostitution by one or more prostitutes.

**building** has the same meaning as in section 4 of the Act.

**building area** means the floor area of a building as measured to the external face of each floor, including all enclosed floor space and enclosed garages.

**bulky goods retailing** means use of a building or place for the sale by retail or auction, or the hire or display, of any of the following or the like—

- (a) furniture,
- (b) electrical goods,
- (c) toy and sporting equipment,

- (d) office furniture,
- (e) hardware,
- (f) outdoor products,
- (g) floor coverings,
- (h) automotive parts and accessories,
- (i) lighting,
- (j) antiques and second hand goods,
- (k) kitchen or bathroom showrooms,
- (l) tiles (floor, ceiling or wall).

**bush fire hazard reduction** means a reduction or modification (by controlled burning or by mechanical, chemical or manual means) of material that constitutes a bush fire hazard.

**call centre** means a commercial activity where persons are primarily employed to make and receive telephone calls, carried out in a building or part of a building that could readily and economically be adapted for use as a warehouse.

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

**centre-based child care facility** has the same meaning as in the standard instrument for a local environmental plan prescribed by the [Standard Instrument \(Local Environmental Plans\) Order 2006](#).

**club** means a building used by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes whether of the same or a different kind and whether or not the whole or part of such building is the premises of a club registered under the [Registered Clubs Act 1976](#).

**commercial premises** means a building or place used as an office or for other business or commercial purposes, but (in Part 6) does not include a building or place elsewhere specifically defined in this Schedule or a building or place used for a land use elsewhere specifically defined in this Schedule.

**community facility** means a building, place or any other facility, whether or not provided by the relevant council, provided for use by groups having similar physical, cultural, social, recreational, ethnic or other interests or beliefs, but (in Part 6) does not include a club which is registered under the [Registered Clubs Act 1976](#) or a building or place specifically defined elsewhere in this Schedule.

**consent authority** is defined in section 6.19.

**demolition** of a building or work means the damaging, defacing, destruction, pulling down or removal of the building or work, in whole or in part.

**designated State public infrastructure** means public facilities or services that are provided or

financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds—

- (a) State and regional roads,
- (b) bus interchanges and bus lanes,
- (c) land required for regional open space,
- (d) social infrastructure and facilities, including schools, hospitals, emergency services and affordable housing.

**development agreement** means a legally enforceable agreement to which an owner of land to which Chapter 6 applies is a party, together with one or more of the Crown in right of the State of New South Wales, Penrith City Council or Blacktown City Council, and which makes provision for services, infrastructure or facilities to support the development of land to which Chapter 6 applies or for the transfer of land ownership.

**drain** means any channel, conduit or pipe used for removing water other than sewage, and includes stormwater detention basins.

**dual occupancy development** means development that results in two dwellings (whether attached or detached) on a single allotment of land (or which would have that result were it not for the fact that the allotment is to be subdivided as part of the development), however that development is described or provided for in an environmental planning instrument.

**educational establishment** has the same meaning as in the standard instrument for a local environmental plan prescribed by the [Standard Instrument \(Local Environmental Plans\) Order 2006](#).

**environmental planning strategy** means the *St Marys Environmental Planning Strategy, 2000* of the Department, as amended by any amendments adopted by the Director from time to time.

**essential community service** means a service which, if adversely affected by flooding or other natural disaster, would result in significant inconvenience to the community or increased risk to life or property, including a police, hospital, fire fighting and telephone service.

**exhibition home** means a dwelling built for the purposes of public exhibition and marketing which is intended to be sold as a private dwelling after it has been used for those purposes and may include a sales office, and a place for providing home financing and a building or furnishing materials display, and the like.

**exhibition village** means a contiguous group of exhibition homes and other buildings or works used for the purpose of promoting house sales including sales offices, and places used for providing home financing, a materials display and the sale of take-away food and the like.

**extractive industry** means—

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

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

**fast food take-away restaurant** means a building or place (including a take-away restaurant, drive-in take-away restaurant or the like) where food or drink is prepared or offered for sale, whether or not the food or drink is consumed in that building or place or elsewhere, but (in Part 6) does not include a building or place specifically defined elsewhere in this Schedule.

**flood mitigation works** means works and measures which are intended to reduce or eliminate the effects of flooding.

**forestry** includes arboriculture, silviculture and the harvesting of trees and shrubs for the purpose of—

- (a) afforestation, forest protection, the cutting, dressing and preparing (otherwise than in a sawmill) of wood and forest products, or
- (b) establishing roads necessary for the removal of wood and forest products and for forest protection.

**general store** means a shop which operates primarily to serve the surrounding residential area and does not exceed 100 square metres in gross floor area, and which may include the facilities of a post office, newsagency or dry cleaning agency.

**generating works** means a building or place used for the purpose of making or generating gas, electricity or other forms of energy.

**gross floor area** means the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1,400 millimetres above each floor level, but excluding—

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

**guesthouse** means a building or buildings used for paid accommodation for visitors, but only where—

- (a) the building or buildings are of a domestic scale of architecture, and
- (b) the building or buildings incorporate common facilities for the provision of meals, either to persons temporarily resident or to the public, and whether or not those facilities are licensed, and
- (c) the use of the land does not interfere with the amenity of the neighbourhood due to the generation of vehicular traffic, the attraction of customers or the reduction of car parking in the vicinity of the land to which Chapter 6 applies.

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

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

**hazardous storage establishment** means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality) would pose a significant risk in relation to the locality—

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

**health care professional** means a person who provides professional health services to members of the public.

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

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

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

**home activity** means a business carried out in a dwelling house or dwelling, or within the site area of a dwelling house or dwelling, by the permanent residents of the dwelling house or dwelling, and which does not involve—

- (a) the employment of persons other than those residents, or
- (b) customers or clients visiting the premises at any time, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the sale of goods by retail from the land to which Chapter 6 applies, or
- (e) the exhibition of an advertisement (other than an advertisement exhibited on that dwelling house or dwelling to indicate the name or occupation of the residents), or
- (f) the registration of the dwelling house or dwelling under the [Shops and Industries Act 1962](#), or
- (g) interference with the amenity of the neighbourhood by the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or the like, or
- (h) interference with the amenity of the neighbourhood due to the generation of vehicular traffic, the



reduction of parking in the vicinity of the land to which Chapter 6 applies, or the like, or

(i) exposure to view, from any adjacent premises or from any public place, of any unsightly matter.

**home business** means a business carried out, or partly carried out, in a dwelling house or dwelling, or within the site area of a dwelling house or dwelling, by the permanent residents of the dwelling house or dwelling, and which does not involve—

- (a) the employment of more than two persons, at any one time, in addition to the permanent residents, or
- (b) the exhibition of an advertisement (other than an advertisement exhibited on that dwelling house or dwelling to indicate the name or occupation of the residents), or
- (c) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or the like, or
- (d) interference with the amenity of the neighbourhood due to the generation of vehicular traffic, the reduction of car parking in the vicinity of the land to which Chapter 6 applies, visitation by customers or clients, or the like, or
- (e) exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (f) the provision of any essential service main of a greater capacity than that available in the locality, or
- (g) the use of premises for a brothel.

**hospital** means a building or place (other than an institution) used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, care for people with developmental disabilities, psychiatric care or counselling) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and may include—

- (a) ancillary facilities for the accommodation of nurses or other health care workers, and
- (b) ancillary shops or restaurants, and
- (c) ancillary accommodation for persons receiving health care or for their visitors, and
- (d) facilities situated in the building or at the place and used for educational or research purposes, whether or not they are used only by hospital staff or health care workers, and whether or not any such use is a commercial use.

**hotel** means premises specified in a hotelier's license granted under the [Liquor Act 1982](#).

**housing** means development of a nature intended to create one or more dwellings, including dwelling houses, dual occupancies, multi-unit housing, housing for older people or people with disabilities, or any combination of them.

**housing for older people or people with a disability** has the same meaning as in *State*

*Environmental Planning Policy No 5—Housing For Older People or People with a Disability.*

**industry** means—

- (a) any manufacturing process within the meaning of the [Shops and Industries Act 1962](#), or
- (b) the breaking up or dismantling of any goods or any article for trade or sale or gain or as ancillary to any business,

but (in Part 6) does not include an extractive industry or other land use specifically defined elsewhere in this Schedule.

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

**intensive livestock keeping establishment** means a building or place in which or on which cattle, sheep, goats, poultry or other livestock are held for the purpose of nurturing by a feeding method other than natural grazing and, without limiting the generality of the foregoing, includes—

- (a) feed lots, and
- (b) piggeries, and
- (c) poultry farms, and
- (d) places used for fish farming (including farming of crustaceans),

but does not include buildings or places used for the keeping of livestock or poultry intended solely for personal consumption or enjoyment by the owner or occupier of the land.

**intensive urban development area** means the area of land identified as “Intensive Urban Development Area” on [the Zoning Map](#).

**item of environmental heritage** means a building, place, work or relic indicated as such an item on the Heritage Map.

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

**light industry** means an industry, not being an offensive or hazardous industry, in which the processes carried on, the transportation involved or the machinery or materials used do not, in the opinion of the consent authority, interfere with the amenity of the surrounding neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise.

**liquid fuel depot** means a depot or place used for the bulk storage for wholesale distribution of petrol, oil, petroleum or other inflammable liquid.

**local retail or commercial premises** means retail or commercial buildings of a scale and nature appropriate to service the needs of people living or working on the land to which Chapter 6 applies, and may include but is not limited to things such as supermarkets, newsagencies, butchers’, fruit and

vegetable or hairdressers' shops, real estate agents' premises, and banks.

**map** means a map kept in the Parramatta office of the Department and a copy of which is held in the office of each consent authority.

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

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

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

**mineral sand mine** means a mine used for or in connection with the purpose of obtaining ilmenite, monazite, rutile, zircon or similar minerals.

**motel** means a building (other than a backpackers' hostel, bed and breakfast establishment, guesthouse, hotel or multi-unit housing) used principally for the overnight accommodation of travellers and the parking of their vehicles, whether or not the building incorporates a common facility for the provision of meals, either to persons temporarily resident or to the public, and whether or not those facilities are licensed.

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

**multi-unit housing** means a building or buildings containing three or more dwellings and includes forms of residential buildings commonly known as apartments, boarding houses, cluster housing, integrated housing, residential flat buildings, serviced apartments, row houses, terrace houses, townhouses or villas and the like.

**natural ground level** is the ground surface level prior to any development, including any cutting, filling and grading, and, where the existing ground level differs from the natural ground level, the natural ground level is taken to be as determined by the relevant council after taking into account any information concerning its location.

**nursing home** means accommodation for older people that provides—

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

but does not include a dwelling, hospital or psychiatric facility.

**offensive industry** means a development for the purposes of an industry which, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from

existing or likely future development on other land in the locality) would emit a polluting discharge (including, for example, noise) in a manner which would have a significant adverse impact in the locality or on existing or likely future development on the other land in the locality.

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

**parking area** means a building or place, including ground level areas or deck parking structures, used for parking vehicles and includes any associated vehicle manoeuvring areas, whether the building or place is used for the purpose of gain or not.

**place of assembly** means a public hall, theatre, cinema, music hall, concert hall, dance hall, open-air theatre, music bowl or any other building of a like character used as such and whether used for the purpose of gain or not, but does not include a place of worship, an institution or an educational establishment.

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

**PMF** or **probable maximum flood level** is shown on the Structure Plan. It is indicative of the level of the maximum flood which is likely to occur.

**precinct** means an area of land shown by distinctive colouring on the Structure Plan, and identified on that plan as—

- (a) the Western Precinct, or
- (b) the Central Precinct, or
- (c) the Eastern Precinct, or
- (d) the Ropes Creek Precinct, or
- (e) the Dunheved North Precinct, or
- (f) the Dunheved South Precinct.

**precinct plan** means a plan prepared in accordance with Part 3 and adopted by either the relevant council or the Minister.

**professional consulting rooms** means a room or a number of rooms forming either the whole of or part of, attached to or within the curtilage of, a dwelling house and used by not more than three legally qualified medical practitioners or by not more than three dentists within the meaning of the [Dentists Act 1989](#), or by not more than three health care professionals, who practise there the profession of medicine, dentistry or health care, respectively, and, if more than one, practise in partnership, and who employ not more than three employees in connection with that practice.

**public building** means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes.

**recreation establishment** means health farms, religious retreat houses, rest homes, youth camps and the like, but (in Part 6) does not include a building or place elsewhere specifically defined in this Schedule or a building or place used or intended for use for a land use elsewhere specifically defined in this Schedule.

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

- (a) a swimming pool, golf course, tennis court, bowling green or playing field, and
- (b) a paint ball park or gun club, and
- (c) a go-kart track, skating rink, skateboard and rollerblade ramp or mini-golf course, and
- (d) a bowling alley, pinball and video parlour or pool hall.

**regeneration activity** means any action undertaken in relation to propagation of native vegetation, including the taking of earth and seed, its removal to the area being regenerated, the planting or transplanting of flora from one area to the area being regenerated and the carrying out of any associated works.

**relevant council** means the council of the area within which the land concerned is situated.

**relic** means any deposit, object or material evidence—

- (a) that relates to the settlement of the land to which Chapter 6 applies (not being Aboriginal settlement), and
- (b) that is 50 or more years old.

**renovation**, in relation to a building or work, means—

- (a) the making of structural changes to the inside or outside of the building or work, or
- (b) the making of non-structural changes to the fabric or appearance of the outside of the building or work.

**restaurant** means a building or place (such as a café, tearoom or the like) the purpose of which is to provide food and drink to people for consumption only in that building or place, but (in Part 6) does not include a building or place specifically defined elsewhere in this Schedule.

**retail plant nursery** means a building or place used for both the growing and retail selling of plants, whether or not ancillary products are sold there.

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

**rural industry** means a business activity involving—

- (a) the handling, treating, processing or packing of primary products, or
- (b) regular servicing or repairing of plant or equipment used for the purpose of agriculture, aquaculture or a business referred to in paragraph (a).

**sawmill** means a mill used for handling, cutting and processing timber from logs or baulks.

**service station** means a building or place used for the fuelling of motor vehicles involving the sale by retail of petrol, oil or other petroleum products, whether or not the building or place is also used for one or more of the following—

- (a) the hiring of trailers,
- (b) the retail selling or the installing of spare parts and accessories for motor vehicles,
- (c) the washing and greasing of motor vehicles,
- (d) the repairing or servicing of motor vehicles,
- (e) the retail selling or hiring of small consumer goods,

but does not include a building or place used for body building or the panel beating or spray painting of vehicles.

**shop** means a building or place used for the selling, exposing or offering for sale by retail, of goods, merchandise or materials, but (in Part 6) does not include a building or place elsewhere specifically defined in this Schedule, or a building or place used for a land use elsewhere specifically defined in this Schedule.

**stock and sale yard** means a building or place used for the purpose of offering livestock or poultry for sale.

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

**the Council** means the Council of the City of Blacktown, in relation to land within that City, or the Council of the City of Penrith, in relation to land within that City.

**the Heritage Map** means the map marked "[Sydney Regional Environmental Plan No 30—St Marys—Non Aboriginal Items of Heritage](#)", as amended by the maps, or sheets of maps, marked as follows—

**Editorial note—**

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

[Sydney Regional Environmental Plan No 30—St Marys—Non Aboriginal Items of Heritage \(Amendment No 2\)](#)

[Sydney Regional Environmental Plan No 30—St Marys—Non Aboriginal Items of Heritage \(Amendment No 3\)](#)

**the Structure Plan** means the map marked "[Sydney Regional Environmental Plan No 30—St Marys—Structure Plan](#)", as amended by the maps, or sheets of maps, marked as follows—

**Editorial note—**

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

[Sydney Regional Environmental Plan No 30—St Marys—Structure Plan \(Amendment No 1\)](#)

[Sydney Regional Environmental Plan No 30—St Marys—Structure Plan \(Amendment No 2\)](#)

[Sydney Regional Environmental Plan No 30—St Marys—Structure Plan \(Amendment No 3\)](#)

**the Zoning Map** means the map marked “[Sydney Regional Environmental Plan No 30—St Marys—Zoning](#)”, as amended by the maps, or sheets of maps, marked as follows—

**Editorial note—**

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

[Sydney Regional Environmental Plan No 30—St Marys—Zoning \(Amendment No 1\)](#)

[Sydney Regional Environmental Plan No 30—St Marys—Zoning \(Amendment No 2\)](#)

[Sydney Regional Environmental Plan No 30—St Marys—Zoning \(Amendment No 3\)](#)

**timberyard** means a building or place, not being a sawmill, where timber is stored, displayed or offered for sale.

**tree** has the same meaning—

- (a) in the case of land within the Penrith City local government area, as it does in [Penrith Local Environmental Plan 1998 \(Urban Land\)](#), and
- (b) in the case of land within the Blacktown City local government area, as it does in [Blacktown Local Environmental Plan 1988](#).

**utility installation** means a building or work used for a utility undertaking.

**utility undertaking** means any undertaking carried on by or by authority of any Government department, or in pursuance of any Commonwealth or State Act, for the purposes of—

- (a) railway, road, water or air transport, or wharf or river undertakings, or
- (b) the provision of sewerage, sewage treatment or drainage services, or
- (c) the supply of water, hydraulic power, electricity or gas, or
- (d) telecommunications facilities, or
- (e) water quality control facilities.

**warehouse** means a building or place used for the storage of goods, merchandise or materials pending their sale and distribution to persons engaged in the retail trade, but does not include a building or place used for retailing.

**waste disposal** means landfill which involves the filling of land with—

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

## Schedule 8 Exempt and complying development

(Section 6.43)

Column 1	Column 2	Column 3
Zones under Chapter 6	Zones in Blacktown City area	Zones in Penrith City area
Urban	No 2 (a), 3 (a), 5 (a) (with lettering “Carpark”, “Church”, “Drainage”, or “School”), 5 (c) or 6 (a) under <i>Blacktown Local Environmental Plan 1988</i>	No 2 (d), 5 (a) (with lettering “Carpark”, “Church”, “Drainage”, or “School”), 5 (b) or 6 (a) under <i>Penrith Local Environmental Plan 1998 (Urban Land)</i> or B3 Commercial Core or B4 Mixed Use under <i>Penrith City Centre Local Environmental Plan 2008</i>
Road and Road Widening	No 5 (b) or 5 (c) under <i>Blacktown Local Environmental Plan 1988</i>	No 5 (b) or 5 (c) under <i>Penrith Local Environmental Plan 1998 (Urban Land)</i>
Employment	No 4 (a) under <i>Blacktown Local Environmental Plan 1988</i>	No 4 (a) under <i>Penrith Local Environmental Plan 1996 (Industrial Land)</i>
Drainage	No 5 (a) (with lettering “Drainage”) under <i>Blacktown Local Environmental Plan 1988</i>	No 6 (a) under <i>Penrith Local Environmental Plan 1998 (Urban Land)</i>
Regional Open Space	No 6 (c) under <i>Blacktown Local Environmental Plan 1988</i>	No 6 (d) under <i>Penrith Local Environmental Plan 1998 (Urban Land)</i>

## Schedule 9 Development prohibited along The Northern Road

(Section 6.59)

Development for the purpose of—

- fast food take-away restaurants,
- motor showrooms,
- restaurants,
- service stations.

## Schedule 10 Retail and commercial development restricted

(Section 6.60)

Development for the purpose of—



clubs,  
 fast food take-away restaurants,  
 hotels,  
 local retail or commercial buildings,  
 medical centres,  
 restaurants.

## Schedule 11 Heritage items

(Sections 7.3(1) and 7.14)

LGA	Suburb	Item name	Address	Property description	Significance	Item No
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 12 Exempt development

(Section 7.19)

### 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.

(1A) Must not involve the use of external combustible cladding (within the meaning of the *Environmental Planning and Assessment Regulation 2000*).

(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 Chapter 7.

(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 (a), (b), (d)–(f) and (h) 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) Must not involve the use of external combustible cladding (within the meaning of the [Environmental Planning and Assessment Regulation 2000](#)).

(5) Any re-cladding must—

(a) not involve structural alterations, and

(b) involve only replacing existing materials with similar materials, unless the use of those materials is a breach of subsection (4).

**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 Chapter 7.

- (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 13 (Repealed)**